

Minutes of Meeting
VIRGINIA CEMETERY BOARD
INFORMAL FACT-FINDING CONFERENCES
DECEMBER 20, 2005 (9:00 A.M.)

The Virginia Cemetery Board convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Michael H. Doherty, Board Member, presided. No other Board Members were present

Ilona LaPaglia appeared for the Department of Professional and Occupational Regulation

The conferences were recorded by Inge Snead & Associates, LTD and the summaries or Consent Orders are attached unless no decision was made

Disc=Disciplinary Case
Lic=Licensing Application

C=Complainant/Claimant
A=Applicant
R=Respondent/Regulant
CA=Compliance Agent
Inv=Investigator
W=Witness
Atty=Attorney

Participants

HSC Holding Company, LLC
File Number 2006-02705 (Lic)

George B. Shepherd, Jr. – A

The meeting adjourned at 10.30 AM

Virginia Cemetery Board


David Farris, II, Chairman


Louise Fontaine Ware, Secretary

**IN THE
COMMONWEALTH OF VIRGINIA
CEMETERY BOARD**

Re: HCS Holding Company, LLC
Application

File Number 2006-02705

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On December 15, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to George B Shepherd, Jr, President, Freed & Shepherd, P C The Notice included the Informal Fact-Finding Conference Referral Memorandum, which contained the facts regarding the application.

On December 20, 2005, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation

The following individuals participated at the IFF. George Shepherd, Jr, Applicant, Ilona LaPaglia, Staff Member, and Mike Doherty, Presiding Board Member

RECOMMENDATION

Based upon the evidence and the IFF, the following is recommended regarding the application requirements as outlined in the IFF Conference Referral Memorandum

On December 7, 2005, Freed & Shepherd, P C applied for Cemetery Company Trustee Approval for HSC Holding Company, LLC.

Freed & Shepherd, P C, the trustee applicant for HCS Holding Company, LLC, is not a Virginia trust company or trust subsidiary, or a federally insured bank or savings institution doing business in the Commonwealth of Virginia Sections 54.1-2317(A) and 54.1-2326(A) of the Code of Virginia require approval by the Cemetery Board of those trustees that do not meet the aforementioned criteria

The proposed trustee is a Virginia law firm whose practice specializes in administration of trustee and tax work. Its attorneys are experienced in these areas. The two named principals have over 45 years of experience. They have secured an insurance binder from Hartford Insurance Company to provide the statutory bonds.

During the IFF, Shepherd stated that Freed & Shepherd is a law firm specializing in estate planning, administration, and taxation. Freed & Shepherd currently serves as trustee for 16 active trusts.

Therefore, I recommend Shepherd's request for Trustee Approval be approved, subject to furnishing the bond required of § 54 1-2317(B) and § 54 1-2326(B).

By

Mike Doherty
Presiding Board Member

Cemetery Board

Date



REGULATORY PROGRAMS DIVISION
APPLICATION REVIEW
INFORMAL FACT FINDING CONFERENCE REFERRAL MEMORANDUM

To: Board Administrative Proceedings Section, LRD Date 12/12/05

From: Christine Martine Board: Cemetery

Re. Applicant Name: Freed & Shepherd, P C

Applied For

Type Applied For Trustee Approval
(as marked on application)

Reviewed By

Board Member

Christine Martine
Staff Member

IFF Requested by Whom Applicant

When. 12/7/05 How Letter
(date) (letter, telephone, etc)

COMMENTS THIS APPLICATION NEEDS TO BE HEARD BY A BOARD MEMBER AS IT INVOLVES A REQUEST FOR TRUSTEE APPROVAL.

BASIS UPON WHICH APPLICANT MAY NOT MEET BOARD REGULATORY REQUIREMENTS

□ ENTRY REQUIREMENT DEFICIT(S)

Pursuant to VA Code or Board Regulation § 18 VAC 47-20-60, 54 1-2317 (A) and 54 1-2326 (A)

FACTS. (Include information that specifically addresses why the applicant does not satisfy the Section of the Code or Regulation cited above)

Freed & Shepherd, P.C applied for a Cemetery Company Trustee Approval for HCS Holding Company LLC on December 7, 2005, and provided the following information on its application:

The trustee applicant for HCS Holding Company, LLC is not a Virginia trust company or trust subsidiary, or a federally insured bank or savings institution doing business in the Commonwealth of Virginia Sections 54 1-2317(A) and 54 1-2326(A) of the Code of Virginia require approval by the Cemetery Board of those trustees that do not meet the aforementioned criteria The applicant included a description of its experience and a resume