

CEMETERY BOARD MEETING

MINUTES

JANUARY 11, 2006

The Cemetery Board met on January 11, 2006, at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The following members were present:

David M. Farris, II, Chairman
Kenneth R. Bell
Isabel Berney
Carol Black
Mike Doherty
Michael Gony
Delores King

DPOR staff present for all or part of the meeting included:

Brain Hannigan, Chief Deputy Director
Karen W. O'Neal, Deputy Director - Licensing and
Regulation Division
Christine Martine, Nichols, Investigator
Earlyne Perkins, Legal Assistant
Chris Olson, Administrative Assistant

No representative from the Office of the Attorney General was present at the meeting.

Mr. Farris called the meeting to order at 9:07 a.m.

Call to Order

A motion was made by Mr. Doherty and seconded by Mr. Bell to approve the agenda. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Black, Doherty, Farris, Gony, and King.

Agenda

William A. Tucker, a member of the Board for Professional and Occupational Regulation, was present to observe the proceedings of the Board meeting. No one addressed the Board during the Public Comment period.

Public Comment

A motion was made by Mr. Bell and seconded by Mr. Doherty to adopt the following minutes: October 19, 2005, Board Meeting and December

Minutes

20, 2005, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Black, Doherty, Farris, Gony, and King.

In the matter of File Number 2006-02705, HCS Holding Co., the Board reviewed the records which consisted of the application files, transcripts and exhibits, and the Summaries of the Informal Fact-Finding Conference of the presiding Board member. George Shepard and Caroline Smith, representatives of the applicant, were present and addressed the Board. A motion was made by Mr. Bell and seconded by Ms. Berney to accept the recommendation as written and approve Freed & Shepherd, P.C. as the trustee for HCS Holding Co. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Black, Farris, Gony, and King.

**File Number 2006-02705,
HCS Holding Co.**

As the presiding Board member Mr. Doherty did not participate in the discussion or votes related to this matter.

Mr. Farris transferred the position of Chair to Mr. Bell and recused himself from the meeting.

Transfer of Chair

In the matter of File Number 2005-04497, Sidney Critt Collier, Sr., the Board reviewed the record which consisted of the Consent Order. A motion was made by Mr. Bell and seconded by Mr. Doherty to accept the Consent Order wherein Mr. Collier admits to a violation of §54.1-2314.2 of the *Code of Virginia* and agrees to a monetary penalty of \$500 for the violation and agrees to pay \$150 in Board costs for a total of \$650. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Black, Doherty, Gony, and King.

**File Number 2005-04497,
Sidney Critt Collier, Sr.**

As the presiding Board member Mr. Farris did not participate in the discussion or votes related to this matter.

In the matter of File Number 2005-05073, Sidney Critt Collier, the Board reviewed the record which consisted of the Consent Order. A motion was made by Mr. Bell and seconded by Mr. Doherty to accept the Consent Order wherein Mr. Collier admits to a violation of §54.1-2314.2 of the *Code of Virginia* and agrees to a monetary penalty of \$500 for the violation and agrees to pay \$150 in Board costs for a total of \$650. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Black, Doherty, Gony, and King.

**File Number 2005-05073,
Sidney Critt Collier**

As the presiding Board member Mr. Farris did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2006-02041, Ann Marie Samuel**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Mr. Doherty and seconded by Mr. Bell to accept the Consent Order wherein Ms. Samuel admits to a violation of 18 VAC 47-20-190.6 of the Board's 2000 Regulations and agrees to a monetary penalty of \$1500 for the violation and agrees to pay \$150 in Board costs for a total of \$1650. In addition, for violation of Count 1, Ms. Samuel agrees to the revocation of her cemetery salesperson registration. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Black, Doherty, Gony, and King.

File Number 2006-02041,
Ann Marie Samuel

As the presiding Board member Mr. Farris did not participate in the discussion or votes related to this matter.

Mr. Farris returned to the meeting and resumed as Chair.

Transfer of Chair

In the matter of **File Number 2005-04610, Saber Management-Virginia LLC**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Mr. Bell and seconded by Mr. Doherty to accept the Consent Order wherein Saber Management - Virginia LLC admits to the violations of §54.1-2325(A) of the *Code of Virginia* (Count 1), 18 VAC 47.20.200.C (Count 2), and 18 VAC 47-20-210.C (Count 3) of the Board's 2000 Regulations and agrees to a monetary penalty of \$1500 for the violations and agrees to pay \$150 in Board costs for a total of \$1650. In addition, for the violation of Count 3, Saber Management - Virginia LLC agrees to provide evidence acceptable to the Board, within 60 days of the entry of this order, that it has deposited funds into Windsor's preneed trust fund account to cover the deficiency. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Farris, Gony, and King.

File Number 2005-04610,
Saber Management-
Virginia LLC

As the presiding Board member Ms. Black did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2005-04611 Saber Management - Virginia LLC**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Mr. Bell and seconded by Mr. Gony to accept the Consent Order wherein Saber Management - Virginia LLC admits to the violations of §54.1-2325(A) of the *Code of Virginia* (Count 1), 18 VAC 47.20.200.C (Count 2), and 18 VAC 47-

File Number 2005-04611
Saber Management -
Virginia LLC

20-210.C (Count 3) of the Board's 2000 Regulations and agrees to a monetary penalty of \$1200 for the violations and agrees to pay \$150 in Board costs for a total of \$1350. In addition, for the violation of Count 3, Saber Management - Virginia LLC agrees to provide evidence acceptable to the Board, within 60 days of the entry of this order, that it has deposited funds into Windsor's preneed trust fund account to cover the deficiency. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Farris, Gony, and King.

As the presiding Board member Ms. Black did not participate in the discussion or votes related to this matter.

The Board discussed the use of former Board members as presiding officers at Informal Fact Finding Conferences. A motion was made by Mr. Bell and seconded by Mr. Gony to allow the used of former Board members at Informal Fact Finding Conferences. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Black, Doherty, Farris, Gony, and King.

Presiding Officer
Delegation

Karen O'Neal, Deputy Director, Licensing and Regulation Division, gave Board Member Training.

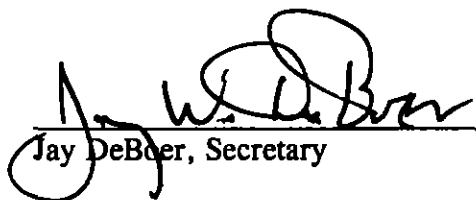
New Business

The meeting adjourned at 9:50 AM.

Adjourn



Kenneth Bell, Vice Chairman



Jay DeBoer, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT


1. Name: Kenneth R. Bell
2. Title: Chairman - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: JONE

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 1/11/06
~~October 19, 2005~~

Signature: 

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Isabel Berney
2. Title: Member - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: Jan. 11, 2006
~~October 19, 2005~~

Signature: *Isabel Berney*

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Carol W. Black
 2. Title: Member - Virginia Cemetery Board
 3. Agency: Department of Professional and Occupational Regulation
 4. Transaction: Board Meeting
 5. Nature of Personal Interest Affected by Transaction: N/A
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6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: N/A

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: October 19, 2005 1-11-06
Signature: Carol W. Black

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Mike Doherty
2. Title: Member - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated:

~~October 19, 2005~~ 1/11/06

Signature:

Mike H. Doherty

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Michael A. Gony
2. Title: Member - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 1/11/06
~~October 19, 2005~~

Signature: 

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Delores C. King
2. Title: Member - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: N/A

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: N/A

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated:

~~October 19, 2005~~ 1/11/06

Signature:

