

## CEMETERY BOARD MEETING

### MINUTES

June 1, 2016

The Cemetery Board met on June 1, 2016, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following members were present:

David Gilliam, Chair  
Randolph Minter, Vice-Chair  
Michael H. Doherty  
Enid Butler  
Armistead Dudley

The following Board members were absent: Padraic Buckley  
R. Kyle McDaniel

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

Jay DeBoer, Director  
Christine Martine, Executive Director  
Bonnie Rhea Adams, Director of Complaint  
Analysis & Resolution  
Jeffrey Williams, Board Administrator  
Emily Trent, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

David Gilliam called the meeting to order at 9:02 A.M.

#### **Call to Order**

A motion was made by Mr. Doherty and seconded by Mr. Dudley to approve the agenda. The motion passed unanimously. Members voting “Yes” were Butler, Doherty, Dudley, Gilliam and Minter.

#### **Agenda**

A motion was made by Ms. Butler and seconded by Mr. Minter to approve the February 3, 2016, Board Meeting minutes. The motion passed unanimously. Members voting “Yes” were Butler, Doherty, Dudley, Gilliam and Minter.

#### **Minutes**

Scott Johnson, attorney and lobbyist, and Clarissa Hughes, SCI, addressed the Board regarding a different way for trusts to work and not just net

#### **Public Comment**

income. Mr. Johnson suggested the Board look at the total return option for trusts and trustees. He informed the Board that other states have passed legislation to use the total return options such as Iowa, Florida and Tennessee. No action was taken by the Board.

Chad Aylestock, Vice-President of the Virginia Cemetery Association (VCA), addressed the Board regarding total return trusts. Mr. Aylestock asked the Board to study the issue carefully before any legislation is introduced. No action was taken by the Board.

Angela Byrum, President of the Virginia Cemetery Association, addressed the Board regarding the retirement of Herb Nichols, Investigator. Ms. Byrum voiced her concern about the replacement of Mr. Nichols and offered help through VCA's consumer protection committee. No action was taken by the Board.

In the matter of **File Number 2016-01231, Temple Hill Subsidiary Corporation**, the Board reviewed the Consent Order as seen and agreed to by Temple Hill Subsidiary Corporation. A motion was made by Mr. Doherty and seconded by Ms. Butler to accept the proposed Consent Order offer wherein Temple Hill Subsidiary Corporation, admits to a violation of §54.1-2327.A (Count 1) of the *Code of Virginia* and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and Minter. **File Number 2016-01231, Temple Hill Subsidiary Corporation**

In the matter of **File Number 2016-01733, Maranatha LTD t/a Merchants Hope Memorial Gardens**, the Board reviewed the Consent Order as seen and agreed to by Maranatha LTD t/a Merchants Hope Memorial Gardens. A motion was made by Mr. Doherty and seconded by Mr. Minter to accept the proposed Consent Order offer wherein Maranatha, LTD t/a Merchants Hope Memorial Gardens, admits to two violations of §54.1-2324.A (Count 1) of the *Code of Virginia* and two violations of §54.1-2333.A (Count 2) of the *Code of Virginia* and agrees to a monetary penalty of \$100.00 for each violation contained in Count 1, \$100.00 for each violation contained in Count 2, and \$150.00 in Board costs, for a total of \$550.00. Further, Maranatha Ltd., t/a Merchants Hope Memorial Gardens agrees to submit to the Board its annual perpetual care trust fund and preneed trust fund financial reports, for the years 2013 and 2014, within 30 days of the effective date of the Order. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and Minter. **File Number 2016-01733, Maranatha LTD t/a Merchants Hope Memorial Gardens**

In the matter of **File Number 2016-02061, Maranatha, LTD, t/a Merchants Hope Memorial Gardens**, the Board reviewed the Consent **File Number 2016-02061, Maranatha, LTD, t/a**

Order as seen and agreed to by Maranatha, LTD, t/a Merchants Hope Memorial Gardens. A motion was made by Mr. Doherty and seconded by Mr. Minter to accept the proposed Consent Order offer wherein Maranatha, LTD, t/a Merchants Hope Memorial Gardens, admits to a violation of 18 VAC 47-20-190.13 (Count 1) of the Board's 2000 Regulations and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and Minter.

**Merchants Hope  
Memorial Gardens**

In the matter of **File Number 2016-01783, Sterling Real Estate, LLC t/a Nansemond Suffolk Cemetery**, the Board reviewed the Consent Order as seen and agreed to by Sterling Real Estate, LLC t/a Nansemond Suffolk Cemetery. A motion was made by Mr. Doherty and seconded by Mr. Minter to accept the proposed Consent Order offer wherein Sterling Real Estate, LLC t/a Nansemond Suffolk Cemetery, admits to two violations of §54.1-2325.A (Count 1) of the *Code of Virginia* and agrees to a monetary penalty of \$50.00 for each violation and \$150.00 in Board costs, for a total of \$250.00. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and Minter.

**File Number 2016-01783,  
Sterling Real Estate, LLC  
t/a Nansemond Suffolk  
Cemetery**

In the matter of **File Number 2016-01786, Westwood Memorial Gardens, Inc.**, the Board reviewed the Consent Order as seen and agreed to by Westwood Memorial Gardens, Inc. A motion was made by Mr. Doherty and seconded by Ms. Butler to accept the proposed Consent Order offer wherein Westwood Memorial Gardens, Inc., admits to a violation of §54.1-2324.A (Count 1) of the *Code of Virginia* and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and Minter.

**File Number 2016-01786,  
Westwood Memorial  
Gardens, Inc.**

In the matter of **File Number 2016-02018, PVD Acquisitions, LLC**, the Board reviewed the Consent Order as seen and agreed to by PVD Acquisitions, LLC. A motion was made by Mr. Doherty and seconded by Mr. Dudley to accept the proposed Consent Order offer wherein PVD Acquisitions, LLC, admits to a violation of 18 VAC 47-20-190.13 (Count 1) of the Board's 2000 Regulations and a violation of 18 VAC 47-20-220 (Count 2) of the Board's 2015 Regulations and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and Minter.

**File Number 2016-02018,  
PVD Acquisitions, LLC**

In the matter of **File Number 2016-01728, Mountain View Cemetery of Ridgeway, Inc.**, the Board reviewed the record which consisted of the Report of Findings, including exhibits, and the Recommendation. A motion was made by Mr. Doherty and seconded by Mr. Dudley to accept

**File Number 2016-01728,  
Mountain View Cemetery  
of Ridgeway, Inc.**

a violation of §54.1-2324.A (Count 1) of the *Code of Virginia* and a violation of §54.1-2333.A (Count 2) of the *Code of Virginia*. The motion passed unanimously. Members voting “Yes” were Butler, Doherty, Dudley, Gilliam and Minter. A motion was made by Mr. Doherty and seconded by Ms. Butler to accept the sanctions contained in the recommendation to impose \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2. Further, the Board imposes the following sanctions: For the violation of Counts 1 and 2, Mountain View Cemetery of Ridgeway, Inc. must file the reports and written assurances as required by *Code of Virginia* §§54.1-2324 and 54.1-2333 for fiscal year 2014 within 30 days of entry of the Order. The motion passed unanimously. Members voting “Yes” were Butler, Doherty, Dudley, Gilliam and Minter.

In the matter of **File Number 2016-01789, King George Cemetery Company, LLC t/a History Land Memorial Park**, the Board reviewed the Consent Order as seen and agreed to by King George Cemetery Company, LLC t/a History Land Memorial Park. A motion was made by Mr. Doherty and seconded by Mr. Dudley to accept the proposed Consent Order offer wherein King George Cemetery Company, LLC t/a History Land Memorial Park, admits to three violations of §54.1-2325.A (Count 1) of the *Code of Virginia* and six violations of §54.1-2319 (Count 2) of the *Code of Virginia* and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting “Yes” were Butler, Doherty, Dudley, Gilliam and Minter.

**File Number 2016-01789,  
King George Cemetery  
Company, LLC t/a  
History Land Memorial  
Park**

Ms. Martine gave the Board a regulatory update. Final regulations will be effective September 1, 2016.

**Administration**

The meeting adjourned at 9:34 A.M.

**Adjourn**

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David L. Gilliam, Chair

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Jay DeBoer, Secretary