

MINUTES
South Carolina Perpetual Care Cemetery
Board Meeting

10:00 a.m., Wednesday, July 25, 2012
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Wednesday, July 25, 2012

1. Meeting Called to Order

J. W. Russ, Chair, of Conway, called the meeting to order at 10:08 a.m. Other members participating during the meeting included: Russel Floyd, Vice Chair, of Spartanburg; John Bartus, of Mauldin; Jacquelyn Petty, of Union; and, Rick Riggins, of Lancaster.

Staff members participating in the meeting included: Doris Cubitt, Administrator; Wendi Elrod, Program Assistant; Jeanie Rose, Administrative Assistant; Amy Holleman, Administrative Assistant; Jamie Saxon, Advice Counsel, Division of Legal Services; Christa Bell, Division of Legal Services; Larry Atkins, Division of Legal Services; Ernest Adams, Inspector, Office of Investigations and Enforcement; Buddy Poole, Inspector, Office of Investigations and Enforcement; Sharon Wolfe, Chief Investigator, Office of Investigations and Enforcement; and, Sharon Cook, Investigator, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Bill Gaffney, Mt View Memorial Gardens; Bessie Lowe, Anderson Memorial Gardens; Stephen Lowe, Anderson Memorial Gardens; Huger Parler Caughman, Newberry Memorial Gardens; Julie Ruff, from Nexsen Pruet; Darlene Kaufholz; Lou Fant; Dewayne Kaufholz; and, Tamala Randolph, StoneMor.

A video of this meeting can be viewed at www.lla.state.sc.us/POL/Cemetery. On the Board's home page, click 'Board Information' and follow the link to the video.

a. Public Notice

Mr. Russ announced that public notice of this meeting was properly posted at the S. C. Perpetual Care Cemetery Board office, Synergy Business Park, Kingstree Building, provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. He noted a quorum was present.

b. Pledge of Allegiance

All present recited the Pledge of Allegiance.

2. Introduction of Board Members and Persons Attending the Meeting

The Board members, staff and all other persons attending the meeting introduced themselves.

3. Approval of Excused Absences

Roger Finch, of Honea Path was granted an excused absence.

MOTION

Mr. Riggins made a motion that the Board approve Mr. Finch's absence. Mr. Floyd seconded the motion, which carried unanimously.

4. Approval of Minutes for March 29, 2012

The changes are as follows:

1. On line 67 and 68, strike and replace with *"approve the name change, pending a corrected contract showing one,"* and *"the statutory right of substitution for contractee when burial vault purchase is no longer available,"* and *"show and to disclosures."*
2. On line 171, says, *"make"* it should be *"their license was previously suspended from making"*.
3. On line 180, *"Hurbert"* is misspelled, it should be *"Herbert"*.
4. On line 231, it reads *"Mr. Floyd made a motion, the board, independent of your company."* Mr. Floyd stated that isn't what he said so *"the board"* needs to be deleted.
5. On line 257, *"Forest Hills is and existing cemetery"* he stated he had that as *"Cedar Hill"*. He stated it should be changed to *"from Cedar Hill to Forest Hills Memorial Garden"*.
6. On line 259, it states *"tax sale"* but it should be *"sell"* not *"sale"*.
7. On line 302, it states *"Mr. Floyd"* but it should be *"Mr. Russ noted for the record no official action"*.

MOTION

Mr. Floyd made a motion the Board approve the minutes of the March 29, 2012, meeting with changes. Mr. Riggins seconded the motion, which carried unanimously.

5. President's Remarks – J. W. Russ

Mr. Russ welcomed everyone to the meeting. He also thanked staff for all of their hard work.

6. Information Update

Financial Statements- Doris Cubitt

Ms. Cubitt presented the financial statements to the Board and stated if there are any questions please let her know.

7. Administrator's Remarks – Doris Cubitt

Ms. Cubitt stated she is again working as Administrator for six board again and she stated that Ms. Holleman will be assisting her with the administrative duties for Accountancy, Cemetery and Funeral Boards.

She also advised the Board that if they ever receive a call regarding an issue they should refer the caller to board staff so they will not be tainted in case it must be heard before the board at a later time.

8. Reports

A. Investigative Review Committee (IRC) Report – Sharon Wolfe

Ms. Wolfe presented the IRC reports for May and July 2012 asking that they be approved with the IRC's recommendations.

MOTION

Ms. Petty made a motion the Board accept the IRC reports. Mr. Riggins seconded the motion, which carried unanimously.

B. OIE Report – Sharon Wolfe

Ms. Wolfe presented the OIE report stated that there have been 10 cases that have been received from January 1, 2012 through July 20, 2012. She stated that one they didn't open and seven are active and two of them are pending board action. She stated that 15 cases have been closed. She stated that 15 cases were received from January 1, 2011 through July 20, 2011. There have been 17 cases closed during that same period.

C. Inspection Report – Doris Cubitt

Mr. Adams stated that there have been 32 inspections from March 29, 2012 through July 24, 2012.

D. Division of Legal Services – Christa Bell

Ms. Bell distributed the Office of General Counsel case log for the Cemetery Board and informed them there are currently five open cases. She stated that one case is pending action, two cases are pending hearing today, and two are pending final order. She stated that six cases have been closed since the end of 2011.

9. Disciplinary Hearing

Case No. 2011-18 - Newberry Memorial Gardens

Ms. Bell stated that this was a maintenance complaint. She stated that during the investigation there were many other issues that needed to be addressed.

A verbatim transcript is available.

Executive Session

MOTION

Mr. Bartus made a motion the Board enter into executive session. Ms. Petty seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Floyd made a motion the Board return to public session. Ms. Petty seconded the motion, which carried unanimously. Mr. Russ noted for the record that no official action was taken during executive session.

MOTION

Mr. Bartus made a motion are for a public reprimand and be in compliance with all statute and regulations by December 31, 2012. A fine of \$5,000 should be paid within 30 days after December 31, 2012 if not in compliance. Mr. Floyd seconded the motion, which carried unanimously.

Case No. 2011-19 – Pinedale Memorial Park

Ms. Bell stated in 2010 the cemetery license was suspended for non-compliance.

A verbatim transcript is available.

Executive Session

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Return to Public Session

MOTION

Mr. Floyd made a motion the Board return to public session. Ms. Petty seconded the motion, which carried unanimously. Mr. Russ noted for the record that no official action was taken during executive session.

MOTION

Mr. Riggins made a motion to revoke the cemetery license, for them to pay a fine of \$10,000 within 30 days from the date of the order and the current cease and desist remain in place. Mr. Floyd seconded the motion, which carried unanimously.

10. Old Business

Ownership/Management

1. Update on Heritage Memorial Gardens and Greenhaven Memorial Gardens

Ms. Cubitt presented a letter to the Board giving an update on the status of the agreed upon procedures which have not been finalized yet.

MOTION

Mr. Floyd made a motion the board accepts this for information only. Mr. Bartus seconded the motion, which carried unanimously.

2. Anderson Memorial Garden, Anderson, new manager request (Bessie Lowe)

Mr. Stephen Lowe and Ms. Bessie Lowe were present and choice to represent themselves. They requested that Ms. Lowe be approved as manager since the passing of her husband.

Mr. Adams stated they the record keeping and house keeping of the office are a concern. He stated that if Mr. Lowe could help Ms. Lowe out with some of those concerns.

Mr. Lowe stated he can't help out but they may be able to hire someone to help Ms. Lowe out.

Mr. Floyd inquired if the short fall from the agreed upon procedures have been placed in the trust fund. Ms. Lowe didn't understand the question and didn't seem to know the answer.

Executive Session

MOTION

Mr. Floyd made a motion the Board enter into executive session. Mr. Bartus seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Floyd made a motion the Board return to public session. Mr. Bartus seconded the motion, which carried unanimously. Mr. Russ noted for the record that no official action was taken during executive session.

MOTION

Mr. Floyd made a motion the Board deny Ms. Lowe's request for manager. Also to deny forgiveness for the fines until which time they are compliance and present their request to the board again. Mr. Riggins seconded the motion, which carried unanimously.

3. Keystone/SCI trust agreement - updated

MOTION

Mr. Floyd made a motion the Board defer to the next meeting so the board can review. Mr. Riggins seconded the motion, which carried unanimously.

11. Suggested Legislative changes (Statute/Regulations)

Ms. Cubitt informed the board if they have changes to the statute/regulations they need to be discussing the changes. Mr. Saxon noted that if the board is going to make changes then the Notice of Drafting will need to be submitted in August 2012.

MOTION

Mr. Floyd made a motion the Notice of Draft be submitted. Mr. Bartus seconded the motion, which carried unanimously.

12. Public Comments (No Vote May Be Taken)

No public comments at this time.

13. Adjournment

MOTION

Mr. Bartus made a motion the Board adjourns. Ms. Petty seconded the motion, which carried unanimously.

The July 25, 2012, meeting of the SC Perpetual Care Cemetery Board adjourned at 2:00 p.m.

The next meeting of the SC Perpetual Care Cemetery Board is scheduled for November 7, 2012.