

CEMETERY BOARD MEETING

MINUTES

June 16, 2015

The Cemetery Board met on June 16, 2015, 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
Mark Courtney, Senior Manager
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis & Resolution
Herb Nichols, Investigator
Jeffrey Williams, Board Administrator
Emily Trent, Administrative Assistant

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 Mr. Dudley and seconded by Mr. Doherty to approve the February 10, 2015, Board Meeting minutes. The motion passed unanimously. Members voting “Yes” were Butler, Doherty, Dudley, Gilliam and Minter.

Minutes

Aimee Seibert, representative of Virginia Cemetery Association, **Public Comment**

addressed the Board concerning the language regarding advertising in the proposed regulations for pet interments.

In the matter of **File Number 2015-02074, Reginald Ashley**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Minter and seconded by Mr. Dudley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Ashley's application for a cemetery sales personnel registration. The motion passed by majority vote. Members voting "Yes" were Butler, Dudley, Gilliam and Minter. Member voting "No" was Doherty.

File Number 2015-02074,
Reginald Ashley

In the matter of **File Number 2014-01623, Southern Dorchester, LLC**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Bob Deaderick, Jr., attorney for the complainant, and Charlene Goodman, complainant, were present and addressed the Board. Jon Reynolds, attorney for the respondent, submitted a letter to the Board to address the recommendation. A motion was made by Mr. Doherty and seconded by Mr. Dudley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 47-20-190.11 (Count 1) of the Board's 2000 Regulations. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley and Gilliam.

File Number 2014-01623,
Southern Dorchester,
LLC

A motion was made by Mr. Doherty and seconded by Mr. Dudley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of §54.1-2322.A (Count 2) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley and Gilliam.

A motion was made by Mr. Doherty and seconded by Mr. Dudley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of §54.1-2324 (Count 3) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley and Gilliam.

A motion was made by Mr. Doherty and seconded by Mr. Dudley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of §54.1-2333 (Count 4) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley and Gilliam.

A motion was made by Mr. Doherty and seconded by Mr. Dudley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of §54.1-2314.2 (Count 5) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley and Gilliam.

A motion was made by Mr. Doherty and seconded by Mr. Dudley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley and Gilliam.

A motion was made by Mr. Doherty and seconded by Mr. Dudley to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to revoke the license and instead impose a monetary penalty of \$500.00 for the violation contained in Count 2 because the license is expired. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley and Gilliam.

A motion was made by Mr. Doherty and seconded by Mr. Dudley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 3. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley and Gilliam.

A motion was made by Mr. Doherty and seconded by Mr. Dudley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 4. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley and Gilliam.

A motion was made by Mr. Doherty and seconded by Ms. Butler to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to revoke the license and instead impose a monetary penalty of \$1,000.00 for the violation contained in Count 5 because the license is expired and due to the egregious nature of the violation. The total monetary penalty is \$3,000.00. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley and Gilliam.

As the presiding Board member, Mr. Minter did not participate in the discussion or vote in this matter.

In the matter of **File Number 2015-01096, Mark Kemper Colvin**, the Board reviewed the Consent Order as seen and agreed to by Mr. Colvin. A motion was made by Mr. Doherty and seconded by Ms. Butler to accept

File Number 2015-01096,
Mark Kemper Colvin

the proposed Consent Order offer wherein Mark Kemper Colvin, 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.

In the matter of **File Number 2015-01086, Stacy Lynn McCleskey**, the Board reviewed the Consent Order as seen and agreed to by Ms. McCleskey. A motion was made by Mr. Doherty and seconded by Ms. Butler to accept the proposed Consent Order offer wherein Stacy Lynn McCleskey, 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. In addition, for violation of Count 1, McCleskey agrees to complete a course related to customer service and to provide proof of satisfactory completion to the Board within sixty (60) days of entry of the Order. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and Minter.

**File Number 2015-01086,
Stacy Lynn McCleskey**

In the matter of **File Number 2015-00620, Rose Lawn Cemeteries, LLC**, the Board reviewed the Consent Order as seen and agreed to by Rose Lawn Cemeteries, LLC. A motion was made by Mr. Minter and seconded by Mr. Doherty to accept the proposed Consent Order offer wherein Rose Lawn Cemeteries, LLC, 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.

**File Number 2015-00620,
Rose Lawn Cemeteries,
LLC**

In the matter of **File Number 2015-01369, The Victor Group, LLC, t/a Windsor Gardens Cemetery & Mausoleum**, the Board reviewed the Consent Order as seen and agreed to by The Victor Group, LLC, t/a Windsor Gardens Cemetery & Mausoleum. A motion was made by Ms. Butler and seconded by Mr. Doherty to accept the proposed Consent Order offer wherein The Victor Group, LLC, t/a Windsor Gardens Cemetery & Mausoleum, admits to a violation of § 54.1-2319 (Count 1) of the *Code of Virginia*, and a violation of § 54.1-2325 (Count 2) of the *Code of Virginia* and agrees to a monetary penalty of \$200.00 for the violation contained in Count 1, \$200.00 for the violation contained in Count 2, and \$150.00 in Board costs, for a total of \$550.00. It is noted on January 14, 2015, The Victor Group, LLC, deposited \$159.00 and \$462.00 into its perpetual care and preneed trust accounts, respectively. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and Minter.

**File Number 2015-01369,
The Victor Group, LLC,
t/a Windsor Gardens
Cemetery & Mausoleum**

A motion was made by Mr. Doherty and seconded by Ms. Butler to adopt

Administrative Issues

the guidance document to provide guidance on the agreed upon procedure as specified by the Board pursuant to SB1174 with the amendments as discussed and subject to the approval of Board counsel. The motion passed unanimously. Members voting “Yes” were Butler, Doherty, Dudley, Gilliam and Minter

The meeting adjourned at 10:04 A.M.

Adjourn

David L. Gilliam, Chair

Jay DeBoer, Secretary

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