

CEMETERY BOARD MEETING

MINUTES

November 9, 2016

The Cemetery Board met on November 9, 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

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

Jay DeBoer, Director
Christine Martine, Executive Director
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 10:03 A.M.

Call to Order

A motion was made by Mr. Doherty and seconded by Ms. Butler 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 June 1, 2016, Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and Minter.

Minutes

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

Public Comment

Scott Johnson, attorney and lobbyist, on behalf of SCI, requested to

address the Board after Mr. Doherty's presentation.

In the matter of **File Number 2016-03459, Robert Holton**, 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. Doherty and seconded by Mr. Minter 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. Holton's application for a cemetery sales personnel registration. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and Minter.

**File Number 2016-03459,
Robert Holton**

A motion was made by Mr. Doherty and seconded by Ms. Butler to approve the proposed language for 18 VAC 47-11-50 and file the regulatory action as fast track to amend the Public Participation Guidelines regulation. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and Minter.

Administration

Mr. Doherty gave a report on the workgroup which met this year to discuss potential changes to the perpetual care trust fund statute SCI intends to ask a legislator to introduce at the next session of the General Assembly. The proposed legislation seeks to change the law to permit a cemetery company and its perpetual care fund trustee to elect between (1) an income/capital gains method of investing and distribution or (2) a "total return" method of investing and distribution. Instead of withdrawing the net income from the fund, the total return concept allows cemeteries to withdraw a specified percentage of the fund's market value each year. No action was taken by the Board.

Old Business

Mr. Johnson, lobbyist on behalf of SCI, presented the Board with Analysis Assumptions and Models for a portfolio and a working draft of the proposed amendments to §§54.1-2322 and 54.1-2324 of the *Code of Virginia*. No action was taken by the Board.

The meeting adjourned at 11:17 A.M.

Adjourn

David L. Gilliam, Chair

Jay DeBoer, Secretary