

CEMETERY BOARD MEETING

MINUTES

October 20, 2010

The Cemetery Board met on October 20, 2010, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following members were present:

Randolph Gleason, Chair
David Gilliam, Vice-Chair
Mike Kirsch
Isabel Berney

Board members not present: Delores King

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

Gordon Dixon, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint
Analysis & Resolution
Herb Nichols, Investigator
Earlyne Perkins, Legal Analyst
Emily Trent, Administrative Assistant

Steven Jack, from the Office of the Attorney General was present.

Randolph Gleason called the meeting to order at 9:01 AM

Call to Order

A motion was made by Ms. Berney and seconded by Mr. Kirsch to approve the agenda. The motion passed unanimously. Members voting "Yes" were Berney, Gilliam, Gleason and Kirsch.

Agenda

A motion was made by Ms. Berney and seconded by Mr. Kirsch to approve the June 9, 2010, Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Berney, Gilliam, Gleason and Kirsch.

Minutes

A motion was made by Ms. Berney and seconded by Mr. Kirsch to approve the September 30, 2010, Informal Fact-Finding Conference minutes. The motion passed unanimously. Members voting "Yes" were

Berney, Gilliam, Gleason and Kirsch

A motion was made by Mr. Kirsch and seconded by Mr. Gilliam to approve the October 7, 2010, Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Gilliam, Gleason and Kirsch. Ms. Berney abstained from voting in the matter.

Michael Doherty, Virginia Cemetery Association member, offered assistance with any legislative issues the Board may have. No action was taken by the Board.

Public Comment

In the matter of **File Number 2010-03135, Maranatha Ltd., t/a Merchant's Hope Memorial Gardens**, the Board reviewed the Consent Order as seen and agreed to by Maranatha Ltd., t/a Merchant's Hope Memorial Gardens. A motion was made by Ms. Berney and seconded by Mr. Kirsch to accept the proposed Consent Order offer wherein Maranatha Ltd., t/a Merchant's Hope Memorial Gardens admits to a violation of §54.1-2319 (Count 1) of the *Code of Virginia*, admits to a violation of §54.1-2325.A (Count 2) of the *Code of Virginia*, admits to a violation of §54.1-2322 (Count 3) of the *Code of Virginia* and agrees to a monetary penalty of \$50.00 for the violation contained in Count 1, \$50.00 for the violation contained in Count 2, \$100.00 for the violation contained in Count 3, and agrees to pay \$150.00 in Board costs for a total of \$350.00. In addition, for violation of Count 3, Maranatha Ltd. agrees to reimburse \$3,075.00 to the perpetual care trust fund and provide the Board with proof of the payment within thirty (30) days of the effective date of the order. Failure to comply with these requirements shall result in license suspension until compliance is obtained. The motion passed unanimously. Members voting "Yes" were Berney, Gilliam, Gleason and Kirsch.

**File Number 2010-03135,
Maranatha Ltd., t/a
Merchant's Hope
Memorial Gardens**

In the matter of **File Number 2010-03505, Robert Edward Catron, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Robert Edward Catron, Jr. A motion was made by Mr. Kirsch and seconded by Ms. Berney to accept the Consent Order wherein Mr. Catron admits to a violation of 18 VAC 47-20-190.6 (Count 1) of the Board's 2000 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, and agrees to pay \$150.00 in Board costs for a total of \$150.00. Further, for violation of Count 1, Catron agrees to revocation of his license and agrees to not re-apply for a cemetery sales license for a period of five (5) years from the effective date of the order. The motion passed unanimously. Members voting "Yes" were Berney, Gilliam, Gleason and Kirsch.

**File Number 2010-03505,
Robert Edward Catron,
Jr.**

In the matter of **File Number 2010-03506, Robert Edward Catron, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Robert Edward Catron, Jr. A motion was made by Mr. Kirsch and seconded by Ms. Berney to accept the Consent Order wherein Mr. Catron admits to a violation of 18 VAC 47-20-190.6 (Count 1) of the Board's 2000 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, and agrees to pay no Board costs. Further, for violation of Count 1, Catron agrees to revocation of his license and to not re-apply for a cemetery sales license for a period of five (5) years from the effective date of the order. The motion passed unanimously. Members voting "Yes" were Berney, Gilliam, Gleason and Kirsch.

File Number 2010-03506,
Robert Edward Catron,
Jr.

In the matter of **File Number 2010-03507, Robert Edward Catron, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Robert Edward Catron, Jr. A motion was made by Mr. Kirsch and seconded by Ms. Berney to accept the Consent Order wherein Mr. Catron admits to a violation of 18 VAC 47-20-190.6 (Count 1) of the Board's 2000 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, and agrees to pay no Board costs. Further, for violation of Count 1, Catron agrees to revocation of his license and to not re-apply for a cemetery sales license for a period of five (5) years from the effective date of the order. The motion passed unanimously. Members voting "Yes" were Berney, Gilliam, Gleason and Kirsch.

File Number 2010-03507,
Robert Edward Catron,
Jr.

In the matter of **File Number 2010-03508, Robert Edward Catron, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Robert Edward Catron, Jr. A motion was made by Mr. Kirsch and seconded by Ms. Berney to accept the Consent Order wherein Mr. Catron admits to a violation of 18 VAC 47-20-190.6 (Count 1) of the Board's 2000 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, and agrees to pay no Board costs. Further, for violation of Count 1, Catron agrees to revocation of his license and to not re-apply for a cemetery sales license for a period of five (5) years from the effective date of the order. The motion passed unanimously. Members voting "Yes" were Berney, Gilliam, Gleason and Kirsch.

File Number 2010-03508,
Robert Edward Catron,
Jr.

In the matter of **File Number 2010-03509, Robert Edward Catron, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Robert Edward Catron, Jr. A motion was made by Mr. Kirsch and seconded by Ms. Berney to accept the Consent Order wherein Mr. Catron admits to a violation of 18 VAC 47-20-190.6 (Count 1) of the Board's 2000 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, and agrees to pay no Board costs. Further, for violation of Count 1, Catron agrees to revocation of his license and to not

File Number 2010-03509,
Robert Edward Catron,
Jr.

re-apply for a cemetery sales license for a period of five (5) years from the effective date of the order. The motion passed unanimously. Members voting "Yes" were Berney, Gilliam, Gleason and Kirsch.

In the matter of **File Number 2010-03576, Greenlawn, LLC**, the Board reviewed the Consent Order as seen and agreed to by Greenlawn, LLC. A motion was made by Ms. Berney and seconded by Mr. Kirsch to accept the proposed Consent Order. The motion and second were withdrawn. A motion was made by Mr. Gilliam and seconded by Mr. Kirsch to reject the proposed Consent Order and extend a counter-offer wherein Greenlawn, LLC admits to a violation of §54.1-2325.A (Count 1) of the *Code of Virginia*, and agrees to no monetary penalty for the violation contained in Count 1, and agrees to pay \$150.00 in Board costs for a total of \$150.00. If Greenlawn, LLC does not accept the counter-offer within 10 days, the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Berney, Gilliam, Gleason and Kirsch.

**File Number 2010-03576,
Greenlawn, LLC**

Ms. Martine discussed the current Criminal Conviction Matrix with the Board. No action was taken by the Board.

Administrative

A motion was made by Ms. Berney and seconded by Mr. Kirsch to reconsider the action for Emergency Cemetery Regulations. The motion passed unanimously. Members voting "Yes" were Berney, Gilliam, Gleason and Kirsch.

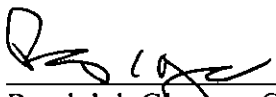
A motion was made by Ms. Berney and seconded by Mr. Kirsch to withdraw the regulatory action for Emergency Cemetery Regulations. The motion passed unanimously. Members voting "Yes" were Berney, Gilliam, Gleason and Kirsch.

Herb Nichols addressed and updated the Board on the status of Stonecrest, LLC. No action was taken by the Board.


Old Business

The meeting adjourned at 9:22 A.M.

Adjourn



Randolph Gleason, Chair



Gordon Dixon, Secretary

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: David Gilliam
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: October 20, 2010
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

David L. Gilliam
Signature

10/20/10
Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Randolph Gleason
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: October 20, 2010
(Date)

5. I have a personal interest in the following transaction:

_____ (Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

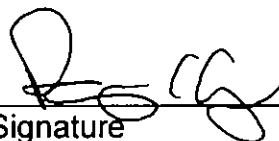
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.


Signature

10/20/10
Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Joseph M. Kirsch
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: October 20, 2010
(Date)

5. I have a personal interest in the following transaction:

None
(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

None

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Joseph M. Kirsch
Signature

10/20/10
Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Isabel Berney
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: October 20, 2010
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Isabel Berney
Signature

10-20-10
Date