

## CEMETERY BOARD MEETING

### MINUTES

April 21, 2004

The Cemetery Board met on April 21, 2004, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. The following members were present:

Kenneth R. Bell, Chairman  
Mike Doherty  
David Mark Farris, II  
Randy Minter  
Anton Stelly

Board members not present:

Carol Black  
Marcietia S. Glenn

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

Louise Fontaine Ware, Director  
Sandra Whitley Ryals, Chief Deputy Director  
Karen W. O'Neal, Deputy Director  
Christine Martine, Executive Director  
Herbert Nichols, Investigator  
Earlyne Perkins, Legal Assistant  
Camille C. Palmer, Administrative Assistant

Eric A. Gregory, Office of the Attorney General, was present.

Mr. Bell called the meeting to order at 9:05 a.m.

#### Call to Order

During the **Public Comment** period, Mr. Bell requested the public to introduce themselves. Also, Mr. Eric Gregory, Assistant Attorney General was introduced to the Board.

#### Public Comment

A motion was made by Mr. Bell and seconded by Mr. Stelly to approve the **agenda** as amended. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Farris, Stelly and Minter. There were no negative votes.

#### Agenda

A motion was made by Mr. Stelly and seconded by Mr. Doherty to approve the **minutes of the January 21, 2004 IFF Conferences**. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Farris, Stelly and Minter. There were no negative votes.

Minutes

A motion was made by Mr. Bell and seconded by Mr. Stelly to approve the **minutes of the January 28, 2004 Board Meeting**. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Farris, Stelly and Minter. There were no negative votes.

A motion was made by Mr. Bell and seconded by Mr. Minter to approve the **minutes of the March 10, 2004 IFF Conferences**. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Farris, Stelly and Minter. There were no negative votes.

In the matter of **File Number 2003-01569, Stitham Incorporated**, the Board reviewed the record which consisted of the Consent Order. There was no representative present. A motion was made by Mr. Bell and seconded by Mr. Stelly to ratify the proposed Consent Order finding a violation of § 54.1-2339 of the Code of Virginia for Count I and imposing a \$700.00 monetary penalty and Stitham agrees to pay \$300.00 in Board costs. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Stelly and Minter. Mr. Doherty, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-01569  
Stitham Incorporated

In the matter of **File Number Wise Corporation, t/a Greenwood Memorial Gardens**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. Ms. Cynthia Stein was present but did not address the Board. A motion was made by Mr. Farris and seconded by Mr. Minter to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding violation of § 54.1-2327(A) of the Code of Virginia for Count I. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Stelly and Minter. Mr. Doherty, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02339  
Wise Corporation, t/a  
Greenwood Memorial  
Gardens

A motion was made by Mr. Farris and seconded by Mr. Bell to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to impose a \$250.00 monetary penalty for the violation of § 54.1-2327(A) of the Code of Virginia for Count I due to the serious nature of the violation and the actions of the cemetery adversely affected the interest of the public. The motion passed unanimously. Members

voting "Yes" were Bell, Farris, Stelly and Minter. Mr. Doherty, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2004-00334, University of Richmond t/a Columbarium and Memorial Garden**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. There was no representative present. A motion was made by Mr. Bell and seconded by Mr. Farris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54.1-2319 of the Code of Virginia for Count I. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Stelly and Minter. Mr. Doherty, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2004-00334**  
**University of Richmond**  
**t/a Columbarium and**  
**Memorial Garden**

A motion was made by Mr. Bell and seconded by Mr. Farris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54.1-2322 of the Code of Virginia for Count II. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Stelly and Minter. Mr. Doherty, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Bell and seconded by Mr. Farris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54.1-2324(B) of the Code of Virginia for Count III. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Stelly and Minter. Mr. Doherty, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Bell and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing no monetary penalty for the violation of § 54.1-2319 of the Code of Virginia for Count I. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Stelly and Minter. Mr. Doherty, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Bell and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing no monetary penalty for the violation of § 54.1-2322 of the Code of Virginia for Count II. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Stelly and Minter. Mr. Doherty, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Bell and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing no monetary penalty for the violation of § 54.1-2324(B) of the Code of Virginia for Count III. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Stelly and Minter. Mr. Doherty, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2004-00910, Holston View Cemetery Development Company, Inc.**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. There was no representative present. A motion was made by Mr. Bell and seconded by Mr. Minter to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54.1-2319 of the Code of Virginia for Count I. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Stelly and Minter. Mr. Doherty, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2004-00910**  
**Holston View Cemetery**  
**Development Company,**  
**Inc.**

A motion was made by Mr. Bell and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54.1-2324 of the Code of Virginia for Count II. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Stelly and Minter. Mr. Doherty, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Bell to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to increase the monetary penalty to \$1000.00 for the violation of § 54.1-2319 of the Code of Virginia for Count I. There was no second to the motion.

A motion was made by Mr. Minter and seconded by Mr. Farris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$500.00 monetary penalty for the violation of § 54.1-2319 of the Code of Virginia for Count I. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Stelly and Minter. Mr. Doherty, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Minter and seconded by Mr. Farris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$500.00 monetary penalty for the violation of § 54.1-2324 of the Code of Virginia for Count II. The motion

passed unanimously. Members voting "Yes" were Bell, Farris, Stelly and Minter. Mr. Doherty, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

Mr. Stelly left the meeting at 9:25 a.m.

In the matter of **File Number 2003-03570, Trinity Memorial Gardens, Inc.**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. There was no representative present. A motion was made by Mr. Minter and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54.1-2319 of the Code of Virginia for Count I. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Doherty and Minter.

**File Number 2003-03570**  
**Trinity Memorial**  
**Gardens, Inc.**

A motion was made by Mr. Farris and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54.1-2324(A) of the Code of Virginia for Count II. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Doherty and Minter.

A motion was made by Mr. Bell and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and imposing no monetary penalty for the violation of § 54.1-2319 of the Code of Virginia for Count I. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Doherty and Minter.

A motion was made by Mr. Bell and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and imposing no monetary penalty for the violation of § 54.1-2324(A) of the Code of Virginia for Count II. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Doherty and Minter.

In the matter of **File Number 2004-00002, Monta Vista Memorial Gardens and Mausoleum, Inc.**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. There was no representative present. A motion was made by Mr. Bell and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54.1-2319 of the Code of Virginia for Count I. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Doherty and Minter.

**File Number 2004-00002**  
**Monta Vista Memorial**  
**Gardens and**  
**Mausoleum, Inc.**

A motion was made by Mr. Minter and seconded by Mr. Bell to reject the recommendation contained in the Summary of the Informal Fact-Finding

Conference and increase the monetary penalty to \$500.00 for the violation of § 54.1-2319 of the Code of Virginia for Count I, due to a similar prior violation. The motion passed unanimously. Members voting "Yes" were Bell, Farris, Doherty and Minter.

The Board discussed House Bill 857 and Senate Bill 303. Also, the Board worked on Emergency Regulations to implement legislative changes. Ms. Ryals also gave remarks which included thanking the Board members for working with the Cemetery Association on the Legislative package.

**Administrative Matters**

There was no **Old Business**.

**Old Business**

The next Board meeting scheduled for June 8, 2004 has been moved to June 15, 2004.

**New Business**

The meeting adjourned at 10:40 a.m.

**Adjourn**



Kenneth R. Bell, Chairman



Louise Fontaine Ware, Secretary

Copy Teste:

\_\_\_\_\_  
Custodian of the Records

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Mike Doherty
2. Title: Member – Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

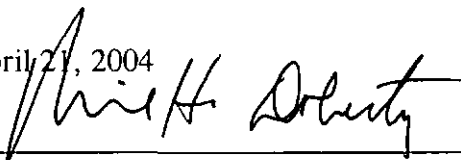
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

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

Dated:

April 21, 2004

Signature:



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Anton J. Stelly
2. Title: Member - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_

None

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

Dated: April 21, 2004

Signature: \_\_\_\_\_

Anton J. Stelly



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

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: David Mark Farris, II
2. Title: Vice-Chairman - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

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

Dated: April 21, 2004

Signature: \_\_\_\_\_

*David Farris*

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

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Randy Minter
2. Title: Member - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

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

Dated: April 21, 2004

Signature: Randy V. Minter

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Kenneth R. Bell
2. Title: Chairman – Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None ←

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_

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

Dated: April 21, 2004

Signature: \_\_\_\_\_