

CEMETERY BOARD MEETING

MINUTES

October 19, 2005

The Cemetery Board met on October 19, 2005, at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The following members were present:

David M Farris, II, Chairman
Kenneth R. Bell
Isabel Berney
Mike Doherty
Delores King

Board members not present:

Carol Black

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

Louise Fontaine Ware, Director
Karen W. O'Neal, Deputy Director – Licensing and
Regulation Division
Christine Martine, Executive Director
Herbert Nichols, Investigator
Earlyne Perkins, Legal Assistant
Chris Olson, Administrative Assistant

No representative from the Office of the Attorney General was present at the meeting.

Ann Marie Samuel of Williamsburg Memorial Park was present.

Mr Farris called the meeting to order at 9:07 a.m.

Call to Order

Upon a properly seconded motion by Mr. Bell, the Board voted to approve the agenda. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Farris, and King.

Agenda

William A. Tucker, a member of the Board for Professional and Occupational Regulation, was present to observe the proceedings of the Board meeting. No one addressed the Board during the Public

Public Comment

Comment period.

Upon a properly seconded motion by Mr Doherty, the Board voted to adopt the following minutes: June 8, 2005, Board Meeting; August 11, 2005, Informal Fact-Finding Conference; and September 29, 2005, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Farris, and King. Ms. Berney abstained from voting

Minutes

In the matter of **File Number 2004-05137, Forest Hill Burial Park, Inc.**, the Board reviewed the record which consisted of the Consent Order Yvette Dane, the complainant, was present and addressed the Board. Upon a properly seconded motion by Mr. Bell, the Board voted to accept the Consent Order wherein Forest Hill Burial Park neither admits nor denies the violation of 18 VAC 47-20-190.13 of the Board's 2000 Regulations and agrees to a monetary penalty of \$1,500. In addition, the Board shall waive the imposition of the \$1,500 monetary penalty for Count 1 provided Forest Hill Burial Park, Inc. disinters Mr. Price from his current location, re-inters Mr Price next to Mrs Price, moves the double headstone and any associated cornerpost(s) to the new location, and provides the Board with proof of satisfactory completion within thirty (30) days of the effective date of this order. If Forest Hill Burial Park, Inc fails to comply with these conditions, then the full monetary penalty will be automatically imposed. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Farris, and King

File Number 2004-05137,
Forest Hill Burial Park,
Inc.

As the reviewing Board member Mr Doherty did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2005-00562, Cemetery Investments Subsidiary, Inc.**, the Board reviewed the record which consisted of the Consent Order. Upon a properly seconded motion by Mr. Bell, the Board voted to accept the Consent Order wherein Cemetery Investments Subsidiary, Inc. admits to a violation of 18 VAC 47-20-190 13 of the Board's 2000 Regulations and agrees to a monetary penalty of \$250 for the violation and agrees to pay \$150 in Board costs for a total of \$400. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Farris, and King.

File Number 2005-00562,
Cemetery Investments
Subsidiary, Inc.

As the reviewing Board member Mr. Doherty did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2005-02013, The Chancellorsville Memorial Garden LLC**, the Board reviewed the record which consisted of the Consent Order. Upon a properly seconded motion by Mr. Bell, the Board voted to accept the Consent Order wherein The Chancellorsville Memorial Garden LLC admits to a violation of 18 VAC 47-20-200 of the Board's 2000 Regulations (Count 1) and §54.1-2325 of the *Code of Virginia* (Count 2) and agrees to a monetary penalty of \$500 for the violations and agrees to pay \$150 in Board costs for a total of \$650. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Farris, and King

File Number 2005-02013,
The Chancellorsville
Memorial Garden LLC

As the reviewing Board member Mr Doherty did not participate in the discussion or votes related to this matter

In the matter of **File Number 2005-02014. The Chancellorsville Memorial Garden LLC**, the Board reviewed the record which consisted of the Consent Order. Upon a properly seconded motion by Mr. Bell, the Board voted to accept the Consent Order wherein The Chancellorsville Memorial Garden LLC admits to a violation of §54.1-2325 of the *Code of Virginia* and agrees to a monetary penalty of \$250 for the violation and agrees to pay \$150 in Board costs for a total of \$400. The motion passed unanimously Members voting "Yes" were Bell, Berney, Farris, and King.

File Number 2005-02014.
The Chancellorsville
Memorial Garden LLC

As the reviewing Board member Mr. Doherty did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2005-02872, Jet Industries, Inc.**, the Board reviewed the record which consisted of the Consent Order. Upon a properly seconded motion by Mr. Bell, the Board voted to reject the Consent Order as offered and instead re-offer a Consent Order wherein Jet Industries admits to a violation of 18 VAC 47-20-230 A 8 (Count 1) and 18 VAC 47-20-220 (Count 2) and agrees to a monetary penalty of \$1,000 for the violation of Count 1 and agrees to pay \$150 in Board costs for a total of \$1,150. No monetary penalty will be assessed for the violation of Count 2. In addition, Jet Industries will be required to reimburse \$300 to Curtis and Jackie Jackson and provide the Board with proof of the payment within sixty (60) days of the effective date of this order. If the counteroffer is rejected by Jet Industries, Inc. or not received by the Board by November 4, 2005, the matter will proceed to an Informal Fact Finding Conference The motion passed unanimously Members voting "Yes" were Bell, Berney, Farris, and King.

File Number 2005-02872,
Jet Industries, Inc.

As the reviewing Board member Mr. Doherty did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2005-02400, Laurel Hill Memorial Park Subsidiary, Inc.**, the Board reviewed the record which consisted of the Consent Order. Upon a properly seconded motion by Mr. Doherty, the Board voted to accept the Consent Order wherein Laurel Hill Memorial Park Subsidiary, Inc. admits to a violation of 18 VAC 47-20-190.11 of the Board's 2000 Regulations and agrees to a monetary penalty of \$500 for the violation and agrees to pay \$150 in Board costs for a total of \$650. In addition, the Board shall waive imposition of the \$500 monetary penalty for Count 1 provided Laurel Hill Memorial Park Subsidiary, Inc removes or conceals from public view the vaults, old vehicles, tractors, and debris from Laurel Hill Memorial Park, and provides the Board with proof of completion within sixty (60) days of the effective date of this order. If Laurel Hill Memorial Park Subsidiary, Inc. fails to comply with these conditions, then the full monetary penalty will be automatically imposed. The motion passed unanimously. Members voting "Yes" were Berney, Doherty, Farris, and King

File Number 2005-02400,
Laurel Hill Memorial
Park Subsidiary, Inc.

As the reviewing Board member Mr. Bell did not participate in the discussion or votes related to this matter

In the matter of **File Number 2005-02789 Virginia Memorial Gardens, Inc.**, the Board reviewed the record which consisted of the Consent Order. Upon a properly seconded motion by Mr Doherty, the Board voted to accept the Consent Order wherein Virginia Memorial Gardens, Inc. admits to a violation of 18 VAC 47-20-190.13 of the Board's 2000 Regulations and agrees to a monetary penalty of \$500 for the violation. The motion passed unanimously. Members voting "Yes" were Berney, Doherty, Farris, and King.

File Number 2005-02789
Virginia Memorial
Gardens, Inc.

As the reviewing Board member Mr. Bell did not participate in the discussion or votes related to this matter.

Mr. Farris transferred the position of Chair to Mr. Bell and recused himself from the meeting

Transfer of Chair

In the matter of **File Number 2005-02964 Oak Hill Cemetery Subsidiary, Inc.**, the Board reviewed the record which consisted of the Consent Order. Upon a properly seconded motion by Ms. Berney, the Board voted to accept the Consent Order wherein Oak Hill Cemetery

File Number 2005-02964
Oak Hill Cemetery
Subsidiary, Inc.

Subsidiary, Inc. admits to a violation of 18 VAC 47-20-190.13 of the Board's 2000 Regulations and agrees to a monetary penalty of \$400 for the violation and agrees to pay \$150 in Board costs for a total of \$550. In addition, for violation of Count 1, Oak Hill Cemetery Subsidiary Inc., agrees to complete the new roadway and provide the Board with proof of completion within ninety (90) days of the effective date of this order. Oak Hill Cemetery Subsidiary, Inc. agrees that if the new roadway is not complete within 90 days, Oak Hill Cemetery Subsidiary Inc.'s license will be placed on probation until such time as it provides evidence satisfactory to the Board that the new roadway has been completed. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, and King.

As the reviewing Board member Mr Farris did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2005-02152 Hunter McCoy, Jr.**, the Board reviewed the record which consisted of the Consent Order. Upon a properly seconded motion by Mr. Doherty, the Board voted to accept the Consent Order wherein Mr. McCoy admits to a violation of § 54.1-2314(3) of the *Code of Virginia* and agrees to the voluntary surrender of his license. Mr. McCoy further agrees not to apply for a cemetery license. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, and King.

**File Number 2005-02152
Hunter McCoy, Jr.**

As the reviewing Board member Mr Farris did not participate in the discussion or votes related to this matter.

Mr. Farris returned to the meeting and resumed as Chair.

Transfer of Chair

In the matter of **File Number 2005-00303 SCI Funeral Services, Inc.**, the Board reviewed the record which consisted of the Consent Order. Upon a properly seconded motion by Ms. Berney, the Board voted to accept the Consent Order wherein SCI Funeral Services, Inc. admits to violations of 18 VAC 47-20-200 C (Count 1) and 18 VAC 47-20-210.C (Count 3) of the Board's 2000 Regulations and § 54.1-2325(A) of the *Code of Virginia* (Count 2) and agrees to pay \$500 in Board costs. SCI Virginia Funeral Services, Inc agrees to comply with the Board's Regulations regarding perpetual care and preneed trust fund accounts. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Farris and King.

**File Number 2005-00303
SCI Funeral Services,
Inc.**

In the matter **File Number 2005-03144 SCI Funeral Services, Inc.**, the Board reviewed the record which consisted of the Consent Order. Upon a properly seconded motion by Ms. Berney, the Board voted to accept the Consent Order wherein SCI Funeral Services, Inc. admits to violations of 18 VAC 47-20-200.C (Count 1) and 18 VAC 47-20-210 C (Count 3) of the Board's 2000 Regulations and § 54.1-2325(A) of the *Code of Virginia* (Count 2) and agrees to pay \$500 in Board costs. SCI Virginia Funeral Services, Inc. agrees to comply with the Board's Regulations regarding perpetual care and preneed trust fund accounts. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Farris and King.

**File Number 2005-03144
SCI Funeral Services,
Inc.**

In the matters of **File Numbers 2006-00254 & 2006-00256 Jami Hairston**, the Board reviewed the records which consisted of the application files, transcripts and exhibits, and the Summaries of the Informal Fact-Finding Conference of the presiding officer. Ms. Hairston, the applicant, was present and addressed the Board. Upon a properly seconded motion by Mr. Doherty, the Board voted to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference for each file and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Hairston's applications for a cemetery sales personnel registration. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Farris and King.

**File Numbers 2006-00254
& 2006-00256 Jami
Hairston**

In the matter of **File Number 2006-00781 Terry Pomeroy**, 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. Mr. Pomeroy, the applicant, was present and addressed the Board. Upon a properly seconded motion by Mr. Doherty, the Board voted to accept the recommendation contained in the Summary of the Informal Fact-Finding Conferences and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Pomeroy's application for a cemetery sales personnel registration. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Farris and King.

**File Number 2006-00781
Terry Pomeroy**

Christine Martine, Executive Director, discussed the Proposed Regulations with the Board

Proposed Regulations

Upon a properly seconded motion by Mr. Doherty, the Board voted to adopt the Proposed Regulations. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Farris and King.

The Board reviewed the training course submitted by the Virginia Community College System (VCCS). Leonard Sledge appeared on behalf of the VCCS and addressed the Board. **Training Courses**

Upon a properly seconded motion by Ms Berney, the Board voted to approve the training course. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Farris and King.

The Board reviewed the training course submitted by the Virginia Cemetery Association (VCA). Diane Munn appeared on behalf of the VCA and addressed the Board

Upon a properly seconded motion by Mr. Doherty, the Board voted to approve the training course. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Farris and King.

The Board recessed from 10.20 a.m. to 10:40 a.m.

Break

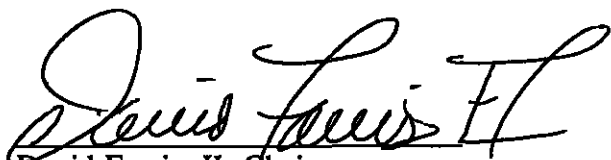
Karen O'Neal, Deputy Director, Licensing and Regulation Division, gave Board Member Training on Board Member Roles and Responsibilities.

New Business

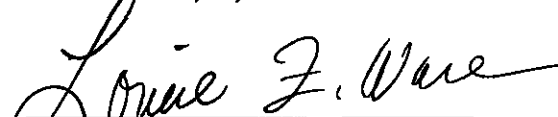
Bonnie Rhea Adams, Director, Compliance, Analysis, and Resolution, and Doug Schroder, Director of Adjudication gave Board Member Training on Compliance and Investigation Division procedures.

The meeting adjourned at 12.20 PM.

Adjourn



David Farris, II, Chairman



Louise Fontaine Ware, Secretary

**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. member of VCA

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: member of VCA

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

Dated. October 19, 2005

Signature:

David Farris II

**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 *officer, director and*
- 5 Nature of Personal Interest Affected by Transaction: Member of association

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: Virginia Cemetery Association

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

Dated: October 19, 2005

Signature: *Mike H. Doherty*

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

TRANSACTIONAL DISCLOSURE STATEMENT

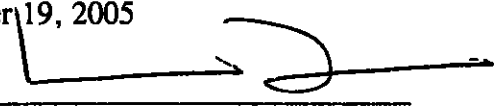
- 1. Name Kenneth R Bell
- 2. Title: Chairman - Virginia Cemetery Board
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: None
I Am a member of VA Cem. Assn. w/ no conflict

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: October 19, 2005

Signature. _____


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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Delores C. King
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: October 19, 2005

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

- 1 Name: Isabel Berney
- 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: October 19, 2005

Signature: *Isabel Berney*