

CEMETERY BOARD

TENTATIVE AGENDA

Wednesday, March 29, 2023 - 10:00 a.m.
2nd Floor

Department of Professional and Occupational Regulation
9960 Mayland Drive, Richmond, VA 23233
(804) 367-0010

I. CALL TO ORDER

II. ADMINISTRATIVE ISSUES

1. Approval of Agenda
2. Approval of Minutes:
 - A. September 22, 2022, Board Meeting

III. PUBLIC COMMENT PERIOD*

IV. CASES

1. File Number 2023-02078 – Argent Trust Company
IFF by Doherty – Trustee Application - Wilson
2. File Number 2022-02461 – Birchlawn Burial Park, LLC
Pre-IFF Consent Order by Smyth – Disciplinary

V. ADMINISTRATIVE ISSUES

- Board Financial Statement

VI. NEW BUSINESS

- Regulatory Reduction Initiative and Regulatory Review Committee

VII. OLD BUSINESS

VIII. ADJOURN

NEXT MEETING SCHEDULED FOR WEDNESDAY, SEPTEMBER 6, 2023

* 5-minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary files. No other public comment will be accepted by the Board during the meeting.

Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8552 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

CEMETERY BOARD MEETING

MINUTES

September 27, 2022

The Cemetery Board met on September 27, 2022, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following members were present:

James 'Jim' A. Meadows, Jr., Vice-Chair
Caroline Smyth
Susan Mini
James Young
Donald Wilson
Dr. Charletta Barringer-Brown (arrived at 10:07 a.m.)

Board members absent from the meeting: Judy S. Lyttle

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

Demetrios J. Melis, Director
Stephen Kirschner, Deputy Director
Tom Payne, Deputy Director
Christine Martine, Executive Director
Emily Trent, Administrative Coordinator

Elizabeth Peay, Senior Assistant Attorney General, with the Office of the Attorney General was present.

Mr. Meadows called the meeting to order at 10:05 A.M.

Call to Order

A motion was made by Ms. Smyth and seconded by Ms. Mini to approve the agenda. The motion passed unanimously. Members voting "Yes" were Meadows, Mini, Smyth, Wilson and Young.

Agenda

A motion was made by Ms. Mini and seconded by Ms. Smyth to approve the March 2, 2022, Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Meadows, Mini, Smyth, Wilson and Young.

Minutes

There was no public comment.

Public Comment

In the matter of **File Number 2023-00074, Maryia Morton**, 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. Maryia Morton, applicant, was present. A motion was made by Ms. Smyth and seconded by Mr. Young 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 Ms. Morton's application for a cemetery sales personnel registration. The motion passed unanimously. Members voting "Yes" were Meadows, Mini, Smyth, Wilson and Young.

File Number 2023-00074,
Maryia Morton

Dr. Barringer-Brown arrived at 10:07 a.m.

Arrival of Board Member

In the matter of **File Number 2023-00388, Cheryl Carter**, 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 Board member. A motion was made by Ms. Mini and seconded by Dr. Barringer-Brown to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Cheryl Carter as the trustee for Carver Memorial Gardens, Inc. The motion passed unanimously. Members voting "Yes" Barringer-Brown, Meadows, Mini, Wilson and Young.

File Number 2023-00388,
Cheryl Carter

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

In the matter of **File Number 2021-02576, Fair Haven Memorial Park, LLC**, the Board reviewed the Consent Order as seen and agreed to by Fair Haven Memorial Park, LLC. A motion was made by Ms. Mini and seconded by Mr. Young to accept the proposed Consent Order offer wherein Fair Haven Memorial Park, LLC, admits to a violation of §54.1-2325.A (Count 1) of the *Code of Virginia*, and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Barringer-Brown, Meadows, Mini, Wilson and Young.

File Number 2021-02576,
Fair Haven Memorial
Park, LLC

As the Board member who reviewed the file, Ms. Smyth did not vote or participate in the discussion in this matter.

In the matter of **File Number 2022-00507, PVD Acquisitions, LLC**, the Board reviewed the Consent Order as seen and agreed to by PVD Acquisitions, LLC. A motion was made by Ms. Smyth and seconded by Ms. Mini to accept the proposed Consent Order offer wherein PVD Acquisitions, LLC, admits to a violation of 18 VAC 47-20-190.11 (Count 1) of the Board's 2020 Regulations, and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, as well as \$150.00 in

File Number 2022-00507,
PVD Acquisitions, LLC

Board costs, for a total of \$2,650.00. In addition, for violation of Count 1, the Board shall waive imposition of the \$2,500.00 monetary provided PVD completes the following repairs: Within 60 days: Trim/remove grass covering grave markers, remove overgrown grass and debris along street curbing, repair memorial bench with horizontal surface displaced from pedestals, remove fallen tree resting on graves, remove dead vegetation at cemetery entrance. Within 3 months: Remove all standing dead trees. Within 6 months: Repair cracked masonry wall at cemetery entrance, repair security fencing, and repair potholes in road. PVD agrees to provide the Board with proof of completion of the before mentioned repairs. If PVD fails to make timely repairs, the monetary penalty will be automatically imposed and PVD's license will be suspended until all repairs are satisfactorily completed. The motion passed by majority vote. Members voting "Yes" were Barringer-Brown, Meadows, Mini, Smyth and Wilson. Member voting "No" was Young.

In the matter of **File Number 2022-00524, Heritage Family Cemetery, Inc.**, the Board reviewed the Consent Order as seen and agreed to by Heritage Family Cemetery, Inc. A motion was made by Mr. Wilson and seconded by Mr. Young to accept the proposed Consent Order offer wherein Heritage Family Cemetery, Inc. admits to a violation of §54.1-2330 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$250.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$400.00. The motion passed unanimously. Members voting "Yes" were Barringer-Brown, Meadows, Mini, Smyth, Wilson and Young.

File Number 2022-00524,
Heritage Family
Cemetery, Inc.

In the matter of **File Number 2022-00293, Prince George Cemetery Corporation, t/a Southlawn Memorial Park**, the Board reviewed the Consent Order as seen and agreed to by Prince George Cemetery Corporation, t/a Southlawn Memorial Park. A motion was made by Mr. Young and seconded by Ms. Mini to accept the proposed Consent Order offer wherein Prince George Cemetery Corporation, t/a Southlawn Memorial Park, admits to a violation of 18 VAC 47-20-190.11 (Count 1) of the Board's 2020 Regulations, and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$2,650.00. The Board shall waive imposition of the \$2,500.00 monetary penalty for Count 1, on the condition that the following terms are met within six (6) months of the effective date of the Order: 1) White residue on the fronts of crypts of the mausoleum is removed; 2) Yellow residue on the sidewalk below crypts of the mausoleum is removed; 3) The mausoleum roof, overhang, and soffit are replaced or repaired so as to address peeling paint, stucco, and plaster; and 4) A report is provided to the Board showing compliance with the above requirements. Should Prince George Cemetery Company fail to comply

File Number 2022-00293,
Prince George Cemetery
Corporation, t/a
Southlawn Memorial
Park

with these terms within this time period, the \$2,500.00 fine for Count 1, will be imposed and Prince George Cemetery Company's license shall be suspended until such time as it complies with these terms. The motion passed unanimously. Members voting "Yes" were Barringer-Brown, Meadows, Mini, Smyth, Young and Wilson.

Ms. Martine opened the floor for nominations for the position of Chair of the Cemetery Board. Caroline Smyth nominated Jim Meadows for the position of Chair; the motion was seconded by Don Wilson. With no other nominations, the nominations were closed. Jim Meadows was named Chair by acclamation.

Election of Officers

Ms. Martine opened the floor for nominations for the position of Vice-Chair of the Cemetery Board. Dr. Charletta Barringer-Brown nominated herself for the position of Vice-Chair; Jim Meadows nominated Susan Mini for the position of Vice-Chair. A motion was made by Mr. Wilson and seconded by Dr. Barringer-Brown to close the nominations. The motion passed unanimously. Members voting "Yes" were Barringer-Brown, Meadows, Mini, Smyth, Wilson and Young. Board members Barringer-Brown, Mini, Smyth and Young voted to elect Dr. Barringer-Brown for the position of Vice-Chair. Meadows voted to elect Ms. Mini for the position of Vice Chair. Dr. Barringer-Brown was named Vice-Chair by majority vote.

The Board reviewed the Board financial statement as presented. No action was taken by the Board.

Administrative Issues

Mr. Kirschner introduced himself to the Board. He informed the Board about Executive Directive One and the goal to reduce regulations by twenty-five percent and to facilitate a less burdensome regulatory process while maintaining the health, welfare and safety of the public.

New Business

Mr. Melis introduced himself and discussed his role with the Agency. Mr. Melis also introduced Tom Payne, Deputy Director for Compliance & Investigations, and informed the Board the agency has a new Communications and Digital Media Manager, Kerri O'Brien. Mr. Melis updated the Board on digital modernization. No action was taken by the Board.

The meeting adjourned at 10:34 A.M.

Adjourn

James 'Jim' A. Meadows, Jr, Chair

Demetrios J. Melis, Secretary

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Cemetery Board
954620**

2022-2024 Biennium

January 2023

	January 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - January 2021	July 2022 - January 2023
Cash/Revenue Balance Brought Forward		0	25,329
Revenues	2,010	43,040	55,380
Cumulative Revenues			80,709
Cost Categories:			
Board Expenditures	74	2,763	4,385
Board Administration	730	11,052	6,006
Administration of Exams	0	0	0
Enforcement	80	1,282	1,188
Legal Services	94	180	94
Information Systems	836	7,410	3,452
Facilities and Support Services	302	2,959	1,886
Agency Administration	425	5,048	4,140
Other / Transfers	(14)	0	(14)
Total Expenses	2,528	30,695	21,137
Transfer To/(From) Cash Reserves	0	0	0
Ending Cash/Revenue Balance			59,572

Cash Reserve Beginning Balance	75,751	0	75,751
Change in Cash Reserve	0	0	0
Ending Cash Reserve Balance	75,751	0	75,751

Number of Regulants	
Current Month	1,118
Previous Biennium-to-Date	1,138