

**Minutes of Meeting**  
**VIRGINIA CEMETERY BOARD**  
**INFORMAL FACT-FINDING CONFERENCES**  
**SEPTEMBER 22, 2004 (9:00 A.M.)**

The Virginia Cemetery Board convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Michael H. Doherty, Board Member, presided. No other Board members were present.

Doug Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case  
Lic=Licensing Application

C=Complainant/Claimant  
R=Respondent/Regulant  
CA=Compliance Agent  
Inv=Investigator  
W=Witness  
Atty=Attorney

**Participants**

1. HCS Holding Company, LLC ("HCS")  
File Number 2004-03346 (Disc)

Caroline Smyth for HCS – R  
Michael Brickhill – R's Atty  
William Smithers – R's Atty  
Jane Kinsinger – C  
Jane Smith – W  
Charles Kinsinger – W  
Mary Gabel – W  
Timothy Gabel – W  
Amina DiSante – W  
Maria Middleton – W  
Barey Middleton – W  
James Fox – W  
Ruth Herrink – W  
Louis Herrink – W  
Peggy Evans Garland – W's Atty  
Herbert Nichols – Inv

2. HCS Holding Company, LLC  
File Number 2004-03912 (Disc)

Caroline Smyth for HCS – R  
Michael Brickhill – R's Atty

William Smithers – R's Atty  
Amina DiSante – C  
Maria Middleton – W  
Barey Middleton – W  
Mary Gabel – W  
Timothy Gabel – W  
Jane Kinsinger – W  
Jane Smith – W  
Charles Kinsinger – W  
James Fox – W  
Ruth Herrink – W  
Louis Herrink – W  
Peggy Evans Garland – W's Atty  
Herbert Nichols – Inv

3. Virginia Memorial Gardens, Inc. ("VMG")  
File Number 2004-03345 (Disc)

Ruth Herrink for VMG – R  
Louis Herrink for VMG – R  
Peggy Evans Garland – R's Atty  
Jane Kinsinger – C  
Jane Smith – W  
Charles Kinsinger – W  
Mary Gabel – W  
Timothy Gabel – W  
Amina DiSante – W  
Maria Middleton – W  
Barey Middleton – W  
James Fox – W  
Caroline Smyth – W  
Michael Brickhill – W's Atty  
William Smithers – W's Atty  
Herbert Nichols – Inv


4. Virginia Memorial Gardens, Inc.  
File Number 2004-03914 (Disc)

Ruth Herrink for VMG – R  
Louis Herrink for VMG – R  
Peggy Evans Garland – R's Atty  
Amina DiSante – C  
Maria Middleton – W  
Barey Middleton – W  
Mary Gabel – W  
Timothy Gabel – W  
Jane Kinsinger – W  
Jane Smith – W  
Charles Kinsinger – W  
James Fox – W  
Caroline Smyth – W

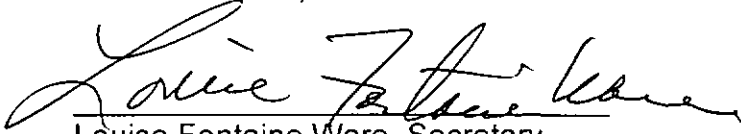
Michael Brickhill – W's Atty  
William Smithers – W's Atty  
Herbert Nichols – Inv

The meeting adjourned at 12:30 p.m.

Virginia Cemetery Board



Kenneth R. Bell, Chairman



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

IN THE  
COMMONWEALTH OF VIRGINIA  
CEMETERY BOARD

Re: HCS Holding Company, LLC  
Richmond, VA 23229

File Number 2004-03346  
License Number 4901000109

**CONSENT ORDER**

Respondent, HCS Holding Company, LLC ("HCS"), recognizes and acknowledges being subject to and bound by the Regulations of the Cemetery Board ("Board"), as well as by all other applicable Virginia laws.

**Board's 2000 Regulations provides:**

**18 VAC 47-20-150. Grounds for disciplinary action.**

The board may suspend a license or registration for a stated period or indefinitely, revoke any license or registration, censure or reprimand any person licensed or registered by the board or place such person on probation for such time as it may designate when any licensee or registrant has been found to have violated or cooperated with others in violating any provision of Chapter 23.1 (§ 54.1-2310 et seq.) of Title 54.1 of the Code of Virginia or any regulation of the board.

Pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended:

On August 4, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to HCS at the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was received.

On September 22, 2004, the Informal Fact-Finding Conference ("IFF Conference") was convened at the Department of Professional and Occupational Regulation in Richmond, Virginia.

The following individuals participated at the conference: Caroline Smyth on behalf of HCS, Respondent; Michael Brickhill, Esquire, counsel for HCS; William Smithers, Esquire, co-counsel for HCS; Jane Kinsinger, Complainant; Jane Smith, Charles Kinsinger, Mary Gabel, Timothy Gabel, Amina DiSante, Maria Middleton, Bary Middleton, James Fox, Ruth Herrink, Louis Herrink, Witnesses; Peggy Evans Garland, Esquire, counsel for Virginia Memorial Gardens; Herbert Nichols, Investigator; Douglas Schroder, Staff Member; and Michael H. Doherty, Presiding Board Member.

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

The Board and HCS, as evidenced by the signatures affixed below, enter into this Consent Order. HCS knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

By signing this Consent Order, HCS acknowledges an understanding of the charges and hereby neither admits nor denies to the violation(s) of the Counts as outlined in the Report of Findings. HCS consents to the following term(s):

	Count 1	18 VAC 47-20-190.13	No Fine
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HCS agrees to purchase and install the memorials for the Kinsinger, DiSante, Gabel, and Smith families. In addition, HCS agrees that if evidence acceptable to the Board is presented that the memorials have been properly installed by December 15, 2004, the cases involving the memorials for the Kinsinger, DiSante, Gabel, and Smith families will be closed with a finding of no violation.

If the memorials have not been installed by December 15, 2004, HCS's license will be suspended until evidence acceptable to the Board is presented that the memorials have been properly installed.

**HCS acknowledges that failure to comply with all terms of this Order within the specified time period shall result in the automatic suspension of HCS's license until such time as there is compliance with all terms of this Order. HCS understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any**

**rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4019, 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.**

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

\_\_\_\_\_ Date

\_\_\_\_\_  
Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF \_\_\_\_\_  
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Cemetery Board

BY: \_\_\_\_\_  
Louise Fontaine Ware, Secretary

IN THE  
COMMONWEALTH OF VIRGINIA  
CEMETERY BOARD

Re: HCS Holding Company, LLC  
Richmond, VA 23229

File Number 2004-03912  
License Number 4901000109

**CONSENT ORDER**

Respondent, HCS Holding Company, LLC ("HCS"), recognizes and acknowledges being subject to and bound by the Regulations of the Cemetery Board ("Board"), as well as by all other applicable Virginia laws.

**Board's 2000 Regulations provides:**

**18 VAC 47-20-150. Grounds for disciplinary action.**

The board may suspend a license or registration for a stated period or indefinitely, revoke any license or registration, censure or reprimand any person licensed or registered by the board or place such person on probation for such time as it may designate when any licensee or registrant has been found to have violated or cooperated with others in violating any provision of Chapter 23.1 (§ 54.1-2310 et seq.) of Title 54.1 of the Code of Virginia or any regulation of the board.

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The following individuals participated at the conference: Caroline Smyth on behalf of HCS, Respondent; Michael Brickhill, Esquire, counsel for HCS; William Smithers, Esquire, co-counsel for HCS; Amina DiSante, Complainant; Jane Smith, Charles Kinsinger, Mary Gabel, Timothy Gabel, Jane Kinsinger, Maria Middleton, Bary Middleton, James Fox, Ruth Herrink, Louis Herrink, Witnesses; Peggy Evans Garland, Esquire, counsel for Virginia Memorial Gardens; Herbert Nichols, Investigator; Douglas Schroder, Staff Member; and Michael H. Doherty, Presiding Board Member.

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

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If the memorials have not been installed by December 15, 2004, HCS's license will be suspended until evidence acceptable to the Board is presented that the memorials have been properly installed.

**HCS acknowledges that failure to comply with all terms of this Order within the specified time period shall result in the automatic suspension of HCS's license until such time as there is compliance with all terms of this Order. HCS understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any**

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The effective date of this Order shall be the date of execution by the Board.



SEEN AND AGREED TO:

\_\_\_\_\_ Date

\_\_\_\_\_  
Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF \_\_\_\_\_  
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Cemetery Board

BY: \_\_\_\_\_  
Louise Fontaine Ware, Secretary

IN THE  
COMMONWEALTH OF VIRGINIA  
CEMETERY BOARD

Re: Virginia Memorial Gardens, Inc.  
King George, VA 22485

File Number 2004-03345  
License Number 4901000041

**CONSENT ORDER**

Respondent, Virginia Memorial Gardens, Inc. ("VMG"), recognizes and acknowledges being subject to and bound by the Regulations of the Cemetery Board ("Board"), as well as by all other applicable Virginia laws.

**Board's 2000 Regulations provides:**

**18 VAC 47-20-150. Grounds for disciplinary action.**

The board may suspend a license or registration for a stated period or indefinitely, revoke any license or registration, censure or reprimand any person licensed or registered by the board or place such person on probation for such time as it may designate when any licensee or registrant has been found to have violated or cooperated with others in violating any provision of Chapter 23.1 (§ 54.1-2310 et seq.) of Title 54.1 of the Code of Virginia or any regulation of the board.

Pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended:

On August 4, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to VMG at the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was received.

On September 22, 2004, the Informal Fact-Finding Conference ("IFF Conference") was convened at the Department of Professional and Occupational Regulation in Richmond, Virginia.

The following individuals participated at the conference: Ruth Herrink and Louis Herrink on behalf of VMG, Respondent; Peggy Evans Garland, Esquire, counsel for VMG; Jane Kinsinger, Complainant; Jane Smith, Charles Kinsinger, Mary Gabel, Timothy Gabel, Amina DiSante, Maria Middleton, Barey Middleton, James Fox, Caroline Smyth, Witnesses; Michael Brickhill, Esquire, counsel for HCS; William Smithers, Esquire, co-counsel for HCS; Herbert Nichols, Investigator; Douglas Schroder, Staff Member; and Michael H. Doherty, Presiding Board Member.

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

The Board and VMG, as evidenced by the signatures affixed below, enter into this Consent Order. VMG knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

By signing this Consent Order, VMG acknowledges an understanding of the charges and hereby neither admits nor denies to the violation(s) of the Counts as outlined in the Report of Findings. VMG consents to the following term(s):

Count 1	18 VAC 47-20-190.13	No Fine
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HCS Holding Company, LLC agrees to purchase and install the memorials for the Kinsinger, DiSante, Gabel, and Smith families. In addition, HCS Holding Company, LLC agrees that if evidence acceptable to the Board is presented that the memorials have been properly installed by December

15, 2004, the cases involving the memorials for the Kinsinger, DiSante, Gabel, and Smith families will be closed with a finding of no violation.

If the memorials have not been installed by December 15, 2004, VMG's license will be suspended until evidence acceptable to the Board is presented that the memorials have been properly installed.

**VMG acknowledges that failure to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of VMG's license until such time as there is compliance with all terms of this Order. VMG understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any**

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\_\_\_\_\_ Date

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CITY/COUNTY OF \_\_\_\_\_  
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Cemetery Board

BY: \_\_\_\_\_  
Louise Fontaine Ware, Secretary

IN THE  
COMMONWEALTH OF VIRGINIA  
CEMETERY BOARD

Re: Virginia Memorial Gardens, Inc.  
King George, VA 22485

File Number 2004-03914  
License Number 4901000041

**CONSENT ORDER**

Respondent, Virginia Memorial Gardens, Inc. ("VMG"), recognizes and acknowledges being subject to and bound by the Regulations of the Cemetery Board ("Board"), as well as by all other applicable Virginia laws.

**Board's 2000 Regulations provides:**

**18 VAC 47-20-150. Grounds for disciplinary action.**

The board may suspend a license or registration for a stated period or indefinitely, revoke any license or registration, censure or reprimand any person licensed or registered by the board or place such person on probation for such time as it may designate when any licensee or registrant has been found to have violated or cooperated with others in violating any provision of Chapter 23.1 (§ 54.1-2310 et seq.) of Title 54.1 of the Code of Virginia or any regulation of the board.

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The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

The Board and VMG, as evidenced by the signatures affixed below, enter into this Consent Order. VMG knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

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The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

\_\_\_\_\_ Date

\_\_\_\_\_  
Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF \_\_\_\_\_  
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Cemetery Board

BY: \_\_\_\_\_  
Louise Fontaine Ware, Secretary

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Mike Doherty
2. Title: Presiding Board Member
3. Agency: Virginia Cemetery Board
4. Transaction: Informal Fact-Finding Conferences on September 22, 2004
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.

Mike H. Doherty  
Signature

9/22/04  
Date