

Minutes of Meeting
VIRGINIA CEMETERY BOARD
INFORMAL FACT-FINDING CONFERENCES
OCTOBER 6, 2003 (2:00 P.M.)

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

David Mark Farris, II, Board Member, Presided

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD.

Disc=Disciplinary Case
Lic=Licensing Application

C=Complainant/Claimant
A=Applicant
R=Respondent/Regulant
CA=Compliance Agent
Invest=Investigator

Participants

Gardner Enterprises, Inc.
t/a Greenlawn Memorial Gardens
File Number 2003-00664

Hinton Hurff - CA for
Greenlawn Memorial Gardens - R
Herb Nichols – Invest.

The meeting adjourned at 2:30 p.m.

Virginia Cemetery Board



Kenneth R. Bell, Chairman



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

CEMETERY BOARD

**RE: GARDNER ENTERPRISES, INC.
T/A GREENLAWN MEMORIAL GARDENS
LICENSE NUMBER: 4901-000002**

FILE NUMBER: 2003-00664

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 6, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Gardner Enterprises, Inc., t/a Greenlawn Memorial Gardens and Hinton Hurff, Sr., Compliance Agent on June 19, 2003, and by reschedule letter on August 19, 2003. The following individuals participated at the conference: Hinton D. Hurff, Sr., Compliance Agent for Greenlawn Memorial Gardens, Respondent; Herb Nichols, Investigator; Douglas W. Schroder, Staff Member; David Mark Farris, II, Presiding Board Member.

Summation of Facts

1. On or about September 3, 2002, Christine Martine (Martine), Cemetery Board Administrator, requested an investigation into possible violations of Virginia Statutes and/or Cemetery Board regulations by Gardner Enterprises, Inc., t/a Greenlawn Memorial Gardens (Greenlawn), 3920 Airline Boulevard, Portsmouth, Virginia.
2. The revised annual report submitted by Greenlawn revealed that both the perpetual care and preneed trust fund deposits were late for the months of January, April, and May 2001.
3. The perpetual care trust fund financial report – schedule B, submitted by Greenlawn revealed on line 2, column D that the January deposit was made on March 13, 2001. That deposit was 11 days late. Line 5, of the same report, column D, revealed that the required deposit for April 2001, was made on June 8,

2001. This deposit was 9 days late. Line 6, column D, revealed that the required deposit for May 2001, was made on July 5, 2001. This deposit was 5 days late.

4. The correct amount was deposited into the perpetual care trust fund for fiscal year 2001.

5. The preneed trust fund financial report – schedule B, submitted by Greenlawn revealed on line 2, column D, that the January deposit was made on March 13, 2001. That deposit was 11 days late. Line 5, of the same report, column D, revealed that the required deposit for April 2001 was made on June 8, 2001. This deposit was 9 days late. Line 6, column D, revealed that a portion of the required deposit for May 2001 was made on July 5, 2001. This part of the required deposit was 5 days late. A deposit error resulted in a shortage of \$180.00 for the May deposit. This error was corrected by depositing an additional \$180.00 in the trust fund on September 18, 2001. This portion of the May deposit was 80 days late.

6. The correct amount was deposited into the preneed trust fund for fiscal year 2001.

7. During the investigation, Hinton D. Hurff (Hurff), compliance agent for Greenlawn, told Nichols that he did not know why the deposits were late. He said that the office manager, at that time, is no longer employed and the new office manager makes sure that the deposits are made on time and for the correct amount.

Conclusion and Recommendation

Count 1: Section 54.1-2319 of the Code of Virginia (3 Violations)

Greenlawn Memorial Gardens failure to make deposits in the perpetual care trust fund, within thirty days after the close of the month in which the receipts were paid to it, for the months of January, April, and May 2001, was in violation of the above cited section of the Code of Virginia. Therefore, I recommend that a monetary penalty of \$50.00 be imposed for each violation, for a total of \$150.00.

Count 2: Section 54.1-2325.A of the Code of Virginia (3 Violations)

Greenlawn Memorial Gardens failure to make deposits in the preneed trust fund, within thirty days after the close of the month in which the receipts were paid to it, for the months of January, April, and May 2001, was in violation

of the above cited section of the Code of Virginia. Therefore, I recommend that a monetary penalty of \$50.00 be imposed for each violation, for a total of \$150.00.

By: _____

David Mark Farris, II
Presiding IFF Board Member
Cemetery Board

Date: October 6, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 4901-000002 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

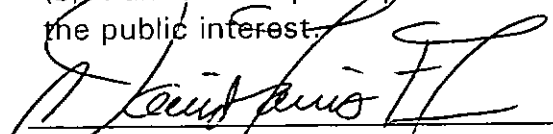
TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: David Mark Farris, II
2. Title: Member, Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Informal Fact-Finding Conference on October 6, 2003
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.


Signature

10-7-03
Date