

**MINUTES**  
**South Carolina Perpetual Care Cemetery**  
**Board Meeting**

10:00 a.m., Thursday, March 29, 2012  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 204  
Columbia, South Carolina

**Thursday, March 29, 2012**

**1. Meeting Called to Order**

J. W. Russ, Chair, of Conway, called the meeting to order at 10:03 a.m. Other members participating during the meeting included: Russel Floyd, Vice Chair, of Spartanburg; John Bartus, of Mauldin; Roger Finch, of Honea Path; Jacquelyn Petty, of Union; and, Rick Riggins, of Lancaster.

Staff members participating in the meeting included: Doris Cubitt, Administrator; Wendi Elrod, Program Assistant; Amy Holleman, Administrative Assistant; Jamie Saxon, Advice Counsel, Division of Legal Services; Christa Bell, Division of Legal Services; Jim Holloway, CPA, Consultant; Ernest Adams, Inspector, Office of Investigations and Enforcement; Raymond Lee, Inspector, Office of Investigations and Enforcement; Sharon Wolfe, Chief Investigator, Office of Investigations and Enforcement; and, Sharon Cook, Investigator, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Bill Gaffney, Grandview Memory Gardens; Jim Holloway, CPA, Consultant; Rivers Stillwell, Esq., of Nelson Mullins; Adam Taylor, Cemetery Equity Solutions; Steve Kent, Bamberg and Barnwell Memory Gardens; Wallace McKnight, Morning Glory Memorial Gardens; Wayne Brown, Forest Hills Memorial Gardens; Frank Waters; Judy Moore, Greater St. James AME; Ida R Burgess, Greater St. James AME; Rev. Sinclair C Frasier, Greater St. James AME; Helen McFadden, Law office of Ronnie Sabb; Ronnie Sabb, Esq., Law office of Ronnie Sabb; Kenngal Peguese, Lake City; and Alonzo Graham, Trustee for Greater St. James AME; and, Tamala Randolph, StoneMor.

**A video of this meeting can be viewed at [www.llr.state.sc.us/POL/Cemetery](http://www.llr.state.sc.us/POL/Cemetery). On the Board's home page, click 'Board Information' and follow the link to the video.**

a. Public Notice

Mr. Russ announced that public notice of this meeting was properly posted at the S. C. Perpetual Care Cemetery Board office, Synergy Business Park, Kingstree Building, provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. He noted a quorum was present.

b. Pledge of Allegiance

All present recited the Pledge of Allegiance.

**2. Approval of Excused Absences**

No excused absence at this time.

**3. Introduction of Board Members and Persons Attending the Meeting**

The Board members, staff and all other persons attending the meeting introduced themselves.

Agenda Amendment

**MOTION**

Mr. Floyd made a motion to move agenda items 6, 7 and 8c to the end of the meeting when Ms. Doris Cubitt, Board Administrator can be present. Ms. Petty seconded the motion, which carried unanimously.

**4. Approval of Minutes**

**November 3, 2011 Meeting**

The changes are as follows:

1. On line 130, the sentence that says, *"Mr. Floyd made a motion the board approved Mr. Harold as manager and approved the pending changes to the trust agreement, clarifying income distributions."* And add *"net capital gains are not income,"* and add *"to be distributed"* just for clarification purposes.
2. On line 195, it says, *"Mr. Floyd made a motion. The board approved the name change, pending a corrected contract showing the ....."* "statutory right of substitution" should be added. Mr. Floyd also stated that *"for contractee when burial vault purchased is no longer available after substitution"* should also be added so that it reads *"The name change pending a corrected contract showing the statutory right of substitution for contractee when burial vault purchased is no longer available and disclosures don't require charges as an optional charges."*

**MOTION**

Ms. Petty made a motion the Board approve the minutes of the November 3, 2011, meeting with changes. Mr. Floyd seconded the motion, which carried unanimously.

**November 29, 2011 Conference Call Meeting**

There were no changes

**MOTION**

Mr. Floyd made a motion the Board approve the minutes of the November 29, 2011, with no changes. Mr. Finch seconded the motion, which carried unanimously.

**5. President's Remarks – J. W. Russ**

Mr. Russ welcomed everyone to the meeting. He also thanked staff for all of their hard work and welcomed Mr. Saxon as their new advice counsel.

**6. Information Update**

Financial Statements- Doris Cubitt

Ms. Cubitt presented the financial statements to the Board and stated if there are any questions please let her know.

**7. Administrator's Remarks – Doris Cubitt**

Ms. Cubitt had no remarks at this time.

**8. Reports**

- A. Investigative Review Committee (IRC) Report – Sharon Wolfe

Ms. Wolfe presented the IRC stated that there are four active cases and only one complaint has been received so far this year.

**MOTION**

Mr. Floyd made a motion the Board accept the IRC report. Mr. Riggins seconded the motion, which carried unanimously.

B. OIE Report – Sharon Wolfe

No OIE report at this time.

C. Inspection Report – Doris Cubitt

Mr. Adams stated it is a pleasure to meet the Board since he has been assigned to do cemetery inspections. He stated there are now two inspectors that handle both cemetery and funeral inspections, himself and Mr. Buddy Poole. Mr. Adams stated that since there have been two inspectors they have done 81 inspections between November 1, 2011 thru March 21, 2012.

D. Division of Legal Services – Christa Bell

Ms. Bell distributed the Office of General Counsel case log for the Cemetery Board and informed them there are currently six open cases. She stated that one case is pending action, and two cases are pending Memorandum Of Agreement, one that she hoped to be closed in that meeting. There are two cases pending final hearings, and two pending final orders. She stated that two cases have been closed since January 2011.

**9. Disciplinary Hearing**

**Case No. 2010-27 (Memorandum of Agreement)**

Ms. Bell stated that she is presenting a Memorandum of Agreement (MOA) stating the violations for Morning Glory Memorial Gardens, which Mr. Wallace McKnight has signed.

1. They failed to furnish adequate financial reports for the care and maintenance trust fund for 2005, 2006, 2007, and 2008 as required by law in section 40-8-110(D) and 40-8-100(A).
2. They failed to submit the agreed upon procedures for the care and maintenance trust fund for the period of January 1, 2009 through April 26, 2010 as required by law in section 40-8-110(D).
3. They failed to file financial report, signed by a licensed accountant, for the merchandise account for 2003, 2004, 2005, 2006, 2007, and 2008 as required by law in section 40-8-110(G).
4. They failed to submit the agreed upon procedures for the merchandise account for the period of January 1, 2009 through April 26, 2010 as required by law in section 40-8-110(G).

**Break for Lunch at 12:35pm and Reconvene at 1:50pm**

**MOTION**

Mr. Floyd made a motion the Board recess for lunch. Mr. Bartus seconded the motion, which carried unanimously.

**Executive Session**

**MOTION**

Mr. Floyd made a motion the Board enter into executive session. Ms. Petty seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Floyd made a motion the Board return to public session. Mr. Riggins seconded the motion, which carried unanimously. Mr. Russ noted for the record that no official action was taken during executive session.

**MOTION**

Mr. Floyd made a motion to accept the Memorandum of Agreement and stipulations. The sanctions are a public reprimand and the AUP and annual reports must be filed within 60 days of the date the Final Order is signed. A fine of \$1,000 should be paid and any and all deficiencies will be corrected within 60 days of the date the Final Order is signed. Should Mr. McKnight fail to comply with the sanctions, the cemetery license will be suspended until such time as he does comply. Mr. Riggins seconded the motion, which carried unanimously.

**Case No. 2011-3**

**Case No. 2011-4**

Ms. Holleman stated that these cemeteries are currently operating on a suspended license since they have failed to submit any of the required annual reports or agreed upon procedures. She stated their license was previously suspended from make new sales until which time they submitted the required financial reports.

Mr. Lee stated during his inspections of these cemeteries since the licenses have been suspended they have had new sales since the date of the order. He stated at Barnwell County Memory Gardens there have been two new sales and at Bamberg County Memory Gardens there have been 12 new sales.

Mr. Floyd inquired on when the cemeteries where purchased. Mr. Kent stated that he purchased these cemeteries in 1993 from Dick Hurbert.

**Executive Session**

**MOTION**

Mr. Bartus made a motion the Board enter into executive session. Mr. Finch seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Floyd made a motion the Board return to public session. Mr. Bartus seconded the motion, which carried unanimously. Mr. Russ noted for the record that no official action was taken during executive session.

**MOTION**

Mr. Floyd made a motion to revoke the both cemetery licenses and before any possible reinstatement, they must appear before the Board and answer for his misconduct and show compliance with all prior Orders. And then at that time it will be up to the Board's discretion

as to whether to reinstate the licenses. Mr. Riggins seconded the motion, which carried unanimously.

#### **10. Introduction of Holly Pisarik Agency Director – 11:30 am**

Ms. Pisarik, the new agency Director introduced herself to the Board and assured them that she is available for any concerns the Board members may have. She stated that her door is always open.

#### **11. Old Business (Application Hearings)**

Ownership/Management

##### **1. Cemetery Equity Solutions (Failure to Comply with Board Order) – Adam Taylor**

- a. Forest Lawn Memorial Park of SC - Camden, SC
- b. Crestlawn Memorial Cemetery of SC - Orangeburg, SC
- c. Plantation Memorial Gardens of SC - Monks Corner, SC
- d. Chatham Hill Memorial Gardens of SC - Cheraw, SC
- e. Belleville Memorial Gardens of SC - Orangeburg, SC
- f. Aiken Memorial Gardens of SC - Aiken, SC
- g. Jessamine Memorial Gardens of SC - Aiken, SC
- h. Memorial Gardens of Columbia - Columbia, SC

Mr. Taylor gave the Board an update on the figures for all eight of his cemeteries.

#### **Executive Session**

##### **MOTION**

Mr. Floyd made a motion the Board enter into executive session. Mr. Riggins seconded the motion, which carried unanimously.

#### **Return to Public Session**

##### **MOTION**

Mr. Floyd made a motion the Board return to public session. Ms. Petty seconded the motion, which carried unanimously. Mr. Russ noted for the record that no official action was taken during executive session.

##### **MOTION**

Mr. Floyd made a motion the Board independent of your company. This would be at your own expense. Copies of paid vendors invoices regarding all bronze and vaults you've provided. You can submit the AUPs individually. The first must be submitted, however, no later than May 25th, 2012. Thereafter, you should submit them once monthly or sooner, but all must be submitted by the end of 2012 or earlier. Mr. Riggins seconded the motion, which carried unanimously.

##### **2. Update on Heritage Memorial Gardens and Greenhaven Memorial Gardens**

Mr. John Rogers and Mr. Brad Rustin submitted a letter updating the Board on the progress of the agreed upon procedures. An independent CPA has been hired to completed the agreed upon procedures for both cemeteries, however due to lack of records it is taking longer than expected.

##### **3. Anderson Memorial Garden, Anderson, new manager request (Bessie Lowe)**

Since no one was in attendance for this cemetery.

**MOTION**

Mr. Floyd made a motion the Board table this issue until which time Mr. Steven Lowe and Ms. Bessie Lowe can be present. Mr. Riggins seconded the motion, which carried unanimously.

**12. New Business (Application Hearings)**

New Ownership/Management

1. Forest Hills Memorial Park Cemetery, Woodruff (J W Russ)

Mr. Russ recused himself since he will be the manager of this cemetery.

Mr. Floyd took over the meeting.

Forest Hills Memorial Gardens is an existing cemetery, currently known as Cedar Hill Memorial Gardens. Mr. John Wayne Brown is purchasing this cemetery from Mr. Frank Waters, which purchased the cemetery in a tax sell from Spartanburg County. Mr. J. W. Russ is the proposed manager.

**Executive Session**

**MOTION**

Mr. Bartus made a motion the Board enter into executive session. Mr. Riggins seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Riggins made a motion the Board return to public session. Ms. Petty seconded the motion, which carried unanimously. Mr. Russ noted for the record that no official action was taken during executive session.

**MOTION**

Mr. Bartus made a motion the Board grant this license pending compliance with the statute. The required agreed upon procedures still need to be submitted. Mr. Riggins seconded the motion, which carried unanimously.

2. Rest Lawn Memorial Park of Lake City

Ms. Holleman stated, Wilbur Brown, who donated the cemetery to Greater Saint James AME church, owned this cemetery. The question is what do we do since this cemetery is licensed as a perpetual care cemetery. But since it's been donated to the church, the question is, once perpetual care, always-perpetual care, but are churches exempt, including when they take over perpetual care. She stated that Representative Ronnie Sabb, who is representing Mr. Wilbur Brown and Pastor Sinclair Frasier, speaking for Greater Saint James AME Church of Lake City are present to speak to the Board. Mr. Sabb stated that Mr. Brown was unable to attend since he is elderly and ill and they will be about to provide a doctors excuse if the Board wishes.

Mr. Saab stated that the cemetery only has about 16.3 acres and six acres are developed. He stated they have about 100 graves. He then stated that the cemetery is only two miles down the street from the church. He stated that the church will honor all perpetual care offered prior to the transfer.

## **Executive Session**

### **MOTION**

Mr. Floyd made a motion the Board enter into executive session. Mr. Riggins seconded the motion, which carried unanimously.

## **Return to Public Session**

### **MOTION**

Mr. Floyd made a motion the Board return to public session. Ms. Petty seconded the motion, which carried unanimously. Mr. Russ noted for the record that no official action was taken during executive session.

Pastor Frasier requested 60 days to speak with the congregation of the church and the church's lawyers so a decision can be made whether or not they need to be a perpetual care cemetery or give it back to Mr. Brown.

## **13. Regulations/Fees Discussion**

Ms. Cubitt updated the Board with the issues with the clean-up regulations being filed. She stated that the House stated that the Board couldn't raise their fees. She indicated that the fees have not been raised they are just correcting the regulations so it reflects the same fees that are stated in the statute, which have been on file since 2003.

Then she stated the Senate had a problem with the language regarding pre-burying vaults, requiring manufactures being listed and requiring that cemetery managers be a resident of SC. She stated she will be in contact with Senator Ryberg to see if those are the only concerns so they regulations can be filed.

## **14. Public Comments (No Vote May Be Taken)**

No public comments at this time.

## **15. Adjournment**

### **MOTION**

Mr. Finch made a motion the Board adjourns. Mr. Riggins seconded the motion, which carried unanimously.

The March 29, 2012, meeting of the SC Perpetual Care Cemetery Board adjourned at 5:40 p.m.

The next meeting of the SC Perpetual Care Cemetery Board is scheduled for May 30, 2012.