

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

10:00 a.m., Wednesday, November 7, 2012  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 105  
Columbia, South Carolina

**Wednesday, November 7, 2012**

**1. Meeting Called to Order**

J. W. Russ, Chair, of Conway, called the meeting to order at 10:11 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; Michael Teague, Administrative Assistant; Sara McCartha, Advice Counsel, Office of Advice Counsel ; Christa Bell, Office of General Counsel; Sharon Wolfe, Chief Investigator, Office of Investigations and Enforcement; Sharon Cook, Investigator, Office of Investigations and Enforcement; and, Buddy Poole, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Bill Gaffney, Mountain View Memorial Park; Tamala Randolph, of StoneMor; and, Susie Reynolds.

**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.

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

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

**3. Approval of Excused Absences**

There are no absences at this meeting.

**4. Approval of Minutes for the September 24, 2012, and October 3, 2012**

The changes are as follows for September 24, 2012:

1. On line 47, it should be "marker" not "maker".
2. On line 116, delete "except" so it should read as "republished Bill 4168".

**MOTION**

Mr. Floyd made a motion the Board approve the minutes of the September 24, 2012, meeting with changes. Mr. Finch seconded the motion, which carried unanimously.

The changes are as follows for October 3, 2012:

1. On line 49, delete "resend" and replace with "*resind*".

**MOTION**

Mr. Floyd made a motion the Board approve the minutes of the October 3, 2012, meeting with changes. Mr. Riggins seconded the motion, which carried unanimously.

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

Mr. Russ welcomed everyone to the meeting. He also thanked staff for all of their hard work.

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

Financial Statements- Doris Cubitt

Ms. Cubitt presented the financial statements to the Board said to let her know if there are any questions. She stated that the renewals have been mailed, but no renewals have been received yet.

**7. Reports**

A. Inspection Report – Buddy Poole

Mr. Poole stated that there have been five inspections since the last board meeting.

B. Office of General Counsel – 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 four cases are pending, and two cases are pending final order. She stated that eight cases have been closed since January 1, 2011.

C. Investigative Review Committee (IRC) Report – Sharon Wolfe

Ms. Wolfe presented the IRC reports for September 2012, asking that they be approved with the IRC's recommendations, which are to dismiss all seven cases, 2012-5, 2012-6, 2012-7, 2012-8, 2012-10, 2012-11, and 2012-13.

**MOTION**

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

D. OIE Report – Sharon Wolfe

Ms. Wolfe presented the OIE report stating that there have been five cases that have been received from January 1, 2012, through October 31, 2012. She stated that two are closed, two cases are do not open and seven of them are pending board action, for a total of 16 cases. She stated that 19 cases were closed, and two are do not open cases from January 1, 2012, through October 31, 2012.

**8. OIE procedures (Power Point presentation) – Sharon Wolfe**

Ms. Wolfe presented the presentation showing the OIE procedures. She stated that the initial complaints are reviewed and opened by an attorney analyst. She stated if it is

authorized for an investigation then it is assigned to an investigator. The next step is for the complaint to be reviewed by the OIE supervisor then given to the investigator.

After the investigation is completed it is reviewed by the IRC committee and once the recommendations are made it is presented to the Board for approval. Once it is approved by the Board, staff sends out dismissal letters and letters of caution. If it is recommended for a formal complaint it is sent to OGC for further action.

Ms. Bell presented the Office of General Counsel part of the presentation. She stated that if the IRC committee recommends a consent agreement (CA) then OGC drafts it and sends it out for the respondent's signature before presenting it to the Board. If a CA is not authorized by the IRC then they determine the appropriate allegations for a Formal Accusation (FA) or Memorandum of Agreement (MOA). If a MOA is possible, OGC drafts and offers to respondent for signature prior to presenting at the next Board meeting. If a MOA is not possible, OGC drafts and requests approval of the FA, then prepares, schedules and presents the disciplinary hearing to the Board.

Whether through CA, MOA, or disciplinary hearing, OGC provides notice to the respondent for the final order hearing, at which time sanctions are imposed or ratified by the Board. Respondents may appeal to the Administrative Law Court (ALC) within 30 days.

## **9. Hearing**

### **A. Bamberg / Barnwell County Memory Gardens**

Ms. Bell requested that the Board revoke the licenses since they have not complied with any previous orders.

A verbatim transcript is available.

#### **Executive Session**

##### **MOTION**

Mr. Floyd made a motion the Board enter into executive session for legal advice. Mr. Bartus 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. Floyd made a motion the Board comply with the statute, so the revocation of the license should stand. Mr. Riggins seconded the motion, which carried unanimously.

## **10. New Business**

#### **Executive Session**

##### **MOTION**

Mr. Floyd made a motion the Board enter into executive session for legal advice. Mr. Finch 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.

#### A. Approval of alternative methods of merchandise storage

Mr. Russ stated just as a matter of clarification, a question was put to the board. Some cemeteries actually store memorials off site. In other words, they warehouse them. And so the board has no issue with that. It is allowed, they feel like, by the statute, and just as a matter for clarification for those who are doing that, it's not a problem for the Board.

### **11. Election of Officers**

#### **MOTION**

Mr. Riggins nominated Mr. Russ for Chairman. Mr. Finch seconded the motion, which carried unanimously.

Ms. Petty nominated Mr. Floyd for Vice Chairman. Mr. Finch seconded the motion, which carried unanimously.

Mr. Bartus made a motion the Board close nominations. Mr. Finch seconded the motion, which carried unanimously.

### **12. Approval of 2013 Board meeting dates**

The Board reviewed the 2013 Board meeting dates as: February 28, 2013, May 15, 2013, August 29, 2013, and November 7, 2013.

#### **MOTION**

Mr. Bartus made a motion the Board accept the Board meeting dates. Ms. Petty seconded the motion, which carried unanimously.

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

No public comments.

### **14. Adjournment**

#### **MOTION**

Mr. Bartus made a motion the Board adjourn. Ms. Petty seconded the motion, which carried unanimously.

The November 7, 2012, meeting of the SC Perpetual Care Cemetery Board adjourned at 11:52 a.m.

The next meeting of the SC Perpetual Care Cemetery Board is scheduled for February 28, 2013.