

MINUTES

South Carolina Perpetual Care Cemetery Board

Board Meeting

10:00 a.m., November 19, 2003

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 107

Columbia, South Carolina

Mr. Russ, Chairman, called the meeting to order at 10:15 a.m.

Board members attending the meeting included: John E. Bartus, of Mauldin, Andrew Cone, of Pickens; Roger Finch, of Honea Path; Russel Floyd, Jr., of Spartanburg; James W. Russ, of Conway; and Ray Visotski, of Aiken.

Thomas Johnson, of Charleston, was granted an un-excused absence.

Staff members participating included: Wendi Elrod, Administrative Specialist; Dwight Hayes, Administrator; and Bill Whitby, Investigator.

Meeting Called to Order

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 that a quorum is present.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Chairman

Mr. Russ started with welcoming Mr. Bartus to the board.

Approval of Minutes for the August 20, 2003 Meeting

Mr. Russ stated that on page seven, on the last motion that Mr. Ribbons name was misspelled, the correct spelling is Riggins. Mr. Visotski made a motion, seconded by Mr. Cone and unanimously carried.

Administrator's Remarks, For Information - Dwight Hayes

Mr. Hayes explained the status on the cemeteries that have not complied and that we have hand delivered cease and desist orders to them. There are a total number of seven that have not complied. Bill has delivered a cease and desist order to Bamberg and Barnwell cemeteries. Evening Star is choosing not to comply. Mr. Hayes has spoken with Mr. Shellhouse with Aiken Cemetery and he will send in his application and fees soon.

Mr. Hayes asked if there is any other address for Westside Memorial Gardens & Mausoleum, other than Perimeter Road in Conway. Mr. Russ stated that maybe try Palmetto Funeral Home on 378 Hwy since they also run the cemetery.

That the owner of Rest Lawn Memorial Park in Lake City has taken money from the last dozen or so sales and skipped town and that there are warrants out for her arrest. There is a real estate company that is looking after things for the moment. Brown and Company Reality has sent a letter stating that one of the employees had signed for the certified letter not knowing that they were not receiving mail for the cemetery and they had given the last known address for the owner, Ms. Mary Carter.

Mr. Floyd had called Mr. Kurt Copeland, owner of Beaufort Memorial Gardens, after our last board meeting and reminded him that he needs to get his license application and fees into our office. Mr. Copeland said he was going to take care of it.

Mr. Hayes discussed in general about some of the complaints that we have been getting. He stated that we are setting up an IRC meeting with Mr. Willard Rainey. We have a total of 15 complaints and about 2/3 have to do with grounds not being maintained. There are a few that have to do with markers not being placed after they are ordered. Most of those have been taken care of by reminding the cemetery that the markers need to be placed. The other complaints will be taken care of at the IRC meeting.

Mr. Hayes discussed the meaning of IRC (Investigative Review Committee)
The board has named someone in the cemetery business that can provide us with technical advice and good common sense cemetery advice. The committee consists of Mr. Rainey, the IRC person, Mr. Whitby, Investigator and Mr. Hayes, Administrator. With cases that legal action is needed then the staff attorney will also be called in. With the cases that we currently have do not require the aid of an attorney.

The committee reviews all the details of each case. The IRC member from the industry will give an industry point of view. What is considered reasonable maintained in a cemetery, how long should it take for the cemetery to respond to a stone in leaning over from the time it was reported. Once all the details have been reviewed then it will be brought before the board with a brief overview, the IRC's recommendation. The board will hear each one of the complaints and then vote on accepting or denying each one.

Action Items (Vote Required)

Unfinished Business

New Business - Dwight Hayes

1. License Fee Structure

Mr. Hayes stated that under the engine bill allows the board to adjust the fee structure. The current problem is we don't know what to adjust the fee to. On the renewal forms we will ask the number of interments for past years to aid in this process. Mr. Floyd suggested that we contact someone from DHEC to help in obtaining this information. Mr.

Hayes stated that maybe vital records has some of that information available online. Sharon Hughett with vital statistics has been helpful in the past. Mr. Hayes recommended that there be no changes to the fee structure until scientific determination on how it will affect all licenses.

2. Documentation Accepted for Mortgage

Mr. Hayes stated we have thirty-four cemeteries that have provided mortgage information and about eight-five that have not. It was discussed that we have received a letter from Mr. Hurb Kirsh up in York about the fee structure and mortgage. Mr. Kirsh was concerned about the smaller cemeteries having to hire an attorney to obtain whether there is a mortgage or lien on the cemetery. Mr. Hayes stated that he is not aware of any other way to obtain this information other than an attorney's certificate.

There have been some cemeteries that have admitted that there is a mortgage on the cemetery.

MOTION

Mr. Visotski moved to obtain an attorneys certificate to verify mortgage information. Mr. Finch seconded the motion. Following discussion regarding mortgages, etc., the motion carried unanimously.

3. Trust Accounts

Mr. Hayes brought this issue up for discussion because some cemeteries are having problems about getting a trust account. Mr. Carl Pennington is having problems in getting a trust fund setup because the fees the bank fees to administer the account are to high. Mr. Pennington wanted some ideas on a bank that charges a reasonable fee to administer the account.

Mr. Floyd inquired on the status on Morning Glory trust fund that was referenced at the last meeting. Mr. Hayes stated that we sent the bank a letter on what they need to do and we have not heard anymore about it.

4. Undocumented Requirements

Mr. Hayes stated that we have received a phone call from a funeral home on behalf of the family. The issue was that the family wanted a wood casket and the cemetery would not allow it due to the fact that they only allow metal caskets in the mausoleum. The problem is the cemetery does not have the specific casket that is allowed in their policies. The cemetery's policy only stated what is accepted by the cemetery. Mr. Hayes opinion is that if the cemetery does not have that specifically in the policy then the cemetery should not enforce it. Should the cemetery be held to what the policies were when the original contract was signed? Mr. Cone opinion is that it is unreasonable to expect that because that over time wood caskets deteriorate and the cemetery may not have known that at the time the contract was signed.

5. How to handle Cemeteries with Mortgages

Mr. Visotski suggested that we send a letter to the cemeteries with a mortgage asking how are they paying along with a statement from the mortgagor. Mr. Hayes suggested that we periodically check by visiting the cemeteries and looking at their records or have his information sent in annually. This issue will be discussed at a later time after more information has been received.

6. Southeastern Memorial Gardens

Rick Kipp with Southeastern Memorial Gardens called prior to the meeting and stated that the sale of Southeastern was not going through.

7. What recourse will be taken on cemeteries that won't comply with cease and desist orders

If the cemeteries that have not complied continue to do business without a license we will send a letter to all the funeral homes in the area that the cemetery does not have a license and they should not do business with the cemetery.

Public Comments (No Votes May Be Taken)

There were no public comments made during the November 19, 2003 meeting.

Executive Session

MOTION

Mr. Floyd moved the Board enter executive session to discuss a personnel issue. Mr. Cone seconded the motion, which carried unanimously.

Return to Public Session to Report on Executive Session

MOTION

Mr. Floyd made a motion, seconded by Mr. Visotski and unanimously carried, that the Board return to public session.

Mr. Russ noted for the record that no motions were made and no votes were taken during executive session.

Adjournment

There being no further business to be discussed at this time, Mr. Visotski made a motion that the meeting be adjourned. The motion was seconded by Mr. Cone and unanimously carried.

The November 19, 2003 meeting adjourned at 1:17 p.m.

The next meeting of the S.C. Perpetual Care Cemetery Board has been scheduled for February 18, 2004.