

**MINUTES**  
South Carolina Perpetual Care Cemetery Board  
Board Meeting  
**10:00 a.m., August 24, 2005**  
Synergy Business Park  
110 Centerview Drive, Kingstree Building, Room 107  
Columbia, South Carolina

Mr. Russ, Chairman, called the meeting to order at 10:07 a.m.

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

Board member granted an excused absence Andrew Cone, of Pickens

Staff members participating included: Wendi Elrod, Administrative Specialist; Randall L. Bryant, Assistant Deputy Director, Barbara Foster, Assistance Supervisor; Rick Wilson, General Counsel; Bill Whitby, Inspector; Doris Cubitt, Administer for the Accountancy Board; and Tony Kennedy, Office of Investigation and Enforcement.

Members of the public participating included: Rick Riggins, of Lancaster Memorial Park in Lancaster; Robert King, with Merrill Lynch; and David Brooks, with St. Joseph's Cemetery.

**Meeting Called to Order** – 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. A quorum is present.

**Pledge of Allegiance**

All present recited the Pledge of Allegiance.

**Approval of May 11, 2005 Meeting Minutes**

The changes are as follows:

1. *On page 2, number 2, under New Business - Engine Bill  
The statement wasn't a sentence so change to read as:  
"The Bill has been presented to the Board for review. Mr. Bryant discussed some brief changes and stated that at the next Board meeting if anyone has any questions he will be glad to answer them."*
2. *Page 2, number 4, under New Business - Discuss how to review the Perpetual Care Trust Fund Annual Reports  
The statement wasn't clear for what the Board was asking for so change to read as:  
"She offered her service to the Board for the Trust Funds to be reviewed along with the Financial Statements that the Accountancy Board annually reviews for each county."*
3. *Page 3, first item, under Unfinished Business - Reports on Perpetual Care and Maintance Trust amounts, Perpetual Care and Maintance Trusts not in compliance, extensions  
The statement needs to reflect what type of account so change to read as:  
Effective March 31, 2006 all cemeteries will be required to have an audit of the Perpetual Care and Maintance Trust account.*

### Motion

*Mr. Floyd made a motion for the minutes to be accepted, seconded by Mr. Visotski and unanimously carried.*

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

*Mr. Russ welcomed everyone and a brief introduction, Robert King from Merrill Lynch and David Brooks from St. Joseph's Cemetery.*

### **Assistant Deputy Director's Remarks, For Information – Randall L. Bryant**

*Mr. Bryant stated that Mr. Ernest Adams has joined the staff for inspections for the Funeral and Cemetery Boards.*

*Mr. Bryant also stated that Mr. Rion Alvey has accepted a position as Assistant Deputy Director with Office of Investigation and Enforcement so Mr. Bryant will be assuming the Administrator duties.*

*Mr. Bryant introduced Ms. Barbara Foster, which will be assuming the duties as Supervisor for the Funeral and Cemetery Board.*

### **Action Items (Vote Required)**

#### New Business - J. W. Russ

1. Robert King, Merrill Lynch - to discuss Trust funds.  
*Mr. King stated he works with Merrill Lynch dealing with trust funds. Mr. King has been working on a plan to see if Merrill Lynch and Smith Barney can pool together their funds so that the administrative fees will be cut back so there won't be so much for one cemetery. Mr. King indicated that Jerry Stevens in North Carolina would be willing to help with the setup if necessary.*

*Ms. Doris Cubitt indicated that the Financial Institution, which holds the funds needed to be able to keep a paper trail for each Cemetery that is in the fund.*

*Mr. Russ communicated that maybe the Board needs to send out letters to see if the interest is there from the Cemeteries.*

2. How far back can the Board require a cemetery to have an Audit  
*Mr. Wilson stated that he was not sure however he thought that you could only go back to when the Board went into effect. Mr. Wilson instructed the Board to put it in writing and he would research for an answer.*
3. Rosemont Cemetery  
*Mr. Bryant suggested having Mr. Whitby to visit Rosemont Cemetery and determine whether the cemetery is a Perpetual Care Cemetery or not.*
4. Documents to be submitted by cemeteries that are being sold  
*Mr. Russ instructed that Ms. Elrod complete documents to be submitted based on cemeteries that have been sold and submit to the Board for their approval at a future board meeting.*

#### Unfinished Business

1. IRC  
*There hasn't been an IRC meeting since the last Board meeting. Mr. Kennedy stated that there are currently 15 open complaints, 9 of which are ready for review by the IRC committee. Mr. Kennedy indicated that most of the complaints that are received are on maintenance of the Cemeteries.*

*Mr. Bryant suggested that at the first of 2006 that Mr. Visotski serve as IRC Advise Counsel. The Board concurred with Mr. Bryant's suggestion.*

2. Engine Bill  
*Mr. Bryant reassured the Board that the Engine Bill doesn't diminish the Board's authority. The Board tabled the approval of the Bill until the next Board meeting.*

3. Review Merchandise reporting form
  - a. Discuss design of instruction sheet

*Mr. Bartus submitted his instruction sheet for the Merchandise account. The Board will review and submit and questions at the next Board meeting.*

### **Discussion Items (No Votes Required)**

#### **Unfinished Business**

1. Report on Trust Funds not in compliance

*Cemetery Board staff stated that there are currently 19 Cemeteries that are not in compliance.*

*Mr. Bryant stated that there are four (4) cemeteries that have never submitted all of their documentation or fees for a license. Mr. Wilson is to send Ms. Elrod a shell Cease and Desist Order so these cemeteries can be notified of the requirements for their license. Mr. Bryant instructed the Board that there is a \$500 penalty for non-compliance.*

*Mr. Bryant suggested that the Board give the authority to the staff for a Cease and Desist Order, Consent Agreement, two (2) years back licensing fees and along with three (3) years probation.*
2. Report on Cemeteries that have never completed Trust documents

*Board instructed the staff to review and mail out letters asking cemeteries to comply.*
3. Board to review Budget reports

*Mr. Bryant reviewed how the money is dispersed for the administrating of the Board.*
4. Board to review the Perpetual Care Trust Fund Annual Reports

*Board starting reviewing Trust Funds however more information is needed. Ms. Elrod should provide a detailed report with the year the cemetery was established, total acreage of the cemetery and the number of interments for the past five (5) years.*

### **Public Comments (No Votes May Be Taken)**

*Mr. David Brooks requested that the Board check further into regulating family, church and non-profit cemeteries to make sure that they are truly not considered a Perpetual Care Cemetery.*

*The Board indicated that if Mr. Brooks will provide the names of the cemeteries in the form of a complaint the staff will have the complaint investigated.*

### **Adjournment**

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

The August 24, 2005 meeting adjourned at 2:50 p.m.

The next meeting of the S.C. Perpetual Care Cemetery Board has been scheduled for November 17, 2005.