

**Minutes**  
South Carolina Perpetual Care Cemetery Board  
Board Meeting  
10:00 a.m., **February 15, 2006**  
Synergy Business Park  
110 Centerview Drive, Kingstree Building, Room 108  
Columbia, South Carolina

Mr. Russ, Chairman, called the meeting to order at 10:20 a.m.

Board members attending the meeting included: J. W. Russ, of Conway; W. Russel Floyd, Jr., of Spartanburg; Roger Finch, of Honea Path; Andrew Cone, of Pickens; John E. Bartus, of Mauldin; Rick Riggins, of Lancaster and Thomas Johnson of Charleston.

Staff members participating included: Wendi Elrod, Administrative Specialist; Randall L. Bryant, Assistant Deputy Director, Barbara Foster, Assistance Supervisor; Rick Wilson, General Counsel; Raymond Lee, BRS Inspections and Ed Farnell, Office of Investigations and Enforcements.

Members of the public participating included: Ray Visotski from Aiken, Robert Keisler, serving in the place of Doris Cubitt and Jeff Farber, of Sumter Cemetery Association.

**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 November 17, 2005 Meeting Minutes**

The changes are as follows:

1. *On page 4, under the 2<sup>nd</sup> Motion, on the line 1, “balance” needs to be replaced with “account for all transactions”*
2. *On page 4, number 4, under Engine Bill approval, on line 1, “with” should be replaced with “that” so it should read as “uncomfortable that the Governor”.*

**Motion**

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

**Chairman’s Remarks – J. W. Russ**

*Mr. Russ welcomed Rick Riggins to the Board. Mr. Russ stated that he looks forward to Mr. Riggins serving on the Board with his many years of service. Mr. Riggins took the opportunity to state that it is a pleasure to be of service to the Board. Mr. Russ also welcomed Ray Visotski who is serving as an IRC member.*

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

*Mr. Bryant welcomed Robert Keisler and stated that Mr. Keisler will be filling in for Doris Cubitt, Accountancy Board, during her absence. Mr. Keisler has been serving as an advisor with the Accountancy Board for a number of years.*

*Mr. Bryant indicated that Raymond Lee has been doing inspections for the Board. Mr. Lee took the opportunity to inform the Board that there are four (4) cemeteries that have never been licensed. And three (3) of the four (4) are For Profit with the Secretary of States Office. Mr. Lee also stated that there were about 16 cemeteries that had not renewed their license. Mr. Lee indicated that about 6 of those have been inspected and he has obtained their renewal. In the coming weeks Mr. Lee will continue inspecting cemeteries and requesting renewals.*

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

#### New Business

##### **1. Sumter Cemetery Association**

*Mr. Jeff Farber stated that he has been the manager for about seven (7) months. Mr. Farber states that on the cemeteries policies and contracts they do hold them selves out to offer Perpetual Care. Mr. Farber quoted the cemetery law §40-8-200. Mr. Farber presented an IRS letter stating they are exempt from Federal Income Tax.*

*Mr. Russ stated that the term Perpetual Care indicated that oversight is needed to insure that the public is protected. This doesn't seem to be spelled out clearly in the cemetery law.*

*The Boards position is that the Perpetual Care law prevails for a non-profit cemetery if it holds it's self out to be a Perpetual Care cemetery in the past and present.*

*Mr. Riggins asked Mr. Wilson how hard would it be to make an addition to Section 40-8-200, to add does not pertain to non-profit cemeteries offering Perpetual Care or Endowment Care.*

*Mr. Wilson stated that an A. and B. Section could be added to the law.*

##### **2. Discussion of agreed upon procedures for Annual Trust Fund reporting**

*Mr. Keisler stated his background as being a CPA and that he has had the pleasure of auditing Cemeteries in the past.*

*Mr. Keisler stated that CPA's and PA's are allowed to do audits and AP's are allowed to do compilations, which are the lowest form of review.*

*Mr. Keisler suggested that LLR hire a CPA during the off session to help with the review of the Annual reports of the Cemeteries. The agreed upon procedures should include what contracts paid out during the year. A CPA will have to look at all contracts to see what paid out. The CPA is reviewing the cemeteries records provided by the cemetery. CPA is signing off in what depth the CPA verified the information.*

*Mr. Cone asked can the Board adopt the agreed upon procedures in the current law or does the law need to be changed. Mr. Wilson stated the Board could adopt it.*

*Mr. Keisler stated that he would like to get with Ms. Doris Cubitt and review some of the reports and to get the Boards input on the agreed upon procedures.*

**3. Clarification between profit and nonprofit cemeteries**

*Mr. Bartus pointed out that the only Section that references nonprofit is § 40-8-200. Then Mr. Bartus stated that if a cemetery offers Perpetual Care whether it is for profit or nonprofit then the cemetery law should apply. Mr. Bryant stated that there are two (2) cemetery representatives that are appearing on this issue.*

**4. Clarification on partial perpetual care and partial non-perpetual care**

*The issue was not addressed at this meeting.*

Unfinished Business

**1. Rosemont Cemetery**

*The Board stated that if they don't want to be considered a Perpetual Care Cemetery, they can't use Perpetual Care or Endowment Care. The Board again tabled the request until they are present.*

**2. Twin Cities – cemetery sale**

*The Board tabled again until more information could be gathered and Mr. Sonny Claridy could be present.*

**3. Southeastern Cemetery's Audit**

*At the November 2005 Board meeting the Board denied the audit of Southeastern Cemetery due to they did not provide what the Board asked for. The Board requested an audit of the Perpetual Care fund and the Merchandise fund. Southeastern provided an audit of the cemetery business. The Board requested that Southeastern Cemetery have an audit done of the Perpetual Care fund and the Merchandise fund and submit it.*

**4. Annual Perpetual Care Reporting forms**

*Mr. Keisler stated that after his review of the reports he didn't have time to come up with additions to the reporting form. Mr. Keisler asked for more time so he could consult with Ms. Doris Cubitt.*

**5. Review Merchandise reporting form**

*Mr. Keisler indicated he would like time to consult with Ms. Cubitt on this form as well.*

**a. Discuss of instruction sheet**

**6. IRC**

*Mr. Bryant stated that Ed Farnell would address the IRC recommendations from the December 13, 2005 and the February 13, 2006 meetings; Ray Visotski was present to discuss any issues that arose about the recommendations.*

December 13, 2005 Recommendations

<u>Dismiss</u>	<u>Formal Complaint</u>	<u>Letter of Caution</u>
2005-18	2005-4	2005-15
2005-7		2005-17
2005-9		
2005-2		
2005-8		

February 13, 2006 Recommendations

Dismiss  
2005-13  
2005-19

**Motion**

*Mr. Floyd made a motion for the Board to accept the dismissal report for the February and December IRC meetings. Mr. Riggins seconded the motion and it carried unanimously.*

**Executive Session (To Consider Disciplinary Matters and/or Seek Legal Advice)**

**Motion**

*Mr. Bartus moved the Board enter executive session at 11:04 am for discussion. Mr. Johnson seconded the motion, which carried unanimously.*

**Return to Public Session to Report on Executive Session**

**Motion**

*Mr. Bartus made a motion at 12:25 pm, seconded by Mr. Johnson 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.*

**Discussion Items (No Votes Required)**

**Unfinished Business**

*Mr. Russ asked for clarification on the minutes from the November 17, 2005 meeting, under number 4, Review of Pre-Construction sales procedure. Mr. Russ asked Mr. Wilson if he could explain what Ms. Sharon Dantzler was trying to explain in the minutes. Mr. Wilson agreed that from his understanding there is a fine line on pre-construction. He believes that Ms. Dantzler was trying to point out that the Board couldn't ask for pre-construction information, unless the Board makes sure to use the terminology in Section 40-8-130. Mr. Floyd added that Section 40-8-110 (F) (2) also addresses construction. Mr. Floyd made a point that the Board needs to know whether pre-construction sales are in place so it can be verified that the proper money is being trusted. Mr. Floyd stated that both Section 40-8-110 (F) (2) and Section 40-8-130 should be considered for pre-construction. Mr. Wilson agreed that the law should be viewed as a whole. The law seems to be a contradiction. Mr. Wilson will check into further for clarification.*

**Adjournment**

There being no further business to be discussed at this time, Mr. Floyd made a motion that the meeting be adjourned the at 12:33 pm, seconded by Mr. Riggins.

The next meeting of the S.C. Perpetual Care Cemetery Board has been scheduled for May 18, 2006.