

Minutes
South Carolina Perpetual Care Cemetery Board
Board Meeting
10:00 a.m., **August 16, 2006**
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 111
Columbia, South Carolina

Mr. Russ, Chairman, called the meeting to order at 10:03 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, Assistant Administrator; Rick Wilson, General Counsel; Ernest Adams, BRS Inspections; Robin Wilkes, CPA; Doris Cubitt, Accountancy Board Administrator; Mike Anderson and Tony Kennedy, Office of Investigations and Enforcements.

Members of the public participating included: Fred Lester of Rosemont Cemetery in Newberry, SC; Art Jayroe, CPA for Rosemont Cemetery; Sonny Claridy and Kevin Braswell of Twin Cities Memorial Gardens in Loris, SC and Onetha Chambers and Sanders Aye both of Red Hill Baptist Church, Gadsden, SC.

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 18, 2006 Meeting Minutes

Motion

Mr. Johnson made a motion for the minutes to be accepted, seconded by Mr. Finch and unanimously carried.

Chairman's Remarks – J. W. Russ

Mr. Russ welcomed everyone to the meeting and extended a special welcome to Sonny Claridy and Kevin Braswell of Twin Cities Memorial Gardens in Loris, SC; Fred Lester of Rosemont Cemetery in Newberry, SC and Art Jayroe, CPA for Rosemont Cemetery.

Assistant Administrator Remarks, For Information – Barbara Foster

Ms. Foster also welcomed everyone and stated that there have been a few minor changes to the website. Ms. Foster indicated that the Boards members may print reference manuals from the website. Also, Ms. Foster stated that the renewals will be mailed on October 15, 2006 and online renewals were low last year so if the Board members would try to encourage other cemetery owners to take advantage to the online renewals that would be great.

Assistant Deputy Director's Remarks – Randall Bryant

1. Introduction of Robin Wilkes – CPA

Mr. Bryant introduced Mr. Robin Wilkes to the Board. Mr. Wilkes is a Certified Public Accountant hired to assist staff with several LLR programs including the Perpetual Care Cemetery Board. Mr. Wilkes was previously the Administrator of the Accountancy Program so with Mr. Wilkes years of experience he would be a true asset to the Cemetery Program.

Action Items (Vote Required)

New Business

1. Bethany Cemetery aka Aiken Cemetery – Transfer of Trust Funds - J W Russ

Mr. Russ reviewed that Bethany Cemetery has asked for their trust funds to be transferred from Security Federal to Arthur State Bank and they have accepted the transfer pending the approval of the Perpetual Care Cemetery Board.

Motion

Mr. Riggins made a motion for the transfer be accepted, seconded by Mr. Floyd and unanimously carried.

Unfinished Business

1. Twin Cities – cemetery sale - J W Russ

Mr. Claridy stated that the transition of the sale of the cemetery has been a challenge. It was a family owned cemetery. Ms. Prince and her husband owned and ran the cemetery until her husband died then she looked to her son to step in to be manager of the cemetery. The cemetery was managed by her son Mr. Ed Prince until she decided to sell the cemetery because it was too much to handle with the amount of work that it needed. So Ms. Prince decided to donate it to Mr. Sonny Claridy and his ministries.

It has taken about thirteen (13) months for Mr. Claridy and his staff to work through all the files since 1959 to the present to insure that the Care and Maintenance fund has been properly funded.

Mr. Claridy asked for an extension for the audit of the Perpetual Care Trust fund and the Merchandise account until October 1, 2006.

Motion

Mr. Bartus made a motion that the Board grant a thirty (30) day extension considering an internal audit has been submitted, seconded by Mr. Finch and unanimously carried.

2. Rosemont Cemetery - J W Russ

Mr. Lester submitted a handout to all Board members. Mr. Lester stated that the cemetery has always been a Non-profit cemetery until 1979 when the law stated that the term Perpetual Care must be used for all cemeteries. Mr. Lester indicated the cemetery has perpetual care and non-perpetual care offered in the cemetery each grave is individually marked. The cemetery is an association of members. Mr. Russ inquired to when Mr. Lester was hired by the cemetery. Mr. Lester stated that he was hired in 1971.

Mr. Lester disclosed to the Board that 1st Community Bank is the trustee for the Perpetual Care trust fund and the cemetery charges only \$50 for perpetual care for each grave. Mr. Russ asked if

the burial spaces are deeded. Mr. Lester indicated that the spaces are deeded and recorded with the county.

Mr. Jayroe stated they have reviewed the law and they have taken a strict reading of the law that section 40-8-200 that a non-profit cemetery is exempt from the law.

SECTION 40-8-200. Cemeteries exempt from provisions of chapter.

The provisions of this chapter do not apply to governmental cemeteries, nonprofit cemeteries, church cemeteries, nature preserve cemeteries, or family burial grounds.

Mr. Wilson stated that in the past that if a cemetery operates as a Perpetual Care cemetery then the cemetery should be licensed with the Board. Mr. Wilson indicated that it has been documented in previous Board meeting minutes that a cemetery using the term "Perpetual Care" or "Endowment Care" should be considered a Perpetual Care cemetery. Mr. Wilson also indicated that section 40-8-200 should be considered except that section 40-8-40 also plays a part.

SECTION 40-8-40. Licensure requirements, "Perpetual Care" and "No Perpetual Care" designations.

No entity may engage in the business of operating a perpetual care cemetery company, except as authorized by this chapter, without first obtaining a license from the board. A license issued under this chapter is not transferable or assignable and a licensee may not develop or operate a perpetual care cemetery authorized by this chapter under a name or a location other than that contained in the license.

No entity may hold itself out to be a perpetual care cemetery without an authorization to operate as such by the South Carolina Perpetual Care Cemetery Board.

Those cemeteries which furnish perpetual care to some portions and no perpetual care to other portions shall identify the appropriate sections of the cemetery at application and shall designate each section by a sign on the premises. Portions designated "Perpetual Care" may not be changed to "No Perpetual Care" once the designation is made.

3. Discussion of agreed upon procedures for Annual Trust Fund reporting - Robin Wilkes

Ms. Doris Cubitt stated that she has visited a cemetery and most corporate owned cemeteries have more computerized files. Ms. Cubitt most cemeteries should have a balance on their books where the Cemetery Board should be able to get a balance from 1983.

Mr. Wilkes stated that a self reporting form should be completed by every cemetery each year and an audit by a CPA should be completed every three (3) years.

Mr. Bryant asked Mr. Wilson by law, how can it be amended to require an audit every three (3) years. Mr. Wilson stated that a Safe Harbor Policy Statement may be submitted.

A conference call will be scheduled for final approval after Safe Harbor Policy Statement has been completed and the changes have been made to the Agreed Upon Procedures.

Motion

Mr. Floyd moved the Board accept Mr. Wilkes recommendations and be reviewed with the changes prior to the conference call. Mr. Finch seconded the motion, which carried unanimously.

4. Annual Perpetual Care Reporting form - Robin Wilkes

5. Annual Merchandise reporting form - Robin Wilkes

Mr. Wilkes asked for each Board member to have their CPA review both the Perpetual Care and Merchandise form and relay any questions or changes to Mr. Wilkes. A conference call will be scheduled for final approval after the CPA's have reviewed the forms.

6. IRC - Tony Kennedy

Mr. Kennedy stated that the IRC recommendations from the August 8, 2006 meeting.

Recommendations

Dismiss

2005-24

2005-28

Formal Complaint

2005-23

Letter of Caution

2005-22

Motion

Mr. Floyd made a motion for the Board to accept the IRC recommendations. Mr. Cone 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 11:35 am for discussion. Mr. Cone seconded the motion, which carried unanimously.

Return to Public Session to Report on Executive Session

Motion

Mr. Riggins made a motion at 11:49 am, seconded by Mr. Bartus 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

Public Comments (No Votes May Be Taken)

Visitors from the public included Ms. Onetha Chambers and Mr. Sanders Aye both from Red Hill Baptist Church, Gadsden, SC inquiring on starting a Perpetual Care Cemetery. Mr. Russ welcomed our guests and suggested that they review the Perpetual Care Cemetery laws and if they have further question then the Perpetual Care cemetery board staff may relay any questions to the board.

Adjournment

There being no further business to be discussed at this time.

Motion

Mr. Bartus made a motion that the meeting be adjourned at 12:50 pm, seconded by Mr. Riggins.

The next meeting of the S.C. Perpetual Care Cemetery Board has been scheduled for November 9, 2006.