

Minutes

South Carolina Perpetual Care Cemetery Board Meeting
Synergy Business Park
110 Centerview Drive, room 108
Columbia, SC 29210
10:00 a.m., March 14, 2008

Mr. Russ, Chairman, called the meeting to order at 10:00 a.m.

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

Board members granted an excused absence Rick Riggins, of Lancaster.

Staff members participating included: Wendi Elrod, Administrative Specialist; Doris Cubitt, Administrator; Sheridan Spoon, General Counsel; and Robin Wilkes, LLR Advise CPA.

Members of the public participating included: Greg Rollings, Mr. Quinn and Bo, all from Rock Hill Memorial Gardens; Ogden Sutton and William A Baumgartner, both from Greenlawn Memorial Park.

Meeting Called to Order – S C Perpetual Care Cemetery Board staff properly posted public notice of this meeting at the S. C. Department of Labor, Licensing and Regulation office, Synergy Business Park, Kingstree Building, and provided notice 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 was present.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Approval of November 28, 2007 Meeting Minutes

The Board made the following changes:

1. *On page 4, Pinnacle Funeral Service, under Motion, 2nd sentence, replace “here” with “hear” so it should read “The Board may be able to hear this at the December 2007 or January 2008 Regulations meeting”.*
2. *On page 4, Patterson Cemetery, under Motion, delete “guidelines for being” and add “acreage requirements, so this cemetery cannot become a perpetual care cemetery to be” and replace “the” with “this” so it should read “acreage requirements, so this cemetery cannot become a perpetual care cemetery to be governed by this statute;”.*

Motion

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

Approval of January 23, 2008 Meeting Minutes

The Board made the following changes:

1. On page 3, under Graceland East Memorial Park, sentence 1 replace “Rock Hill” with Graceland East” so it should read “Graceland East Memorial Gardens”.
2. On page 3, under Graceland East Memorial Park, under Motion, add after amounts in the first sentence “that StoneMor assumes the liability” so it should read “motion that the Board approved the sale of the cemetery pending documentation verifying the opening and closing amounts and that StoneMor assumes the liability;”.

Motion

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

Chairman’s Remarks – J. W. Russ

Mr. Russ welcomed all visitors.

Administrator’s Remarks, For Information – Doris Cubitt

Ms. Cubitt welcomed everyone and thanked everyone for attending. Ms. Cubitt informed all board members that they have until April 15, 2008 to have their ethics forms filed. Ms. Cubitt informed the board that there is an upcoming National Cemetery Regulatory Association (NCRA) conference around September 15, 2008 in Ohio. She stated that if any Board member would like to attend the conference at their own cost they might find it beneficial.

Action Items (Vote Required)

New Business

1. Financial Reports/Audits advise

Mr. Jim Holloway addressed the Board on the Audit letters that were mailed. Mr. Holloway stated that from a CPA standpoint an Audit is something completely different than the Agreed Upon Procedures that may be confusing a lot of people. The Agreed Upon Procedures is a partial audit that is specific in what the Board is looking for in the Care and Maintenance Trust Fund and Merchandise Account. Mr. Holloway suggested that all correspondence from here on out refer only to the Agreed Upon Procedures.

Ms. Cubitt stated that Mr. Wilkes, Mr. Holloway and she would revisit the Audit letter that was mailed out in regards to the Agreed Upon Procedures for any changes.

2. Second Right of interment

Ms. Cubitt inquired as to the meaning of 2nd right interment. Mr. Andy Cone stated that a 2nd right interment is where you have two (2) burials in the same grave space, just one (1) is buried deeper than the other. Mr. Cone stated that at his cemeteries they do have 2nd right interments and they are treated the same a 1st right interments.

Motion

Mr. Floyd made a motion that all 2nd right interments be subject to same trusting and reporting requirements as 1st right of interments, seconded by Mr. Cone, and unanimously carried.

3. Trust Fund transfer

- 1. Graceland East Memorial Park**
- 2. Frederick Memorial Gardens**

Mr. Russ indicated that StoneMor Partners is asking that the Board approve the transfer of funds from SCI accounts to StoneMor accounts. On behalf of SCI, US Bank submitted a request for transfer of funds for the Care and Maintenance Trust and the Merchandise Account to SunTrust Bank.

Mr. Russ stated that it seems all documentation has been submitted. Mr. Floyd stated that it is not required that the Merchandise Account be in the form of a Trust Fund so it should be stated in the motion.

Motion

Mr. Floyd made a motion to approve the transfer of the Care and Maintenance Trust Fund from US Bank to SunTrust Bank, also stating that the statute doesn't require the Merchandise Account to be in the form of a Trust Fund consequently, requires no approval by the Board. Mr. Cone seconded the motion, and unanimously carried.

4. Pinnacle Funeral Service / SCI

- 1. Rock Hill Memorial Gardens**

Mr. Russ questioned Mr. Greg Rollings as to a second Care and Maintenance Trust Fund and Merchandise Account that was not audited by SCI.

Mr. Rollings stated that it was brought to his attention that these accounts existed after he was in the process of purchasing this cemetery. He stated that the deficient amount may be because of the second accounts.

Mr. Spoon suggested to the Board that they may want to appoint an Application Committee to review all future application packets.

Motion

Mr. Floyd made a motion to approve the sale of the cemetery pending the Care and Maintenance Trust Fund pending that if the money in the secondary account are not transferred to the cemetery then SCI will fund the deficient amount and for the Opening and Closing letter to include any day of the week, seconded by Mr. Cone, and unanimously carried.

Mr. Floyd made a motion

1 buyer acceptions of the care & maintanian fund liablty \$

2 merchandise fund overage remain in the account

3 assumes the o/c liability, to be provided on any day of the week

4 the Boards review and acceptance of the care and maintance trust documentant and Rules and Regulations

5. Greenlawn Memorial Park of Pageland

Mr. Russ stated that it appears that the cemetery only has 17.85 acres however they are grand fathered since they were licensed under the old cemetery board.

Mr. Russ indicated that all documentation seems to be in order.

Motion

Mr. Floyd made a motion to approve the sale of the cemetery pending verification from the bank that the deficient amount of \$58,671.31 in the Care and Maintenance Trust Fund has been made whole, seconded by Mr. Bartus, and unanimously carried.

Verify the deficient amount

6. Licensing check list

Mr. Floyd suggested making some changes such as adding:

- 1. "Numbers" to each item.*
- 2. "Application" to Check List so it will be called "Application Check List".*
- 3. "(A)" to each Section 40-8-90 (A) for # 3 – 8.*
- 4. # 5 Agreed Upon Procedures, add "YTD Care & Maintenance Trust Fund & Merchandise Account reports" and "Opening and Closing Liability".*
- 5. # 6 Plat add "\$40-8-90 (A) (4) (c) Acres Required".*
- 6. # 9 Mortgage Information add "(A) (4) (c)" to read "\$40-8-90 (A) (4) (c)".*
- 7. Add "# 11 Copy of Sales Agreement".*

Mr. Floyd suggested on the Cemetery Application to add "New", "Transfer" or "Reinstatement" so it will be easier to determine what the application is for.

Mrs. Cubitt suggested that the Board form a committee to review and make recommended changes to applications, submitted documents and check list forms.

Motion

Mr. Floyd moved that the committee be comprised of J W Russ, Russel Floyd, Roger Finch, John Bartus and Doris Cubitt review the application form and submitted documents check list for any changes. Mr. Finch seconded the motion, which carried unanimously.

Unfinished Business

1. IRC

Ms. Cubitt stated that there is no IRC report to be heard before the Board at this time.

Break

The Board recessed at 11:05 am. The Board reconvened at 11:20 am.

Public Comments (No Votes May Be Taken)

There were no public comments made during the March 14, 2008 meeting.

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

No executive session necessary.

Adjournment

There being no further business to be discussed at this time, Mr. Floyd made a motion that the meeting be adjourned at 12:20 pm, seconded by Mr. Finch.

The next meeting of the S.C. Perpetual Care Cemetery Board has been scheduled for May 21, 2008.