

**MINUTES**  
South Carolina Perpetual Care Cemetery Board  
Board Meeting  
Synergy Business Park  
110 Centerview Drive, Kingstree Building, Room 108  
Columbia, South Carolina 29210  
**10:00 a.m., August 14, 2008**

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

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

Board members granted an excused absence: Andrew Cone, of Pickens.

Staff members participating included: Wendi Elrod, Administrative Specialist; Jeanie Rose, Administrative Specialist; Doris Cubitt, Administrator; Sheridan Spoon, General Counsel; and Tony Kennedy, Office of Investigations and Enforcements.

Members of the public participating included: Michael Faw and Tammy Chandler of Greenlawn Memorial Park Northeast.

**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 June 19, 2008 Meeting Minutes**

The Board made the following changes:

1. *On page 2, under Unfinished Business, under Good Shepherd Memorial Gardens, 4<sup>th</sup> paragraph, add “They agreed to request from Port Elsewhere, II”, at the end of the paragraph.*
2. *On page 3, under Motion, on # 5, next to the last word, “sell” should be deleted.*

Motion

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

**Chairman’s Remarks – J. W. Russ**

*Mr. Russ welcomed all visitors.*

**Administrator’s Remarks – Doris Cubitt**

*Ms. Cubitt welcomed all guest and thanked everyone for coming.*

*Ms. Cubitt informed the Board that LLR had designed a new Licensure and Compliance area that will be responsible for issuing new licenses, handling renewals and follow up requirements on consent agreements that have been issued by the Board.*

*Ms. Cubitt indicated that many staff had been pulled to be in the new area. Ms. Cubitt stated that Ms. Wendi Elrod had been among the first to be selected to a position in the new department. Ms. Cubitt further stated that Ms. Jeanie Rose would be assuming Ms. Elrod's duties for the cemetery board.*

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

#### **New Business**

1. **Greenlawn Memorial Park Northeast – J W Russ**

*Mr. Russ stated that all appears to be in order except the Sales Contract (goods & services).*

*Mr. Michael Faw indicated that Ms. Tammy Chandler brought a copy with her for the Board to review.*

*Ms. Cubitt stated that Mr. Jim Holloway reviewed the agreed upon procedures and from 1991-2006 the Care and Maintenance Trust Fund had \$32,622 and the Merchandise Account had \$3,838.*

*Mr. Floyd questioned if Ms. Cubitt if the income calculation was tested to see if it was correct. Ms. Cubitt stated that the CPA test on sales not income. The market can fluctuate so it wasn't calculated.*

*Mr. Floyd pointed out that the 2006-2008 report on the findings seem to be incorrect. Ms. Cubitt indicated that she would ask for clarification on the findings.*

*Mr. Bartus asked if the Board could also request a spreadsheet of fees on income, deficiencies, ect. along with the agreed upon procedures. Ms. Cubitt stated that for future reports the Board could request a spreadsheet along with the agreed upon procedures.*

*Mr. Floyd stated that the cemetery was formed during the years the Board was sunsetted. He asked if the cemetery placed the initial \$15,000 in the trust fund. Mr. Floyd suggested that Mr. Michael Faw inquire to SCI if the deficient amount is correct and was it funded properly & grow with the income.*

*Mr. Floyd questioned the Parcel of land. It indicates 1 parcel is in Columbia and 1 parcel is in Pontiac. Mr. Faw stated it is 34 acres and it is all 1 parcel that is in Richland County.*

*Mr. Floyd also inquired to the installation break down of charges listed on the Sales Contract. Mr. Floyd suggested that to comply with the Statute it should be broken down into three parts.*

1. *Care (short term)*
2. *Maintenance (long term)*
3. *Installation*

*Mr. Russ asked if Mr. Faw was assuming the liability for the cemetery pre-sold opening and closings and charging more for weekend and holiday burials. Mr. Faw stated he will honor all pre-sold contracts but for future sales he will charge 20% more for weekend and holiday burials.*

### Motion

*Mr. Floyd made a motion to approve the sale of the cemetery pending an updated Sale Contract (good & services) with the Care, Maintenance and Installation broken down as set forth in § 40-8-100(G), any discloser fees and statements added and verifying the correct deficient amounts and funding them at the time of the closing, seconded by Mr. Riggins, and unanimously carried.*

### 2. IRC – **Tony Kennedy**

*Ms. Cubitt stated that there is no IRC report to be heard before the Board at this time. However there were 22 open cases now there are only 6 cases.*

### Unfinished Business

#### 1. Review of Agreed Upon Procedures – **J W Russ**

*Ms. Cubitt stated that she would review the agreed upon procedures with Mr. Jim Holloway for his recommendations.*

#### 2. Review of Statute – **J W Russ**

*Ms. Cubitt indicated the Cemetery Regulatory Boards are having a meeting in September 2008 so she would inquire as to how other states require funding for the opening and closing fees.*

#### 3. Discussion of Regulations – **J W Russ**

*Not reviewed at this time.*

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

### **Lunch Break 1:10 pm to 2:30 pm**

#### Motion

*Mr. Riggins made a motion to break for lunch. Mr. Bartus seconded the motion, which carried unanimously.*

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

#### Motion

*Mr. Bartus made a motion to enter executive session at 11:30 am for discussion. Mr. Johnson seconded the motion, which carried unanimously.*

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

#### Motion

*Mr. Riggins made a motion to come out of executive session at 11:58 am, seconded by Mr. Finch and unanimously carried.*

### **Adjournment**

There being no further business to be discussed at this time, Mr. Finch made a motion that the meeting be adjourned at 4:07 pm, seconded by Mr. Riggins unanimously carried.

The next meeting of the S.C. Perpetual Care Cemetery Board has been scheduled for November 13, 2008.