

**MINUTES**  
**South Carolina Perpetual Care Cemetery**  
**Board Meeting**

10:00 a.m., Friday, August 4, 2016  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 108  
Columbia, South Carolina

**Thursday, August 4, 2016**

**1. Meeting Called to Order**

The regular meeting of the South Carolina Perpetual Care Cemetery was called to order at 10:04 a.m. by J. W. Russ, Chair, of Conway. Other members participating during the meeting were: Russel Floyd, Vice Chair, of Spartanburg; Rick Riggins, of Lancaster; Jacquelyn Petty, of Union; Roger Finch of Easley and Catherine Oates-Robinson of Columbia.

Staff members participating in the meeting included: Amy Holleman, Administrator; Norma McAllister, Program Assistant; Mary League, Advice Counsel, Office of Advice Counsel; Sharon Wolfe, Chief Investigator, Office of Investigations and Enforcement; Buddy Poole, Inspector, Office of Investigations and Enforcement; Andrew Rogers, Assistant Deputy and Director, Office of Board Services; Lesia Kudelka, Communications Director and Ombudsman, Office of Communications and Governmental Affairs; Rebecca Leach, Director of Business and Governmental Affairs, Office of Communications and Governmental Affairs and Christa Bell, Program Manager, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Liz Owens, WRDW News 12; Dick Pittman, WRDW News 12; Tamala Randolph, Stonemor; David Brown, Florence Memorial Gardens and Mausoleum; James Williams, Barnwell, SC; F. P. Whithams, Barnwell, SC; Trent Kinard, Bamberg County Council; Mr. McDaniel, Bamberg County; Mr. Wilbert Hunter, Bamberg County; Norma Fisher, The Advertiser Herald; Liana Orr, Blackville; Jimmy Maxiemiak, Barnwell, SC; Elliot Hayes and Susan Reynolds.

**A. Public Notice**

Mr. Russ announced that public notice of this meeting was properly posted at the S.C. Perpetual Care Cemetery Board office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

**B. Pledge of Allegiance**

All in attendance recited the Pledge of Allegiance

**2. Introduction of Board Members and Persons Attending the Meeting**

Introductions were made of everyone in attendance.

**3. Approval of Excused Absences**

All Board members were in attendance.

#### **4. Approval of Minutes for the May 13, 2016 meeting**

Mr. Russ called for a motion to approve the minutes.

##### **MOTION**

Mr. Floyd made a motion to accept the minutes without corrections.

Ms. Oates-Robinson seconded the motion, which carried unanimously.

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

Mr. Russ began the meeting with a moment of silence in honor of the late John Bartus, the first appointed public member of the South Carolina Perpetual Care Cemetery Board. Mr. Russ stated that Mr. Bartus was an advocate in reinstating the Board. Mr. Russ said that today, we honor his memory and service. He was a man of integrity, who brought wisdom and inspiration to the Board. He was a great role model for the rest of us.

Mr. Russ called for a motion to move Item 10 on the agenda to immediately follow the Chairman's remarks.

##### **MOTION**

Mr. Floyd made a motion to move Item 10, Bamberg Memorial Gardens to immediately follow the Chairman's remarks.

Mr. Riggins seconded the motion, which carried unanimously.

#### **6. Discussion: Bamberg County Memorial Gardens**

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Mr. Russ thanked the attendees for coming to voice their concerns in this matter. Mr. Russ began by reading a summation of the actions taken by the South Carolina Perpetual Care Cemetery Board in regards to both Barnwell and Bamberg county Memorial Gardens. Thereafter, Mr. Andrew Rogers spoke regarding other measures the agency has taken and providing other possibilities available to the concerned parties in this matter. Directly after Mr. Rogers spoke, Mr. James Williams of Barnwell, SC, Mr. Trent Kinard, Bamberg Councilman and Mr. Jimmy Maxemiek, individually addressed the Board about their concerns in relation to the cemeteries.

Mr. Russ read the following statement:

"In 1990 the South Carolina Cemetery Board was sunset and for the next 12 years there was no regulatory oversight of cemeteries. The Board was reauthorized by our legislature in 2002. In that Act the Board was required to grant a license to any cemetery that was licensed by the South Carolina Cemetery Board and in good standing on June 30, 1990. This cemetery was relicensed under that provision and the Board has struggled with its' lack of compliance with the new statutes ever since. The Board issued an order in November 2010 fining the cemetery establishment for numerous violations and suspending the operating license. The second Board order was issued November 2012 revoking the license because of continuing violations. The Office of Disciplinary Counsel sought enforcement in the Board's order before the Administrative Law Court in 2013, where the cemetery entered into a consent agreement promising to undertake certain actions to bring the cemetery in

compliance. When the cemetery failed to comply with this consent agreement, the Office of Disciplinary Counsel again appeared before the Administrative Law Court seeking compliance and an order was issued in June 2013 imposing a ten-thousand dollar (\$10,000.00) sanction and ordering compliance. When no action was taken by the cemetery to comply with that order, the Office of Disciplinary Counsel again appeared before the Administrative Law Court seeking compliance and an order was issued in February 2016 finding the cemetery in contempt and imposing a twenty-five thousand dollar (\$25,000.00) fine. The Board has vigorously pursued all remedies available to it within its administrative powers and abilities. However, there may be locally based options that are possible for resolutions of this matter, such as a municipality or city or even a county government acquiring and operating this cemetery. The enactment and/or enforcement of local ordinances regarding the maintenance of the cemetery properties or actions, in civil or criminal courts. Mr. Rogers of LLR would like to provide some insight on that matter.”

Mr. Rogers, Assistant Director and Deputy, addressed the Board. He concurred with the Board that all options and remedies available to the Board under the statutes have been exhausted. He stated there is one remaining option, and that is for local law enforcement to investigate. Mr. Rogers stated he has contacted law enforcement, and they are aware of the situation. However, they have not been able to fully investigate the matter at this time.

Mr. Williams submitted the following statement:

Respectfully, I'll ask the Board's permission to read aloud my opening statement and have it entered into the minutes in its entirety.

Thank you for placing us on the agenda this morning. . My name is James Williams. I lost my dad, my best friend, back in October 2013. We placed him to rest in the one place he would always be at peace, at the side of my great grandmother. Also resting at Memory Gardens.

After I began to visit my father at the cemetery, I began to see the conditions deteriorating very rapidly around my family's plots and all over. Grass overgrown, headstones chipped from mowing, and some headstones have never been edged since they were set. In 2015, I took the course of filing a complaint against the owner. I was contacted by Amy Holleman. She explained to me they had been trying to get him to improve the cemetery for quite a while to no avail. I was urged to get as many people to file as many complaints as we could. So I did.

In May of this year, I received a letter dismissing my complaint, with the assurance my concerns had been discussed with the owner. Around this time, I also came to meet my friend Mr. Jimmy Maxemiek. Mr. Jimmy lost his wife this past spring as well. His story is one of vile, disgusting behavior regarding the most sacred burial of his beloved wife. We will respectfully ask the board hear Mr. Maxemiek momentarily.

Upon learning of the disgrace shown Mrs Maxemiek, and seeing that look on my grandparent's faces I always knew when they'd just come from the cemetery.; I'd had enough. Upon reaching out to the Barnwell and Barmberg communities, we reached over 40,000 people in an online forum, including one Mr. Trent Kinard. Mr. Kinard and myself began to look for answers as to why the owner won't cut the grass.

Well, this past Monday, nothing short of the Hand of God intervened. Mr. Kent happened upon Mr. Trent Kinard, myself, and two other witnesses. We are here to discuss that conversation here with you publicly today.

Before we do, I would like to have my initial letter I received entered along with my letter of dismissal of my complaint. I was told to be assured that my complaint had been shared with Mr. Kent. Now, we are all here to make sure that gets done.

We wanted the grass cut. That's all I asked for Mr. Kent. I filed a complaint just like everyone else. I was assured by this board, back in May, that my complaint had been shared with Mr. Kent. Well in my complaint I made it very clear that this problem was going to get resolved.

I am here today to restore the utmost honor and integrity owed the desecrated gravesites of my great grandparents, my Father, James Marion Williams., and the countless others that have been lied to by all parties involved.

Again, all I asked you to do was keep the grass cut around my Dad's grave Mr. Kent. That's all I asked you to do.

Both, Mr. Kinard and Mr. Maxemiek concurred with Mr. Williams's assessment of the Barnwell and Bamberg Memorial Gardens, overgrown grass; chipped headstones, with private citizens providing the upkeep of individual gravesites by the love ones.

Mr. Russ, thanked the delegation for attending the meeting and voicing their concerns. He reiterated the proposed recourse presented by Mr. Rogers.

## **7. Administrator's Remarks – Amy Holleman**

### **A. Financial Statements – June 2016**

Ms. Holleman reported the June 2016 fiscal year ending cash balance for the Board was -\$56,337.81. Ms. Holleman reminded the Board that the amounts specified in statute would be the renewal fee for this year's renewal due by December 31, 2016, as it was in 2015. Ms. Holleman informed the Board she will be attending the Death Care Regulators Association Annual Meeting in Chicago, Illinois Tuesday, August 09, 2016 – Friday, August 12, 2016.

## **8. Reports**

### **A. Inspection Report – Buddy Poole**

Mr. Poole informed the Board that he and Mr. Adams conducted 57 inspections between February 24, 2016 and July 28, 2016.

### **B. Investigative Review Committee (IRC) Report as of July 26, 2016**

Ms. Sharon Wolfe presented the IRC recommendations:

Dismiss cases: 2016-2 – complaint was withdrawn  
2016-3 – no violation

Issue Formal complaint: 2016-4 – Statue violation

#### **MOTION**

Mr. Riggins made a motion to approve the IRC recommendations,  
Mr. Floyd seconded the motion, which carried unanimously.

### **C. Office of Investigation and Enforcement (OIE) Report – Presented by Sharon Wolfe**

For information only. Cases received and closed from January 1, 2016 – July 28, 2016

- |                            |                           |
|----------------------------|---------------------------|
| 1. 11 complaints           | 5. 3 pending Board action |
| 2. 6 active investigations | 6. 10 closed              |
| 3. 1 closed cases          | 7. 1 do not open case     |
| 4. 1 do not open case      |                           |

D. Office of Disciplinary Counsel (ODC) Report as of July 27, 2016  
Presented by Amy Holleman

1. 2 open case
2. 2 pending action
3. 0 pending hearings
4. 0 pending final orders
5. 0 cases closed

**9. New Business**

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Mr. Russ reminded the Board the proceeding is being recorded, all witnesses must be sworn in before testifying and all remarks should be directed to the Chair.

**A. Transfer of Irrevocable Trust Account**

1. Florence Memorial Gardens and Mausoleum - David Brown

Mr. David Brown, manager, and Mr. Elliott Hayes, accountant, were present on behalf of Florence Memorial Gardens and Mausoleum. Mr. Brown requested the Perpetual Care and Maintenance trust fund be transferred from First Citizens Trust to Regions Bank. Mr. Brown is also requesting an extension for submitting the Agreed Upon Procedures information. Ms. Holleman asked the Board to consider both items at this time. Mr. Russ agreed. Ms. Holleman informed the Board that the documentation is complete. The Board informed Mr. Brown that the Merchandise Account does not need to be in a trust.

Mr. Russ entertained a motion to approve the transfer of the Perpetual Care and Maintenance trust fund to Regions Bank

**MOTION**

Mr. Floyd made the motion that Florence Memorial Gardens and Mausoleum be allowed to transfer the Perpetual Care and Maintenance trust fund from First Citizen Trust to Regions Bank.

Ms. Oates-Robinson seconded the motion, which carried unanimously

Mr. Russ called for a motion to approve the Agreed Upon Procedures extension request.

**MOTION**

Mr. Riggins made a motion to approve the extension until August 31, 2016

Mr. Floyd seconded the motion, which carried unanimously.

2. Sunset Hill Memorial Park – Clinton – Alan Gray Burroughs

Ms. Holleman informed the Board that documentation was complete. Ms. Holleman stated the Perpetual Care and Maintenance trust funds will be transferred from U.S. Trust/Bank of America to Arthur State Bank. Ms. Holleman informed the Board that included in the packet is the resignation letter from U.S. Trust/Bank of America and the amended and restated irrevocable trust agreement of Sunset Hill Memorial Park.

The Board stated the amended Perpetual Care and Maintenance trust agreement included the Rules and Regulations of the Cemetery, which is not required to be in the trust agreement.

Mr. Russ recommended to table the approval of transfer to remove the rules and regulations of the cemetery as part of the trust agreement.

**MOTION**

Mr. Floyd motion to table the approval of transfer of Perpetual Care and Maintenance trust fund to remove the rules and regulations of the cemetery as part of the trust agreement.

Mr. Riggins seconded the motion, which carried unanimously.

**B. Change of Ownership**

1. Lake View Perpetual Cemetery – Anthony Bruce Britt, Jr.

Ms. Hollman informed the Board that Mr. Britt was not able to complete the application and requested to be heard at the next Board meeting.

**10. Agreed Upon Procedures Extension Request**

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

1. Bush River Memorial Gardens – Columbia – John B. Halloran

Ms. Holleman informed the Board that Bush River Memorial Gardens' Agreed Upon Procedures reports were received after the deadline, but prior to the request. Ms. Holleman cited Section 40-8-110(L) for the Board's information. The Board agreed to grant an extension of 45 days without penalty.

**MOTION**

Mr. Riggins made a motion to grant a 45 day extension for the Agreed Upon Procedures report.

Ms. Oates-Robinson seconded the motion, which carried unanimously.

2. Cannon Memorial Park – Fountain Inn – Stanley A. Stone

Ms. Holleman informed the Board that the Cannon Memorial Park Agreed Upon Procedures report has been received.

**MOTION**

Mr. Riggins made a motion to grant a 45 day extension for the Agreed Upon

Procedures report.

Ms. Oates-Robinson seconded the motion, which carried unanimously.

3. Clingman Memorial Gardens – Gaffney – Julians C. Harrison

Ms. Holleman informed the Board that Clingman Memorial Gardens' Agreed Upon Procedures report has been received.

**MOTION**

Mr. Riggins made a motion to grant a 45 day extension for the Agreed-Upon Procedures report.

Ms. Oates-Robinson seconded the motion, which carried unanimously.

4. Forest Lawn Memorial Park – Anderson – Joe L. Owens

Oaklawn Memorial Gardens – Anderson – Joe L. Owens

Robinson Memorial Gardens – Easley – Joe L. Owens

11:44 a.m., Mr. Floyd recused himself.

Ms. Holleman informed the Board that Mr. Owens is the manager for the aforementioned cemeteries and has been diligently working to have the Agreed Upon Procedure reports completed and submitted.

**MOTION**

Mr. Riggins made a motion to grant an extension until August 31, 2016.

Mr. Finch seconded the motion, which carried unanimously.

11:46 a.m., Mr. Floyd returned to the meeting.

**12. Executive Session (No executive session)**

**13. Public Comments (No Vote May Be Taken)**

There were no public comments.

**14. Adjournment**

**MOTION**

Mr. Riggins made a motion the Board adjourn.

Ms. Petty and Mr. Finch seconded the motion, which carried unanimously.

Mr. Russ, after ensuring there being no further business to discuss, adjourned the August 4, 2016, meeting of the SC Perpetual Care Cemetery at 11:46p.m.

The next meeting of the SC Perpetual Care Cemetery Board is scheduled for 10:00 a.m., November 3, 2016, at Synergy Business Park, 110 Centerview Drive, Kingstree Building Room 108, Columbia, South Carolina.