

MINUTES
South Carolina Perpetual Care Cemetery
Conference Call Board Meeting

10:00 a.m., June 20, 2019
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 107
Columbia, South Carolina

Thursday, June 20, 2019

1. Meeting called to Order

J. W. Russ, Chairperson, of Conway, called the regular meeting of the South Carolina Perpetual Care Cemetery to order at 10:05 a.m. Rick Riggins of Lancaster was in attendance; and Russell Floyd, Vice Chairperson, of Spartanburg attended via conference call.

Staff members participating in the meeting included: Emily Farr, Director; Mary League, Advice Counsel, Office of Advice Counsel; Ashley Thompson, Disciplinary Counsel, Office of Disciplinary Counsel; Tina Brown, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Sharon Cooke, Investigator, Office of Investigations and Enforcement; and Ernest Adams, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting were: Jeff Riggins of Lancaster Memorial Park; Tiffany Farwell and Jason Velie of Argent Trust Bank; Jeffrey K. Temples of Bush River Memorial Gardens. Michael Light, Jr, of Service Corporation International, Trust Advisors, Inc., attended via conference call.

A. Public Notice

Mr. Russ announced that public notice of this meeting was properly posted at the South Carolina 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 present recited the Pledge of Allegiance.

2. Introduction of Board Members and Persons Attending the Meeting

The board members, staff, and all other persons attending the meeting introduced themselves.

3. Approval of Excused Absences

All members of the Board were present.

4. Director's Remarks – Emily Farr

Ms. Farr introduced herself to the board members, extending her availability to the Board for questions and guidance. Ms. Farr informed the Board that the Agency has made a few changes, beginning with a new Director of Finance and Procurement, Abhijit Deshpande, and Finance Manager, Mr. Patrick Jarvis.

Ms. Farr informed the Board of upcoming changes:

- Reader friendly cash reports
- A review to all licensing fees
- A new user friendly Agency website to be rolled out within the next week or two

Ms. Farr entertained questions, afterwards thanking the board members for their service to the citizens of South Carolina.

5. Approval of Minutes for the February 15, 2019 board meeting

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

MOTION

Mr. Floyd made a motion to approve the February 15, 2019 board meeting minutes. Mr. Riggins seconded the motion, which carried unanimously.

6. Chairman's Remarks – J. W. Russ

Mr. Russ did not make any comments.

7. Administrator's Remarks – Amy Holleman

A. Financial Report

Ms. Holleman presented the financial report, informing the Board that the cash balance at the end of May 2019 was -\$145,554.45.

B. North American Death Care Regulators Association (DCRA)

Ms. Holleman informed the Board that the North American Death Care Regulators' annual meeting will be held in Des Moines, Iowa on August 13–16, 2019. Ms. Holleman stated that the conference provides pertinent information to the cemetery and funeral industry. Ms. Holleman stated that in the past the Board has approved travel for the Administrator to attend the annual conference. Ms. Holleman currently holds the office of Vice-President for the North American Death Care Regulators Association. Mr. Russ called for a motion in this matter.

MOTION

Mr. Riggins made a motion to approve the Administrator's travel for the North American Death Care Regulators' annual meeting.

8. Reports

A. Inspection Report – Ernest Adams

Mr. Adams informed the Board that he and Mr. Poole conducted 51 inspections between February 8, 2019 and June 12, 2019. Ms. Holleman asked that the Board continue to consider developing an Inspection Review Committee or a Board review of the statutes and regulations governing cemetery inspections.

B. Investigative Review Committee (IRC) Report – Sharon Cooke

Ms. Cooke asked that the Board review and approve the June 20, 2019 Investigative Review Committee Report recommending the dismissal of cases 2018-17 and 2019-6, and reconsideration of the dismissal of case 2018-9.

MOTION

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

C. Office of Investigations and Enforcement (OIE) Report – Sharon Cooke

Ms. Cooke reported that of the cases received from January 1, 2019 through June 13, 2019 there are six active investigations, one do not open case, and one case pending Investigative

Review. The alleged issues involved two failure to perform contractual obligations and six misconducts.

D. Office of Disciplinary (ODC) Counsel – Ashley Thompson

Ms. Thompson informed the Board that the Office of Disciplinary Counsel (ODC) has nine open cases; one pending a Consent Agreement; and two pending hearings.

New Business

Application Hearings

9. A. Transfer of Irrevocable Care & Maintenance Trust Account

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

1. Mountain View Memorial Park – Citadel Management, LLC – CEM.1178

Ms. Tiffany Farwell and Mr. Jason Velie appeared before the Board on behalf of Argent Trust.

Ms. Holleman stated that the application is complete. Ms. Holleman stated that Citadel Management, LLC, Mountain View Memorial Park, is asking that the Board approve the transfer of the Care & Maintenance Trust fund from Arthur State Bank to Argent Trust Company.

Ms. Farwell addressed the Board and concurred with Ms. Holleman's statement requesting the transfer of the Care & Maintenance Trust fund.

The Board reviewed the request and Mr. Russ called for a motion in this matter.

MOTION

Mr. Riggins made a motion to approve the transfer of the Care and Maintenance Trust fund from Arthur State Bank to Argent Trust Company. Mr. Floyd seconded the motion, which carried unanimously.

B. Transfer of Merchandise Trust Fund

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

Ms. League stated that the Board's position is that statute does not require the Board's approval for a Merchandise Trust Fund therefore Board action in this matter is not necessary. The Board agreed with the statement.

C. 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. Greenlawn Memorial Park – Columbia – Tonya Jeffords Brazier – CEM.1168
2. Woodbridge Memorial Park – Lexington – Tonya Jeffords Brazier – CEM.1167
3. Carolina Memorial Gardens – North Charleston – Ronald Ashley Hicks – CEM.1008
4. Elmwood Cemetery – Columbia – Matthew B. Bedenbaugh – CEM.1022
5. Greenville Memorial Gardens – Piedmont – Grace Hensley – CEM.1048
6. Hillcrest Memorial Park – Pickens – Tanya A Gravely – CEM.1055
7. Oconee Memorial Gardens – Seneca – Tanya A. Gravely – CEM.1079
8. Pineview Memorial Gardens – North Augusta – Ronald Ashley Hicks – CEM.1084

9. Southland Memorial Gardens – West Columbia – Ronald Ashley Hicks – CEM.1106
10. Sunset Memory Gardens – Graniteville – Ronald Ashley Hicks – CEM.1115
11. Woodlawn Memorial Park – Greenville – Kevin Boudle – CEM.1101
12. Westside Memorial Gardens – Galivants Ferry – Cynthia G Alford – CEM.1125
13. Bush River Memorial Gardens – Columbia – John B Halloran – CEM.1162

Ms. Holleman informed the Board that the owner of Westside Memorial Gardens passed away and the estate is currently in probate. The Board discussed this matter and agreed to grant a 30 day extension to all of the above, except Westside Memorial Gardens, which due to extenuating circumstances will be granted a 60 day extension. Mr. Russ called for a motion in this matter.

MOTION

Mr. Floyd made a motion to grant a 30 day extension to Greenlawn Memorial Park, Woodbridge Memorial Park, Carolina Memorial Gardens, Elmwood Cemetery, Greenville Memorial Gardens, Hillcrest Memorial Park, Oconee Memorial Gardens, Pineview Memorial Gardens, Southland Memorial Gardens, Sunset Memory Gardens, Woodlawn Memorial Park, and Bush River Memorial Gardens. Mr. Riggins seconded the motion, which carried unanimously.

MOTION

Mr. Floyd made a motion to grant a 60 day extension to Westside Memorial Gardens. Mr. Riggins seconded the motion, which carried unanimously.

10. Discussion and Clarification of New Agreed Upon Procedures

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

Mr. Michael Light, Jr. joined the meeting by conference called asking for clarification regarding the new agreed upon procedures. Mr. Floyd addressed Mr. Light's questions. The Board informed Mr. Light that changing the Agreed Upon Procedures yearly reporting aligned the reporting date with the current cemetery statutes.

Disciplinary

11. A. Review and Action Regarding Consent Agreement (CA)

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

1. Case No.: 2016-43 – Greenlawn Cemetery of Dillon

Ms. Brown presented the Consent Agreement to the Board.

MOTION

Mr. Riggins made a motion to accept the Consent Agreement. Mr. Floyd seconded the motion, which carried unanimously.

12. Authority for Administrator to Grant Agreed-Upon Procedures Extension

Ms. Holleman asked that the Board consider giving the Administrator the authority to grant extensions in a 30 day interval to licensees that request an extension to submit the Agreed-Upon procedures. The Board agreed that the Administrator will grant the first 30 day extension and if an additional extension is requested the Administrator will grant the second 30 day extension after consultation with the Board Chair.

MOTION

Mr. Riggins made a motion to allow the Administrator to grant the first time extension for up to 30 days and if requested a second 30 day extension after consultation with an approval from the Board Chairperson. Mr. Floyd seconded the motion, which carried unanimously.

13. Investigative Review Committee (IRC) Appointment

Ms. Holleman informed the Board that Mr. Williard Rainey has decided to retire as an Investigative Review Committee member. Mr. Russ informed the Board that he has asked Mr. Joe Owens to serve as a member of the Investigative Review Committee, and he agreed.

MOTION

Mr. Riggins made a motion to approve Mr. Joe Owens as the new member of the Investigative Review Committee. Mr. Floyd seconded the motion, which carried unanimously.

14. Discussion and Action: Delegation of Authority to Board Chair to Issue Cease & Desist for unlicensed practice (Advice Counsel)

Ms. League stated that the agency has requested that each Board/Commission delegate authority for the Board/Commission Chairperson to sign the Cease & Desist order for unlicensed practices by individuals in the State of South Carolina. The Board discussed the matter and agreed the urgency to deter an unlicensed individual from practicing in this State would provide protection to the public.

MOTION

Mr. Floyd made a motion that the Board grants authority for the Board Chair to issue Cease & Desist for unlicensed practice. Mr. Riggins seconded the motion, which carried unanimously.

15. Discussion: South Carolina Perpetual Care Cemetery Travel Budget

Ms. Holleman presented the FY20 budget in the amount of \$4,895.00 to the Board. The Board discussed the budget and made a motion to approve the FY20 budget of \$4,895.00.

MOTION

Mr. Riggins made a motion to approve the South Carolina Perpetual Care Cemetery Board FY20 budget of \$4,895.00. Mr. Floyd seconded the motion, which carried unanimously.

16. Public Comments (No Vote May Be Taken)

There were no public comments.

17. Adjournment

Mr. Russ called for a motion to adjourn the meeting.

MOTION

Mr. Riggins made a motion to adjourn the meeting. Mr. Floyd seconded the motion, which carried unanimously.

Mr. Russ, after ensuring there being no further business to discuss, adjourned the June 20, 2019 meeting for the South Carolina Perpetual Care Cemetery Board at 11:25 a.m.

The next scheduled Board meeting for the South Carolina Perpetual Care Cemetery Board is September 12, 2019 at 10:00 a. m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.