

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

10:00 a.m., September 12, 2019  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 107  
Columbia, South Carolina

**Thursday, September 12, 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 10:03 a.m. Other members participating during the meeting were: Russell Floyd, Vice Chairperson, of Spartanburg Rick Riggins of Lancaster.

Staff members participating in the meeting included: Mary League, Advice Counsel, Office of Advice Counsel; Tina Brown, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Rodney Pigford, Chief Investigator, Office of Investigations and Enforcement; and Ernest Adams, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting were: Eric Jeff Price of Highland Memory Gardens and Mel Pennington of Westview Memorial Park, Inc.

**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**

Ms. Felicia Smith Charles was not in attendance.

**MOTION**

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

**4. Approval of Minutes for the June 20, 2019 board meeting**

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

**MOTION**

Mr. Floyd made a motion to approve the June 20, 2019 board meeting minutes. Mr. Riggins seconded the motion, which carried unanimously.

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

Mr. Russ thanked everyone for attending the meeting.

## 6. 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 August 2019 was -\$193,673.02.

Ms. Holleman provided the Board with a summary of the various topics discussed at the North American Death Care Regulators' annual meeting in Des Moines, Iowa, which she attended. Ms. Holleman stated that the seminars included information on total return distribution of Trust Accounts; procedures in borrowing monies from the corpus; the maintenance and preservation cost for mausoleums; and other relevant topics to the Cemetery industry. Ms. Holleman informed the Board that she is the president-elect of the Association.

## 7. Reports

### A. Inspection Report –

Mr. Poole informed the Board that he and Mr. Adams conducted 18 inspections between June 13, 2019 and September 4, 2019.

### B. Investigative Review Committee (IRC) Report – Rodney Pigford

Mr. Pigford asked that the Board review and approve the August 22, 2019 Investigative Review Committee Report which recommends the dismissal of case 2019-8.

#### **MOTION**

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

### C. Office of Investigations and Enforcement (OIE) Report – Rodney Pigford

Mr. Pigford reported that of the cases received from January 1, 2019 through September 3, 2019 there are eight active investigations, two do not open cases, two pending Compliant Analyst Review and two case pending Investigative Review.

### D. Office of Disciplinary (ODC) Counsel – Tina Brown

Ms. Brown informed the Board that the Office of Disciplinary Counsel has eight open cases; three pending actions; one pending a Consent Agreement or Memorandum of Agreement; four pending hearings; and one closed.

## New Business

### Application Hearings

#### 8. 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. Highland Memory Gardens – Summerville – Eric Jeff Price

Mr. Eric Jeff Price appeared before the Board on behalf of Highland Memory Gardens.

Ms. Holleman stated that the application is complete. Ms. Holleman stated that Highland Memory Gardens is asking that the Board approve the transfer of the Care & Maintenance Trust fund from Bank of America Trustee to Arthur State Bank.

Mr. Price addressed the Board stating that Bank of America has resigned as trustee; therefore, he is asking that the Board approve the transfer of trust to Arthur State Bank. The Board reviewed the request and Mr. Russ called for a motion in this matter.

**MOTION**

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

**B. 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. Clingman Memorial Gardens – Blacksburg - Julian C Harrison

Ms. Holleman informed the Board that due to major hurdles with compiling the information and inclement weather Ms. Besnoy, CPA, was unable to complete the Agreed Upon procedures within the required time. Therefore, Ms. Besnoy is requesting additional time to submit the Agreed Upon procedures. The Board discussed the matter.

**MOTION**

Mr. Floyd made a motion to grant an extension until November 1, 2019 for Clingman Memorial Gardens to submit the Agreed Upon procedures. Mr. Riggins seconded the motion, which carried unanimously.

2. St. George Memorial Gardens – St. George – Thomas Joseph Warmer

Ms. Holleman informed the Board that St. George Memorial Gardens is asking for an extension in order to submit the Agreed Upon Procedures. The Board discussed the matter.

**MOTION**

Mr. Floyd made a motion to grant an extension until November 1, 2019 for St. George Memorial Gardens to submit its Agreed Upon procedures. Mr. Riggins seconded the motion, which carried unanimously.

3. Sunset Memory Gardens of Florence, Inc. – Effingham – Felicia Smith Charles

Ms. Holleman informed the Board that High & Evans, CPAs firm has asked that the Board grant an extension to submit the Agreed Upon procedures due to catastrophic storms in their business area, which hindered the firm from completing the services. The Board discussed this matter.

**MOTION**

Mr. Floyd made a motion to grant an extension until November 1, 2019 for Sunset Memory Gardens of Florence, Inc. to submit its Agreed-Upon procedures. Mr. Riggins seconded the motion, which carried unanimously.

**C. Reinstatement Application**

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

1. Westview Memorial Park, Inc. – Hartsville – Carl M Pennington IV

Mr. Mel Pennington appeared before the Board on behalf of Westview Memorial Park, Inc.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman stated that the cemetery failed to renew on or before January 31, 2019. According to statute [40-8-80(D)], renewals not postmarked on or before January thirty-first requires that a new application be

submitted under the guidelines in effect for the current period. Therefore, staff received a reinstatement application on or about September 4, 2019. After reviewing the application, the Trust agreement was obsolete and the cemetery held a note. Prior to the meeting, the applicant submitted documentation that shows the note as satisfied, and the company submitted a revised Trust document.

Mr. Pennington addressed the Board and confirmed that the loan has been satisfied and the submission of the revised Trust agreement. The Board questioned Mr. Pennington regarding this matter.

**Executive Session**

**MOTION**

Mr. Floyd made a motion to go into executive session to receive legal advice.  
Mr. Riggins seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Floyd made a motion to come out of Executive Session. Mr. Riggins seconded the motion, which carried unanimously.

Mr. Russ noted, for the record, there were no votes taken during Executive Session.

Mr. Russ called for a motion in this matter.

**MOTION**

Mr. Floyd asked that Advice Counsel read the motion which stated that the Board approves the license reinstatement for Westview Memorial Park, Inc., pending the revision and submission of the Care and Maintenance Trust agreement. The revision must include adding the language that the trust is irrevocable; the Board must approve any change to the agreement, Trustee, and/or investment advisor; the fees must be from income only and not the principle; only income can be distributed; and correction to the math error on the disclosure. The Board must review and approve the revised Care and Maintenance Trust agreement prior to reinstatement of the license. Mr. Riggins seconded the motion, which carried unanimously.

**9. Approval of 2020 Meeting Dates/Calendar**

<b>MONTH</b>	<b>DATE</b>	<b>ROOM(S)</b>
<b>March</b>	<b>Thursday, March 19, 2020</b>	<b>107 &amp; 108</b>
<b>June</b>	<b>Thursday, June 4, 2020</b>	<b>107 &amp; 108</b>
<b>September</b>	<b>Wed., September 23, 2020</b>	<b>107 &amp; 108</b>
<b>November</b>	<b>Thursday, November 5, 2020</b>	<b><i>Election of Officers</i> 107 &amp; 108</b>

Mr. Russ called for a motion to approve the meeting calendar.

**MOTION**

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

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

There were no public comments.

## 11. Adjournment

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

### **MOTION**

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

Mr. Russ, after ensuring there being no further business to discuss, adjourned the September 12, 2019 meeting for the South Carolina Perpetual Care Cemetery Board at 10:50 a.m.

The next scheduled Board meeting for the South Carolina Perpetual Care Cemetery Board is November 19, 2019 at 10:00 a. m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.