

MINUTES
South Carolina Perpetual Care Cemetery
Board Meeting Via Web/Teleconference

10:00 a.m. September 23 2020
Columbia, South Carolina

Wednesday, September 23, 2020

1. Meeting called to Order

Russel Floyd, Jr., Acting Chairperson, of Spartanburg, called the regular meeting of the South Carolina Perpetual Care Cemetery to order at 10:07 a.m. Other members participating during the meeting were: Rick Riggins of Lancaster and Felicia Smith-Charles, of Florence.

Staff members present for the meeting included: Mary League, Advice Counsel, Office of Advice Counsel; Shayla Hayes, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Jeanie Rose, Administrative Assistant, Rodney Pigford, Chief Investigator, Office of Investigations and Enforcement; William Poole, Inspector, Office of Investigation and Enforcement; and Matalie Mickens, Inspector, Office of Investigation and Enforcement.

Members of the public attending the meeting were: Whitney Fibich, Joe Owens, Taron W. Smith, and Jeffrey Dunistein, of Park Lawn Corporation; Nicholas Torchia of Forest Lawn Memory Gardens; Tamala Randolph, of Stonmore Corporation; Melissa Blackwell; and Ernest Adams.

A. Public Notice

Mr. Floyd 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.

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 Board members were present.

4. Approval of Minutes for the June 4, 2020 & Board Meeting

The Board reviewed the June 4, 2020 minutes.

MOTION

Mr. Riggins made a motion to approve the June 4, 2020 minutes with the correction to page 6 item D1. Ms. Smith seconded the motion, which carried unanimously.

5. Approval of Minutes for the June 9, 2020 Special Called Meeting

The Board reviewed the minutes.

MOTION

Mr. Riggins made a motion to approve the June 9, 2020 minutes. Ms. Smith-Charles seconded the motion, which carried unanimously.

6. Election of Officers

Ms. Holleman presided for the nominations. Mr. Riggins nominated Mr. William Russel Floyd, Jr. as the President/Chairperson in the form of a motion. Ms. Smith seconded the motion. Mr. Riggins and Ms. Smith-Charles voted "yes" to the motion. Mr. Floyd abstained.

Mr. Floyd called for nominations for the Vice-President. Ms. Smith-Charles nominated Mr. Riggins in the form of a motion. Mr. Floyd seconded the motion, which carried unanimously.

7. Chairman's Remarks – Russel Floyd, Jr.

Mr. Floyd offered condolences on behalf of the Board to the Russ family. He asked for a moment of silence in honor of former board member, J. W. Russ.

8. 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, 2020 was -\$234,644.23.

Ms. Holleman offered her condolences to the Russ family, expressing that staff will miss Mr. Russ' present, dedication, and expertise in the Cemetery business.

Ms. Holleman informed the board that on about October 1, 2020 the agency will mail renewal notices to licensees. All non-renewed licenses will lapse on December 31, 2020; however, the licensee would be able to renew without penalty through January 31, 2020.

9. Reports

A. Inspection Report

Ms. Mickens informed the Board that he conducted 29 inspections between May 23, 2020 and September 14, 2020.

B. Investigative Review Committee (IRC) Report

Mr. Pigford asked that the Board review and approve the September 15, 2020 Investigative Review Committee Report recommending the dismissal of cases 2020-4; a formal complaint for case 2020-9; a letter of caution for case 2020-12 and reconsideration for dismissal for cases 2017-1, 2018-12, 2018-14, 2018-15, and 2019-16.

MOTION

Mr. Riggins made a motion to accept the IRC recommendations. Ms. Smith-Charles seconded the motion, which carried unanimously.

C. Office of Investigations and Enforcement (OIE) Report

Mr. Pigford presented the OIE report to the Board stating between January 1, 2020 and September 21, 2020 there were eight active investigations, three closed cases, two do not open cases, three cases pending Board action, and one opened case.

D. Office of Disciplinary (ODC) Counsel – Shayla Hayes

Ms. Hayes informed the Board that the Office of Disciplinary Counsel (ODC) has 18 open cases; five pending rescheduling; eight pending a Consent Agreement or a Memorandum of Agreement; five pending Final Order Hearings and two closed.

New Business

Application Hearings

10. A. Purchase Agreement Revised

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

1. Robinson Memorial Gardens – Easley – Joe L. Owens

Mr. Owens appeared before the Board on behalf of Robinson Memorial Gardens.

Ms. Holleman informed the Board that Mr. Owens is asking the Board to approve the revised Purchase Agreement for Robinson Memorial Gardens. Mr. Owens addressed the Board stating that revision/amendment to the purchase agreement includes the cemetery offering upright monuments.

MOTION

Mr. Riggins made a motion to approve the amendment. Ms. Smith-Charles seconded the motion, which carried unanimously.

B. Rules and Regulations Revised

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

1. Robinson Memorial Gardens – Easley – Joe L. Owens

Mr. Owens appeared before the Board on behalf of Robinson Memorial Gardens.

C. Amended Care and Maintenance Irrevocable Trust Agreements

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

1. Boiling Springs Memorial Gardens – Russel Floyd
2. Daniel Morgan Memorial Gardens – Cowpens – Russel Floyd
3. Fort Prince Memorial Gardens – Wellford – Russel Floyd
4. Greenlawn Memorial Gardends – Wellford – Russel Floyd
5. Lincoln Memorial Gardens – Spartanburg – Russel Floyd
6. Live Oak Memorial Gardens – Charleston – Russel Floyd
7. Pacolet Memorial Gardens – Russel Floyd
8. Sunset Memorial Park – Spartanburg – Russel Floyd
9. Westwood Memorial Gardens – Spartanburg – Russel Floyd

Mr. Rick Riggins presided during these procedures. Mr. William Russel Floyd, Jr. appeared before the Board on behalf of the above cemeteries.

Ms. Holleman stated that the application is complete. Mr. Floyd addressed the Board. Mr. Floyd stated that the updated amendments provide the current requirements for spaces and niche deposits, clarifies the successor trustees, and amends Article 8 of the Trust Agreement.

Mr. Riggins called for a motion in this matter.

MOTION

Ms. Smith-Charles made a motion to approve the amended Trust Agreement. Mr. Riggins seconded the motion, which carried unanimously.

Mr. Floyd recused himself. Mr. Riggins presided.

D. Change of Ownership

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

1. Boiling Springs Memorial Gardens – Joe L Owens
2. Daniel Morgan Memorial Gardens – Cowpens – Joe L. Owens
3. Fort Prince Memorial Gardens – Wellford – Joe L. Owens
4. Greenlawn Memorial Gardens – Spartanburg – Joe L. Owens
5. Lincoln Memorial Gardens – Spartanburg – Joe L. Owens
6. Live Oak Memorial Gardens – Charleston – Joe L. Owens
7. Pacolet Memorial Gardens – Joe L. Owens
8. Sunset Memorial Park – Spartanburg – Joe L. Owens
9. Westwood Memorial Gardens – Spartanburg – Joe L. Owens

Mr. Joe L. Owens, Mr. Jeffrey Dinerstein, Ms. Whitney Smith, and Taron W. Smith appeared on behalf of Park Lawn Corporation.

Ms. Holleman informed the Board that the applications are complete. Mr. Owens stated that Floyd Properties have been sold to Park Lawn Corporation. Ms. Whitney Fibich informed the Board that Park Lawn Corporation purchased the stocks and assess of Floyd Properties and that all other aspects of the business will remain the same. Ms. Whitney Fibich asked that the Board approve the change of ownership and for the record formally supplement the applications with the amended Care & Maintenance Trust amendments approved by the Board on today.

Mr. Riggins called for a motion in this matter.

MOTION

Ms. Smith-Charles made a motion to approve the change of ownership with the amended Care & Maintenance Trust for the Floyd properties. Mr. Riggins seconded the motion, which carried unanimously.

Mr. Floyd returned to the meeting.

10. Forest Lawn Memory Gardens – Abbeville – Nicolas Torchia

Mr. Nicolas Torchia appeared before the Board on behalf of Forest Lawn Memory Gardens.

Ms. Holleman informed the Board that the application is complete. Mr. Torchia addressed the Board and asked that the Board approve the change of ownership.

The Board reviewed the application and questioned Mr. Torchia regarding the application. The Board noted a discrepancy with the disclosures and the price list. Also, the Board noted that the Care and Maintenance lacked the required language that the Board must approve any changes to the trust document. The Board determined that an amendment to the Trust document that included the required language is acceptable.

MOTION

Mr. Riggins made a motion to approve the change of ownership pending the acceptance by the Board of a revised pricelist and the Care & Maintenance Trust document. Ms. Smith-Charles seconded the motion, which carried unanimously.

11. Agreed-Upon Procedures Extension

Ms. Holleman explained that the pandemic Public Accountants has created challenges for Public Accountants to meet deadlines. Due to these unforeseen challenges, some licensees asked that Board consider approving an extension to submit the agreed-upon procedures. The Board discussed the matter.

MOTION

Mr. Riggins made a motion to grant the administrator the authority to approve an extension for the submission of the Agreed-Upon Procedures through December 31, 2020.

12. Authority for Administrator to Approve Sale of Cemetery Land in Excess of Minimum Acreage Requirement

Ms. Holleman asked that the Board delegate authority for the administrator to approve the sale of cemetery land in excess of the minimum acreage requirement. Ms. Holleman asked that the cemeteries with the sale’s request be required to meet the conditions that the cemetery submits an affidavit that the land for sale is in excess of the required acreage and that according to the cemetery’s records there are no buried human remains located on the property to be sold.

MOTION

Mr. Riggins made the Board that the Board delegates the authority for the administrator to approve the sale of cemetery land in excess of the minimum acreage requirement with the aforementioned conditions completed. Ms. Smith-Charles seconded the motion, which carried unanimously.

13. Code of Ethic

Ms. League explained that the Boards at LLR were each asked to review whether or not it needed to adopt a code of ethics in regulation if it did not already have one. If a board determined that its current statutory laws sufficiently govern the behavior required of its licensees, an additional code of ethics would not be necessary. The Board determined that as the South Carolina Perpetual Care Cemetery Board’s statutes and regulations appropriately and adequately governed conduct, a separate code of ethics was not necessary.

14. Hearing Officer

Ms. Holleman that during the pandemic the Board consider appointing a Hearing Officer, a member of the Board, to hear disciplinary Memorandum of Agreements. The Hearing Panel Officer would hear the case with testimonies. The Advice Counsel would be present to provide legal advice as needed for the Panel Hearing Officer. The Hearing Officer’s recommendations and the Court Report’s transcript would be presented to the full Board as Final Order Hearing. The Board would render a disposition in the matter, but is not required to accept the recommendations submitted by the Hearing Officer. Ms. League stated this would accommodate the current situation without removing authority from the Board.

Mr. Floyd called for nominations.

MOTION

Mr. Riggins, in the form of a motion, nominated Mr. William Russel Floyd, Jr. as the Panel Hearing Officer. Ms. Smith seconded the motion, which carried unanimously.

15. Approval of 2021 Meeting Dates/Calendar

Ms. Holleman presented the 2021 Meeting Dates/Calendar to the Board. Mr. Floyd called for a motion.

Thursday, March 11, 2021	Rooms 107 & 108
Thursday, June 3, 2021	Rooms 107 & 108
Wednesday, September 22, 2021	Rooms 107 & 108
Wednesday, November 3, 2021	Room 105 <i>Election of Officers</i>

MOTION

Ms. Felicia made a motion to accept the meeting dates. Mr. Riggins seconded the motion, which carried unanimously.

16. Public Comments (No Vote May Be Taken)

There were no public comments.

17. Adjournment

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

MOTION

Mr. Riggins made a motion to adjourn the meeting. Ms. Smith-Charles seconded the motion, which carried unanimously.

Mr. Floyd, after ensuring there being no further business to discuss, adjourned the September 23, 2020, meeting for the South Carolina Perpetual Care Cemetery Board at 11:28 a.m.

The next scheduled Board meeting for the South Carolina Perpetual Care Cemetery Board is December 10, 2020 at 10:00 a. m.