

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

10:00 a.m. March 11, 2021
Columbia, South Carolina

Thursday, March 11, 2021

1. Meeting called to Order

William Russel Floyd, Jr., Chairperson, of Spartanburg, called the regular meeting of the South Carolina Perpetual Care Cemetery to order at 10:02 a.m. Other members participating during the meeting were: Felicia Smith-Charles, Vice-Chairperson, of Florence; David H. Brown of Florence; Jeffrey W. Riggins of Lancaster; and Pamela P. Turner 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; Katie Phillips, Executive Assistant, Office of Communications and Governmental Affairs; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Rodney Pigford, Chief Investigator, Office of Investigations and Enforcement; Jennifer Stillwell, Chief Inspector, 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: Azel James Hutto, III of Memorial Park Gardens; Erin C. Whitaker, Justin N. Baxley, and Misty Birch of Newberry Memorial Gardens.

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. Adopting the Agenda

Motion: Mr. Riggins made a motion to adopt the agenda for the March 11, 2021 South Carolina Perpetual Care Cemetery Board meeting. Mr. Brown seconded the motion, which carried unanimously.

3. Introduction of Board Members and Persons Attending the Meeting

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

4. Approval of Excused Absences

All Board members were present.

5. Approval of Minutes for the December 10, 2020 Board Meeting

The Board reviewed the December 10, 2020 minutes.

MOTION

Mr. Brown made a motion to approve the December 10, 2020 pending the correction to make the change of items 9D to 9C. Mr. Riggins seconded the motion, which carried unanimously.

6. Chairperson's Remarks – W. Russel Floyd, Jr.

Mr. Floyd welcomed everyone to the Board meeting.

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 January 31, 2021 was -\$183,288.47.

Ms. Holleman introduced the new Chief Investigator, Ms. Jennifer Stillwell, to the Board.

8. Reports

A. Inspection Report

Mr. Poole informed the Board that he and Ms. Mickens conducted 25 inspections between December 3, 2020 and March 1, 2021.

B. Investigative Review Committee (IRC) Report

Mr. Pigford asked that the Board review and approve the Investigative Review Committee Report recommending the dismissal of cases 2020-1, 2020-2, 2020-6, 2020-8, 2020-11, 2020-13, and 2020-17; a formal complaint for case 2020-14; and reconsideration for dismissal of cases 2015-26, 2016-44, 2017-2, 2017-19, and 2018-8.

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 December 31, 2020 there were five closed cases; four do not open cases; eight pending Board action; one pending new OIE case; one pending respondent's agreement; and one active investigation continuing as of date. Mr. Pigford stated that between January 1, 2021 and March 2021 there were two do not open cases; one pending IRC review and two active investigations.

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

Ms. Hayes informed the Board that the Office of Disciplinary Counsel (ODC) has 11 open cases; three pending actions; one pending IRC review; one pending a Consent Agreement or a Memorandum of Agreement; six pending Final Order Hearings: and five closed.

Disciplinary

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

9. A. Consent Agreement

1. 2020-15

Ms. Hayes, presented the Consent Agreement to the Board. The Board reviewed the agreement. Mr. Floyd called for questions, motion for an Executive Session, or a disposition from the Board.

MOTION

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

B. Final Order Hearing(s)

1. Case No.: 2018-1

Mr. Floyd, the Hearing Officer for the initial matter, recused himself and Ms. Smith-Charles presided.

Ms. Shayla Hayes, presented the Final Hearing Order with the Panel Officer's recommendations. Ms. Hayes informed the Board that the Respondent does not have an objection to the Hearing Officer's recommendation and asked that the Board proceed in her absence. The Board questioned Ms. Hayes regarding this matter.

MOTION

Mr. Brown made a motion that the Board accepts the Hearing Officer's Recommendations. Mr. Riggins seconded the motion, which carried unanimously.

Mr. Floyd returned to the meeting and presided.

New Business

Application Hearings

10. A. Change of Ownership

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

1. Newberry Memorial Gardens

Ms. Erin C. Whitaker, Mr. Justin Baxley, and Ms. Misty Birch appeared on behalf of Newberry Memorial Gardens.

Ms. Holleman informed the Board that Ms. Whitaker is asking the Board to approve the change of ownership application and the transfer of the trust fund from First Community Bank to Argent Trust. The representatives from Newberry Memorial Gardens addressed the Board and answered questions regarding the change of ownership and transfer of the Care and Maintenance Trust fund.

Executive Session

MOTION

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

Return to Public Session

MOTION

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

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

Mr. Floyd called for a motion in this matter

MOTION

Mr. Brown made the motion that the Board conditionally approves the change of ownership and the transfer of the Care and Maintenance Trust Fund pending receipt by staff of a financial statement from the current Trustee, First Community Bank, indicating the current balance to be transferred to Argent Trust; a statement from Argent Trust indicating the amount received; verification of a clear Title to be provided by the transaction attorney, price list correction; and a signed executed assumption of liability document from the purchaser. Mr. Riggins seconded the motion, which carried unanimously.

B. Late Renewal

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

1. Memorial Park Cemetery

Ms. Holleman informed the Board that Mr. Hutto submitted an incomplete application. Ms. Holleman stated as required by Board statute 40-8-80(D) renewal/reinstatement applications after January 31 must submit a new application under the current guidelines.

Ms. Holleman informed the Board that the owner of the Cemetery passed away and that the estate is currently in Probate. The Courts named Mr. A. J. Hutto, III as the Personal Representative of the Estate.

Mr. Hutto addressed the Board and concurred with Ms. Holleman’s statements. Mr. Hutto stated that due to several migrating circumstances amid the COVID-19 crisis he was unable to timely submit the renewal. He reassured the Board that many of the obstacles have been resolved; therefore, the application should be complete by June 30, 2021. Mr. Hutto is asking that the Board grants permission for the Cemetery to operate while he collects the necessary information to complete the late renewal.

The Board questioned Mr. Hutto regarding this matter.

Executive Session

MOTION

Ms. Smith-Charles 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. Brown made a motion to come out of Executive Session. Mr. Riggins seconded the motion, which carried unanimously.

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

Mr. Floyd called for a motion in this matter

MOTION

Ms. Smith-Charles made a motion to approve the extension request until June 30, 2021. Mr. Riggins seconded the motion, which carried unanimously.

11. Legislative Updates – Katie Philips

A. Discussion – H.3550 (timely burial)

Ms. Phillips provided an update on the Bill and asked the Board to comment regarding the Bill. The Board discussed the Bill and possible effects and challenges to the industry.

B. Additional updates, if any

There were no additional legislative updates.

12. Public Comments (No Vote May Be Taken)

There were no public comments.

13. Adjournment

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

MOTION

Mr. Brown 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 March 11, 2021, meeting for the South Carolina Perpetual Care Cemetery Board at 12:35 p.m.

The next scheduled Board meeting for the South Carolina Perpetual Care Cemetery Board is June 3, 2021 at 10:00 a. m.