

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

10:00 a.m. September 22, 2021
Columbia, South Carolina

Wednesday, September 22, 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 10:08 am a.m. Other members participating during the meeting were: 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; Amy Holleman, Administrator; Monaca Harrelson, 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: James H. Igleheart, of Greenhaven Memorial Cemetery and Heritage Memorial Gardens; Justin N. Baxley of Newberry Memorial Gardens; Justin W. Wilson; Steve W. Jackson, Senior Vice-President of the Funeral and Cemetery Trust Division, of Argent Trust Company; Erin Whitaker of Newberry Memorial Gardens; Lauren King, of Faithful Heritage Holdings, Inc.; Brent Young and Alanna Herman of Stonemore Carolina, LLC; David Owens and Amber Knight.

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 that the Board adopts the agenda for the September 22, 2021, South Carolina Perpetual Cemetery Board meeting. Ms. Turner 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

Ms. Felicia Smith-Charles and Mr. David Brown were not in attendance.

MOTION

Mr. Riggins made a motion to approve the absences. Ms. Turner seconded the motion, which carried unanimously.

5. Approval of Minutes for the June 3, 2021 Board Meeting

The Board reviewed the June 3, 2021 minutes.

MOTION

Ms. Turner made a motion that the Board approve the minutes for June 3, 2021. 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 August 31, 2021 was -\$277,419.99.

8. Reports

A. Inspection Report

Mr. Poole informed the Board that he and Ms. Mickens conducted **20** inspections between May 22, 2021 and September 9, 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 2021-11, 2021-14, and 2021-17; issue a formal complaint for case 2021-10; and a letter of caution for case 2021-10.

MOTION

Mr. Riggins made a motion that the Board approves the Investigative Review Committee recommendations. Ms. Turner seconded the motion, which carried unanimously.

C. Office of Investigations and Enforcement (OIE) Report

Mr. Pigford stated that the Office of Investigation and Enforcement received 31 complaints between January 1, 2021 and September 10, 2021. There are currently three active investigations and eight closed cases.

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

Ms. Hayes informed the Board that the Office of Disciplinary Counsel (ODC) has six open cases; three pending hearings and agreements; one closed since May 21, 2021; and 10 closed since January 1, 2021.

Application Hearings

Old Business

The Board heard items 9. A1 & 9. B1 together. Afterward the Board heard items 9. A2-9 & 9 B2-9.

9. A1. Updated Master Irrevocable Cemetery Care and Maintenance Trust Agreement and Participation Agreement & 9. B1. Updated Master Preneed Cemetery Merchandise and Services Trust Agreement

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

Erin Whitaker spoke on behalf of Newberry Memorial Gardens.

MOTION

Mr. Riggins made a motion and Ms. Turner seconded to approve the updated Master Irrevocable Cemetery Care and Maintenance Trust Agreement and Participation Agreement. The motion was approved unanimously.

MOTION

Mr. Riggins made a motion and Ms. Turner seconded to accept the updated Master Merchandise and Services Trust Agreement. The motion was approved unanimously.

9. A Updated Master Irrevocable Cemetery Care and Maintenance Trust Agreement and Participation Agreement

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

Mr. Justin Wilson spoke on behalf of Argent Trust Company.

2. Aiken Memorial Gardens of SC, Inc. – Aiken – CEM.1184
3. Belleville Memorial Gardens of SC, Inc. – Orangeburg – CEM.1185
4. Chatham Hill Memorial Gardens of SC, Inc. – Cheraw – CEM.1186
5. Crestlawn Memorial Gardens of SC, Inc. – Orangeburg – CEM.1187
6. Forest Lawn Memorial Park of SC, Inc. – Greenville – CEM.1188
7. Jessamine Memorial Gardens of SC, Inc. – Aiken – CEM.1189
8. Memorial Gardens of Columbia of SC, Inc. – Columbia – CEM.1190
9. Plantation Memorial Gardens of SC, Inc. – Moncks Corner – CEM.1191

B. Updated Master Preened Cemetery Merchandise and Services Trust Agreement

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

2. Aiken Memorial Gardens of SC, Inc. – Aiken – CEM.1184
3. Belleville Memorial Gardens of SC, Inc. – Orangeburg – CEM.1185
4. Chatham Hill Memorial Gardens of SC, Inc. – Cheraw – CEM.1186
5. Crestlawn Memorial Gardens of SC, Inc. – Orangeburg – CEM.1187
6. Forest Lawn Memorial Park of SC, Inc. – Greenville – CEM.1188
7. Jessamine Memorial Gardens of SC, Inc. – Aiken – CEM.1189
8. Memorial Gardens of Columbia of SC, Inc. – Columbia – CEM.1190
9. Plantation Memorial Gardens of SC, Inc. – Moncks Corner – CEM.1191

MOTION

Mr. Riggins made a motion and Ms. Turner seconded to accept the updated Master Irrevocable Cemetery Care and Maintenance Trust Agreement and Participation Agreement; and the updated Merchandise and Service Trust Agreement. The motion was approved unanimously.

New Business

C. Irrevocable Care and Maintenance Trust Agreement

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

1. Memorial Park Cemetery – CEM.1071 – Orangeburg

Mr. Hutto was unable to join due to staffing issues.

MOTION

Mr. Riggins made a motion and Ms. Turner seconded to approve the Irrevocable Care and Maintenance Trust Agreement. The motion was approved unanimously.

D. Request to Modify Board Order/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. Greenhaven Memorial Cemetery – CEM.1164 – Woodruff – Case No.: 2019-26
- 2. Heritage Memorial Gardens – CEM.1165 – Roebuck – Case No.: 2019-27

Mr. Igleheart presented information concerning his request for another extension for reporting the AUPs.

MOTION

Mr. Riggins made a motion and Ms. Turner seconded to go into Executive Session to discuss legal matters. The motion was approved unanimously.

Upon return to Open Session Mr. Floyd noted that no action had been taken.

MOTION

Mr. Riggins made a motion and Ms. Turner seconded that the approval of an extension be deferred to the November Board meeting. At that meeting Mr. Robinson, the CPA, must be present or provide a written statement verifying that the amount that has been set aside is the correct amount that needs to be trusted and that it is trusted. If Mr. Robinson cannot provide the information he must be prepared or must inform the Board what is needed to comply with the trusting requirement.

The motion was approved unanimously.

10. Approval of Forms for Mausoleum Pre-Construction Funds

Chairman Floyd asked for a review of the Mausoleum Pre-Construction Funds forms.

MOTION

Mr. Riggins made a motion and Ms. Turner seconded to approve the forms. The motion was approved unanimously.

Disciplinary Hearing

11. A. Memorandum of Agreement (MOA)

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

1. Case Nos.: 2020-9, 2020-20, & 2021-9

Alanna Herman and Brent Young represented the Respondent, Stonemore South Carolina, LLC d/b/a Forest Lawn Cemetery.

Shayla Hayes, Assistant Disciplinary Counsel, represented the State.

MOTION

After hearing from both parties, Mr. Riggins made a motion and Ms. Turner seconded a motion to go into Executive Session to receive legal advice. The motion was approved unanimously.

MOTION

Mr. Riggins made a motion and Ms. Turner seconded to return to Open Session. The motion was approved unanimously.

Upon return to Open Session Mr. Floyd noted that no action had been taken. Mr. Floyd then called for a motion in the matter.

MOTION

Mr. Riggins made a motion, read by Advice Counsel, which stated that the Board accepts the Memorandum of Agreement and sanctions the Respondent with a public reprimand; \$2,500 civil penalty plus \$350 investigative costs to be paid within sixty days of the signed Final Order; Respondent must submit a copy of the final contract for the scope of work to be done to the Board once the contract is signed; submit month progress reports to the Board; and may be required to appear before the Board should any question arise concerning progress. Ms. Turner seconded the motion, which carried unanimously.

12. Approval of 2022 Meeting Dates/Calendar

2022 South Carolina Perpetual Care Cemetery Board Meeting		
Month	Date	Room
March	Thursday, March 10, 2022	Rooms 107 & 108
June	Thursday, June 2, 2022	Rooms 107 & 108
September	Thurs., September 22, 2022	Room 105
November	Wednesday, November 2, 2022	Election of Officers Room 108

MOTION

Mr. Riggins made a motion and Ms. Turner seconded to approve the 2022 Meeting Dates. The motion was approved unanimously.

13. Public Comments (No Vote May Be Taken)

Members of the Public attending the meeting made comments concerning the condition of Forest Lawn Cemetery.

14. Adjournment

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

MOTION

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

Mr. Floyd, after ensuring there being no further business to discuss, adjourned the September 22, 2021, meeting for the South Carolina Perpetual Care Cemetery Board at 1:09 pm.

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