

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

10:00 a.m. November 3, 2021
Columbia, South Carolina

Wednesday, November 3, 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 10:00 a.m. Other members participating during the meeting were: Felicia Smith-Charles, Vice-President, of Florence; Jeffrey W. Riggins of Lancaster; David Brown of Florence; 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; Alexis Bell, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; James Kemfort, 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 and John W. Robinson Jr, CPA.

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

Ms. Smith-Charles made a motion that the Board adopts the agenda for the November 3, 2021, South Carolina Perpetual Care Cemetery Board meeting. Mr. Brown seconded the motion, which Carried unanimously.

3. Introduction of Board Members and Staff Attending the Meeting

The board members and staff attending the meeting introduced themselves.

4. Approval of Excused Absences

All members were in attendance.

5. Approval of Minutes for the September 22, 2021 Board Meeting

The Board reviewed the September 22, 2021 minutes.

MOTION

Mr. Brown made a motion that the Board approve the minutes for September 22, 2021. Ms. Turner 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 -\$268,039.39.

Ms. Holleman informed the Board of former staff member, Jeanie Rose's, retirement.

8. Reports

A. Inspection Report

Ms. Mickens informed the Board that she and Mr. Poole conducted **16** inspections between September 10, 2021 and October 20, 2021.

B. Investigative Review Committee (IRC) Report

Mr. Kemfort asked that the Board review and approve the Investigative Review Committee Report recommending the dismissal of cases 2021-30 and 2021-5; and a letter of caution for cases 2021-32, 2021-27, 2021-28, and 2021-29.

MOTION

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

C. Office of Investigations and Enforcement (OIE) Report

Mr. Kemfort stated that the Office of Investigation and Enforcement received 38 complaints between January 1, 2021 and October 26, 2021. There are currently six active investigations and 12 cases closed.

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

Ms. Hayes informed the Board that the Office of Disciplinary Counsel (ODC) has four open cases; three cases closed since September 22, 2021; and 13 closed since January 1, 2021. Ms. Hayes introduced Alexis Bell, the new Disciplinary Counsel for the South Carolina Perpetual Care Cemetery Board.

Application Hearings

Old Business

The Board heard items 9. A1 & 2 together.

9. A. **Request to Modify Board Order/Agreed Upon Procedures Extension**

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

Ms. Holleman stated that this hearing is to determine if the Board would modify the terms of the second order for Case Nos: 2019-26 and 2019-27 and grant an extension to submit the 2019 and 2020 Agreed-Upon procedures. Mr. Igleheart and Mr. Robinson addressed the Board. Ms. League stated that the State subpoenaed Mr. Robinson as a witness. The Board questioned Mr. Igleheart and Mr. Robinson regarding this matter.

Mr. Robinson informed the Board that based on the information received from Mr. Igleheart he was unable to complete the AUPs per procedures; however, he was able to determine the amount of funds that should have been deposited during the periods of 2012-2020 in order to comply with the statute. Mr. Igleheart informed the Board that the funds are available and would be deposited upon the Board's approval.

After, ensuring there were no further questions from the Board and statements from Mr. Igleheart and Mr. Robinson, Mr. Floyd called for a motion to go into executive session to receive legal advice

Executive Session

MOTION

Mr. Brown made a motion and Ms. Smith-Charles seconded to go into executive session to receive legal advice. The motion carried unanimously.

Return to Public Session

MOTION

Mr. Brown made a motion and Mr. Riggins seconded to come out of Executive Session. The motion 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 a motion and Mr. Riggins seconded that the Board excuses the submission of the 2012-2020 Agreed-Upon Procedures on the conditions that Mr. Robinson provides the perpetual care and merchandise trust fund accounting documents assembled for the respective cemeteries within 7 days to the Board. Mr. Igleheart must deposit the amounts identified by Mr. Robinson that would make the accounts in compliance with statute and submitting verification of the deposit to the Board within 15 day of the date of the order. Mr. Igleheart from this day forward must timely deposit the required amount of funds into the perpetual care and merchandise funds in conjunction with maintaining adequate records according to Board statutes and regulations. The motion carried unanimously.

New Business

10. Election of Officers

MOTIONS

Mr. Brown made a motion nominating Ms. Felicia Smith-Charles as the Vice-President. Mr. Riggins seconded the motion which carried unanimously.

Ms. Smith-Charles made a motion nominating Mr. William Russel Floyd as the President. Mr. Riggins seconded the motion which carried unanimously.

11. Public Comments (No Vote May Be Taken)

12 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

November 3, 2021, meeting for the South Carolina Perpetual Care Cemetery Board at 11:32 a.m.

The next scheduled Board meeting for the South Carolina Perpetual Care Cemetery Board is March 10, 2022 at 10:00 a.m.