

MINUTES
South Carolina Perpetual Care Cemetery
Board Meeting

10:00 a.m. March 10, 2022
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, March 10, 2022

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-Chair, of Florence; Jeffrey W. Riggins of Lancaster; and Pamela P. Turner, CPA, of Florence.

Staff members present for the meeting included: Mary League, Advice Counsel, Office of Advice Counsel; Alexis Bell, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Kristina Zepp, Administrative Assistant, Sandra Filipovic, Administrative Assistant; and Micheal Smith, Office of Investigations and Enforcement;

Members of the public attending the meeting were: Ryan Kannady, Jr., of Greenlawn Cemetery of Dillion; Patrick T. Ethridge and Sammy Crayton, of Pennyroyal Memorial Gardens; Homer E. Elwood, Jr., and Annette Elwood, of Pinelawn Memory Gardens & Mausoleum, Inc.; and, Claude H. Howe, III, Esquire, of Howe & Rice, Attorneys at Law

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. Members of the public who wish to attend may do so by live streaming at <https://llr.sc.gov/cem/videos.aspx>.

B. Pledge of Allegiance

All present recited the Pledge of Allegiance.

2. Adopting the Agenda

MOTION: Mr. Riggins made the motion, and Ms. Smith-Charles seconded, that the Board adopts the agenda for the March 10, 2022, South Carolina Perpetual Cemetery Board meeting. The motion 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

Mr. David Brown was not in attendance.

MOTION: Mr. Riggins made a motion, and Ms. Smith-Charles seconded, that the Board approve Mr. Brown's absence. The motion carried unanimously.

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

The Board reviewed the minutes.

MOTION: Ms. Smith-Charles made a motion, and Mr. Riggins seconded, that the Board approve the November 3, 2021 minutes. The motion 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, 2022 was -\$223,165.56.

Ms. Holleman introduced the new staff members, Kristina Zepp and Sandra Filipovic.

8. Reports

A. Investigative Review Committee (IRC) Report

Mr. Smith asked that the Board review and approve the Investigative Review Committee Report recommending the dismissal of case 2021-24; a cease and dismiss for case 2021-39; a letter of caution for cases 2021-41, 2021-33 and 2021-16; and formal complaints for cases 2021-15, 2021-34, 2021-18, 2021-35, 2021-36, 2021-40, and 2021-42.

MOTION: Mr. Riggins made a motion, seconded by Ms. Smith-Charles, that the Board approves the Investigative Review Committee recommendations. The motion carried unanimously.

B. Office of Investigations and Enforcement (OIE) Report

Mr. Smith stated that the Office of Investigation and Enforcement received 43 complaints and closed 18 between January 1, 2021 and December 31, 2021. There is currently one active investigation and there were two cases received between January 1, 2022 and March 1, 2022.

C. Office of Disciplinary (ODC) Counsel

Ms. Bell informed the Board that the Office of Disciplinary Counsel (ODC) has three open cases; one pending a hearing or an agreement; one appeal, and one closed since the last report.

Disciplinary

9. A. **Consent Agreement**

These proceedings were recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

1. Case No.: 2021-10

Ms. Bell presented the Consent Agreement to the Board. The Board reviewed the agreement.

MOTION: Mr. Riggins made a motion, and Ms. Smith-Charles seconded, that the Board accept the Consent Agreement. The motion carried unanimously.

Application Hearings

10. A. Agreed-Upon Procedures Extension Request

These proceedings were recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

1. Greenlawn Cemetery of Dillion – Dillon – Ryan Kannady, Jr.

Mr. Ryan Kannady, Jr. appeared before the Board on behalf of Greenlawn Cemetery of Dillon.

Ms. Holleman informed the Board that Mr. Kannady is asking that the Board grant an extension for the cemetery to submit its 2020 Agreed-Upon Procedures.

Mr. Kannady informed the Board that due to the limited number of Certified Public Accountants that are currently performing Agreed-Upon Procedures, he was unable to secure a firm that met statutory requirements. He asked that the Board grant him an extension.

After discussing the matter, the Board determined that an Executive Session was in order to seek legal advice in this matter.

Executive Session

MOTION: Mr. Riggins made a motion, and Ms. Smith-Charles seconded, that the Board go into executive session to receive legal advice. The motion carried unanimously.

Return to Public Session

MOTION: Mr. Riggins made a motion, and Ms. Smith-Charles seconded, that the Board come out of Executive Session. The motion carried unanimously.

Mr. Floyd noted, for the record, there were no votes taken during Executive Session and called for a motion in this matter

MOTION: Ms. Smith-Charles made the motion, and seconded by Mr. Riggins, that the Board grants Mr. Kannady a 90 day extension from today's date, March 10, 2022, to submit the 2020 Agreed-Upon Procedures. The motion carried unanimously.

B. Change of Ownership

These proceedings were recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

1. Pennyroyal Memorial Gardens – Georgetown – Patrick Ethridge

Mr. Patrick T. Ethridge and Mr. Sammy Crayton appeared before the Board on behalf of Pennyroyal Memorial Gardens.

Ms. Holleman informed the Board that Mr. Ethridge is asking that the Board approve the change of ownership and to transfer its trust funds to the Argent Master Trust.

Mr. Ethridge addressed the Board, and the Board questioned him regarding the application. After concluding there were no other statements and/or questions, Mr. Floyd called for a motion to approve the change of ownership.

MOTION: Ms. Smith-Charles made a motion, seconded by Mr. Riggins, that the Board approves the change of ownership and the transfer of the trust funds to Argent Master Trust. The motion carried unanimously.

2. Pinelawn Memory Gardens & Mausoleum, Inc. – Clinton – Homer E. Elwood, Jr.

Mr. Homer Elwood, Jr., Ms. Annette Elwood, and Mr. Claude H. Howe, III, Esquire, appeared before the Board on behalf of Pinelawn Memory Gardens & Mausoleum, Inc.

Ms. Holleman informed the Board that Mr. Elwood is asking that the Board approve the change of ownership. Mr. Elwood addressed the Board, and the Board questioned him regarding the application.

Mr. Floyd called for a motion to go into Executive Session to seek legal advice in this matter.

Executive Session

MOTION: Mr. Riggins made a motion, and Ms. Smith-Charles seconded, that the Board go into executive session to receive legal advice. The motion carried unanimously.

Return to Public Session

MOTION: Mr. Riggins made a motion, and Ms. Smith-Charles seconded, that the Board come out of Executive Session. The motion carried unanimously.

Mr. Floyd noted, for the record, there were no votes taken during Executive Session and called for a motion in this matter

MOTION: Mr. Riggins made a motion, read by Ms. League, that the Board grants the change of ownership and the transfer of the irrevocable care and maintenance funds pending the receipt of Wells Fargo's resignation letter, a revised sales and purchase agreement in compliance with the Board's statute, to include the proper disclosures, and a signed 2021 Agreed-Upon Procedure. Ms. Smith-Charles seconded the motion, which carried unanimously.

11. Compliance Update, Case Numbers 2020-9; 2020-20; 2021-9

Ms. Holleman informed the Board that the cemetery owners are complying with the Board order by contracting services for the necessary repairs and providing regular updates to the Board Administrator. She informed the Board that copies of the cemetery company's monthly reports were included in the Board's meeting materials if they wished to review those.

12. Compliance Update, Case Numbers 2019-26 and 2019-27

Ms. Holleman informed the Board that Mr. Robinson, CPA, submitted documentation that Greenhaven Memorial Gardens' and Heritage Memorial Gardens', Care and Maintenance deposits should be in the amount of \$29,929.35 and \$66,846.82, respectively.

Mr. Igleheart, on January 29, 2022, submitted photo copies of drafted checks for each amount and account receipts with the balances prior to the deposits. Mr. Igleheart informed Board staff that the Bank will confirm the funds transfer/deposit via mail. Ms. Holleman informed the Board that Mr. Igleheart has not submitted documentation confirming the deposits. The Board asked that staff inform them upon receipt of the confirmation.

13. Legislative Updates

Ms. Holleman informed the Board that there are no Legislative updates to report at this time.

14. Public Comments (No Vote May Be Taken)

15. Adjournment

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

MOTION: Mr. Riggins made a motion, seconded by Ms. Smith-Charles, to adjourn the meeting.
The motion_carried unanimously.

Mr. Floyd, after ensuring there being no further business to discuss, adjourned the March 10, 2022, meeting for the South Carolina Perpetual Care Cemetery Board at 11:25 a.m.

The next scheduled Board meeting for the South Carolina Perpetual Care Cemetery Board is June 2, 2022 at 10:00 a.m.