

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

10:00 a.m. June 2, 2022  
Columbia, South Carolina

**Thursday, June 2, 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 10:04 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; Alexis Bell, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Kristina Zepp, Administrative Assistant; and Michael "Doc" Smith, Investigator, Office of Investigations and Enforcement

Members of the public attending the meeting were: Lawrence Bradley Smith, Attorney At Law, and Lawrence W. Willoughby, of Southern Palms 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 the motion, and Ms. Smith-Charles seconded, that the Board adopts the agenda for the June 2, 2022 South Carolina Perpetual Care Cemetery Board meeting amending the agenda by deleting item 9B. The motion 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 March 10, 2022 Board Meeting**

The Board reviewed the minutes.

**MOTION:** Mr. Riggins made a motion, seconded by Ms. Turner, that the Board approve the March 10, 2022 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 April 30, 2022 was -\$248,388.14.

### **B. North American Death Care Regulators Association (DCRA) Annual Conference Approval**

Ms. Holleman asked that the Board approve travel expenditures for the Administrator to attend the annual North American Death Care Regulators Association's conference in New York, New York on August 2-4, 2022. The Board reviewed the conference's agenda.

Mr. Floyd called for a motion in this matter.

**MOTION:** Mr. Brown made a motion, seconded by Ms. Turner, to approve the Board Administrator, Amy Holleman's, travel expenditures to attend the 2022 North American Death Regulators Association's Annual Conference. The motion carried unanimously.

## **8. Reports**

### **A. Investigative Review Committee (IRC) Report – Michael "Doc" Smith**

Mr. Smith asked that the Board review and approve the Investigative Review Committee report recommending the dismissal of cases 2022-14 and 2022-16; and formal complaints for cases 2022-3, 2022-4, 2022-5, 2022-7, 2022-8, 2022-9, 2022-10, 2022-12 and 2022-15.

**MOTION:** Mr. Riggins made a motion, seconded by Mr. Brown, that the Board approves the Investigative Review Committee recommendations. The motion carried unanimously.

### **B. Office of Investigation and Enforcement (OIE) Report – Michael "Doc" Smith**

Mr. Smith presented the Office of Investigation, Enforcement that showed 29 complaints received, and two closed between January 1, 2022 and June 2, 2022.

### **C. Office of Disciplinary Counsel (ODC) Report – Alexis Bell**

Ms. Bell presented the ODC report that showed nine open cases; one pending hearing and/or an agreement; one appeal and two closed since January 1, 2022.

## **Application Hearings**

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

## **9. A. Change of Ownership**

### **1. Southern Palms Memorial Gardens – North Myrtle Beach – Lawrence Willoughby**

Mr. Lawrence Willoughby and Mr. Lawrence Bradley Smith, Attorney at Law, appeared on behalf of Southern Palms Memorial Gardens.

Ms. Holleman informed the Board that Mr. Willoughby is before the Board as the proposed owner of Southern Memorial Gardens. He initially appeared before the Board in 2019, and the Board conditionally approved the change of ownership, requiring the Mr. Willoughby submit additional documentation. He has since submitted the required documents with questions remaining regarding the submitted Trust Agreement. The Board's policy is that an application expires after 6 months from the date of submission. Therefore, the initially change

of ownership application, in this case being over two years old, has expired, and a new applications and supporting documents is before the Board. However, questions continue to exist regarding the Trust Agreement document.

Mr. Smith, attorney for the applicant, addressed the Board stating that the Board requested modifications to the name of the Trust Agreement to reflect the new name under the current title and act including the verbiage that the Board must approve any change in the Trustee. Mr. Smith stated that a Court appearance is required in order to enact such changes. This action would probably take one to two years to appear before a Court. In addition, Mr. Smith presented the letter from Bank of America, supporting the assertion that modifications to the Trust most likely would require a court petition. The letter stated that in any case, any changes to the document, the Bank would need to obtain outside counsel of their own, and the Bank would need to be a party to the modifications.

Mr. Smith stated that the current Trust Agreement states, “the Trust applies to the first party or any successor party” and concerning the current statutes, the Trust states that the Trust is govern by all current state laws.

Mr. Smith stated that the question to the Board is are the changes necessary and will the Board require the applicant to go before a Court to obtain such modifications.

The Board questioned Mr. Smith and Mr. Willoughby regarding this matter, in addition to the late deposits to the Trust account.

Mr. Willoughby informed the Board that has rectified the late deposit issues, attributing most to a change in bookkeepers and other factors. Mr. Willoughby is aware of the sixty (60) days require by statute.

After ensuring that there were no further comments and/or questions, Mr. Floyd called for a disposition in this matter or a motion to go into executive session to seek legal advice.

### **Executive Session**

**Motion:** Mr. Brown made a motion, seconded by Ms. Smith-Charles, that the Board go into executive session to receive legal advice. The motion carried unanimously.

### **Return to Public Session**

**Motion:** Mr. Brown made a motion, seconded by 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. Brown made a motion, seconded by Mr. Riggins, that In regards to the application for change in ownership, the motion is: based on information presented today, including review of the notarized 2009 acceptance of trust letter by the current Trustee in which it agrees to be governed by applicable law, the Board finds the terms of the Trust as previously amended, substantially comply with Board statutes and regulations. To the extent necessary, as this is a new application, the Board requirement to revise the trust set out in its 2019 Order is vacated. However, applicant will need to make timely deposits to the perpetual care and maintenance trust fund and the merchandise fund in accord with

statutes and regulations. With that condition, the change of ownership is approved.

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

Ms. Holleman informed the Board that the updates included in the Board's materials for review were submitted on time. There were no questions from the Board

**11. Compliance Updates Case Numbers 2019-26 and 2019-27**

Ms. Holleman informed the Board that Mr. Iglehart has provided copies of the bank receipts supporting proof of correct deposits required by the Board.

**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, seconded by Mr. Riggins, to adjourn the meeting. The motion carried unanimously.

Mr. Floyd, after ensuring there being no further business to discuss, adjourned the June 2, 2022, meeting for the South Carolina Perpetual Care Cemetery Board at 11:12 a.m.

The next scheduled Board meeting for the South Carolina Perpetual Care Cemetery Board September 22, 2022 at 10:00 a.m.