

MINUTES
South Carolina Perpetual Care Cemetery
Board Meeting

10:00 a.m. June 8, 2023
Virtual – Video/Teleconference

Thursday, June 8, 2023

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.

Board Members Present:

William Russel Floyd, Jr., Chairperson, of Spartanburg
David Brown, Vice-President, of Florence joined the meeting at 10:34 a.m.
Pamela P. Turner, of Florence
Jeff Riggins, of Lancaster

SCDLLR Staff Present:

Donnell Jennings, Director, Division of Legal Services and Enforcement
Mary League, Advice Counsel, Office of Advice Counsel
Alexis Bell, Disciplinary Counsel, Office of Disciplinary Counsel
Amy Holleman, Administrator
Norma McAllister, Program Coordinator
Byron Ray, Investigator, Division of Legal Services and Enforcement
Tori Smith, Investigator, Division of Legal Services and Enforcement
Rosa McCoy, Investigator, Division of Legal Services and Enforcement

Members of the Public:

Justin Wilson, Senior Vice President, Argent Trust
Adam David Craft, Evergreen Memorial Gardens
Janice H. Petty, Evergreen Memorial Gardens
Kimberly Ann Hagan, Jonesville, and Union Memorial Gardens
Tina Behles, Capital City Court Reporting, LLC

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>

2. Adopting the Agenda

Mr. Floyd called for a motion to approve the agenda with the modification that items B1, 2, 3, and 4 be heard simultaneously.

MOTION: Mr. Riggins made the motion, seconded by Ms. Turner, which carried unanimously that the Board adopts the modified June 8, 2023 agenda for the South Carolina Perpetual Cemetery Board meeting.

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

Ms. Felicia Smith-Charles was not in attendance.

MOTION: Ms. Turner made a motion, seconded by Mr. Riggins, which carried unanimously that the Board approves Ms. Smith-Charles' absence.

5. Approval of Minutes for the March 9, 2023 Board Meeting

The Board reviewed the minutes.

MOTION: Mr. Floyd made a motion, seconded by Ms. Turner, which carried unanimously that the Board approve the March 8, 2023 minutes.

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, 2023 was -\$292,979.02.

B. North American Death Care Regulators Annual Meeting – October 2-5, 2023

Ms. Holleman asked that the Board approve travel expenditures for the Administrator to attend the 38th Annual North American Death Care Regulators Association's conference in Little Rock, Arkansas, on October 2-5, 2023.

The Board discussed the matter.

MOTION: Mr. Riggins made a motion, seconded by Ms. Turner to approve the Board Administrator and Advice Counsel's travel expenditures to attend the 2023 North American Death Care Regulators Association's Annual Conference

Ms. Holleman informed the Board of staffing changes; Lisa Hawsey and Kristina Zepp are no longer with the agency. Yolanda Lewis is the newest staff member with the Board.

8. Reports

A. Investigative Review Conference (IRC) Report

Mr. Donnell Jennings asked that the Board review and approve the Investigative Review Committee Report recommending a letter of caution for case 2022-61 and formal complaints be filed for cases 2022-46, 2022-47, 2022-48, 2022-51, 2022-52, 2022-62, 2022-63, and 2023-2.

MOTION: Mr. Riggins made a motion, seconded by Ms. Turner, which carried unanimously that the Board approves the Investigative Review Conference's recommendations.

B. Office of Investigations and Enforcement (OIE) Report

Mr. Jennings stated that the Office of Investigation and Enforcement received 9 complaints, with 6 active investigations, and closed zero complaints between January 1, 2023 and June 1, 2023.

C. Office of Disciplinary (ODC) Counsel

Ms. Bell informed the Board that as of June 7, 2023, the Office of Disciplinary Counsel (ODC) has 24 open cases; and they have 18 cases pending hearings or agreements. ODC closed four cases since the last report.

Disciplinary

9. A. Consent Agreement (CA)

1. Case No.: 2022-68

Ms. Bell presented the Consent Agreement to the Board.

MOTION: Mr. Riggins made a motion, seconded by Ms. Turner, which carried unanimously that the Board approves the Consent Agreement.

Application Hearings

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

10. A. Transfer of Irrevocable Trust Account

1. Evergreen Memorial Gardens – CEM.1023 – Janice Petty

Ms. Janice H. Petty, Mr. Adam David Craft, and Mr. Justin Wilson, of Argent Trust appeared before the Board on behalf of Evergreen Memorial Gardens.

Ms. Holleman informed the Board that the application is complete. Ms. Petty is asking that the Board approve the transfer of the Irrevocable Care and Maintenance Trust from First Citizens Bank to Argent Trust Company.

Ms. Petty addressed the Board and responded to questions. Mr. Floyd, after ensuring there were no further questions from the Board, called for a disposition in this matter.

MOTION: Mr. Brown made the motion, seconded by Ms. Turner, which carried unanimously, that the Board approves the transfer of the Irrevocable Care & Maintenance Trust Fund from First Citizens Bank to Argent Trust Company.

B. Agreed-Upon Procedures Extension Request

1. Jonesville Memorial Gardens – CEM.1060 – Irrevocable Care & Maintenance Trust Fund
2. Jonesville Memorial Gardens – CEM. 1060 – Merchandise Trust Fund
3. Union Memorial Gardens – CEM.1095 – Irrevocable Care & Maintenance Trust Fund
4. Union Memorial Gardens – CEM. 1095 – Merchandise Trust Fund

Ms. Kimberly Hagan appeared before the Board on behalf of Jonesville and Union Memorial Gardens.

Ms. Holleman stated that Ms. Hagan is asking for extension to submit the 2022 Agreed-Upon Procedures.

Ms. Hagan addressed the Board and responded to questions. Mr. Floyd, after ensuring there were no further questions from the Board, called for a disposition in this matter.

MOTION: Mr. Brown made a motion, seconded by Mr. Riggins, which carried unanimously, that the Board grants until September 30, 2023 for the submission of the 2022 Agreed-Upon Procedures.

11. OIE Reorganization

Mr. Jennings presented the reorganization structure and new name of the Office of Investigation and Enforcement (OIE). The Office of Investigation and Enforcement has combined with other departments of the agency to create the Division of Legal Services and Enforcement. The new investigative and enforcement division structure will consist of with ten (10) lead investigators supervising smaller investigative teams. Bryon Ray, Tori Smith, and Rosa McCoy will be the investigators for Cemetery with a new Lead Investigator to be determined soon.

12. Administrator Authority to Grant AUP Extensions

Ms. Holleman asked that the Board consider granting the Administrator the authority to approve Agreed-Upon extension request within set perimeters. The Board discussed the matter and made the following motion.

MOTION: Mr. Brown made a motion, seconded by Mr. Riggins, which carried unanimously, that the Board grants the Administrator to grant extensions for submitting Agreed-Upon Procedures through October 30, 2023. Those companies that have not submitted the Agreed-Upon procedures by October 30, 2023 must appear before the Board.

13. Executive Session to Discuss Legal Matter

Executive Session

Motion: Mr. Brown made the motion, seconded by Mr. Riggins, that the Board go into executive session to receive legal advice. The motion carried unanimously.

Return to Public Session

Motion: Ms. Turner made the motion, seconded by Mr. Brown that the Board comes 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

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 Mr. Brown, which carried unanimously to adjourn the meeting.

Mr. Floyd, after ensuring there being no further business to discuss, adjourned the June 8, 2023, meeting for the South Carolina Perpetual Care Cemetery Board at 11:18 a.m.

The next scheduled Board meeting for the South Carolina Perpetual Care Cemetery Board is **September 21, 2023 at 10:00 a.m.**