

MINUTES
South Carolina Perpetual Care Cemetery
Board Meeting

10:00 a.m. September 21, 2023
110 Centerview Drive, Kingstree Building
Low Country Conference Room

Thursday, September 21, 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 10:08 a.m.

Board Members Present:

William Russel Floyd, Jr., Chairperson, of Spartanburg
David Brown, Vice-Chairperson, of Florence
Pamela P. Turner, of Florence
Jeff Riggins, of Lancaster
Felicia Smith-Charles, Florence

SCDLLR Staff Present:

Donnell Jennings, Director, Division of Legal Services and Enforcement
Mary League, Advice Counsel, Office of Disciplinary Counsel
Alexis Bell, Disciplinary Counsel, Office of Disciplinary Counsel
Amy Holleman, Board Executive
Norma McAllister, Program Coordinator
Shamone Breazeale, Administrative Assistant
Josh Shannon, IT Specialist, IT Services
Robert Dean, Lead Investigator, Division of Legal Services and Enforcement
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:

Michelle Cooper
Brian Smith
Jason Vahn, President of Rock Hill Memorial Operations, LLC
Carl Hiller, HHB Law Group
Justin Wilson, Senior Vice President, Argent Trust
Kim Young, Capital City Court Reporting, LLC
Sylvia English
Michael Smith
Daniel Neil
Tammy Brown
Gwendolyn Austin

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

Mr. Floyd called for a motion to approve the agenda.

MOTION: Mr. Brown made the motion, seconded by Mr. Riggins, 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 – All members were in attendance

5. Approval of Minutes for the June 8, 2023 Board Meeting

The Board reviewed the minutes.

MOTION: Mr. Brown made a motion, seconded by Ms. Turner, which carried unanimously that the Board approve the June 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. She informed the Board that the cash balance on August 31, 2023 was -\$344,948.33.

Ms. Holleman updated for the new Conference rooms and microphones. She also informed of the reorganization of the Boards.

8. Reports

A. Investigative Review Conference (IRC) Report

Mr. Robert Dean asked that the Board review and approve the Investigative Review Committee Report recommending four dismissals for cases 2022-46, 2023-3, 2023-4, 2023-5, and seven formal complaints be filed for cases 2022-19, 2022-21, 2022-22, 2022-23, 2022-24, 2022-25, 2022-26.

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

B. Office of Investigations and Enforcement (OIE) Report

Mr. Robert Dean stated that the Office of Investigation and Enforcement received 11 complaints, with 2 active investigations, and closed 1 complaint between January 03, 2023 and September 6, 2023.

C. Office of Disciplinary (ODC) Counsel

Ms. Bell informed the Board that as of September 21, 2023, the Office of Disciplinary Counsel (ODC) has 26 open cases; and they have 22 cases pending hearings or agreements. ODC closed 0 cases since the last report.

Mr. Floyd informed the reports are accepted for statistical purposes.

Application Hearings

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

9. A. Transfer of Irrevocable Trust Account

1. Rock Hill Memorial Gardens Operations, LLC – CEM.1181 – Peggy Ann Mitchell

Mr. Justin Wilson and Mr. Jason Vahn agreed to have all three requests of Transfer of Trust, Transfer of Merchandise Trust Fund and Change of Ownership to be heard at once.

B. Transfer of Merchandise Trust Fund

1. Rock Hill Memorial Gardens Operations, LLC- CEM. 1181- Peggy Ann Mitchell

Mr. Justin Wilson and Mr. Jason Vahn agreed to have all three requests of Transfer of Trust, Transfer of Merchandise Trust Fund and Change of Ownership to be heard at once.

C. Change of Ownership

1. Rock Hill Memorial Gardens Operations, LLC CEM- 1181- Peggy Ann Mitchell

Mr. Floyd asked Mr. Justin Wilson and Jason Vahn if all three requests of Transfer of Trust, Transfer of Merchandise Trust Fund and Change of Ownership to be heard at once. They agreed.

Ms. Holleman informed the Board that the application is complete. Rock Hill Memorial Gardens Operations, LLC is asking the Board to approve the transfer of the Irrevocable Care and Maintenance Trust, Transfer of Merchandise Trust Fund from TNB Financial Services to Argent Trust Company and Change of Ownership from Rock Hill Memorial Gardens to Rock Hill Memorial Operations, LLC.

Mr. Floyd informed the Board that the Agreed Upon Procedures did not follow the guidelines for irrevocable care and maintenance trust fund and merchandise trust for 2022.

Executive Session

Motion: Mr. Brown made a motion for executive session for legal advice, which was seconded by Mr. Riggins and carried unanimously.

Return to Public Session

Motion: Mr. Brown made a motion to come out of executive session, which was seconded Ms. Smith-Charles, and 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 a motion to approve both transfer of Irrevocable Care and Maintenance Trust and Merchandise, which was seconded by Jeff Riggins second, and carried unanimously.

MOTION: Mr. Brown asked Advice counsel to read the motion, which was to approve transfer of ownership pending receipt of Agreed Upon Procedure acceptable to the Board that follow the guidelines and format required by the Board for merchandise and perpetual care and maintenance funds. Board members, Mr. Floyd and Ms. Turner, will review the revised Agreed Upon Procedures, and, if satisfactory, no further action is necessary. The documents must be made up by the buyer. If not satisfactory, then further requirements and Board appearance may be required. The motion was seconded by Ms. Smith-Charles and motion passed unanimously.

Disciplinary Hearings

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

10. A. Evidentiary Hearing(s)

1. Case Nos.: 2022-3, 2022-4, 2022-5, 2022-7, and 2022-12

Both, the State and the Respondent's attorney made opening statements. Ms. Bell, representing the State, then presented the case before the Board. The State presented Michael Smith, Investigator for the State, Michelle Cooper, Sylvia English, David Neil and Tammy Brown. Carl Hiller, Respondent's attorney, cross-examined the witnesses. Gwendolyn M. Austin Regional Administrator for Plantation Memorial Garden testified as a witness for Respondent. The State cross-examined Respondent's witness.

The State and Respondent's Attorney gave closing arguments. Mr. Floyd called for a motion to go into executive session to seek legal advice.

Executive Session

MOTION: Mr. Brown made a motion and Mr. Riggins seconded 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 and Ms. Turner 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, which he asked Advice Counsel to read.

The Board found that the State met the burden of proof for the violations alleged to have been committed by the respondent. The Board finds the following sanctions appropriate in this matter, a public reprimand and fine of \$1,000, to be paid within 60 days from the date of the Final Order. Ms. Turner seconded the motion, and the motion carried.

11. Approval of 2024 Meeting Dates/Calendar

MOTION: Mr. Riggins made a motion, seconded by Mr. Brown

12. Public Comments (No Vote May Be Taken)- None

13. Adjournment

Mr. Floyd called for a motion to adjourn the meeting

MOTION: Mr. Brown made a motion, seconded by Mr. Smith, which carried unanimously to adjourn the meeting.

The next scheduled meeting for the SC Perpetual Care Cemetery Board is **November 2, 2023.**