

**MINUTES**  
**South Carolina Perpetual Care Cemetery**  
**Board Meeting**

1:00 p.m., Tuesday, April 23, 2013  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 108  
Columbia, South Carolina

**Tuesday April 23, 2013**

**1. Meeting Called to Order**

J. W. Russ, Chair, of Conway, called the meeting to order at 1:15 p.m. Other members participating during the meeting included: Russel Floyd, Vice Chair, of Spartanburg; Roger Finch, of Honea Path; Jacquelyn Petty, of Union; and, Rick Riggins, of Lancaster.

Staff members participating in the meeting included: Doris Cubitt, Administrator; Wendi Elrod, Program Assistant; Amy Holleman, Administrative Assistant; Sara McCartha, Advice Counsel, Office of Advice Counsel; Christa Bell, Office of General Counsel; Erin Baldwin, Office of General Counsel; and, Buddy Poole, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Ashley Hicks, of SCI; Tamala Randolph, of StoneMor; Bill Gaffney, of Mountain View Memorial Park; and, Bob Coble, of Nexsen Pruet.

a. Public Notice

Mr. Russ announced that public notice of this meeting was properly posted at the S. C. Perpetual Care Cemetery Board office, Synergy Business Park, Kingstree Building, provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. He noted a quorum was present.

B. Pledge of Allegiance

**2. Introduction of Board Members and Persons Attending the Meeting**

The Board members, staff, and all other persons attending the meeting introduced themselves.

**3. Approval of Excused Absences**

John Bartus, of Mauldin, was granted an excused absence.

**MOTION**

Mr. Riggins made a motion that the Board approve Mr. Bartus' absence. Mr. Floyd seconded the motion, which carried unanimously.

**4. Approval of Minutes for the February 21, 2013, March 14, 2013, and March 21, 2013, meetings**

**February 21, 2013**

**MOTION**

Mr. Floyd made a motion the Board approve the minutes of the February 21, 2013, as is. Ms. Petty seconded the motion, which carried unanimously.

**The changes are as follows for March 14, 2013:**

- On line 47, it should be “escrow” not “trust”.
- On line 49, it should be “imposed” not “apposed”.
- On line 50, add, “but hold it in abeyance”, after fine, so it should read, “She can ask the Judge not just to impose a fine but hold it in abeyance because she thinks the judge’s concern is that the \$10,000 could be used to obtain a CPA to get the reports in order”.
- On line 57, it should be “escrowed with” not “trusted”.
- On line 65, add, “that”, so it should read as, “Ms. Bell stated in that case as far as the law and the allegations the only recourse would be to ask the Judge to enforce the injunction and inform Mr. Kent that he is obligated to do certain things under contract law”.

**MOTION**

Mr. Floyd made a motion the Board approve the minutes of the March 14, 2013, with changes. Mr. Riggins seconded the motion, which carried unanimously.

**March 21, 2013**

**MOTION**

Mr. Floyd made a motion the Board approve the minutes of the March 21, 2013, as is. Mr. Riggins seconded the motion, which carried unanimously.

**5. Chairman’s Remarks – J. W. Russ**

Mr. Russ welcomed everyone to the meeting. He also thanked staff for all of their hard work.

**6. Administrator’s Remarks – Doris Cubitt  
Information Update**

**7. Administrator’s Remarks – Doris Cubitt**

Ms. Cubitt briefly reviewed the February and March 2013 financial reports and stated that if anyone has questions please let her know.

She also informed the board that the Death Care Regulators Association (DCRA) Conference will be coming September 9-13, 2013 in St. Louis, MO and she needs to know if the Board wants her to attend.

**MOTION**

Mr. Riggins made a motion the Board approve for Ms. Cubitt to attend the DCRA conference September 9-13, 2013. Ms. Petty seconded the motion, which carried unanimously.

**8. Reports**

**A. Inspection Report – Buddy Poole**

Mr. Poole stated that there have been 39 inspections since February 13, 2013. He also stated that Mr. Adams has now returned to work.

Mr. Floyd asked the nature of problems that Mr. Poole finds during his inspections. Mr. Poole stated usually it is pot holes. Mr. Floyd asked whose responsibility is it to follow up on those types of inspections. Mr. Poole stated that he or Mr. Adams gives an inspection report when they find violations and schedules a re-inspection within 30 days.

Ms. Cubitt stated for information purposes that LLR does have a compliance area that follows up on any Orders that have been issued. She stated that Mr. Adams, Mr. Poole, and she had a discussed the inspections for cemeteries stating that the inspection report shows either pass or fail. She stated that when the inspectors go out for an inspection then they will contact staff to see if the cemetery is delinquent in any financial reports, and, if so, then the cemetery will fail the inspection.

Mr. Floyd stated that he was specifically thinking about the cemetery in Newberry that had come before the board. Ms. Cubitt stated that cemetery is being monitored, but they had made progress.

**B. Office of General Counsel (OGC) – Christa Bell**

Ms. Bell distributed the Office of General Counsel case log for the Cemetery Board and informed them there are currently seven open cases. She stated that three cases are pending action, one pending hearing, and three cases are pending final order. She stated that six cases have been closed since April 15, 2013.

Ms. Bell announced that she will be leaving Office of General Counsel to move to Office of Investigations and Enforcement. She stated that Ms. Baldwin will be taking over her case load for the Perpetual Care Cemetery Board.

Ms. Baldwin addressed the Board and stated that no one can replace Ms. Bell but she will do her best.

**C. Investigative Review Committee (IRC) Report – Doris Cubitt**

Ms. Wolfe presented the IRC report for March 18, 2013, asking that they be approved with the IRC's recommendations, which are to issue a formal complaint for two cases 2013-2, and 2013-3.

**MOTION**

Mr. Floyd made a motion the Board accept the IRC report. Mr. Riggins seconded the motion, which carried unanimously.

**D. OIE Report – Doris Cubitt**

Ms. Wolfe presented the OIE report stating that the cases were received from January 1, 2013, through April 12, 2013. There have been four closed cases, five active cases, and two are pending board action.

**9. New Business**

**A. SCI – change in their cemetery rules and regulations**

SCI submitted their Rules and Regulations for the cemetery for approval. Mr. Hicks was present to answer any questions the board may have. Mr. Russ stated the rules and regulations look good to him. He stated that he must commend whoever wrote the rules and regulations because they were well written. He stated that the only thing he saw that he

believes needs to be added is a sentence stating “they need to seek approval of the Board per the statute for any changes of the cemetery Rules and Regulations”.

**MOTION**

Mr. Riggins made a motion the Board approve the submitted Rules and Regulations for all SCI owned cemeteries. Ms. Petty seconded the motion, which carried unanimously.

B. StoneMor

Mr. Coble thanked the board for allowing them to speak with them.

Ms. Randolph stated she is available for any questions the Board may have. She then read a statement that she prepared which follows.

The purpose of the SC Perpetual Care Cemetery Board is to “protect the public and to regulate and supervise the activities of cemeteries under the laws of SC”

The main reason for this board is to protect the consumer and/or public. With that being said the practice of pre-installing vaults/obc’s does just that. It gives the consumer the option of if they would like to have the vault/obc installed pre-need so the consumer can see it happening or if they would like to wait till the time of need and leave it for the family to verify. The main reasons that the consumer pre-plans is to take this burden off of their family members.

Part of our job as family service or being licensed by the Perpetual Care Cemetery Board is to educate the consumer on the options that they have for final resting of themselves or for the loss of their loved one. The consumer is allowed to choose what they think is the best option for them by selecting type of burial internment, entombment or inurnment. Once they have decided on the type then they are offered MANY different options from there. One of the options that they are offered is a vault or an OBC, and they are then given the option if they would like to have it installed now or in the future, at the time of need. While educating the family/consumer pursuant to SC Laws Section 40-8-30 (16) we teach them what both category 1 and category 2 and per the law and they are able to decide which category they would like to purchase. Stonemor at the same time believes that the consumer is able to make the decision with the correct education if they would like to have their vault/obc pre-installed.

Per SC Law Section 40-8-35 Stonemor offers a disclosure at the time of purchase of a vault/obc and O/C, giving the consumer the option to have previously purchased vaults/obc pre-installed if they so choose. This discloser was submitted and approved by the board as it stands today. The disclosure offers “as an option, this is your choice. You are not required to agree to installation before need. You can request that the OBC be installed at need.”

On the same form

The consumer is informed “no such deposit in a merchandise trust account is required for the outer burial container(s) installed, stored or warehoused.”

The consumer also states on the contract and acknowledge that your election is knowingly and willingly made.

BOTH, items must be present to allow the preinstall.

Mr. Coble stated the only other thing they will ask is to reconsider the language in the regulations especially on lawn crypts so it can be clear.

Mr. Russ stated the board needs to take it under advisement and to have time to review was has been presented.

Mr. Coble stated he can email Ms. McCartha the statement that Ms. Randolph read so the board members may review.

#### **10. Public Comments (No Vote May Be Taken)**

Mr. Gaffney asked if a cemetery enters into a legally binding contract with a consumer and the contract states the cemetery is pre-burying the vault. Where are the rights that the consumer may have and where does it fall in the statute.

Mr. Russ stated that he would like to answer that but the Board can't take a vote on public comments. He stated the board needs to take it under advisement.

Mr. Gaffney stated that they do not pre-install vaults but he just wanted to inquire on how that would work based on the presentation that he heard by StoneMor.

#### **11. Adjournment**

##### **MOTION**

Mr. Riggins made a motion the Board adjourn. Ms. Petty seconded the motion, which carried unanimously.

The April 23, 2013, meeting of the SC Perpetual Care Cemetery Board adjourned at 1:55 p.m.

The next meeting of the SC Perpetual Care Cemetery Board is scheduled for May 15, 2013.