

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

10:00 a.m., March 21, 2018  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 107  
Columbia, South Carolina

**Wednesday, March 21, 2018**

**1. Meeting called to Order**

J. W. Russ, Chairperson, of Conway, called the regular meeting of the South Carolina Perpetual Care Cemetery to order at 10:09 a.m. Other members participating during the meeting were: Russell Floyd, Vice Chairperson, of Spartanburg; Jacquelyn Petty, of Union; and Rick Riggins, of Lancaster.

Staff members participating in the meeting included: Mary League, Advice Counsel, Office of Advice Counsel; Tina Brown, Disciplinary Counsel, Office of Disciplinary Counsel; Lesia Kudelka, Public Information Director, Office of Communications and Media Relations; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Rodney Pigford, Investigator, Office of Investigations and Enforcement; Ernest Adams, Inspector, Office of Investigations and Enforcement; and William Poole, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting: Cecil T. Sandifer, Jr. and Cecil T. Sandifer, III of Heritage Memorial Gardens; Dewey C. Baldwin of Forest Lawn Memory Gardens, Inc.; C. W. Stoots, Peggy H. Mitchell, and Greg Arnold of Rock Hill Memorial Gardens; Justin Wilson and James Breaux of Live Oak Bank; Leslie Wallace, Chief Financial Officer of Hillcrest Cemetery of Conway, Inc.; and Meghan Goldfinch Hayden of Hillcrest Cemetery of Conway, Inc.; and Robin Morris of Stonemor Partners

**A. Public Notice**

Mr. Russ 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.

**B. Pledge of Allegiance**

All in attendance recited the Pledge of Allegiance.

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

The Board members and staff attending the meeting introduced themselves.

**3. Approval of Excused Absences**

All Board members were in attendance. Mr. Russ stated Ms. Catherine McNicoll resigned as a board member effective, Wednesday, March 14, 2018.

**4. Approval of Minutes for November 9, 2017 and November 27, 2017 board meetings**

Mr. Russ called for a motion to approve the minutes.

**MOTION**

Mr. Floyd made a motion to approve the minutes. Ms. Petty seconded the motion, which carried unanimously.

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

Mr. Russ thanked staff. Mr. Floyd made a motion to amend the agenda moving items eight, nine, and 10 in reverse order next on the agenda. Mr. Riggins seconded the motion, which carried unanimously.

**New Business**

**Application Hearings**

**6. A. Late Renewal**

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

**1. Heritage Memorial Gardens – Westminster – Cecil Tant Sandifer, Jr.**

Mr. Cecil Tant Sandifer, Jr. and Mr. Cecil Tant Sandifer, III appeared before the Board on behalf of Heritage Memorial Gardens.

Ms. Holleman informed the Board that Mr. Sandifer, Jr. contacted staff in February of 2018 acknowledging the oversight to renew by December 31, 2017. Within his correspondence, he asked that the Board accept a late renewal application. In response to Mr. Sandifer’s request, Ms. Holleman explained that after January 31 statute requires that the licensee submit a new application with the additional fee and documents.

Thereafter, Mr. Sandifer Jr., submitted a renewal application received by staff on March 6, 2018. Ms. Hollman informed the Board that according to statute Section 40-8-75 (C) (D); “(C) The license period is from January first through December thirty-first. (D) Failure to renew a license by the December thirty-first renewal date renders the license invalid. The license may be reinstated upon receipt of an application postmarked no later than January thirty-first. Delinquent renewal requests not postmarked on or before January thirty-first require that a new application be submitted under the guidelines in effect for the current period.”

Ms. Holleman acknowledged that in 2017, in error the computer issued a license with the erroneous expiration date of December 31, 2018 instead of the correct date, December 31, 2017. As a corrective action staff mailed a letter dated October 17, 2017 explaining the error and informing the cemetery manager that the license would expire December 31, 2017.

Mr. Sandifer, III acknowledged the oversight of the cemetery and stated that during the cemetery tenure of operation its renewals have never been late. Mr. Sandifer, III requested that the Board grant the acceptance of the late renewal.

**Executive Session**

**MOTION**

Mr. Floyd made a motion to go into Executive Session to receive legal advice. Ms. Petty seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Floyd made a motion that the Board return to public session. Mr. Riggins seconded the motion, which carried unanimously.

Mr. Russ noted, for the record, that there were no votes taken during executive session.

**MOTION**

Mr. Riggins asked that Advice Counsel read the motion, which stated that due to confusion caused by a computer error regarding the expiration date of the license, in this instance, the Board will deem renewal timely made and therefore the renewal application is accepted. Ms. Petty seconded the motion, which carried unanimously.

**B. Transfer of Irrevocable Trust Account**

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

1. Forest Lawn Memory Gardens, Inc. – Abbeville – Dewey C. Baldwin

Mr. Baldwin appeared before the Board on behalf of Forest Lawn Memory Gardens, Inc.

Ms. Holleman informed the Board that the documentation is complete. Mr. Baldwin is requesting that the Board approve the transfer of the Care and Maintenance Trust Fund from Park Sterling Bank to CountyBank Trust Services, as he was recently informed that Park Sterling Bank would no longer be servicing trust funds.

Mr. Russ called for a motion regarding the disposition in this matter.

**MOTION**

Mr. Floyd made a motion to approve the transfer of the Care and Maintenance Trust Fund for Forest Lawn Memory Gardens, Inc. from Park Sterling Bank to CountyBank Trust Services. Ms. Petty seconded the motion, which carried unanimously.

**C. Change of Ownership**

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

1. Rock Hill Memorial Gardens dba Bass Cauthen of Rock Hill – Peggy Ann Mitchell

Mr. Curtis W. Stoots and Ms. Peggy Ann Mitchell appeared before the Board on behalf of Rock Hill Memorial Gardens dba Bass Cauthen of Rock Hill.

Ms. Holleman informed the Board that the application is complete. Mr. Stoots is requesting that the Board approve the change of ownership.

Mr. Stoots informed the Board that he is the sole owner of Bass Cauthen of Rock Hill after being a partner for many years. In October 2017 the South Carolina Board of Funeral Service approved his purchase of the affiliated funeral home. The cemetery is located on a 37 acre parcel surrounding a separate five acre parcel with the funeral home.

The Board required an explanation for item #1(g)(2) in the Asset Purchase Agreement, withdrawal of interest permitted before closing. Mr. Stoots assured the Board that the interest of the perpetual care account would remain intact as the same after closing as it was before closing.

The Board questioned Mr. Stoots regarding the sales transaction and other information contained within and/or omitted from the trust document. The Board informed Mr. Stoots that according to the South Carolina Perpetual Care Cemetery Board Regulation 21-14 the Board must approve the resignation of a trustee and any changes to the trust document.

**Executive Session**

**MOTION**

Mr. Floyd made a motion to go into Executive Session to receive legal advice in this matter. Mr. Riggins seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Floyd made a motion that the Board return to public session. Mr. Riggins seconded the motion, which carried unanimously.

Mr. Russ noted, for the record, there were no votes taken during executive session.

**MOTION**

Mr. Floyd asked that Advice Counsel read the motion, which is to approve the change of ownership subject to amending the trust document sections XIII and XIV to provide that the Board must approve any change of trustee and any change to the trust language. Mr. Stoots must submit changes to Board staff for review, and approval by Mr. Floyd prior to the approval being in effect. Mr. Riggins seconded the motion, which carried unanimously.

**2. Hillcrest Cemetery of Conway, Inc. – Meghan Goldfinch Hayden**

Ms. Megan Goldfinch Hayden and Ms. Leslie Wallace appeared before the Board on behalf of Hillcrest Cemetery of Conway, Inc. Ms. Hayden is requesting that the Board approve a change of ownership, change of trustee, and change of manager.

Mr. Russ recused himself. Mr. Floyd conducted the application hearing. Ms. Holleman informed the Board that the Articles of Incorporation were not included; however, the Secretary of State Charter document and Certificate of Existence were included. Ms. Hayden reported that even after diligent research at the South Carolina Secretary of State and the South Carolina Department of Archives, the Articles of Incorporation for Hillcrest Cemetery of Conway, Inc., which was chartered in 1953, could not be found

Ms. Holleman reported that staff is not in receipt of the disclosure form for the cemetery. Ms. Hayden provided the Board with a handout containing the financial structure of the purchaser,

The Board then discussed the change of ownership, change of manager and change of trustee. The Board advised Ms. Hayden to review the statute regarding Care and Maintenance agreements and disclosures.

Mr. Floyd called for a motion to go into Executive Session.

**Executive Session**

**MOTION**

Ms. Petty made a motion to go into Executive Session to receive legal advice in this matter. Mr. Riggins seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

Ms. Petty made a motion that the Board return to public session. Mr. Riggins seconded the motion, which carried unanimously.

Mr. Floyd noted, for the record, there were no votes taken during executive session.

Ms. Hayden submitted additional information for the Board to review. The Board advised Ms. Hayden to submit the disclosure with all itemized charges.

### **MOTION**

Mr. Riggins asked that Advice Counsel read the motion, which states that the Board approves the change of manager, and change of trustee pending amendment of the trust agreement to provide that the Board must approve any change of trustee and transfer. This will be an amendment to Article XII.

However, the Board requires additional information in order to approve the change of ownership. This information would include the disclosures as required by statute and that the applicant remove the additional installation charge for a memorial to a third party or to someone who obtains a memorial from a third party vendor.

The Board recommends referring to the disclosure template on the website as guidance for the needed information.

The Board will grant approval of the change of ownership application by staff, if within 45 days of the date of the order staff receives the corrected disclosure documents, as required by statute, and that the additional memorial installation charge to a third party vendor is removed. If not received within 45 days of the date of the order the applicant would be required to reappear before the Board for approval. Ms. Petty seconded the motion, which carried unanimously.

## **7. Administrator's Remarks – Amy Holleman**

Ms. Holleman presented the financial report, informing the Board that the cash balance at the end of February 2018 was -\$94,357.61. Ms. Holleman reminded the Board that the Statement of Economic Interest is due at the South Carolina State Ethics Commission on March 30, 2018 by 12:00 noon. The State Ethics Commission will assess fines to individuals that do not file on time.

## **8. Reports**

### **A. Inspection Report**

Mr. Poole informed the Board that he and Mr. Adams conducted 56 inspections between November 7, 2017 and March 13, 2018.

### **B. Investigative Review Committee (IRC) Report – Rodney Pigford**

The IRC Committee rescheduled the March 2018 meeting.

### **C. Office of Investigations and Enforcement (OIE) Report – Rodney Pigford**

Mr. Pigford stated the Office of Investigations and Enforcement (OIE) received four cases and closed three cases between January 1, 2018 and March 15, 2018.

### **D. Office of Disciplinary (ODC) Counsel – Tina Brown**

Ms. Brown presented the Office of Disciplinary Counsel (ODC) report as follows; 19 open cases; one pending IRC; nine pending response on a Consent Agreement; one formal complaint to be returned to IRC for further review; four cases to return to IRC for further review; and four pending drafting as of March 15, 2018.

## **9. Additional and/or Alternative IRC Professional Members**

Ms. Holleman informed the Board that the Cemetery IRC has one professional member. The Board discussed the approval of an additional and/or alternate IRC member. After the discussion Mr. Russ called for a motion for a disposition in this matter.

### **MOTION**

Mr. Floyd made a motion to approve Andy Cone, upon his acceptance, as the new South Carolina Perpetual Cemetery Investigative Review Committee member. Mr. Riggins seconded the motion, which carried unanimously.

**10. Reschedule October 2018 Meeting Date**

The Board discussed alternative meeting dates for June and June 2018 and decided the next meetings will be on Wednesday, June 27, 2018, Room 108 and Friday, November 16, 2018, Room 204.

**11. Discussion: South Carolina Perpetual Care Cemetery Board Travel Budget**

Ms. Holleman reviewed the FY2018 travel budget and presented the FY 2019 travel budget for approval.

Ms. Holleman informed the Board that per Robbie Boland, Office of Business Services Program Manager, the currently proposed FY19 budget must only include figures for the current four board members and four established meetings. She reminded the Board that two public board member seats have remained open since 2016, in addition to Ms. McNicoll's recently resigned seat. Ms. Holleman informed the Board that based on the residential status of future appointees; the in-state travel budget would see an increase, maybe significantly. The proposed budget does not include additional meetings and/or employee (board member) training.

Ms. Holleman stated that Mr. Boland has assured her that if future Board members are appointed and/or if out-of-state travel increases within FY19, the budget would adjust accordingly.

**Historical**

Fiscal Year	In-State	Out-of-State	Total	Fiscal Year	In-State	Out-of-State	Total
2015-2016	2386	1098	3481	2016-2017	1816	1306	3122

**FY18 Budget**

Fiscal Year	In-State	Out-of-State	Total
2017-2018	3000	4000	6800

**2018 YTD Expenditures**

Fiscal Year	In-State	Out-of-State	Total
2016-2017	459	3297	3756

In-state travel YTD: one meeting all board members present; second meeting teleconference  
 Out-of-State YTD: Travel for Administrator & Advice Counsel to DCRA in Portland, OR

**FY19 Proposed Budget**

Fiscal Year	In-State	Out-of-State	Total
2018-2019	2000	1750	3750

In- State: Based on four meetings with the four current board members only, includes mileage, meals, and hotels  
 Out-of-State: Estimate based on travel to DCRA in New Orleans, LA including flight (March 2018 rates) and GSA hotel rates. Total cost may vary at time of booking/travel.

The proposed FY 2019 travel budget would be based on on the current four members and four board meetings per year to reflect in-state of \$2,000.00 and out-of-state of \$1,750.00 totaling \$3,750.00.

Mr. Russ called for motion regarding the FY19 travel budget.

**MOTION**

Mr. Floyd made a motion to approve the proposed FY 2019 travel budget. Mr. Riggins seconded the motion and it carried unanimously.

**12. Public Comments (No Vote May Be Taken)**

There were no public comments.

**14. Adjournment**

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

**MOTION**

Mr. Riggins made a motion to adjourn the meeting. Mr. Floyd seconded the motion, which carried unanimously.

Mr. Russ, after ensuring there being no further business to discuss, adjourned the March 21, 2018 meeting for the South Carolina Perpetual Care Cemetery Board at 1:20 p.m.

The next scheduled Board meeting for the South Carolina Perpetual Care Cemetery Board is June 27, 2018 at 10:00 a. m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.