

MINUTES
South Carolina Perpetual Care Cemetery
Board Meeting

10:00 a.m., Thursday, March 3, 2016
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, March 3, 2016

1. Meeting Called to Order

J. W. Russ, Chair, of Conway, called the meeting to order at 10:11 a.m. Other members participating during the meeting were: Russel Floyd, Vice Chair, of Spartanburg; John Bartus, of Mauldin; Rick Riggins, of Lancaster, Jacquelyn Petty, of Union, and Catherine Oates Robinson of Columbia.

Staff members participating in the meeting included: Monaca Harrelson, Administrative Assistant; Amy Holleman, Administrator; Mary League, Advice Counsel, Office of Advice Counsel; Tracey Perlman, Disciplinary Counsel, Office of Disciplinary Counsel; Sharon Wolfe, Office of Investigations and Enforcement, Buddy Poole, Inspector, Office of Investigations and Enforcement; Ernest Adams, Inspector, Office of Investigations and Enforcement, and Dwayne Eanes, Office of Investigations and Enforcement.

Members of the public attending the meeting included Wallace McKnight, Sr. and Wallace McKnight, Jr. of Morning Glory Cemetery, Jack O'Steen, Mark Ferro, and Nancy Clift of Sumter Cemetery Association, and Ronald and Carla Johns of Evergreen Memorial Gardens.

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, 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. He noted a quorum was present.

B. Pledge of Allegiance

2. Introduction of Board Members and Persons Attending the Meeting

Mr. Russ introduced himself, all Board members, and Advice Counsel. Mr. Russ then recognized Ms. Oates Robinson as the newest Board member. Mr. Russ requested that Ms. Holleman please introduce herself and her staff. Mr. Russ asked that all other persons attending the meeting introduce themselves.

3. Approval of Excused Absences

MOTION

Mr. Russ noted that Roger Finch was absent due to a recent surgery. Mr. Riggins made a motion to excuse the absence, Mr. Petty seconded, and the motion was passed unanimously.

4. Approval of Minutes for the November 18, 2015 meeting

MOTION

Mr. Floyd made a motion the Board approve the minutes of the November 18, 2015 meeting with a correction of "Mr. Russell" to "Mr. Floyd". Mr. Riggins seconded the motion, which carried unanimously.

5. Chairman's Remarks – J. W. Russ

Mr. Russ thanked everyone for attending the meeting.

6. Administrator's Remarks – Amy Holleman

A. Financial Statements

Ms. Holleman presented the financial statements to the Board for their review. Ms. Holleman noted the January 2016 ending cash balance for the Board was \$-617,810.95. Ms. Holleman reminded the Board that the SC Ethics Commission reporting is due March 20, 2016 at Noon. Ms. Holleman then introduced Andrew Rogers as the new Assistant Deputy Director. Mr. Rogers invited the Board to feel free to call him if they have any comments or concerns.

7. Reports

A. Inspection Report – Buddy Poole

Mr. Poole stated there were 33 inspections from November 12, 2015 through February 24, 2016.

B. Investigative Review Committee (IRC) Report – Sharon Wolfe

Mr. Riggins excused himself. Ms. Wolfe reported that the IRC recommended to dismiss case 2015-21.

MOTION

Mr. Floyd made a motion to accept the IRC recommendation, Mr. Petty seconded, and the motion passed unanimously.

Mr. Riggins rejoined the meeting. Ms. Wolfe then reported the IRC recommend to dismiss cases 2015-9, 2015-22, and 2015-23. A letter of Letter of Caution will be sent in response to case 2015-27.

MOTION

Mr. Floyd made a motion the Board accept the IRC recommendations, Mr. Bartus seconded, and the motion was carried unanimously.

C. Office of Investigation and Enforcement (OIE) Report – Sharon Wolfe

Ms. Wolfe reported that from January 1, 2016 to March 2, 2016 there are nine total cases. There are three active cases and two closed cases.

D. Office of Disciplinary Counsel (ODC) Report– Tracey Perlman

E. Ms. Perlman reported that there are three active cases. She noted that the Administrative Law Court upheld the Contempt of Court order in relation to Bamberg and Barnwell County Memory Gardens and increased the fine to \$25,000 for each cemetery with direction that the two accounts must remain separate.

8. Legal Advice Regarding Recent Case Law – Mary League

Mr. Russ called for a motion to go into Executive Session to receive legal advice. Mr. Riggins made the motion, Ms. Oates Robinson seconded, and the motion was passed unanimously.

Return to Public Session

Mr. Russ noted that no votes were taken in Executive Session.

Mr. Floyd made a motion to return to Public Session, Mr. Riggins seconded, and the motion was passed unanimously.

Mr. Russ reminded everyone that all proceedings are recorded by a court reporter and everyone is sworn in.

9. New Business

A. 2013, 2014, 2015 Agreed Upon Procedures

Ms. Holleman introduced Dwayne Eanes, a licensed CPA who is with the Department of Investigations and Enforcement. Mr. Eanes explained that he had reviewed the current AUP guidelines. He proposed some changes that would offer more uniformity and consistency.

MOTION

After discussion Mr. Floyd made a motion to form a committee to further explore changes to the AUP for the 2016, 2017, 2018 reporting period. He suggested that he chair the committee consisting of Mr. Riggins, Ms. Holleman, and Mr. Eanes. Mr. Petty seconded the motion and it carried unanimously.

MOTION

Mr. Floyd then made a motion to extend the AUP guidelines from 2010, 2011, 2012 reporting period to the 2013, 2014, 2015 reporting period with a due date of June 30, 2015. Mr. Riggins seconded and the motion passed unanimously.

B. Late Renewal Approval

Ms. Holleman presented cemeteries that need Board approval for the late renewal for their licenses.

1. Sumter Cemetery Association

Mr. O'Steen explained how they had been searching for an appropriate manager but have been having a hard time finding someone who fits the statutory requirements. They have currently hired Mark Ferro as manager and Nancy Swift as office manager.

MOTION

Mr. Floyd made a motion to approve the renewal of the license pending acceptance of a consulting manager available to the current managers. Ms. Oates Robinson seconded, and the motion was passed unanimously.

2. Robinson Memorial Gardens

There were no representatives from Robinson Memorial Gardens.

MOTION

Mr. Floyd made a motion to table the issue until a representative is in attendance, Mr. Riggins seconded it, and the motion passed unanimously.

3. Morning Glory Cemetery

Wallace McKnight, Sr. has had problems providing timely audits due to the resignation of its current trustee. He also did not realize he could still deposit monies into the trust account.

MOTION

Mr. Floyd made a motion to table the renewal until proof has been submitted to staff that verifies deposit of funds belonging to the trust fund and a change of trustee. Mr. Riggins seconded and the motion passed unanimously.

C. Change of Trustee – Sumter Cemetery Association

Mr. O’Steen appeared to request a change of trustee from Wells Fargo to Branch Banking & Trust Company. There has been some confusion on Wells Fargo’s account as to depositing the trust fund monies.

MOTION

Mr. Floyd made a motion to approve the change of trustee pending updating of the trust fund agreement and proper deposit of monies. Mr. Riggins seconded, and the motion carried unanimously.

D. Ownership Change – Evergreen Memorial Gardens

Ronald and Carla Johns appeared before the Board to request approval for a change of the ownership of the assets of Evergreen Memorial Gardens. Mr. Johns has been involved in grave digging, grave layout, and consulting with families for over 15 years. Ralph Rogers, one of the previous owners and manager, will serve as a consultant for Mr. Johns.

MOTION

After further discussion Mr. Floyd made a motion to approve the change of ownership pending a letter from Mr. Rogers that he will serve as a consultant, proof of liability assumption, financial statements of purchaser, approval of disclosure documents and contracts within 60 days. Mr. Riggins seconded the motion and it passed unanimously.

E. Withdrawal of Mausoleum Funds – Hillcrest Cemetery

Ms. Holleman presented for approval a withdrawal from the Hillcrest Cemetery’s construction fund in support of the construction of their new mausoleum “Maple” in the amount of \$7,000.00.

MOTION

Mr. Floyd made a motion to approve the withdrawal, Mr. Petty seconded, and the motion was passed unanimously.

F. Media Designee

Ms. Holleman reported that the Agency would like to appoint a Board member as the Media Designee, one who would speak on behalf of the Board, after coordination with Agency staff.

MOTION

Mr. Riggins made a motion to approve Mr. Russ as the Media Designee, Mr. Floyd seconded, and the motion carried unanimously.

10. Public Comments (No Vote May Be Taken)

There were no public comments.

11. Adjournment

MOTION

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

The March 3, 2016, meeting of the SC Perpetual Care Cemetery Board adjourned at 1:10 p.m.

The next meeting of the SC Perpetual Care Cemetery Board is scheduled for May 13, 2016.