

State Board of Cemeterians  
Minutes  
August 25, 2009

A meeting of the State Board of Cemeterians was held on Tuesday, August 25, 2009 at Martin Luther King Jr. Drive, SE. Suite 1816A West Tower, Atlanta, Georgia 30334

The meeting was called to order by President Richard Parker at 10:20 a.m.

**A quorum was established with members being present:**

- Richard Parker (President)
- William (Micky) Couey (Vice-President)
- Emory Lamar
- Michael Lawrence
- Tim Smith

**Absent:**

- Clift Dempsey
- Daniel Greene

**Staff Present:**

- Robert Terry, Division Director, Securities and Business Regulation
- Roy White, Registration Supervisor, Securities and Business Regulation
- Melissa Marlowe, Senior Investigator Investigations
- Becky Wallace, Senior Examiner, Securities and Business Regulation
- Lori Young, Investigative Analyst, Securities and Business Regulation
- Shirley Hamm, Administrative Specialist, Securities and Business Regulation
- Sherry Ray, Intern
- Sandy Irving, Board Secretary, Securities and Business Regulation

**Others Present:**

- Jeff Stump, Assistant Attorney General, Attorney General's Office
- Katherine Ruiz, Paralegal, Attorney General's Office
- Mike Helmase, President, Georgia Cemetery Association

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Mr. Couey moved, Mr. Smith seconded and the Board voted to approve the minutes of the June 23, 2009 meeting.

### **Public Comments:**

Mike Helmase, President, Georgia Cemetery Association, addressed the Board concerning the law and rules on whether a licensed funeral director must be present at interment or entombment. The Board referred Mr. Helmase to the Funeral Board.

### **Enforcement Cases Presented for Closing: by Bob Terry, Division Director**

1. Hillcrest Abbey West CO-918, Savannah
2. Gambrell Monuments CO-1078, Hampton
3. Middle Georgia Memory Gardens, Macon CO-1127
4. Middle Georgia Memory Gardens, Macon CO-1210
5. Lincoln Cemetery, Atlanta, CO-1216
6. Lincoln Cemetery, Atlanta, EMCM- 00312

Mr. Smith moved, Mr. Lamar seconded and the Board voted unanimously to close these cases.

Mr. Parker inquired as to the status of the Savannah cases. Mr. Terry advised the Board that Melissa Marlowe, investigator would need to visit the cemeteries in Savannah to determine if issues had been resolved. Mr. Parker stated he would like the Savannah cases closed.

Open Complaints/ Open Enforcement Cases - Per the Board's request, Bob Terry presented a list of open complaints and open enforcement cases. The Board then requested a summary of each case/complaint to be sent to the Board members via email.

Jeff Stump, Assistant Attorney General, addressed the Board concerning Cedar Ridge Cemetery, Inc. Mr. Stump received documentation from Bert King, attorney for Mr. Bridges, which released the security interest on the developed property of Cedar Ridge cemetery. Mr. Stump reported that he had asked Mr. King to have all deficiencies completed within two weeks.

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Mr. Lawrence moved, Mr. Couey seconded and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §50-14-4 (b) and §35-3-38 to review background information concerning preneed salesperson applications.

After review, Mr. Smith moved, Mr. Lawrence seconded and the Board voted to conclude the **EXECUTIVE SESSION**. The board returned to **Open Session**.

1. File; I-1480, Preneed Sales Agent application, Timothy Wayne Flakes, Savannah
2. File; I-1600, Preneed Sales Agent application, Horace Jeffrey Hickman, Atlanta

Mr. Smith moved, Mr. Lawrence seconded and the Board voted unanimously to deny the preneed sales agent applications.

**Report of Registrations:**

The Board was given a written report on the status of the following pending change of ownership applications:

College Park Cemetery, College Park  
Forest Lawn Memorial Gardens, College Park  
Kennedy Memorial Gardens, Ellenwood  
Crest Lawn Memorial Park, Atlanta  
Sherwood Memorial Park, Jonesboro  
Satilla Memorial Gardens, Douglas  
Greenlawn Cemetery, Waycross  
Tim Stewart Funeral Home, Buford, owned by Gregory B. Leverett  
Little Davenport Funeral Home, Gainesville

Applications presented for denial:

Resthaven Gardens of Memory of Dekalb Inc, Decatur, - Deficient Cemetery Change of Ownership Application.

Alfonso Dawson Funeral Home, Atlanta, - Deficient Preneed Dealer Change of Ownership Application.

Mr. Couey moved, Mr. Lamar seconded and the Board voted unanimously to issue the Order of Denial for Resthaven Gardens of Memory of Dekalb, Inc. and Alfonso Dawson Funeral Home.

Bob Terry suggested opening an inspection for Tim Stewart Funeral Home located in Buford, owned by Gregory B. Levett and Sons.

Mr. Lawrence made a motion to abandon the application for change of ownership for Little Davenport Funeral Home, Gainesville. Mr. Couey seconded and it carried unanimously.

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**Overdue Cemetery Renewals:**

Mr. Smith made a motion for the staff to send a certified letter to registrants whose renewals are overdue advising the registrants that a \$250.00 penalty will be assessed if the registrations are not renewed by **September 15, 2009** and a \$500.00 penalty will be assessed along with a cease and desist order for those not renewed by **October 15, 2009**. Mr. Lawrence seconded and it carried unanimously.

**Other Business:**

The Board reviewed the revised Merchandise Dealer renewal notice. No action was taken.

The Board discussed the process of how to determine if vault dealers are selling to the general public. The Board asked Mr. Stump to research the Department of Revenue to determine if sales tax records are available under the Open Records Act.

The Board discussed the meeting scheduled for December and decided not to meet until January.

There was a brief discussion of the meaning of the term “third party” as it is used in the Act.

The next Board meeting is scheduled for October 27, 2009 at 10:00 a.m.

Mr. Lamar moved, Mr. Smith seconded and the Board voted unanimously to adjourn at 11:55.

**Minutes approved by the Board at its October 27, 2009 Board Meeting.**