

State Board of Cemeterians
Minutes
August 28, 2007

A meeting of the State Board of Cemeterians was held on Tuesday, August 28, 2007 at 2 Martin Luther King Jr. Drive, SE, Room 1410-12, West Tower, Atlanta, Ga. 30334.

Member of the Board in attendance were:

- Clift Dempsey (President)
- William (Micky) Couey
- Daniel (Dan) Green
- Emory Lamar
- Mike Lawrence
- Richard Parker
- Tim Smith

Staff Present:

- Bob Terry, Division Director, Securities and Business Regulation Division
- Debra Ferguson, Cemeteries Director, Securities and Business Regulation Division
- Shawn LaGrua, Inspector General, Office of Secretary of State
- Chris Harvey, Deputy Asst. Inspector General, Office of Secretary of State
- Robert Conway, Senior Investigator, Securities and Business Regulation Division
- Melissa Marlowe, Senior Investigator, Securities and Business Regulation Division
- Lori Young, Investigative Analyst, Securities and Business Regulation Division
- Alison Spiers, Staff Attorney, Securities and Business Regulation Division
- Denise Williams, Senior Investigator, Securities and Business Regulation Division
- Sharon Russ, Case Manager/Legal Secretary, Securities and Business Regulation Division
- Shirley Hamm, Administrative Specialist, Securities and Business Regulation
- Becky Wallace, Senior Examiner, Securities and Business Regulation Division
- Whitney Halterman, Press Office, Office of Secretary of State
- Vicki Gavalas, Director of Communication, Office of Secretary State
- Sandy Irving, Board Secretary, Securities and Business Regulation Division

Others Present:

- Jeff Stump, Assistant Attorney General, Attorney General's Office
- Katherine Ruiz, Paralegal, Attorney General's Office
- Clark Hungerford (Vining Bank)
- Danny Schulman (Vining Bank)
- Mark Adams (Vining Bank)
- Don Raposu (Clark Grave Vault)
- James Reese, Consumer

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- Carolyn Jacobi, MBNA
- Charles DePue (DePue Monument Company)
- Starr H. Purdue, National Funeral Directors and Morticians Assoc.
- Blake Blomquist, Forest Hills Memorial Gardens
- C.R. and Pat Grovenstein, Consumer
- John C. Knight, Consumer
- Claire M. Knight, Consumer
- Betty J. Cobb, Consumer

Meeting was called to order by President Clift Dempsey at 10:00 a.m.

Sandy Irving called the role of all board members.

Mr. Dempsey stated that Mr. Larry Nikola had withdrawn his request for a declaratory ruling On the steel vault issue.

Mr. Parker moved, Mr. Lamar seconded, and the Board Members voted to have public comments limited to five minutes maximum time per speaker with one hour total time allotted for public comments.

Blake Blomquist, Forest Hills Memorial Gardens, Atlanta GA, spoke to the board requesting a declaratory ruling regarding encumbrance of undeveloped property. Danny Schulman, Attorney also spoke concerning this issue and stated that on August 24, 2007, he submitted a written request for a ruling. The matter was referred to the Attorney General's office

Carolyn Jacobi spoke representing consumers of various Savannah cemeteries. Ms. Jacobi stated that she would be empowering consumers to fill out complaint forms concerning complaints of cemeteries. She presented to the Board Secretary, Sandy Irving, 47 consumer complaints.

Mr. Dempsey moved, Mr. Smith seconded, and the Board Members voted to approve the Minutes of the July 31, 2007 meeting.

Jeff Stump explained to the board the process regarding Informal Conferences and Hearings.

Mr. Smith moved, Mr. Parker seconded and the Board Members approved that the Securities and Business Regulation Division notify (President) Clift Dempsey of request for Informal Conferences as well as Hearings.

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Enforcement Cases Presented for Closing: by Debra Ferguson, Cemeteries Director

ENCM-00221 Monte Vista Biblical Gardens: Contract cancelled for non payment; no violation.

ENCM-00243 Evergreen Memorial Gardens – Maintenance complaint; issues resolved.

ENCM-00244 Lincoln Cemetery, Inc. – Marker complaint; issue resolved.

ENCM-00245 Hillcrest Abbey West – Broken marker; no evidence that cemetery was at fault; no jurisdiction.

Mr. Parker moved, Mr. Lawrence seconded and the Board Members voted to close the cases.

Enforcement Case Presented For Ruling on “No Action Request”

ENCM-00207 Harden’s Chapel Cemetery, Inc. – Unregistered cemetery; attorney for the cemetery has requested a “No Action” ruling on the fact that cemetery may be exempt from registration.

Bobby Conway, Senior Investigator updated the board with information on this cemetery case. He stated that it was originally a church cemetery with a perpetual care sign. He believes this is a non profit cemetery and exempt from registration. Bobby stated that the cemetery does not sell preneed. The cemetery is located near Vidalia, GA.

Mr. Lawrence moved, Mr. Smith seconded and the Board Members voted to refer this case to the Attorney General Office’s for “No Action” ruling.

Enforcement Cases Presented: by Bob Terry, Division Director, Notice and Proposed Orders

ENCM-00248 Magnolia Memorial Gardens: Alleged sales practice issues; proposed cease and desist and proposed fine of **\$1,500.00**; Mr. Parker moved, Mr. Green seconded and the Board approved the notice and proposed order.

ENCM-00181 Hillcrest Abbey West: Maintenance issue; proposed cease and desist and a proposed fine of **\$500.00**; Mr. Dempsey moved, Mr. Lawrence seconded and the Board approved notice and proposed order.

ENCM-00239 Hillcrest Abbey East: Maintenance issue; proposed cease and desist and a

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proposed fine of **\$500.00**; Mr. Parker moved, Mr. Smith seconded and Board approved notice and proposed order.

EM-20115 Chestnut Hill Cemetery: Failure to file change of ownership; Proposed cease and desist and a proposed fine of **\$1,000.00**; Mr. Green moved, Mr. Parker seconded and the Board approved notice and proposed order.

EM-00130 Moody Funeral Home: Failure to file change of ownership; Proposed cease and desist and a proposed fine of **\$1,000.00**; Mr. Couey moved, Mr. Lamar seconded and the Board approved notice and proposed order.

Respondents in these matters will be sent a notice and proposed order, providing an opportunity for further negotiation and a formal hearing before final action is taken.

New Enforcement cases opened since last board meeting; Presented by Debra Ferguson

ENCM-00251- Palm Memorial Gardens, Inc. -- Maintenance complaint.

ENCM-00253- Smalley's Funeral Home- Unregistered preneed dealer.

EMCM-00254- Eugene Dukes & Watson-Hunt Funeral Home- Unregistered preneed sales agent.

ENCM-00255- Sunset Hill Memorial Gardens- Maintenance complaint.

ENCM-00257- Forest Lawn Memory Gardens- Various issues including broken monument, missing scroll and maintenance.

ENCM-00258- Cedar Ridge Cemetery- Issue is regarding cemetery rules and regulation pertaining to monuments.

EMCM-00259- South View Cemetery- Maintenance complaint.

EMCM-00260- Hillcrest Abbey East- Broken vase.

Registration Report

Debra Ferguson, Cemeteries Director, asked the board to clarify which registration issues the board desired to be notified .The board would like to be notified with any registration application deficiencies that are not resolved within 30 days.

Debra Ferguson, Cemeteries Director, advised the board that Secretary of State Office had received a request from Ellis R. Brown regarding minimum standards for above ground containers. Mrs. Ferguson responded to Mr. Ellis in writing and presented a copy of the written correspondence to the Board for reference in possible future rulemaking.

Debra Ferguson, Cemeteries Director, presented board with future meeting dates:

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- September 25, 2007- 10: 00 a.m.
- October 23, 2007- 10:00 a.m.
- November 27, 2007- 10:00 a.m.

There being no other business the meeting was adjourned at 11:30 a.m.

Minutes approved by the Board at its September 25, 2007 Board Meeting.