

**State Board of Cemeterians  
Minutes  
January 22, 2008**

A meeting of the State Board of Cemeterians was held on Tuesday January 22, 2008, at 2 Martin Luther King Jr. Drive SE, Room 1410-12 West Tower, Atlanta, Ga. 30334.

**Members of the Board in attendance were:**

- William (Micky) Couey
- Clift Dempsey
- 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
- Roy White, Registration Supervisor, Securities and Business Regulation Division
- Melissa Marlowe, Senior Investigator, Securities and Business Regulation Division
- Robert Conway, Senior Investigator, Securities and Business Regulation Division
- Lori Young, Investigative Analyst, Securities and Business Regulation Division
- Hazel Greer, Senior Investigator, 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
- Becky Wallace, Senior Examiner, Securities and Business Regulation Division
- 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
- Mike Helmase, Lincoln Cemetery & GCA

Meeting was called to order by President Clift Dempsey at 10: 06 a. m.

A quorum was established with four or more board members present.

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Jeff Stump, Assistant Attorney General, presented ENCM-00131 Cedar Ridge Cemetery, Inc. Cedar Ridge Cemetery has failed to file registration renewal for 2005, 2006 and 2007. The cemetery also failed to file annual reports regarding its perpetual care trust and preneed escrow. An Administrative order was issued against Cedar Ridge Cemetery and Jerry Bridges, Sr. on January 11, 2007. A civil action was filed on September 4, 2007. Mr. Bridges has ignored all orders. The board recommended Mr. Stump attempt to contact Mr. Bridges one more time before injunction would be imposed.

Bob Terry, Division Director, Presented Declaratory Ruling Request: Forest Lawn Memory Gardens. Mr. Terry recommended referring to the Attorney General's Office.

Mr. Parker moved, Mr. Couey seconded and the motion was passed to refer the request to the Attorney General's Office.

Mr. Couey moved, Mr. Lamar seconded and the minutes of October 23, 2007 meeting were approved.

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

**ENCM-00247- Forest Lawn Memory Gardens** - Complainant asserted that her Mother had paid for opening and closing twice. After review of customer file and all documents submitted by complainant, there was no evidence that customer paid for opening and closing twice.

**ENCM-00274- Forest Lawn Memory Gardens** - Complainant stated that he was charged additional fees for a funeral after 2:00 and that the death date scroll had not be installed on his mother's marker. Investigation of the circumstances revealed that cemetery does charge additional fees for burials after 2:00 which is posted on the price list for the cemetery. This is not a violation of the Cemetery Act. On December 18, 2007, complainant contacted Investigator Conway and stated death date had been installed.

**ENCM-00291- Kennesaw Memorial Park** - This is a second complaint received regarding an issue which was investigated in 2006. The 2006 investigation was closed for lack of jurisdiction. This current complaint again states a memorial bench was inappropriately placed and desecrates an adjacent grave. Permission was given by the cemetery for placement of the bench, but the placement of the bench was determined to be in violation of the cemetery's rules and regulations. It was determined that unless a rule was unreasonable, this office had no jurisdiction over enforcement of individual cemetery rules. A no jurisdiction letter was sent and the complaint was closed. The complainant wanted her matter to go before the Cemetery Board as she did not agree with the Secretary of State's decision in her original complaint. There has been no additional information provided since the closure of the original case.

**ENCM-00292- Arlington Memorial Park** - Complaint regarding dispute of interment rights. Complainant and his mother purchased interment rights for three crypts in 1993. The mother passed away on April 11, 2005 and is survived by complainant, a husband and a daughter. Arlington is requiring a court order from complainant for distribution of the crypts due to the fact that there are other survivors to the estate of the mother. The staff of the Secretary of State's office found no violations of the Georgia Cemetery and Funeral Services Act. This matter appears to be a contract issue regarding individual property rights which the Act does not address.

Mr. Couey moved Mr. Parker seconded and the motion was passed to close the enforcement cases.

**Enforcement Cases Closed Since Last Board Meeting: by Debra Ferguson, Cemeteries Director**

**ENCM-00262 Sunrise Memorial Gardens & Chapel Mausoleum (Jasper, GA) – Maintenance complaint; Issues resolved; Case closed 12/12/07**

A formal order of investigation was opened on Hillside Memorial Gardens due to acreage requirement.

**Pending Registration: by Roy White, Registration Supervisor**

- Harris Ward & Webb Ellison Funeral Home - recommend application be abandoned due to no response to deficiencies.

Mr. Smith moved, Mr. Lawrence seconded and the motion passed to abandon application.

**Other Business:**

- Bob Terry, Director advised the board of receipt of an open records request from James E. Reese. Mr. Terry provided the board with a copy of his response to such request.
- During public comment, Mike Helmas presented to President Clift Dempsey a letter for clarification on questions regarding consumer contracts and refundability. Mr. Dempsey answered some of the questions; however, Mr. Terry suggested the letter be treated as a request for an informal interpretation.

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- There was discussion of how often to hold Board meetings. It was unanimously decided that future meetings will be held quarterly with the next meeting scheduled for April 22, 2008 at 10:00. Mr. Parker moved, Mr. Lawrence seconded and the motion passed to hold quarterly board meetings.

No further business was discussed and Mr. Dempsey adjourned the meeting at 10:50 a.m.

**Minutes approved by the Board at its April 22, 2008 Board Meeting.**