

State Board of Cemeterians  
Minutes  
October 28, 2008

A meeting of the State Board of Cemeterians was held on Tuesday October 28, 2008 at 2 Martin Luther King Jr. SE. 1816A West Tower, Atlanta, Ga. 30334.

Meeting was called to order by President Richard Parker at 10:01.

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

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

**Absent:**

- Daniel (Dan) Greene (Vice-President)
- Clift Dempsey

**Staff Present:**

- Debra Ferguson, Cemeteries Director, Securities and Business Regulation Division
- Roy White, Registration Supervisor, Securities and Business Regulation
- Melissa Marlowe, Senior Investigator, Securities and Business Regulation
- Bobby Conway, Senior Investigator, Securities and Business Regulation
- Lori Young, Investigator, Securities and Business Regulation
- Hazel Greer, Senior Investigator, Securities and Business Regulation
- Becky Wallace, Senior Examiner, Securities and Business Regulation
- 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

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**No Public Comments**

Mr. Smith moved, Mr. Lamar seconded and the Board voted to approve the minutes of the September 23, 2008 meeting.

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

CO-754 Bailey Monument & Vault Co – No violations found - Mr. Couey moved, Mr. Lawrence seconded and the Board voted to close this enforcement case.

CO-751 Logan Funeral Home – Case resolved – Contract issue  
ENCM-00288 Forest Hill Memorial Garden – Aggressive telephone sales – Sales representative is no longer employed at Forest Hills and telephone calls were not recorded, thus could not be verified.  
ENCM-00308 Westover Memorial Park – No violations found  
Mr. Smith moved, Mr. Lamar seconded and the Board voted to close the enforcement cases.

ENCM-00294 Forest Lawn Memorial Gardens: Mr. Conway advised the Board that this complaint involved the removal of a bench. After discussion, the Board agreed this was a contractual issue. Mr. Lawrence moved, Mr. Smith seconded and the Board voted to close the case based on no violation.

**Report of Registration: by Debra Ferguson Cemeteries Directors**

SCI/Alderwood Merger – Mrs. Ferguson reported that the Secretary of State's Office had received all documents needed in order to finalize the change of ownership for the following cemeteries:

1. Georgia Memorial Park
2. Kennesaw Memorial Park
3. Pineridge Memorial Park
4. Sherwood Memorial Park
5. Fairview Memorial Park
6. Hillcrest Memorial Park

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Mr. Smith moved, Mr. Couey seconded and Board voted to allow SCI another 30 days to complete the registrations which were still deficient.

Resthaven Gardens of Memory - Dekalb -This matter is in litigation between owners of the Cemetery (No action by the Board)

Lake Forest Memorial Park - Jasper - Application is still pending waiting on required documents. (No action by the Board)

Gateway Memorial Park - Cleveland - Mr. Smith moved, Mr. Lawrence seconded and the Board voted to approve transfer of ownership and asked that a letter be sent to Mr. Alexander with a copy to Community Bank & Trust informing Mr. Alexander that encumbrance of the cemetery is a violation of the act.

Milton Conservation Burial Partner, LLC – Milton - Mr. Smith stated his concerns about whether the cemetery would be pinned and platted. Ms. Wallace stated that she had spoken with the owner of cemetery and he informed her that the cemetery would be pinned and platted. (No action by the Board)

Glenhaven Memorial Gardens- (No action by the Board)

Mr. Couey moved, Mr. Lawrence 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 the background information concerning an applicant.

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

Mr. Lawrence moved, Mr. Couey seconded and Board voted to approve application of Veronica Maria Davis.

**Other Business:**

Mr. Stump reported on the status of Cedar Ridge.

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Mrs. Ferguson presented the board with a request from Larry Nikola whereby Mr. Nikola was asking for an informal interpretation on whether he could charge a deed transfer fee on a contract entered into in 1948. The request from Mr. Nikola was made because of a complaint filed against Hillcrest Abbey East regarding a transfer deed charge on the contract entered into in 1948. Mrs. Ferguson read the following Code Section to the Board from the Georgia Cemetery and Funeral Services Act:

10-14-17 (d) Other than the fees for the sale of burial rights, burial or funeral merchandise, and burial or funeral services, no other fee may be directly or indirectly charged, contracted for, or received by a cemetery company as a condition for a customer to use any burial right, burial or funeral merchandise, or burial or funeral service, except for:

- (1) Charges paid for opening and closing a grave and vault installation;
- (2) Charges paid for transferring burial rights from one purchaser to another; however, no such fee may exceed \$75.00 and such fee must have been disclosed in writing to the owner at the time of the initial purchase of the burial right from the cemetery;

Mr. Smith moved, Mr. Lawrence seconded and the Board voted to close the complaint with no action and no informal interpretation issued.

Mr. Couey moved, Mr. Lamar seconded and the Board voted to adjourn the meeting at 11:15 a.m.