

State Board of Cemeterians
Minutes
October 27, 2009

A meeting of the State Board of Cemeterians was held on Tuesday October 27, 2009 at 2 Martin Luther King, Jr. Drive, SE, Suite 1816 A West Tower, Atlanta, Georgia 30334.

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

A quorum was established with members being present:

- Richard Parker (President)
- William (Micky) Couey (Vice-President)
- Clift Dempsey
- Daniel (Dan) Greene
- Emory Lamar
- Michael Lawrence
- Tim Smith

Staff Present:

- Robert Terry, Division Director, Securities and Business Regulation
- Debra Ferguson, Cemeteries Director, Securities and Business Regulation
- Roy White, Registration Supervisor, Securities and Business Regulation
- Melissa Marlowe, Senior Investigator Investigations
- Robert Conway, Senior Investigator Investigations
- Lori Young, Investigative Analyst, 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, President, Georgia Cemetery Association
- Susan Mena, Vice-President, Georgia Cemetery Association
- Kellye Truesdale, Willie A. Watkins Funeral Home
- David Upshaw, Elite Burial Vault
- Angelia Upshaw, Elite Burial Vault

No Public Comments

Mr. Couey moved, Mr. Greene seconded and the Board voted to approve the minutes of the August 25, 2009 meeting.

State Board of Cemeterians Minutes
October 27, 2009
Page 2

Enforcement Cases Presented to Board by Debra Ferguson, Cemeteries Director:

1. P. Brown Memorials, CO-1048
2. Forest Hills Memorial Gardens, CO-1249
3. Oak Hill Mausoleum, ENCM-00232
4. Green Acres Cemetery, Inc., ENCM-00318
5. Savannah Cemetery Group, CO-944
6. Savannah Cemetery Group, CO-945
7. Savannah Cemetery Group, CO-946
8. Savannah Cemetery Group, CO-951
9. Magnolia Memorial Gardens, CO- 1098
10. Magnolia Memorial Gardens, LLC, ENCM-00267
11. Hillcrest Abbey East, ENCM-00263
12. Hillcrest Abbey East, ENCM-00265
13. Hillcrest Abbey East, ENCM- 00278
14. Hillcrest Abbey East, ENCM- 00300
15. Forest Lawn Memory Gardens, CO-1053
16. Forest Lawn Memory Gardens, ENCM-00250
17. Forest Lawn Memorial Gardens, ENCM-00257
18. Forest Lawn Memorial Gardens, ENCM-00266
19. New Hope Cemetery, Inc., ENCM-00236
20. Harden's Chapel Cemetery, Inc., No Action Letter

Mr. Dempsey moved, Mr. Lamar seconded and the Board voted unanimously to close the above cases.

21. Vining Ivy Hill Chapel/Crest Lawn, ENCM-00165, Mr. Smith moved, Mr. Dempsey seconded and the Board voted unanimously to close the case.
22. Westview Cemetery, ENCM-00316, Mr. Couey moved, Mr. Greene seconded and the Board vote unanimously to close the case.

Enforcement Cases remaining open:

1. Cremation Society of the South, LLC., CO-985 – Case was deferred for additional information regarding how long Cremation Society sold preneed prior to being registered
2. Hillcrest Abbey West, ENCM-00181 – Board requested the staff to prepare a revised notice and proposed order regarding maintenance issues
3. Hillcrest Abbey East, ENCM-00239 – Board requested the staff to prepare a revised notice and proposed order regarding maintenance issues
4. Forest Lawn Memory Gardens, CO-1250 – Board requested that Mr. Nikola work with family to resolve issue

State Board of Cemeterians Minutes
October 27, 2009
Page 3

5. Forest Lawn Memory Gardens, ENCM-00163 – Board requested the staff to prepare a notice and proposed order regarding maintenance issues
6. Forest Lawn Memorial Gardens ENCM-00273 – Board requested that Mr. Nikola work with family to resolve issue
7. Forest Lawn Memorial Gardens ENCM- 0277 – Board requested that Mr. Nikola resolve the complaint issue. The granite should be replaced by the cemetery.
8. Depue Wilbert Vault Company, Co-1267 – Board deferred case until legal litigation is resolved
9. Westside Memory Gardens, ENCM- 19171 – Board issued final order

Jeff Stump, Assistant Attorney General, updated the Board concerning Cedar Ridge Cemetery, Inc. Mr. Stump stated they have a court date set for November 5, 2009.

Report of Pending Registration Issues by Roy White:

Satilla Memorial Gardens- Douglas
Greenlawn Cemetery- Waycross

The board requested that a letter be sent to the cemeteries regarding a deadline for the deficient issues.

Resthaven Gardens of Memory of Dekalb Inc-Dekalb- Change of Ownership
Application. Application has been completed.

Alfonso Dawson Funeral Home, Atlanta - Waiting for signed escrow agreements.

Overdue Cemetery Registration Renewals:

Evergreen Memorial Gardens, PC-000009 - Cordele, Georgia

Mount Olive Memorial Gardens, LLC. PCPN-000152 - Hephzibah, Georgia

Mr. Greene moved, Mr. Couey seconded and the Board voted unanimously to open inspections for both cemeteries. The purpose of the inspection is to determine if the cemetery is selling without proper registration. If cemetery is in violation, then prepare cease and desist order.

Overdue Preneed Funeral Home Registration Renewals:

Callaway Funeral Home- Winder

Coastal Camden Funeral Home formerly registered as: Edo Miller Funeral Home,
Camden Chapel, LLC- Kingsland

Mr. Smith moved, Mr. Lamer seconded and the Board voted unanimously to open inspections for both funeral homes. The purpose of the inspection is to determine if the funeral homes is continuing to sell preneed after lapse of preneed registration. If funeral home is in violation, then prepare cease and desist order.

State Board of Cemeterians Minutes

October 27, 2009

Page 4

New Merchandise Dealer Application:

Cornerstone Granite Monuments, Cartersville

Mr. Dempsey moved, Mr. Lawrence seconded and the Board voted unanimously to approve the application.

Merchandise Dealer Renewals:

Clamp Memorial- Elberton

Kennedy Monument- Metter

Hearn Monument- Carrollton

Magnolia Monument Company- Cartersville

Allison Monument & Vault Company- Brunswick

Mr. Dempsey recused himself from voting on the matter. Mr. Parker abstained. Mr. Smith moved, Mr. Lawrence seconded and the other Board members voted to approve all the renewals.

Merchandise Dealers that have not submitted renewal applications:

C & H Memorial, Inc-Lawrenceville

Cobb Gave Service- Powder Springs

South Georgia Casket Store- Tifton

The Casket Store- Riverdale

(No Action taken)

Merchandise Dealer Inspection:

Elite Burial Vault - Mr. Dempsey moved, Mr. Smith seconded and the Board vote unanimously to close inspection.

Cemeteries and Preneed Dealers which are delinquent in annual reports filing:

Burke Memorial Gardens, Inc, Waynesboro

Cherry Blossom Memorial, Macon

East Lawn Memorial Cemetery, Athens

Evergreen Memorial Gardens, Cordele

Greenwood Cemetery, Inc, Atlanta

Pinelawn Memorial Gardens, Alma

Woodlawn Memorial Park, Macon

Mr. Smith moved, Mr. Dempsey seconded and the Board unanimously voted to issue proposed orders to suspend registrations.

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

State Board of Cemeterians
October 27, 2009
Page 5

review background information concerning the following preneed salesperson applications:

1. Horace Jeffrey Hickman
2. Timothy Wayne Flakes
3. Samuel Cole
4. Mychal H. Walker
5. Linous D. Hudson
6. Leeta L. Simmons
7. George P. Cox
8. Harry L. Orrell
9. Anthony A. Robinson

After review of criminal backgrounds, Mr. Dempsey moved, Mr. Couey seconded and the Board voted to conclude the **EXECUTIVE SESSION**. The board returned to **Open Session**.

1. File I-1600, Preneed Sales Agent application, Horace Jeffrey Hickman, A Notice and Proposed Order of Denial was issued on August 25, 2009. An informal conference was held on September 4, 2009. Mr. Parker moved, Mr. Couey seconded and the board voted to terminate the informal conference.

2. File I-1480, Preneed Sales Agent application, Timothy Wayne Flakes, A Notice and Proposed Order of Denial was issued on August 25, 2009. Flakes did not request an informal conference or hearing. Mr. Smith moved, Mr. Dempsey seconded and the board voted to sign order.

3. File; I-1458, Preneed Sales Agent application, Samuel Cole, Mr. Smith moved, Mr. Dempsey seconded and the Board voted unanimously to approve the preneed sales agent application.

4. File; I-1638, Preneed Sales Agent application, Mychal H. Walker, Mr. Dempsey moved, Mr. Lawrence seconded and the Board voted unanimously to approve the preneed sales agent application.

5. File; I-1687, Preneed Sales Agent application, Linous D. Hudson, Mr. Smith moved, Mr. Lamar seconded and the Board voted unanimously to approve the preneed sales agent application.

6. File; I-1616, Preneed Sales Agent application, Leeta L. Simmons, Mr. Dempsey moved, Mr. Smith seconded and the Board voted to issue a Notice and Proposed Order of denial for the preneed sales agent application.

7. File; I-1688, Preneed Sales Agent application, George P. Cox, Mr. Smith moved, Mr. Dempsey seconded and the Board voted to issue A Notice and Proposed Order of Denial for the preneed sales agent application.

8. File; I-1644, Preneed Sales Agent application, Harry L. Orrell, Mr. Couey moved, Mr. Greene seconded and the Board voted to issue A Notice and Proposed Order of Denial for the preneed sales agent application.

9. File; I-1448, Preneed Sales Agent application, Anthony A, Robinson, Mr. Dempsey moved, Mr. Lawrence seconded and the Board voted unanimously to approve the preneed sales agent application.

The next Board meeting is scheduled for January 26, 2010, at 10:00 a.m.

Meeting adjourned at 2:00 p.m.

Minutes approved by the Board at its November 20, 2009 Telephonic Meeting.