

**Georgia State Board of Cemeterians**  
**Board Meeting Minutes – May 18, 2017 – 9:30 A.M.**  
**Teleconference**  
Professional Licensing Boards Division of the Secretary of State  
237 Coliseum Drive, Macon, Georgia 31217

**Members Present:**

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

**Others Present:**

- La Trenda Tyler-Jones, Executive Director
- Sandy Barboza, Board Support Specialist
- Carla Murray, Licensing Analyst
- Forrest Pearce, Assistant Attorney General

**Member Absent:**

- Dan Greene
- Clift Dempsey, Chair

**Note: Visitors are excused during Executive Session unless scheduled for a personal appearance.**

**OPEN SESSION:**

Richard Parker, Vice-Chair, noted a quorum was present, called the meeting to order at 9:33 a.m., and declared the meeting to be “open” pursuant to the Open and Public Meeting Act, O.C.G.A. §§50-14-1 et seq.

Tim Smith moved, Mike Lawrence seconded, and the Board voted to approve posting of proposed Rule 590-3-1-.11 pursuant to O.C.G.A. 43-1-34. The Board also voted that the formulation and adoption of the rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the statute which are the basis for that proposed rule. Additionally, the Board voted that it is not legal or feasible to meet the objective of the rule’s legal authority to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(A), (B), (C), and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed or owned and operated in the field of cemeterians.

**EXECUTIVE SESSION:**

Tim Smith moved, Micky Couey seconded, and the Georgia State Board of Cemeterians voted to enter into Executive Session on Thursday, May 18, 2017 at 9:38 a.m. in accordance with O.C.G.A. §§ 43-1-19(h) and 43-38 to discuss complaint cases.

At the conclusion of the Executive Session, the Acting Chair declared the meeting to be “open” pursuant to the Open and Public Meeting Act, O.C.G.A. §§ 50-14-1 et seq., at 9:51 a.m. No votes were taken during Executive Session.

**OPEN SESSION:**

Tim Smith moved, Micky Couey seconded, and the Board voted to ratify the following recommendations made during Executive Session:

**Complaints:**

P.L.G.M. – ENCE-0030, ENCE-0081, ENCE-0082, ENCE-0083, and ENCE-0084; the Secretary of State issued orders for voluntary transfer of property. The order has not been returned, and the Secretary of State desires to close the current conference and seek judgement in court.

Additionally, Tim Smith motioned, Micky Couey seconded, and the Board voted to bring the formal conference to an end and begin the process to bring the matter to a hearing before the Board. Josh Waters

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Attorney.

The Georgia State Board of Cemeterians will hold their next meeting on June 20, 2017 at 10:00 a.m. at the Professional Licensing Board Office.

There being no further business, Richard Parker, Acting Chair, declared the meeting adjourned at 9:53 a.m.

Minutes recorded by: Sandy Barboza, Board Support Specialist

Minutes reviewed and edited by: La Trenda Tyler-Jones, Executive Director

Minutes were approved on: June 20, 2017

Clift Dempsey

Clift Dempsey, Chair

**with express permission by  
LaTrenda Tyler-Jones, Executive Director**

La Trenda Tyler-Jones

La Trenda Tyler-Jones, Executive Director

Attachment – 590-3-1-.11 Notice of Intent

**NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT TO THE RULES  
AND NOTICE OF PUBLIC HEARING**

**CHAPTER 590-3-1 RULES OF GENERAL APPLICABILITY  
RULE 590-3-1-.11 MILITARY SPOUSES AND TRANSITIONING SERVICE MEMBERS**

**TO ALL INTERESTED PERSONS AND PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the State Board of Cemeterians (hereinafter "Board") proposes an amendment to Chapter 590-3-1 Rules of General Applicability, Rule 590-3-1-.11 Military Spouses and Transitioning Service Members, (hereinafter "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being distributed to all persons who have requested, in writing, that they be placed on the interested party notification list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Board's website page at <http://sos.ga.gov/index.php/licensing/plb/51> or by contacting the State Board of Cemeterians at 478-207-2440.

Any interested party affected by the rule may present written comments to the Board no later than close of business June 13, 2017. Written comments must be legible, signed, and should contain contact information from the maker (address, telephone number, email address, etc.). Written comments should be addressed to Lisa W. Durden, Director, Office of Secretary of State, Professional Licensing Boards Division, State Board of Cemeterians, 237 Coliseum Drive, Macon, Georgia 31217; fax (866) 888-1308. Oral statements presented during the public hearing should be concise and will be limited to five (5) minutes per person.

The Board voted to adopt this Notice of Intent at its May 18, 2017 meeting. The Board also voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-8B-7(4) and 43-1-34(b). Finally, the Board voted that it is not legal or feasible in meeting the objectives of O.C.G.A. §§ 43-8B-7(4) and 43-1-34(b) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed or owned and operated in the field of cemetery ownership or management.

A public hearing is scheduled to begin at 10:30 a.m. on June 20, 2017, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

The proposed rule amendment will be considered for adoption by the State Board of Cemeterians at its meeting on June 20, 2017 at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. According to the Department of Law, State of Georgia, the State Board of Cemeterians has the authority to adopt the proposed rule amendment Rule 590-3-1-.11 pursuant to authority contained in O.C.G.A. §§ 43-8B-7(4) and 43-1-34(b)

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This 18 day of May 2017.



Lisa W. Durden

Director, Professional Licensing Boards

Posted: 19 May 17

**SYNOPSIS OF PROPOSED CHANGES TO THE RULES  
CHAPTER 590-3-1 RULES OF GENERAL APPLICABILITY  
RULE 590-3-1-.11 MILITARY SPOUSES AND TRANSITIONING SERVICE MEMBERS**

**Purpose:** The purpose of this proposed rule is to comply with the mandates of the Military Spouses and Veterans Licensure Act, O.C.G.A. § 43-1-34.

**Main Features:** The main features of the proposed rule amendment are insertion of the rule in 590-3-1-.11 (reserved), the addition of language for implementation of a process by which military spouses and transitioning service members may qualify for expedited licensure, and to comply with the new code section which mandates that professional licensing boards adopt such rules and regulations no later than July 1, 2017.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE  
PROPOSED AMENDMENTS TO THE RULE  
CHAPTER 590-3-1 RULES OF GENERAL APPLICABILITY  
RULE 590-3-1-.11 MILITARY SPOUSES AND TRANSITIONING SERVICE MEMBERS**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

**CHAPTER 590-3-1 RULES OF GENERAL APPLICABILITY**

**RULE 590-3-1-.11 PUBLIC DISPLAY OF SCHEDULE OF FEES (RESERVED) MILITARY SPOUSES  
AND TRANSITIONING SERVICE MEMBERS**

(1) As used in this rule, the following terms shall mean:

- a) "Board" means the State Board of Cemeterians.
- b) "License" means any license issued by the State Board of Cemeterians.
- c) "Military" means the United States armed forces, including the National Guard.
- d) "Military spouse" means a spouse of a service member or transitioning service member.
- e) "Service member" means an active or reserve member of the armed forces, including the National Guard.
- f) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(2) Effective July 1, 2017, military spouses and transitioning service members may qualify for expedited processing of the license application by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license under the law and rules for the type of license for which the applicant has applied.

Authority: O.C.G.A. §§ 43-8B-7(4) and 43-1-34(b)

## CHAPTER 590-3-1 RULES OF GENERAL APPLICABILITY

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  - c) "Military" means the United States armed forces, including the National Guard.
  - d) "Military spouse" means a spouse of a service member or transitioning service member.
  - e) "Service member" means an active or reserve member of the armed forces, including the National Guard.
  - f) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.
- (2) Effective July 1, 2017, military spouses and transitioning service members may qualify for expedited processing of the license application by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license under the law and rules for the type of license for which the applicant has applied.

Authority: O.C.G.A. §§ 43-8B-7(4) and 43-1-34(b)

STATE OF GEORGIA

COUNTY OF BIBB

AFFIDAVIT SUPPORTING CLOSING OF PUBLIC MEETING

The Georgia Open Meetings Act, O.C.G.A 50-14-1 et seq., requires that all meetings of an entity covered by the statute must be open to the public unless there is some specific statutory exception which permits the closing of the meeting. If such a meeting is to be closed, the law requires that the presiding person execute a sworn affidavit stating that the subject matter of the meeting or the closed portion thereof was devoted to matters within the statutory exceptions and identifying those specified exemptions relied upon. O.C.G. A. 50-14-4(b). A copy of this affidavit must be filed with the minutes of the meetings in question.

Comes Richard Parker, the Vice-Chairman identified below and, before an official duly authorized to administer oaths, makes this affidavit in satisfaction of the statutory requirements outlined above.

1. I am the presiding officer of the Georgia State Board of Cemeterians.
2. I am over the age of 18 and in other aspects competent to make this sworn statement. I acknowledge that I am giving this statement under oath and subject to penalty of perjury and that I have read the contents of this affidavit prior to signing it.
3. On May 18, 2017 this entity, which is subject to the Open Meetings Act, met. A majority of the quorum of members present voted to close the meeting or a portion hereof of the following indicated reason(s). I hereby certify that that during the closed portion of the meeting, only those subjects indicated below were discussed. I also certify that I have reviewed the exceptions provided under the Open Meetings Act that may permit the closing of a meeting and that, to the best of my knowledge, the reasons I have described in detail below meet the requirements for closing this public meeting.
4. The legal authority for closure of this meeting was: O.C.G.A. 43-1-2(k).
5. The subjects discussed and the underlying facts supporting the closing of this meeting are as follows:

Applications and other personal information submitted by the applicants; information, favorable or unfavorable, submitted by a reference source concerning an applicant; and Deliberations of the Board with respect to an application, an examination, a complaint, an investigation, or a disciplinary proceeding.

FURTHER THE AFFIANT SAYETH NOT.

Richard Parker  
PRESIDING OFFICER

with express permission by  
LaTrenda Tyler-Jones, Executive Director

Sworn to and subscribed before me this 18<sup>th</sup>  
Day of May 2017.  
Deborah A. Horton  
Notary Public  
My Commission Expires: Jan. 18, 2021

