

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

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

A quorum was established with members present:

- Clift Dempsey (President)
- William (Micky) Couey
- Daniel (Dan) Greene
- 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
- 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
- Bill Perdue (Senate Research)
- Heather Moody (Senate Research)
- Gail Greene
- Jim Wood (Summerland Group, Inc)
- Mike Helmase (Lincoln Cemetery)
- Jack Frost II (Lincoln Cemetery)
- Elizabeth Collins (Summerland Group Inc)
- David Upshaw (Elite Burial Vault)
- Johnny Douglas (Cobb Grave Service)

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Meeting was called to order by Vice President Richard Parker at 9:05 a.m.

Mr. Lamar moved, Mr. Lawrence seconded and the minutes of January 22, 2008 meeting were approved.

Maintenance Complaints Ready For Closing: by Debra Ferguson Cemeteries Director

ENCM-00264 Tennessee-Georgia Memorial Park- Maintenance complaint- Issues resolved; Closed January 25, 2008

ENCM-00274 Sunset Hill Memorial Gardens- Maintenance complaint- Issues resolved; Closed January 28, 2008

Enforcement Cases Ready for Closing: by Debra Ferguson Cemeteries Director

CO-703 Hillcrest Abbey East- (Savannah Cemetery Group)

Complainant asserted that the cemetery would not release her father's cremated remains. Complainant had placed her father's cremated remains in a container and took them to Hillcrest to place in a small hole on top of her mother's grave. Hillcrest removed the remains and informed complainant that she would need to pay a disinterment fee, purchase a burial vault and pay a reinterment fee. After discussion with the Secretary of State's staff, the cemetery owner and complainant have mutually agreed to release each other and discharge was other as to any claims concerning this issue. The cremated remains were released to complainant's attorney. It is recommended this case be closed.

CO-705 Westview Cemetery (Atlanta)

Complainant stated that his funeral home sells markers and monuments to families they service. Since September 2007, when funeral home employees go to Westview to obtain the lot location and map of existing burials, the cemetery refuses to provide such information. The funeral home wants this information from the cemetery in order to sell markers to families. There does not appear to be a violation by the cemetery for refusing to give the funeral home this information. It is recommended this case be closed due to no violation.

CO-708 Forest Lawn Memory Gardens (Savannah Cemetery Group)

This complaint was a dispute over a death date scroll. Complainant's mother passed away on February 11, 2008. Complainant purchased a death date scroll from Strickland Funeral Home. When complainant went to Forest lawn to make

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arrangements for mother's burial, she was informed that the cemetery would not allow the funeral home to install the scroll. Therefore, complainant signed an agreement and paid the cemetery \$250.00 for the scroll. A few days later the cemetery called complainant and informed her they had made a mistake and the scroll would be an additional \$48.00. Complainant did not feel she should pay an additional \$48.00 and told the cemetery employee to cancel her contract. Complainant then ordered scroll from the funeral home. On March 21, 2008, Debra Ferguson and Bobby Conway called Larry Nikola, cemetery owner regarding this complaint. On March 22, 2008, Mr. Nikola faxed to investigator Conway, a statement of events concerning this complaint. According to such statement, the cemetery cancelled the scroll order and on March 20, 2008, sent a refund check to the funeral home. Complainant is satisfied with outcome of the complaint. It is recommended this case be closed.

ENCM-00270 R W Andrews Mortuary (Atlanta)

Complaint was forwarded to the Securities and Business Regulation Division by the State Funeral Board. Complainant used the services of R W Andrews Mortuary (Andrews) for the burial of her husband. Complainant's husband was buried at Floral Hills Cemetery (Floral) in Palmetto. Floral is a city cemetery. Complainant felt like Andrews overcharged her for burial plot at Floral. After investigation of the complaint, there were no findings to indicate a violation of the Cemetery and Funeral Services Act. It is recommended this case be closed.

ENCM-00272 Forest Hills Memorial Gardens (Forest Park)

Complaint regarding a disinterment authorization form used by Forest Hills. Authorization form required a replacement vault to be purchased at Forest Hills determined that a new vault was needed during disinterment. Melissa Marlowe, investigator, contacted Forest Hills regarding language on disinterment form. Forest Hills changed disinterment authorization form and the complainant was notified that the language was changed. It is recommended this complaint be closed.

ENCM-00275 Magnolia Memorial Gardens (Savannah Cemetery Group)

Complainant purchased interment rights in 2006 and set up a twelve month payment plan. Complainant completed payment plan in August, 2007. As of October 5, 2007, complainant had not received a deed for the interment rights. On November 1, 2007 Bobby Conway, investigator contacted Magnolia regarding the deed. Conway was informed that as soon as deed was notarized it would be mailed to complainant. On January 28, 2008 Conway contacted complainant and complainant stated she had received deed. It is recommended this case be closed.

ENCM-00286 Magnolia Memorial Gardens (Savannah Cemetery Group)

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Complainant's mother was buried at Magnolia Memorial on October 3, 2007. At the time of burial, complainant was told that she would need to purchase the birth year and death year to place on her mother's marker. Complainant felt that such birth and death years were part of the original contract did not reveal any mention of the birth and death year scrolls. It is recommended this case be closed as it is a contract dispute.

Mr. Smith moved, Mr. Greene seconded and the motion was passed to close the enforcement cases.

Pending Registration: by Debra Ferguson, Cemeteries Director

- SCI/ Alderwood Merger update
- Resthaven Gardens of Memory still pending litigation between owners of the cemetery.

(No Board Action)

Public Comment:

- Jim Wood and Elizabeth Collins, representatives from the Summerland Group Inc., addressed the Board regarding their proposal for a "green cemetery in Bibb/Twiggs County. They spoke on the advantage of natural burial.
(No Board Action)
- Jack Frost from (Lincoln Cemetery) addressed the Board with questions regarding the adjustment rate for the fee charged for supervision and inspection of installation of a monument by an outside dealer relating to the CPI Index. There was discussion regarding drafting of a new rule relating to this matter Mr. Parker moved, Mr. Greene seconded and a motion was passed for the Secretary of State staff to draft a rule relating to the adjustment of the fee.
- David Upshaw of Elite Monuments addressed issues to the board regarding charges for vault installation, inspection fees, etc. Mr. Upshaw stated that Elite Monuments has a pending complaint with the Secretary of State's office.
(No Board Action)

Other Business:

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Mr. Parker, Board Vice President requested a motion be adopted requiring the Secretary of State staff to send to the Board copies of all complaints received by the Secretary of State's office which are under the Board's jurisdiction.

Mr. Parker also motioned for the Board to return to monthly meetings with the next meeting scheduled for June 24, 2008 at 10:00 a.m.

Mr. Greene moved, Mr. Lawrence seconded and these motions were adopted.

No further business was discussed and Mr. Dempsey adjourned the meeting at 11:00 a.m.

Minutes approves by the Board at its June 24, 2008 Board Meeting