

**State Board of Cemeterians**  
**Minutes**  
**August 26, 2008**

A meeting of the State Board of Cemeterians was held on Tuesday August 26, 2008, at 2 Martin Luther King Jr. SE, Room 1410-12 West Tower, Atlanta, Ga.30334.

A public hearing was held in order to take comments from the public regarding proposed Rule 590-3-1.12.

The public hearing was called to order by Richard Parker at 10:01 a.m.

Brandon Shields, of Roberts Shield Memorial Company addressed the board with comments regarding the proposed rule and fee changes.

The Cemetery Board meeting was called to order by President Richard Parker at 10:16 a.m.

Board secretary called roll.

**A quorum was established with all members being present:**

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

**Staff Present:**

- Bob Terry, Division Director, Securities and Business Regulation Division
- Roy White, Registration Supervisor, Securities and Business Regulation Division
- Melissa Marlowe, Senior Investigator, Securities and Business Regulation Division
- Lori Young, Investigative Analyst, Securities and Business Regulation Division
- Denise Williams, Senior Investigator, Securities and Business Regulation
- Hazel Greer, Senior Investigator, Securities and Business Regulation
- Shirley Hamm, Administrative Specialist, Securities and Business Regulation
- Becky Wallace, Senior Examiner, Securities and Business Regulation
- Sandy Irving, Board Secretary, Securities and Business Regulation

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### Others Present:

- Jeff Stump, Assistant Attorney General, Attorney General's Office
- Katherine Ruiz, Paralegal, Attorney General's Office
- Brandon Shields, Roberts Shield Memorial Company
- Brook Bolton, Roberts Shield Memorial Company
- J. Bird Hodges Jr., Glen Haven Memorial Park
- Draper Watson, Perry Memorial Garden
- David Upshaw, Elite Burial Vault
- Ariel Upshaw, Elite Burial Vault
- Gary Dozier II, Dozier Memorials
- Gary Dozier, Dozier Memorials
- Mike Helmase, Lincoln Cemetery & GCA

The Board discussed the economic impact proposed Rule 590-3-3-1.12 might have on small businesses. Mr. Smith stated adoption of the rule would not have an impact or effect on small businesses.

Mr. Smith motioned, Mr. Greene seconded and the board agreed there would be no economic impact on small businesses by adopting proposed Rule 590-3-3-1.12. **Mr. Dempsey motioned, Mr. Lawrence seconded and the board adopted rule 590-3-1.12.**

Mr. Smith recommended that Mr. Shields of Roberts Shields Memorial send a letter to the cemeteries concerning his issues.

Mr. Dempsey suggested the Secretary of State's office send letters to all cemeteries informing them of the adoption of Rule 590-3-3-1.12. Mr. Parker stated that a notice of new rule changes would be posted on the Cemetery Association website.

### Public Comment:

1. Bird Hodges, Glen Haven Cemetery, addressed the board concerning a new road being constructed through the cemetery and undedication of cemetery property. Mr. Hodges also presented the board with maps of the proposed changes.
2. David Upshaw of Elite Monuments addressed to the board issues which have caused loss of business for his company regarding rule 590-3-5-02.
3. David Dozier of Dozier Memorial addressed issues to the board concerning the inspection fee for outside dealers, and the possibility of lowering the fee.

**Mr. Couey motioned, Mr. Dempsey seconded and the Board minutes for the July 22, 2008 meeting were approved.**

**Enforcement Cases Presented for Closing: by Bob Terry, Division Director**

1. **ENCM-00280 Crestlawn Memorial Gardens**
2. **CO-908 Chestnut Hill Cemetery**
3. **ENCM-00259 Southview Cemetery Association**
4. **CO-851 Southview Cemetery**

Mr. Dempsey motioned, Mr. Lawrence seconded and the motion was passed to close the enforcement cases.

Mr. Terry presented a consent order for Gwinnett Memorial Park to the Board. Board member Tim Smith stated for the record that he would like to vote in favor of the consent order but was required to recuse himself from the matter. Mr. Dempsey motioned, Mr. Lamar seconded and the Board voted to enter the consent order.

Mr. Lawrence motioned, Mr. Dempsey seconded and the Board voted to close Gwinnett Memorial Park pending receipt of the \$500.00 penalty as stated in the consent order.

Mr. Terry requested a formal order of investigation be opened on: Monte Vista Biblical Gardens, Lincoln Cemetery and Washington Memorial Park and Dawn Memorial because of complaints received. Mr. Greene motioned, Mr. Couey seconded and Mr. Parker asked if there was any discussion. Mr. Dempsey asked what would be investigated. Mr. Terry answered that this would give the Secretary of State's office authority to receive recorded testimony, and take more formal investigative steps. Mr. Smith stated that the law cited specifically that cemeteries could not prohibit vault dealers from installing vaults and could not charge an inspection fee for vaults. Mr. Lawrence asked Mr. Stump if Board had authority to rule on the vault issues. Mr. Stump stated the Board may have to propose a new rule.

**After discussion the Board voted to open a formal Order of Investigation.**

**Report of Registrations:**

Roy White, Registration Supervisor, presented to the board the revised preneed salesperson application. The Board requested that question #4 four be split into two questions. Roy requested approved of the application. Pending changes being made.

**Mr. Smith motioned, Mr. Couey seconded and the Board approved the revised preneed salesperson application pending requested changes.**

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Mr. Terry addressed the Board concerning cemeteries which had not renewed their registration. Richard Parker suggested a cease and desist order be issued for each cemetery which has not renewed. Mr. Terry stated the Secretary of State's office would need to investigate to determine if cemeteries were operating.

Mr. Parker requested a status update of SCI. Mr. White stated there were no updates.

### **Other Business:**

- Mr. Parker reported that he attended a legislative study committee meeting concerning green cemeteries, preneed Medicaid issues, abandoned cremains and other cemetery issues. Mr. Parker appointed Dan Greene to attend the next legislative committee meeting scheduled for September 4, 2008.
- Board discussed installation of monuments, vaults, scrolls, etc. Board will table discussion until next meeting.
- Board discussed petition filed by Michael Post which requested the adoption of a rule to reduce minimum acreage requirement for a columbarium. The Board did not call for a motion to vote on this issue.
- Board discussed Mr. Strother's request to allow him to hold a mortgage on the cemetery he is selling, Oak Lawn Memorial Gardens. The Board asked the Secretary of State's office to respond on their behalf that the law does not allow a cemetery to be mortgaged.

Mr. Greene 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 an application, deliberate on disciplinary matters and to receive information on the investigate report.

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

Mr. Greene motioned, Mr. Lawrence seconded and Board voted to approve the preneed salesperson application for Mark J. Scott.

Mr. Dempsey moved, Mr. Couey seconded and a motion was passed to adjourn the meeting at 12:05.

**Minutes approved by the Board at its September 23, 2008 Board Meeting.**