

**State Board of Cemeterians  
Minutes  
September 23, 2008**

A meeting of the State Board of Cemeterians was held on Tuesday September 23, 2008 at 2 Martin Luther King Jr. SE. Room 1410-12 West Tower, Atlanta, Ga. 30334.

Meeting was called to order by President Richard Parker at 10:05 a.m.

Board secretary called roll.

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

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

**Absent:**

- Mike Lawrence

**Staff Present:**

- Bob Terry, Division Director, Securities and Business Regulation Division
- Debra Ferguson, Cemeteries Director, Securities and Business Regulation Division
- Melissa Marlowe, Senior Investigator, Securities and Business Regulation
- Lori Young, 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

**Others Present:**

- Jeff Stump, Assistant Attorney General, Attorney General's Office
- Katherine Ruiz, Paralegal, Attorney General's Office
- J. Bird Hodges Jr., Glen Haven Memorial Park
- Charles DePue, DePue Wilbert Vault
- David Upshaw, Elite Burial Vault

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Mr. Parker addressed the meeting requesting issues concerning the Savannah Cemetery Group and Lincoln Cemetery be deferred until the Attorney General's office has made a ruling on questions which Bob Terry will address to Jeff Stump.

### **Public Comment:**

1. Bird Hodges of Glen Haven Cemetery addressed the board regarding issues involving vault installation.
2. Charles DePue of DePue Wilbert Vault, presented the board with pamphlets and information about vault installation and addressed the board regarding issues involving vault installation.
3. David Upshaw of Elite Burial Vault addressed the board regarding issues involving vault installation.

### **Minutes:**

Tim Smith requested that the August minutes include information that he would have voted in favor of the consent order for Gwinnett Memorial Park but was required to recuse himself from the matter. Mr. Dempsey moved, Mr. Smith seconded and the Board voted to approve the minutes of the August 26, 2008 board meeting with the addition of Mr. Smith's comments.

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

1. **CO- 818 Forest Hill Memorial Gardens**
2. **CO-934 Gwinnett Memorial Park**
3. **CO-935 Gwinnett Memorial Park**

Mr. Couey moved, Mr. Dempsey seconded and the Board voted to close the enforcement cases.

### **Report of Registrations: by Debra Ferguson, Cemeteries Director**

SCI/Alderwoods Merger - Mrs. Ferguson addressed the Board with updates on SCI registrations. Due to Hurricane Ike, the SCI offices in Houston had been closed. Mr. Dempsey moved, Mr. Smith seconded and the Board voted to allow SCI 30 days to correct the deficiencies. Mr. Smith asked the Secretary of State office's to notify SCI that the registrations must be completed within 30 days. Mr. Parker stated if the registrations

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are not completed within thirty days he will suggest the board issue a cease and desist order.

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

Meadoway Gardens-LaGrange - Mrs. Ferguson advised the board that Meadoway Gardens is a perpetual care cemetery that is being sold to the City of LaGrange. The City of LaGrange will maintain the perpetual care trust. The City of LaGrange would be exempt from registration. Mr. Dempsey moved, Mr. Couey seconded and the Board voted to approve the sale to the City. Mr. Dempsey, Mr. Couey, Mr. Greene, Mr. Lamar and Mr. Smith voted in favor of the motion. Mr. Parker opposed.

Lake Forest Memorial Park-Jasper - Mrs. Ferguson advised board that an application had been received for change of ownership. Ms. Wallace sent a deficiency on August 11, 2008. Deficiencies have not been corrected. However, applicant is working on correcting deficiencies. (No action by the Board)

Oak Lawn Memorial Gardens-Eatonton - Mr. Smith moved, Mr. Greene seconded and the Board voted to approve the sell of the cemetery pending receipt of required documents.

Gateway Memorial Park-Eatonton - Received a forbearance agreement from Community Bank Trust for the voluntary repossession of Gateway. The cemetery was mortgaged and Brain Alexander, owner of Gateway has defaulted on this loan. Community Bank has contracted with Mr. Alexander to manage the cemetery for one year upon their repossession. (No action by the Board)

**Other Business:**

Jeff Stump, Assistant Attorney General, presented the Board with an update on Cedar Ridge Cemetery. Mr. Stump advised the board that the civil contempt was still pending. Mr. Bridges had agreed to submit all required documents by mid March. Mr. Stump sent another letter to the cemetery in August requesting documents. The cemetery's registration has expired. Mr. Stump presented the board options:

1. Ask that civil contempt order be enforced
2. Seek to appoint receiver

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After discussion, the board asked Mr. Stump to send a letter to the judge requesting a civil contempt order detailing chronological dates and actions from first request of documents to last request with a copy of the letter sent to the board members.

Bob Terry presented the Board with new maximum fees in accordance with adopted Rule 590-3-1.12 and in accordance with the Consumer Price Index (CPI):

- 1) Maximum fee for reimbursement to cemetery for the supervision and inspection of the installation of a monument purchased or obtained from and to be installed by a person or firm other than the cemetery company increased from \$125.00 to \$135.00.
- 2) Maximum deed transfer increased from \$75.00 to \$81.00

Mr. Greene moved, Mr. Lamar seconded and the Board voted to adopt the \$135.00 and \$81.00 maximum fee changes effective October 1, 2008.

Ms. Wallace reminded the board that cemetery companies must file a new price list with the board before any fees can be effective. The board asked Mrs. Ferguson to send a notice to all the registered cemeteries with the new fee changes and requirements for filing new price lists.

Mrs. Ferguson advised the board that the current meeting room would no longer be available for meetings as it was being renovated into office space. The October 28, 2008 meeting is scheduled in room 1816A at 10:00 a.m.

The Board decided to combine November and December meetings to be held December 9, 2008.

Mr. Parker moved, Mr. Greene seconded and the Board voted to adjourn the meeting at 11:43 a.m.

**Minutes approved by the Board at its October 28, 2008 Board Meeting.**