

State Board of Cemeterians
Minutes
June 23, 2009

A meeting of the State Board of Cemeterians was held on Tuesday, June 23, 2009 at Martin Luther King Jr. Drive, SE, Suite 1816A West Tower, Atlanta, Georgia 30334.

The meeting was called to order by President Richard Parker at 10:00 am.

A quorum was established with members being present:

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

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
- Becky Wallace, Senior Examiner, Securities and Business Regulation
- Shirley Hamm, Administrative Specialist, Securities and Business Regulation

Staff Absent:

- Sandy Irving, Board Secretary, Securities and Business Regulation
- Melissa Marlowe, Senior Investigator, Investigations
- Lori Young, Investigative Analyst, Securities and Business Regulation

Others Present:

- Jeff Stump, Assistant Attorney General, Attorney General's Office
- Katherine Ruiz, Paralegal, Attorney General's Office
- Brook Bolton, Roberts-Shields Memorial Company
- Brandon Shields, Roberts-Shields Memorial Company
- Charles Bowen, Westview Cemetery

Mr. Lamar made a motion to approve the minutes of the June 23, 2009 meeting. Mr. Couey seconded and it carried unanimously.

Public Comments:

Mr. Brook Bolton, representing **Roberts-Shields Memorial Company**, spoke before the Board regarding his request for clarification of Rule 590-3-5.02. He stated that his understanding of the rule was that \$135 inspection fee covers the installation of two (2) monuments on the same lot on the same day, i.e. contemporaneously. Mr. Bolton stated that he collects the installation fee from the family and that it is not appropriate to ask the family to pay multiple fees.

State Board of Cemeterians Minutes
June 23, 2009
Page 2

Mr. Charles Bowen, representing **Westview Cemetery**, spoke before the Board stating that the original \$50 installation fee is not enough money to cover the cost for cemeterians. He distributed copies of files to the Board explaining his remarks.

Mr. Bolton stated that this was a different situation; this fee has nothing to do with his concerns. The only thing he is trying to do is understand the law and the rules.

Mr. Smith made a motion that the cemetery cannot charge two (2) fees for contemporaneous installation. No one seconded the motion. Mr. Smith rescinded his motion.

Mr. Dempsey stated that his interpretation was that a cemetery could charge the \$135 fee plus a \$50 fee for additional installations. Mr. Dempsey made a motion for the Board to adopt this interpretation. Mr. Green seconded and the board approved with Mr. Smith voting against the motion.

The board then discussed amending the rules and regulations. The board stated they would work on revised rules.

Mr. Bert King, Attorney for Cedar Ridge Cemetery, did not attend the meeting. He sent notice to the board on June 22nd requesting to be removed from the agenda.

Mr. Parker asked for a status on the Cedar Ridge case. Mr. Stump stated that Mr. King was preparing a proposal to the board regarding the encumbered cemetery property.

Mr. Parker made a motion to send an investigator to the cemetery to serve a cease and desist. Mr. Terry explained that the enforcement case had been referred to Jones County Superior Court as a civil case.

Mr. Smith asked if the cemetery could be placed in receivership. Mr. Stump responded that a civil contempt order is in place. The board may request that the judge place Cedar Ridge Cemetery in receivership if the contempt order is not complied with.

Mr. Parker withdrew his motion.

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

CO- 1143 Georgia Memorial Park

Mr. Dempsey made a motion to close the complaint, Mr. Lawrence seconded and it carried unanimously.

Report of Pending Registration Issues:

Mr. Dempsey remarked that Mr. Jimmy Bailey was a fine contributor to the cemetery industry.

PENDING CHANGE OF OWNERSHIPS: The board was given a written report on the status of these pending applications:

COLLEGE PARK CEMETERY-College Park
FOREST LAWN MEMORIAL GARDENS-College Park
KENNEDY MEMORIAL GARDENS-Ellenwood
CREST LAWN MEMORIAL PARK-Atlanta
SHERWOOD MEMORIAL PARK-Jonesboro
SATILLA MEMORIAL GARDENS-Douglas
GREENLAWN CEMETERY-Waycross
RESTHAVEN GARDENS OF MEMORY of DeKalb, Inc.- DeKalb
DARBY HUEY FUNERAL HOME, Canton

Ms. Ferguson requested approval to abandon the following applications for failure to complete deficiencies:

SECURE SEAL VAULTS-Estill, SC
TIM STEWART FUNERAL HOME-Buford

Mr. Smith made the motion to abandon the two applications, Mr. Couey seconded and it carried unanimously.

Other Business:

Mr. Parker made a motion to dismiss Mr. Upshaw's complaint. Mr. Parker stated that Mr. Upshaw does not sell to the general public. Mr. Smith seconded and it carried unanimously.

Mr. Dempsey made a motion to approve the revised merchandise dealer application, Mr. Parker seconded and it carried unanimously.

Mr. Dempsey stated that the installation fees for outside dealer installation and deed transfer should remain unchanged. The CPI (Consumer Price Index) figures were unchanged. Mr. Dempsey made a motion to keep the current fees, Mr. Green seconded and it carried unanimously.

Mr. Smith requested that the staff of the Funeral Board not give out information that they are not familiar with. Mr. Terry stated that he would call his counterpart Randy Vaughn, Director of the Professional Licensing Board, to request that the Funeral Board staff not give out information concerning cemeteries.

State Board of Cemeterian Minutes
June 23, 2009
Page 4

Ms. Ferguson informed the board that it was time to elect new officers of the board. Mr. Green, current vice-president stated that he would not be able to fulfill a term as president due to business obligations. Mr. Lamar made a motion to re-elect Mr. Parker as president. The motion was seconded by Mr. Dempsey. Mr. Smith made a motion to nominate Mr. Couey as vice-president. The motion was seconded by Mr. Parker and both motions were carried unanimously.

Next meeting is scheduled for August 25, 2009 at 10:00 am.

The meeting was adjourned at 12:23 pm.

Minutes approved by the Board at its August 25, 2009 Board Meeting.