

**State Board of Cemeterians
Minutes
January 26, 2010**

A meeting of the State Board of Cemeterians was held on Tuesday January 26, 2010, at 2 Martin Luther Jr. SE, Room 1410-12 West Tower, Atlanta, Ga. 30334.

Meeting was called to order by President Richard Parker at 10:30 a.m.

A quorum was established with members being present:

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

Absent:

- Clift Dempsey
- Daniel (Dan) Greene

Staff Present:

- Bob Terry, Division Director, Securities and Business Regulation
- Debra Ferguson, Cemeteries Director, Securities and Business Regulation
- Roy White, Registration Supervisor, Securities and Business Regulation
- Melissa Marlowe, Senior Investigator, Securities and Business Regulation
- Lori Young, Investigator, Analyst, Securities and Business Regulation
- Becky Wallace, Senior Examiner, Securities and Business Regulation
- Sandy Irving, Board Secretary, Securities and Business Regulation

Other Present:

- Jeff Stump, Assistant Attorney General, Attorney General's Office
- Katherine Ruiz, Paralegal, Attorney General's Office
- Mike Helmase, President Ga. Cemetery Association

No Public Comments.

Mr. Couey moved, Mr. Lamar seconded and the Board voted to approve the minutes of the telephonic meeting November 20, 2009.

Enforcement Cases Presented for Closing; by Debra Ferguson, Cemeteries Director and Bob Terry

1. Lakeside Memorial Gardens, Palmetto, GA - CO-1215
2. Roberts-Shields Memorial Co., Marietta, GA - CO-1263
3. Forest Lawn Memory Gardens, Savannah, GA - CO-1250

State Board of Cemeterians Minutes

January 26, 2010

Page 2

4. Forest Lawn Memory Gardens, Savannah, GA - ENCM-00277
5. Moody Memorial Park, Zebulon, GA - ENCM-00228
6. Winns Funeral Home, Arlington, GA - CO-1180
7. Edwards Cemetery, Buchanan, GA - CO-1107
8. Ronald V. Hall Funeral Home, Vidalia, GA - CO-976
9. Forest Hills Memorial Gardens, Forest Park, GA - CO-999
10. Forest Hills Memorial Gardens, Forest Park, GA - CO- 1005
11. Lakewood Memory Gardens South, Rossville, GA - CO-1130
12. Magnolia Memorial Gardens, Savannah, GA- ENCM-00248
13. Westview Cemetery, Atlanta, GA – ENCM-00315

Mr. Terry advised the board that the particular maintenance issues involving:

14. Forest Lawn Memory Gardens, Savannah, GA - ENCM-00163
15. Hillcrest Abbey West, Savannah, GA – ENCM-00181
16. Hillcrest Abbey East, Savannah, GA – ENCM-00239

have been resolved. However, at the staff's last inspection, there were some other maintenance issues that Mr. Nikola was working on. Mr. Terry advised the board that he would be in Savannah in late February and would look at the general condition of these Savannah cemeteries.

Mr. Smith moved, Mr. Lawrence seconded and the Board voted unanimously to close all of the above cases.

Lawrence- Mozley Memorial Gardens, CO-1320, Lithia Springs, GA- Mr. Lawrence recused himself from voting on the matter. Mr. Couey moved, Mr. Lamar seconded the Board voted to close the case.

Woodlawn Memorial Park, Mr. Smith moved, Mr. Couey seconded and the Board voted unanimously to terminate the order of suspension as Woodlawn had filed the necessary annual reports.

The following cases will remain open:

Forest Lawn Memorial Gardens, Savannah, GA- ENCM- 00273; The Board recommended the Secretary of State's office contact Mr. Nikola to resolve the issue concerning the customer complaint.

Evergreen Memorial Gardens, Cordele, GA- ENCM- 0321; Mr. Smith moved, Mr. Lawrence seconded and the Board voted to allow ten days for Evergreen Memorial Gardens to pay late renewal penalty of \$500.00 for non compliance.

State Board of Cemeterians Minutes
January 26, 2010
Page 3

The Board referred the following cases to the Attorney General's office for additional action:

- Greenwood Cemetery, Atlanta, GA - ENCM-00326; Board voted on November 23, 2009, to suspend the registration of Greenwood for failure to file annual reports for the calendar years 2000-2008. Greenwood also has failed to pay penalty fee of \$1,250.00 which was imposed on September 29, 2009. Greenwood continued to make sales after its registration was suspended. Mr. Couey moved, Mr. Lamar seconded and the Board voted unanimously to refer to the Attorney General office.
- Westside Memory Gardens, Carrollton, GA - CO-866; Westside has refused to comply with July 13, 2006 consent order and October 27, 2009 consent order. Mr. Lawrence moved, Mr. Couey seconded and the Board voted unanimously to refer to the Attorney General office.

Report of Pending Registration Issues by Debra Ferguson:

- Satilla Memorial Gardens- Douglas, GA
- Greenlawn Cemetery- Waycross, GA

Mr. Smith moved Mr. Lawrence seconded and the Board voted unanimously to impose a penalty fee of \$ 250.00 per cemetery for change of ownership registration deficiencies not being corrected.

Preneed Salesperson Applications:

Mr. Lawrence moved, Mr. Couey seconded and the Board voted unanimously to sign orders of denial for the following applicants.

- Priscilla A. Catlin, I-1709
- Randall Sampson, I-1713
- George P. Cox I-1688
- Horace Hickman, I-1600
- Harry L. Orrell, I-1644

Other Business:

Ellen M. Camner- Letter requesting changes in Georgia Cemetery Law referencing Illinois Task Force- No action taken

Bird Hodges- Question regarding site inspection fee for outside dealers- No action taken

Funeral Ethics Organization- Lisa Carson "Caring For the Dear"- No action taken

State Board of Cemeterians Minutes
January 26, 2010
Page 4

Mr. Smith moved, Mr. Couey 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 for the Attorney General to provide the board with legal advice regarding pending litigation and to and review background information concerning the following preneed salesperson application:

- Jeffrey C. Butler, I-1751

After Mr. Stump advised the board regarding the pending litigation and the board discussed the background information on Mr. Butler, Mr. Smith moved Mr. Lamar seconded and the Board voted to conclude the **EXECUTIVE SESSION**. The board returned to **Open Session**.

File I-1751, Preneed Sales Agent application, Jeffrey C. Butler; Mr. Lawrence moved, Mr. Lamar seconded and the board voted to issue the registration.

Mr. Smith moved, Mr. Lamar seconded and the board voted unanimously to adjourn at 12:55.

Minutes approved by the Board at its March 23, 2010 Board Meeting.