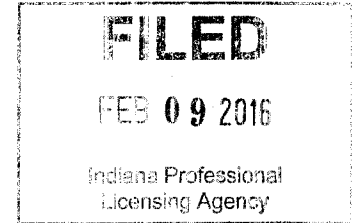


BEFORE THE INDIANA STATE BOARD OF
FUNERAL AND CEMETERY SERVICE
CAUSE NO. SBFCS 16-05

IN THE MATTER OF THE INDIANA CEMETERY)
LICENSE OF)
)
GRANDVIEW MEMORIAL GARDENS)
LICENSE NO. CM40100006)



ADMINISTRATIVE COMPLAINT

The State of Indiana, (“Petitioner”) by counsel, Deputy Attorney General Timothy M. Weber, on behalf of the Office of the Attorney General, and pursuant to Ind. Code § 25-1-7-7, the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3, and Ind. Code § 25-1-11 files its Administrative Complaint against the cemetery license of Grandview Memorial Gardens (“Respondent”), and in support alleges and states:

FACTS

1. Respondent’s address on file with the Indiana Professional Licensing Agency is 9306 Highway #421, Madison, Indiana 47250.
2. Respondent is a Cemetery in the State of Indiana having been issued license number CM40100006 on February 21, 2001.
3. James Holt (“Holt”) is the owner/operator on file responsible for Respondent.
4. Upon information and belief, Holt receives mail at the address of his business, Holt Monuments, L.L.C., at 120 Clifty Dr., Madison, Indiana 47250.
5. A second known address for Holt is 402 W Main St, Madison, Indiana 47250.
6. Holt has not undertaken regular care or maintenance of Respondent since 2006. Specifically, Holt has not performed general care and maintenance of the cemetery, has not opened or closed graves or grave spaces, burial spaces, crypts, or niches in the cemetery; has not

set or installed any markers, monuments, or any type of memorial in the cemetery; nor installed any kind of foundation or other type of base a marker, monument or memorial in the cemetery since 2006.

7. Additionally, Holt has not cut the grass on the cemetery plots; has not raked or cleaned the cemetery plots; has not pruned any of the shrubs or trees in the cemetery; has not procured, maintained, or kept the machinery, tools and equipment needed to maintain the cemetery in working condition; kept in repair or preserved the drains, water lines, roads, buildings fences and other structures of the cemetery; paid any insurance premiums for the cemetery, paid any pensions in association with the cemetery, or maintained the necessary records of lot ownership or holdership, burial right ownership or holdership, burials, and other necessary information, and making the records available to the public authorities and interested persons.

8. Ind. Code § 23-14-46-7 states:

Because the owner of a cemetery is responsible for the performance of the care and maintenance of the cemetery, a cemetery owner has the exclusive right to:

- (1) open and close a grave or grave space, burial space, crypt, or niche in the cemetery
- (2) set or install a:
 - (A) marker;
 - (B) monument; or
 - (C) any type of memorial;in the cemetery; and
- (3) install any kind of foundation or other type of base for the marker, monument, or any type of memorial in the cemetery.

9. Ind. Code 23-14-33-30(a) states:

"Perpetual care" or "endowment care" means . . . the maintenance of the cemetery grounds and graves in keeping with a properly maintained cemetery, including the following:

- (1) Cutting the grass on cemetery plots at reasonable intervals.
- (2) Raking and cleaning of cemetery plots at reasonable intervals.
- (3) Pruning of shrubs and trees.
- (4) Procuring, maintaining, and keeping in workable condition the machinery, tools, and equipment needed for maintenance purposes, and replacing the machinery, tools, and equipment when necessary.
- (5) Keeping in repair and preserving the drains, water lines, roads, buildings, fences, and other structures, including cemetery owned statues and embellishments of a general character applicable to the cemetery as a whole or a particular area.
- (6) The administration of the cemetery, including:
 - (A) the payment of insurance premiums;
 - (B) the payment of pensions; and
 - (C) maintaining the necessary records of lot ownership or holdership, burial right ownership or holdership, burials, and other necessary information, and making the records available to the public authorities and interested persons.

VIOLATION

10. Ind. Code § 25-1-11-5(a)(3) states a funeral director may be subject to discipline by the Board if they have knowingly violated a state statute regulating the funeral director profession. Ind. Code § 23-14-46-7 states that a cemetery owner is responsible for the performance of the care and maintenance of the cemetery. Holt is the owner on file for

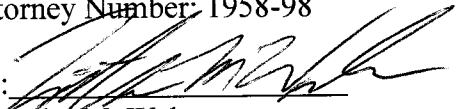
Respondent, and Holt has not undertaken regular care or maintenance of Respondent since 2006. Therefore, Respondent's license should be disciplined in accordance with Ind. Code § 25-1-11-5(a)(3).

ACCORDINGLY, Petitioner demands an order against the Respondent that:

1. subjects Respondent to discipline in accordance with Ind. Code § 25-1-11-5(a)(3);
2. imposes an appropriate disciplinary sanction;
3. directs Respondent to immediately pay all the costs incurred in the prosecution of this case; and
4. provides any other relief the Board deems just and proper.

Respectfully submitted,

GREGORY F. ZOELLER
Attorney General of Indiana
Attorney Number: 1958-98

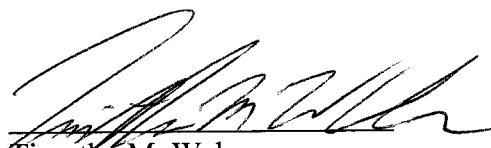
By: 
Timothy M. Weber
Deputy Attorney General
Attorney Number: 31559-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Administrative Complaint" has been served upon the Respondent listed below, by United States mail, first class postage prepaid, on this 9th day of January, 2016.

James Holt
120 Clifty Dr.
Madison, IN 47250

James R Holt
402 W Main St
Madison, IN 47250


Timothy M. Weber
Deputy Attorney General

Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Phone: (317) 234-4782
Fax: (317) 233-4393
Timothy.Weber@atg.in.gov