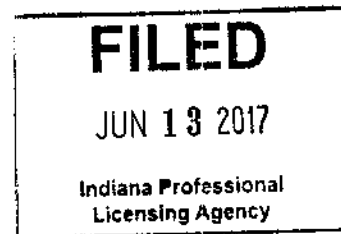


BEFORE THE INDIANA STATE BOARD OF
FUNERAL AND CEMETERY SERVICE
CAUSE NO. SBFCS 16-05

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



**FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER**

The State Board of Funeral and Cemetery Services (“Board”) held an administrative hearing on April 11, in Conference Room A of Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, concerning the Administrative Complaint (“Complaint”) filed against the Indiana cemetery license of Grandview Memorial Gardens (“Respondent”).

The State of Indiana (“Petitioner”) was represented by Deputy Attorney General Timothy M. Weber. Respondent appeared by its representative, James Holt, and chose to proceed without counsel.

The Board, after hearing testimony and taking official notice of its file in this matter, by a vote of 4-0-0, issues the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

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.

ULTIMATE FINDINGS OF FACT

Holt's conduct in failing to undertake regular care or maintenance of Respondent since 2006 constitutes a violation of Ind. Code § 23-14-46-7, a state statute pertaining to cemeteries, subjecting Respondent's license to discipline pursuant to Ind. Code § 25-1-11-5(a)(3).

CONCLUSION OF LAW

Respondent's violation is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, revocation and/or a

fine up to the amount of one thousand dollars (\$1,000) per violation as detailed in Ind. Code § 25-1-9-9.

ORDER

Based upon the above Findings of Fact, Ultimate Findings of Fact, and Conclusion of Law, the Board issues the following Order:

1. Respondent's cemetery license is **REVOKED**.

SO ORDERED, this 13th day of June 2017.

STATE BOARD OF FUNERAL AND CEMETERY
SERVICE

By: Herbert W. Price
Thomas Sproles
for Board Chairman
State Board of Funeral and Cemetery Service

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CERTIFICATE OF SERVICE

I certify that a copy of the "Findings of Fact, Ultimate Findings of Fact, and Conclusion of Law" has been duly served upon:

James Holt
120 Clifty Dr.
Madison, IN 47250
Service by U.S. Mail

James R Holt
402 W Main St
Madison, IN 47250
Service by U.S. Mail

Timothy M. Weber
OFFICE OF THE INDIANA ATTORNEY GENERAL
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Service by Email

6-13-17

Date

Tracy Hicks

Tracy Hicks, Board Director

Indiana State Board of Funeral and Cemetery Service
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Explanation of Service Methods

Personal Service: by delivering a true copy of the aforesaid document(s) personally.

Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.