

Minutes of Meeting
BOARD OF FUNERAL, CEMETERY & CONSUMER SERVICES
Teleconference Meeting
September 11, 2007 - 9:00A.M. to 11:00A.M.

I. Call to Order and Roll Call

Mr. Richard Brinkley, Assistant Director, called the meeting to order at 9:01 am and called the roll:

PRESENT:

Pete Ballas

PRESENT (via phone):

Jody Brandenburg, Vice-Chairman

Justin Baxley

Powell Helm

Nancy Hubbell

Tracy Huggins

Ken Jones

Gail Thomas-DeWitt

ALSO PRESENT:

Richard Brinkley, Assistant Director

Deborah Loucks, Board Counsel (via phone)

Elizabeth Teegen, Department Counsel

Diana Shumans, Department Counsel

James Gellepis, Department Staff

LaTonya Bryant, Department Staff

ABSENT:

Greg Brudnicki, Chairman

Catherine Zippay

Mr. Brinkley declared a quorum.

II. Old Business

A. Application for Funeral Establishment

- 1. Oklawaha Cemetery Association d/b/a Oklawaha Cemetery & Funeral Home (Jacksonville)**

Mr. Brinkley stated that the application was submitted on May 31, 2007. The application was deficient and a deficiency letter was sent. All deficiencies were received on July 6 2007. The fingerprint cards for the principals were submitted and returned without criminal history. The Funeral Establishment passed its inspection on July 16 2007.

The land on which the funeral home is situated has been undedicated for use as cemetery property, in accordance with Chapter 497.

The Department recommends approval of the application.

Mr. Brinkley added that the Draft minutes of the August 8th meeting referencing this item were in error, which reflects the motion by Ms Huggins to defer the application to the October meeting, which was seconded by Ms Zippay and passed unanimously. Staff has reviewed the recording that indicates the recommendation was to refer the item until the next meeting.

Mr. Ken Jones stated that the application reflects that services would be handled by Giddens-Reed, but there is no letter of agreement attached.

Mr. James Gellepis stated that the letter was attached to the original application.

Mr. Brinkley stated that the agreement should have been in the original packet.

Mr. Powell Helm questioned whether it should have been included or whether it was

Mr. John Rudolph stated that he recalled seeing it in the packet.

Mr. Ogier Matthews stated that he recalled seeing it in the original packet as well.

Mr. John Hensley stated that it was submitted with the inspection form.

Mr. Helm stated that Mr. Jody Brandenburg should be running the meeting in Mr. Chairman's absence.

MOTION: Col. Pete Ballas moved to approve the application. Mr. Ken Jones seconded the motion, which passed unanimously.

DISCUSSION: Ms Deborah Loucks stated that as Vice Chair, Mr. Brandenburg would stand in Mr. Brudnicki's place as the Chairman of today's meeting.

III. Application(s) for Florida Laws and Rules Examination – See Addendum A

A. Recommended for Approval

1. Funeral Director and Embalmer - Internship

a. Brooks, John M

- b. Bruce, Igrayne L**
- c. Cosby, Cedric R**
- d. Hayes, Maurice J**
- e. Mayfield, Tammy E**

MOTION: Mr. Jones moved to approve the application(s). Ms Gail Thomas-DeWitt seconded the motion, which passed unanimously.

- 2. Funeral Director and Embalmer- Endorsement**
 - a. Chandler, Adria D**
 - b. Clark, Richard N**
 - c. Hendry, Patrick**

MOTION: Mr. Helm moved to approve the application(s). Ms Nancy Hubbell seconded the motion, which passed unanimously.

- 3. Embalmer- Endorsement**
 - a. Beck, Carl D**
- 4. Direct Disposer**
 - a. Johnson, William J**

MOTION: Col. Ballas moved to approve the application(s). Mr. Jones seconded the motion, which passed unanimously.

IV. Application(s) for Internship – See Addendum B

A. Recommended for Approval

- 1. Funeral Director and Embalmer**
 - a. Dillon, Jessica C**
 - b. Finocchiaro, Joseph R**
 - c. Franco, Elizabeth**
 - d. Lowe, Charles R**
 - e. Monroe, Thomas R**
 - f. Prestwood, Roy V**
 - g. Vanderford, Travis W**

MOTION: Ms Thomas-DeWitt moved to approve the application(s). Col. Ballas seconded the motion, which passed unanimously.

V. Applications(s) for Embalmer Apprentice – See Addendum C

A. Recommended for Approval

- 1. Johnson, Howard F**
- 2. Landry, Peggy**
- 3. Tubbs, Melissa**

MOTION: Mr. Helm moved to approve the application. Mr. Justin Baxley seconded the motion, which passed unanimously.

VI. Application(s) for Funeral Establishment

A. Recommended for Approval

1. Stephen J Kuzniard b/a Godwin & Kuzniar Funeral Home (Macclenny)

Mr. Brinkley stated that the application was submitted on July 18, 2007. The application was complete when submitted and a deficiency letter was not needed. The fingerprint cards for the principal was submitted and returned without criminal history. The Funeral Establishment passed its inspection on August 24, 2007.

MOTION: Col. Ballas moved to approve the application. Ms Thomas-De Witt seconded the motion, which passed unanimously.

2. Tony Tanner Funeral Services Inc (Ocala)

Mr. Brinkley stated that the application was submitted on May 4, 2007. The application was incomplete when submitted and a deficiency letter was sent to the applicant. The deficient items were returned on July 16. The fingerprint cards for the principal was submitted and returned without criminal history. The Funeral Establishment passed its inspection on August 17, 2007.

Mr. Baxley stated that the application reflects that the FDIC lives in St Pete. Mr. Baxley questioned whether Mr. Tanner held a license and what the coverage would be.

Mr. Tony Tanner stated that the FDIC now lives in Ocala.

MOTION: Mr. Baxley moved to approve the application. Mr. Helm seconded the motion, which passed unanimously.

3. Yates Funeral Home LLC d/b/a Yates Funeral Home & Crematory (Ft Pierce)

Mr. Brinkley stated that the application was submitted on August 3, 2007. The application was complete when submitted and a deficiency letter was not needed. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Establishment is recommended for approval pending a satisfactory inspection and proof of ownership change.

Mr. Jones requested adding approval pending receipt of a letter of agreement for embalming services.

Mr. Brandenburg stated that the agreement would not be needed as embalming would be maintained on site.

MOTION: Col. Ballas moved to approve the application pending a satisfactory inspection and proof of ownership change. Ms Tracy Huggins seconded the motion, which passed unanimously.

4 Yates Funeral Home LLC d/b/a Yates Funeral Home & Crematory (Port St Lucie)

Mr. Brinkley stated that the application was submitted on August 3, 2007. The application was complete when submitted and a deficiency letter was not needed. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Establishment is recommended for approval pending a satisfactory inspection and proof of ownership change.

MOTION: Mr. Helm moved to approve the application pending a satisfactory inspection and proof of ownership change. Col. Ballas seconded the motion, which passed unanimously.

VII. Application(s) for Cinerator Facility

A. Recommended for Approval

1. St Lucie Crematory LLC (Ft Pierce)

Mr. Brinkley stated that the application was submitted on August 3, 2007. The application was complete when submitted and a deficiency letter was not needed. The fingerprint cards for all principals were submitted and returned without criminal history. The Cinerator Facility is recommended for approval pending a satisfactory inspection and proof of ownership change.

MOTION: Mr. Baxley moved to approve the application pending a satisfactory inspection and proof of ownership change. Ms Huggins seconded the motion, which passed unanimously.

VIII. Continuing Education Course Approval(s) – See Addendum D

A. Recommended for Approval

- 1. Aurora Casket Company #129**
- 2. Hospice Foundation of America #76**
- 3. International Cemetery & Funeral Association #74**
- 4. MKJ Marketing #85**
- 5. National Funeral Directors Association #136**
- 6. SCI Management-Dignity University #99**
- 7. Henry L. Scurry, Sr. #77**

MOTION: Mr. Helm moved to approve the application(s). Ms Thomas-De Witt seconded the motion, which passed unanimously.

IX. Application(s) for Preneed Sales Agent – See Addendum E

A. Recommended for Approval

Mr. Brandenburg disclosed his affiliation with SCI Funeral Services of Florida, Inc.
Ms Huggins disclosed her affiliation with The Simplicity Plan.

Mr. Brinkley presented the Addendum and requested adding the following 2 names for approval: Becky Sue Burritt (Venice) and Thomas Francis Shore III (Delray Beach).

Mr. Brandenburg questioned who the two applicants were affiliated with.

Mr. Brinkley stated that he did not have the information available but would get.

Mr. Brandenburg questioned whether they were recommended for approval.

Mr. Brinkley responded yes.

MOTION: Col. Ballas moved to approve the application(s). Mr. Jones seconded the motion, which passed unanimously.

X. Application(s) to Become a Training Facility

A. Northstar Funeral Services of Florida LLC d/b/a Levitt-Weinstein Memorial Chapel (Coconut Creek)

Mr. Brinkley stated that the licensed FDIC is Richard Waites. The applicant is applying for a funeral directing and embalming training facility. For the period of May – July 2007, the establishment performed 146 funeral services and 40 embalmings.

MOTION: Ms. Huggins moved to approve the application. Mr. Baxley seconded the motion, which passed unanimously.

B. Northstar Funeral Services of Florida LLC d/b/a Levitt-Weinstein Memorial Chapel (North Miami Beach)

Mr. Brinkley stated that the licensed FDIC is Darren Shapiro. The applicant is applying for a funeral directing and embalming training facility. For the period of May – July 2007, the establishment performed 73 funeral services and 40 embalmings.

MOTION: Col. Ballas moved to approve the application. Ms. Thomas-DeWitt seconded the motion, which passed unanimously.

C. Thomas S. Lowther Funeral Home & Crematory (Vero Beach)

Mr. Brinkley stated that the licensed FDIC is Thomas S. Lowther. The applicant is applying for a funeral directing only training facility. For the period of July 2006 – June 2007, the establishment performed 120 funeral services.

Ms. Huggins questioned whether there were any complaints.

Mr. Brinkley stated that there was no information in this material indicating whether there were any complaints.

Mr. Gellepis stated that he was unaware of any complaints but this information would be researched.

Mr. Brinkley stated that the unit that processes the application requests is not aware of any complaints. This information could be validated, if it is the pleasure of the Board.

MOTION: Ms Huggins moved to approve the application pending verification that there have been no complaints. Col. Ballas seconded the motion, which passed unanimously.

XI. Contractor or Other Related Forms

A. Monument Establishment Retail Sales Agreement(s)

1. Quality Vaults Inc. (Ocoee)

Mr. Brinkley stated that the agreement was submitted in compliance with Section 497.553, Florida Statutes, that requires monument establishment sales agreement forms be filed with and approved by the Board.

Staff recommend approval of the agreement pending Department receipt within 45 days of two print-ready agreements.

MOTION: Mr. Helm moved to approve the agreement pending Department receipt within 45 days of two print-ready agreements. Ms Thomas-DeWitt seconded the motion, which passed unanimously.

XII. Report from Department of Health

A. Electronic Death Registration System (EDRS)

Mr. Jones stated that a meeting was held on the advisory user group. In attendance were Jody Brandenburg from the Board, funeral directors from both associations, 2 Florida medical examiners from the Florida Medical Examiner Commission and several different Representatives in an effort to discuss what the Department of Health, Office of Vital Statistics wishes to develop for an Electronic Death Registration System (EDRS). This effort is moving forward. The work group will use the Board and the expertise that everyone on the Board brings to the table to make sure that as the requirements for an EDRS are developed, various people are able to look at it and provide feedback. The system is still in the development stages and the Department is working with the vendor and Social Security to meet certain requirements. The group will meet every three months to determine where they are with the implementation. Mr. Jones advises that he would continue to bring information to the Board.

XIII. Report on License Renewals – Direct Disposal, Direct Disposer, Embalmer, Funeral Director and Funeral Director/Embalmer

A. Issued

B. Pending

C. Not Received

Mr. Brinkley stated that there were 3104 licenses up for renewal effective September 1st. Through mid day, September 10^h, the Department has processed 1504 license renewals. In house, there are 480 renewals to process and 1110 renewals have not been received.

When a renewal comes in, it goes through our central mail center at another location. From there, the invoices go through the Accounting and Receipts area, where the money is processed and then the information is forwarded to our Division. We are diligently checking to trace what is in these other areas to find out what has been submitted and not received and would recommend that the Board allow the month of September to complete the renewal process without penalty to the licensees.

Col. Ballas questioned whether a motion was needed to allow this.

Mr. Brinkley responded yes. Technically, anyone that has not been renewed prior to September 1st is delinquent. This is the first renewal that the Department of Financial Services has undergone. Previously this was under the Department of Business and Professional Regulation. Our renewal process is different from the process conducted by DBPR and we are very concerned with the number of unidentified renewals. The Division would like the time to deal with these matters without penalty to the licensees, even if they paid after September 1st. As long as they have made an attempt to renew, we want to work with them.

MOTION: Col. Ballas moved to approve the request. Ms Huggins seconded the motion, which passed unanimously.

Mr. Brandenburg stated the big concern is the large number of renewals not received. Mr. Brandenburg questioned whether there is any explanation as to what may have happened.

Mr. Brinkley stated there is no explanation at this time. When DBPR processed these license types for renewal, they did not do it themselves as this process was contracted out and there was no validation of the CE credits. Our Department is doing a validation as per the Law. Due to new system implementations and given the fact that this is the first large renewal using that system, there have been a number of issues regarding recording CE credits correctly. These credits have been manually inputted and manually compared to ensure that everyone who has taken courses would receive credit. The other issue that we know exists in the invoicing for renewal fees. There is an invoice number on the document that is apparently located right at the line where it is to be separated and part of the invoice is to be returned and part not. A number of renewals have been returned without the invoice and others have been returned with the invoice number torn. Therefore, the Accounting staff cannot validate the invoice number with the payee. This information is being researched to validate. There are things occurring that were not anticipated, but we are committed to identifying where these are. Our Staff member that was brought over from DBPR has no historic measure to say what typically the number is of late renewals. This is a very high number for us. It is one third of the licensee

base. Mr. Brinkley assured the Board that the Division is working full time at identifying these people and getting them renewed without penalty.

Mr. Brandenburg questioned of the large number of renewals not received, whether there is any one of the five categories of licenses to be issued that really stand out as not being received.

Mr. Brinkley stated that of the 3104, there are 2727 Funeral Director and Embalmer total licenses. It appears this license type would be a very high part of the 1110.

Mr. Baxley questioned whether any action needs to be taken in relation to inspections, as there will be expired licenses hanging on the walls.

Mr. Brinkley stated now that the Division has the permission of the Board to extend the renewal process through the month of September, Field staff will be contacted today with instructions not to penalize any licenses that are inspected this month.

Mr. Brandenburg questioned whether Mr. Baxley would want this to be made a motion on the record.

Mr. Baxley responded that he would feel more comfortable that way.

Mr. Brinkley stated that the only establishment license involved in this renewal is direct disposal establishment.

Mr. Brandenburg stated that this is for the inspection of direct disposal establishments and funeral establishments.

MOTION: Mr. Baxley moved to have the extension of renewals include the exemption of funeral establishments and direct disposal establishments. Mr. Jones seconded the motion, which passed unanimously.

Mr. Helm questioned whether renewal notices are sent out to the licensees.

Mr. Brinkley responded yes. The notices are sent out 90 days in advance of their renewal. The notices went out the end of May, but were a couple of days late due to the new system deployment. The normal cycle for running those was the weekend that we were preparing for deployment, so the system was frozen. As soon as the new system went live, the first function was to print the renewal notices and get them in the mail.

VI. Adjournment

The meeting was adjourned at 9:41 a.m.