

Minutes of Meeting
BOARD OF FUNERAL, CEMETERY & CONSUMER SERVICES
Teleconference Meeting
November 5, 2008 - 9:00 A.M. to 11:00 A.M.

I. Call to Order and Roll Call

Mr. Jody Brandenburg, Vice Chairman, called the meeting to order at 9:11 am.

Mr. Doug Shropshire, Executive Director, requested to make the usual prefatory comments for the record and then take the role.

As a preliminary matter, let me state for the record that my name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. This is a meeting of the Board of Funeral, Cemetery, and Consumer Services. Today is November 5, 2008. The meeting is occurring by teleconference, although the Staff is in Tallahassee with members of the public participating here in the Alexander Bldg. in Tallahassee, FL.

Notice of this meeting has been duly published in the FAW. An agenda for this meeting has been made available to interested persons.

Members of the Board are participating by teleconference. My Assistant, Ms LaTonya Bryant, is recording these proceedings. Persons speaking on the phone are requested to identify themselves, as well as person participating here in Tallahassee, each time they speak. Participants are respectfully reminded that the Chair or Vice Chair runs the meeting. Persons desiring to speak should initially ask the Chair or Vice Chair for permission to speak. Participants are requested to keep in mind the necessary protocol that only one person may speak at a time. Persons participating by teleconference are reminded that if you try to speak while someone else is speaking on the phone neither Board members nor the public will be able to hear you.

At this time I will take the role and Board members will please respond with "aye" or "present" when I call their name:

PRESENT (via phone):

Greg Brudnicki, Chairman (delayed)
Jody Brandenburg, Vice-Chairman
Justin Baxley
Ken Jones
Powell Helm
Nancy Hubbell
Tracy Huggins
Gail Thomas-DeWitt
Catherine Zippay

ALSO PRESENT:

Doug Shropshire, Executive Director
Allison Dudley, Board Counsel (via phone)
Tad David, Department Attorney (via phone)
LaTonya Bryant, Department Staff
James Gellepis, Department Staff

Mr. Brandenburg, we have a quorum for the business before the Board.

II. Application(s) for Preneed Sales Agents
A. Informational Item - See Addendum A

The application(s) presented are clean and have been approved by the Division. This item is informational only and does not require Board action.

Mr. Brandenburg disclosed his affiliation with SCI Funeral Services of Florida, Inc., which does not render him unable to make a fair and impartial judgment in any of the matters before the Board.

B. Recommended for Approval
1. Rigano, Robert D

On the application received by the Department on August 11, 2008, the applicant answered “No” to Applicant Background Questions. The criminal history includes three (3) offenses relating to one incident in 1993, which occurred in Bermuda. After extensive online research by the Division’s Legal Services into Bermuda law and substantial email correspondence with officials in Bermuda, two of the offenses are unquestionably misdemeanors. As such and since they occurred fifteen (15) years ago, Mr. Rigano was not required to disclose those offenses on his application. The third charged offense appears to possibly be classifiable as a felony, which would have necessitated disclosure on the application. However, the department’s assessment on the classification of the third offense as a felony was made after significant research on the issue, and a non-attorney like Mr. Rigano would not have the understanding to enable him to ascertain such classification. Further, the department’s assessment of the offense as a felony is not absolute, especially in light of the minimal fine issued for the offense.

The Department assessment is that the inaccuracy does not indicate that Mr. Rigano is untrustworthy. It is the Division’s belief that if issued a preneed sales agent license, Mr. Rigano would not pose an unreasonable risk to members of the public who might deal with him in preneed transactions. See Florida Statutes, section 497.466(5)(c).

The Division recommends approval.

MOTION: Mr. Ken Jones moved to approve the application(s). Ms. Tracy Huggins seconded the motion, which passed unanimously.

III. Application(s) for Monument Establishment Sales Agents
A. Informational Item - See Addendum B

The application(s) presented are clean and have been approved by the Division. This item is informational only and does not require Board action.

IV. Application(s) for Florida Laws and Rules Examination

A. Recommended for Approval - Addendum C

1. *Funeral Director and Embalmer - by Internship*
 - a. *Caldwell, Lamica M*
 - b. *Cheru, Eline*
 - c. *Jones, Fareedah T*
2. *Embalmer*
 - a. *Lewis, Larry B*

The Division recommends approval.

MOTION: Ms. Gail Thomas-Dewitt moved to approve the application(s). Ms. Nancy Hubbell seconded the motion, which passed unanimously.

V. Application(s) for Internship

A. Recommended for Approval/Funeral Director and Embalmer – Addendum D

1. *Gordon, Lindsey C*
2. *Pershyn, Anne Marie*
3. *Weldon, Wendy L*

The Division recommends approval.

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

VI. Application(s) for Embalmer Apprentice

A. Recommended for Approval – Addendum E

1. *Erickson, Amber N*
2. *Ingram, William L*

The Division recommends approval.

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

Mr. Greg Brudnicki was delayed in joining the meeting as he was in an accident.

VII. Application(s) for Training Agency

A. Recommended for Approval-Funeral Directing/Embalming – Addendum F

1. *Pinecrest Funeral Chapel - F041313*
2. *Pinello Funeral Home Inc - F041626*

The Division recommends approval.

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

- VIII. Continuing Education Course Approval(s)**
A. Recommended for Approval – Addendum G
 1. *Funeral Review.com, LLC #122*
 2. *Health Studies Institute #7402*
 3. *Matthews International #6802*
 4. *National Funeral Directors Association #136*

The CE Committee and the Division recommends approval.

MOTION: Mr. Powell Helm moved to approve the application(s). Mr. Greg Brudnicki seconded the motion, which passed unanimously.

- IX. Continuing Education Provider Approval(s)**
A. Recommended for Approval – Addendum H
 1. *Kayla Keshawn Alexander # 7804*

The CE Committee and the Division recommends approval.

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

- X. Application(s) for Preneed Main License**
A. Faith Funeral Home, Inc. (Havana)

The Department received the application on September 15, 2008 and all deficiencies were resolved by October 17, 2008. A completed background check of all officers revealed no criminal history. The Applicant intends to sell only insurance-funded preneed contracts through Southland National Insurance Company using Southland National’s pre-authorized funeral agreement.

The Applicant’s financial statements as of December 31, 2007 reflect the following:

Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	16,245

The Division recommends approval.

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

- XI. Application(s) for Preneed Branch Office License**
A. Recommended for Approval – Addendum I

The Division recommends approval.

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

XII. Application(s) for Cinerator Facility

A. Recommended for Approval

1. Cypress Funeral Group Inc d/b/a Gulf Coast Cremation Services (Naples)

The application for a Cinerator Facility was submitted on September 15, 2008. The application was complete when submitted and a deficiency letter was not sent. The Funeral Director in Charge will be Todd Muller (F042480). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on October 15, 2008.

The Division recommends approval.

MOTION: Mr. Brudnicki moved to approve the application. Ms. Catherine Zippay seconded the motion, which passed unanimously.

2. Oak Ridge Cremation Services LLC (Haines City)

The application for a Cinerator Facility was submitted on September 8, 2008. The application was complete when submitted and a deficiency letter was not sent to the applicant. The Funeral Director in Charge will be Dave Holt (F043720). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on October 15, 2008.

The Division recommends approval.

MOTION: Mr. Helm moved to approve the application. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

XIII. Application(s) for Direct Disposal Establishment

A. Recommended for Approval

1. Northeast Florida Cremations LLC d/b/a A Direct Cremation (Gainesville)

The application for a Direct Disposal Establishment was submitted on September 25, 2008. The application was complete when submitted and a deficiency letter was not sent out to the applicant. The Funeral Director in Charge will be John Gentry, Jr. (F028101). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on October 15, 2008.

The Division recommends approval.

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

XIV. Application(s) for Funeral Establishment

A. Recommended for Approval

1. American Funeral Partners of Florida Inc d/b/a Charlotte Memorial Funeral Home (Punta Gorda)

The application for a Funeral Establishment was submitted on August 28, 2008. The application was incomplete when submitted and a deficiency letter was sent out to the applicant. All deficient items were returned on September 30, 2008. The Funeral Director in Charge will be Abraham Daoud (F046588). The

fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on September 16, 2008.

The Division recommends approval.

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

2. *Eden Funeral Services LLC (Coconut Creek)*

The application for a Funeral Establishment was submitted on September 30, 2008. The application was complete when submitted and a deficiency letter was not sent to the applicant. The Funeral Director in Charge will be Rory Epstein (F042160). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on October 13, 2008.

The Division recommends approval.

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

3. *Neptune Management Corporation d/b/a Neptune Society (Summerfield)*

The application for a Funeral Establishment was submitted on July 24, 2008. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were satisfied on October 15, 2008. The Funeral Director in Charge will be George Scott (F044266). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on October 15, 2008.

The Division recommends approval.

MOTION: Ms. Thomas-Dewitt moved to approve the application. Ms. Zippay seconded the motion, which passed unanimously.

XV. Application(s) for Refrigeration Facility

A. *Recommended for Approval*

1. *Serenity Removals & Services Inc (Hollywood)*

The application for a Refrigeration Service was submitted on August 29, 2008. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were satisfied on September 19, 2008. The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on September 25, 2008.

The Division recommends approval.

MOTION: Ms. Zippay moved to approve the application. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

XVI. Application(s) for Removal Facility

A. Recommended for Approval

1. Orlando Crematory LLC (Orlando)

The application for a Removal Service was submitted on October 14, 2008. The application was complete when submitted and a deficiency letter was not sent to the applicant. The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on October 15, 2008.

The Division recommends approval.

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

2. Scrivens Johnson Mortuary Service LLC (Zephyrhills)

The application for a Removal Service was submitted on August 29, 2008. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were satisfied on October 3, 2008. The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on October 13, 2008.

The Division recommends approval.

MOTION: Ms. Zippay moved to approve the application. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

3. Serenity Removals & Services Inc (Hollywood)

The application for a Removal Service was submitted on August 29, 2008. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were satisfied on September 19, 2008. The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on September 25, 2008.

The Division recommends approval.

Mr. Baxley questioned whether this application is for a different location or different town, as the applicant already holds a license for removal service.

Mr. Shropshire stated it is a new location.

Mr. Brandenburg stated that it appears to be a second location.

Mr. John Rudolph stated that this is an application to change location.

Mr. Shropshire concurred.

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

XVII. Application(s) for Monument Establishment Retailer

A. Previously Approved by Department

1. Barney L Skinner d/b/a Able Monument Company (Titusville)

The application(s) for Monument Establishment license should have been presented to the Board for decision. However, the application(s) was approved by the Division, acting under the erroneous understanding that the Division was authorized to approve Monument Establishment applications.

The Division recommends that the Board ratify the Division's erroneous prior action approving the application(s) (with the understanding that in the future all Monument Establishment applications will be presented to the Board for decision.).

MOTION: Mr. Baxley moved to ratify the Division's erroneous prior action approving the application. Ms. Hubbell seconded the motion, which passed unanimously.

B. Recommended for Approval

1. Wesley H. Schweinsberg d/b/a Harold's Monument Services (Tallahassee)

The Department received the application on July 10, 2008 and no deficiencies were noted on the application. The Department completed a background check of all officers which revealed no criminal history.

The Division recommends approval.

MOTION: Ms. Thomas-Dewitt moved to approve the application. Ms. Zippay seconded the motion, which passed unanimously.

XVIII. Contracts or Other Related Forms

A. Monument Retail Sales Agreements:

1. Lee Aaron Hall d/b/a Hall Monument Company (Havana)

The FCCS Division requested Board guidance re: restocking fee, setting fee, and transportation fee.

If the Monument Establishment will not be charging any of those fees, must the sales agreement form expressly so state? E.g., "Restocking fees will not be charged."

The Division's understanding is that if no restocking fee, setting fee, and transportation fee is going to be charged, then those fees do not have to be mentioned on the form. If they are not mentioned on the form, then they can not be charged.

This proposed form does not expressly address whether restocking fee, setting fee, and transportation fee will be charged.

Staff recommends approval of the agreement.

In a conversation with Mr. Shropshire, Mr. Helm indicated that his understanding was if the entity will not be charging a restocking fee, seeing fee or transportation fee, they do not have to mention those fees on the form.

MOTION: Mr. Helm moved to approve the agreement. Mr. Jones seconded the motion, which passed unanimously.

2. Wesley H. Schweinsberg d/b/a Harold's Monument Services (Tallahassee)

The FCCS Division requested Board guidance re: restocking fee, setting fee, and transportation fee.

If the Monument Establishment will not be charging any of those fees, must the sales agreement form expressly so state? E.g., "Restocking fees will not be charged."

The Division's understanding is that if no restocking fee, setting fee, and transportation fee is going to be charged, then those fees do not have to be mentioned on the form. If they are not mentioned on the form, then they can not be charged.

This proposed form does not expressly address whether restocking fee, setting fee, and transportation fee will be charged.

Staff recommends approval of the agreement.

In a conversation with Mr. Shropshire, Mr. Helm indicated that his understanding was if the entity will not be charging a restocking fee, seeing fee or transportation fee, they do not have to mention those fees on the form.

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

Supplement to Agenda

I. Application for Preneed Sales Agent license

A. Ciccone, Ellen D

On the application received by the Department on August 19, 2008, the applicant answered "No" to Applicant Background Questions. Upon the review of the applicant fingerprint results the department discovered the applicant had a criminal history. Ms. Ciccone was asked to provide an explanation for the inaccuracy her on application.

Ms. Ciccone's explanation "*When we (I and Jean Elliott – Office Administrator) read the question I undoubtedly misunderstood that is why I answered no. I understood the question or I thought it was reading have you ever been convicted of a felony in our industry which is cemetery and funeral*".

The criminal history includes one (1) offense relating to one incident in 2005, which occurred in Virginia. Ms. Ciccone was required to disclose this offense on her application. Upon request Ms. Ciccone submitted all supporting documentation.

The Department assessment is that the inaccuracy does not indicate that Ms. Ciccone is untrustworthy. It is the Division's belief that if issued a preneed sales agent license, Ms. Ciccone would not pose an unreasonable risk to members of the public who might deal with her in preneed transactions. See Florida Statutes, section 497.466(5)(c).

The Division recommends approval.

The Chair disclosed his affiliation with CFS Funeral Services, Inc., which does not render him unable to make a fair and impartial judgment in any of the matters before the Board.

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

II. Application(s) for Florida Laws and Rules Examination

A. Recommended for Approval – Added to Addendum C

1. Funeral Director and Embalmer - by Internship

a. Shelley, Natalie C

b. Walker, Shanna D

2. Direct Disposer

a. Carter, June M

The Division recommends approval.

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

III. Application(s) for Internship

A. Recommended for Approval - Added to Addendum D

1. Funeral Director and Embalmer

a. Roberts, Rachel M

The Division recommends approval.

MOTION: Ms. Thomas Dewitt moved to approve the application. Ms. Hubbell seconded the motion, which passed unanimously.

VI. Application(s) for Embalmer Apprentice

A. Recommended for Approval - Added to Addendum E

1. Leedom, Matthew D

2. Young, Sr., Isaac

The Division recommends approval.

MOTION: Mr. Brudnicki moved to approve the application(s). Mr. Baxley seconded the motion, which passed unanimously.

XIX. Executive Director's Report

A. Rules Committee (written report)

On October 15, 2008 the Board's Rules Committee met by teleconference. Rules Committee Chair Jody Brandenburg presided, along with Committee Vice-Chair Mark Revitz. Interested members of the industry and public also participated.

The sole agenda item was proposed Rule 69K-6.0021, relating to emergency use of cemetery care & maintenance trust fund corpus.

There was discussion of the Board Legal Advisor's opinion that each withdrawal of corpus from the care and maintenance trust fund (C&M TF) requires advance written approval by the Board, and that a rule that would purport to give advance approval for a withdrawal, before a specific actual application is before the Board, would not appear to be consistent with the legislative intent.

The Executive Director voiced a further concern as to whether use of the C&M TF for current repairs, even emergency repairs, was consistent with the legislative intent, because s. 497.266(1), Florida Statutes, indicates that the C&M TF was intended for future care and maintenance. There was discussion of this point, and there was not unanimity of opinion as to whether this was the correct reading of the statute.

Ultimately the Rules Committee voted at the meeting to discontinue work on the proposed rule unless and until the Industry can obtain a statutory change expressly authorizing use of C&M TF corpus as proposed in the rule.

B. Legislative Workshop (written report)

As previously scheduled, the Division conducted a public legislative workshop on October 22, 2008, at the Hartman Building, in Tallahassee, to receive comments from the Industry and public, concerning the 11 Items of proposed legislation which the Division had previously circulated to the Industry and published on the Division's webpage (the materials are still available in the Division's webpage at <http://www.myfloridacfo.com/FuneralCemetery/>).

Turnout for the workshop was sparse, probably because the materials had previously been exposed to the Industry and there has been significant informal exchange of views between the Industry and the Division, concerning the Items.

We went through the 11 Items one by one. There was no opposition voiced as to any of the 11 Items, with the exception that as to the proposal to go from quarterly to annual preneed remittances, Jan Scheff on behalf of the Independent Funeral Directors of Florida conveyed that a significant number of her members had serious reservations as to the advisability of going to annual remittances, because of concern that the funds will not be available from some licensees at the end of the year. I responded that I share that concern, and pointed out that the proposed legislation is drafted so as to allow but not require going to annual remittances.

C. Finance Committee (verbal report)

There will be a Finance Committee on November 6, 2008 and Ms. Tammy Teston will be in attendance along with Mr. Les Klein, Chairman. The purpose of the meeting will be primarily for the Chair to

convey his thoughts concerning the Administrative Service Charge that is being imposed. Anyone wishing to listen in on that meeting can contact LaTonya Bryant. The meeting will begin at 10a.

The Chair commended Mr. Shropshire and Staff on the completeness of the packets being received by the Board.

XX. Adjournment

The meeting was adjourned at 9:39 a.m.