

Minutes of Meeting
BOARD OF FUNERAL, CEMETERY & CONSUMER SERVICES
Teleconference Meeting
September 3, 2008 - 9:00A.M. to 11:00A.M.

I Call to Order and Roll Call

Mr. Greg Brulnicki, Chairman, called the meeting to order at 9:00a.m. Mr. Doug Shropshire, Executive Director, called the roll:

PRESENT (via phone):

Greg Brulnicki, Chairman
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
Deborah Loucks, Board Counsel (via phone)
Anthony Miller, Assistant Director
MaryK Surles, Senior Attorney
LaTonya Bryant, Department Staff
James Gellepis, Department Staff

Mr. Shropshire advised the Chair that a quorum was present.

II Application(s) for Preneed Sales Agents
A. Recommended for Approval – Addendum A

Mr. Jody Brandenburg disclosed his affiliation with SCI Funeral Services of Florida, Inc.

Ms. Deborah Loucks questioned whether Mr. Brandenburg's affiliation renders him unable to make a fair and impartial judgment in any of the matters before the Board.

Mr. Brandenburg responded no.

Mr. Justin Baxley disclosed his affiliation with Hiers Funeral Home, Inc.

Ms. Loucks questioned whether Mr. Baxley's affiliation renders him unable to make a fair and impartial judgment in any of the matters before the Board.

Mr. Baxley responded no.

The Chair disclosed his affiliation with CFS Funeral Services, Inc.

Ms Loucks questioned whether The Chair's affiliation renders him unable to make a fair and impartial judgment in any of the matters before the Board.

The Chair responded no.

Ms Tracy Huggins disclosed her affiliation with The Simplicity Plan.

Ms Loucks questioned whether Ms Huggins' affiliation renders her unable to make a fair and impartial judgment in any of the matters before the Board.

Ms Huggins responded no.

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

III. Application(s) for Monument Establishment Sales Agents

A. Recommended for Approval – Addendum B

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

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

A. Recommended for Approval - Addendum C

1. Funeral Director and Embalmer- by Internship

a. Landry, Peggy

2. Direct Disposer

a. Paz, Luis R

b. Shaffer, Karen J

3. Embalmer

a. Estes, Robert S

b. Gaston, Alan G

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

V. Application(s) for Internship

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

1. Bench, Adrienne D

2. Broas, Stephen K

3. Clark, O'Donald B

4. Hart, Daniel C

5. Mulkey, Carolyn L

6. Noel, Pamela J

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

- VI Application(s) for Embalmer Apprentice**
A. Recommended for Approval – Addendum E
1. Gonzales, Nicole M
2. Grubb, Magon A

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

- VII Application(s) for Training Agency**
A. Recommended for Approval – Funeral Directing – Addendum F
1. Bayview Fisher-Pou Chapel (Pensacola)

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

- VIII Continuing Education Course Approval(s)**
A. Recommended for Approval – Addendum G
1. Life Appreciation Training #762
2. MKJ Marketing #85
3. National Funeral Directors Association #136
4. New Jersey Funeral Service Education Corp #702
5. Selected Independent Funeral Homes #137

The Chair questioned whether the Committee had reviewed the applications

Mr. Baxley responded yes

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

- IX Continuing Education Provider Approval(s)**
A. McKissock, LP #7803

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

- X Application(s) for Direct Disposal Establishment**
A. Recommended for Approval
1. A1 Affordable Cremation Inc (Holly Hill)

The application for a Direct Disposal Establishment was submitted on July 24, 2008. The application was complete when submitted and a deficiency letter was not sent to the applicant. The Direct Disposer in Charge will be James Dorsey (FO26763). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on August 8, 2008.

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

XI. Application(s) for Funeral Establishment

A. Recommended for Approval

1. House of Funeral Associates LLC (Tallahassee)

The application for a Funeral Establishment was submitted on July 23, 2008. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficiencies were returned on August 18, 2008. The Funeral Director in Charge will be Willie Brown (FO16365). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on August 6, 2008.

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

2. ICS Cremation & Funeral Home Inc (Lake City)

This item has been removed from the agenda and will be presented at a subsequent Board Meeting.

XII. Application(s) for Monument Establishment Builder

A. Recommended for Approval

1. Perl, Inc db/a LaPerle Memorials (Inverness)

The Department received the application on May 27, 2008 and no deficiencies were noted. A background check of all officers was completed which revealed no criminal history. Applicant was approved as a Monument Establishment Retailer license as of December 20, 2003 and the license is current until September 30, 2009. Applicant passed the inspection for licensure as a Monument Builder conducted by the Department as of August 6, 2008.

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

XIII. Application(s) for Monument Establishment Retailer

A. Previously Approved by Department

- 1. A & A Memorials and Monuments LLC (Crestview)**
- 2. Gulf Coast Wilbert Inc db/a Gulf Coast Monuments (Panama City)**
- 3. Gulf Coast Wilbert Inc db/a Ward Memorial (DeFuniak Springs)**
- 4. Jimmie Hicks db/a Everlasting Stoneworks (Sebastian)**
- 5. North Florida Monument Co Inc (Williston)**

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. Brandenburg moved to ratify the Division's erroneous prior action approving the application(s). Mr. Jones seconded the motion, which passed unanimously.

B. Recommended for Approval

1. Phoenix Cremation Society Inc db/a Affordable Memorials & Cemetery Lots (Longwood)

The Department received the on-line application on April 22, 2008 and all of the required documentation was received by April 25, 2008. The Department completed a background check of all officers which revealed no criminal history.

Mr. Baxley questioned whether the applicant has or should have a burial rights broker license.

Mr. Shropshire stated that they would if were known to the Department that they were engaging in that type of activity. There does not appear to be any evidence that indicates that.

The Chair stated that the name insinuates it.

Ms. Huggins stated a sales agent was previously approved for Affordable Memorials & Cemetery Lots.

Mr. Shropshire stated that the issue could be handled two ways. The Board could take action on the item and instruct the Department to make inquiry to see if they should be licensed or the Board could table the item and have the Department look into it and represent it.

MOTION: Mr. Jones moved to defer the application to the next meeting. Ms. Thomas-Dewitt seconded the motion.

DISCUSSION: Mr. John Rudolph questioned whether the motion was just with regards to the monument establishment retailer license. Something would have to be done about the sales agent approved to sell under this license.

Ms. Loucks stated that the Board would need to reconsider the approval of the individual.

MOTION TO RECONSIDER: Mr. Brandenburg moved to reconsider the approval of Delores Randolph. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

MOTION: Mr. Brandenburg moved to defer the application to the next meeting. Mr. Baxley seconded the motion.

2. South Georgia Monument (Waycross, GA)

This item has been removed from the agenda and will be presented at a subsequent Board Meeting.

XIV. Contractor or Other Related Forms

A. Neptune Management Corporation (Fort Lauderdale)

1. Preneed Funeral Trust Agreement (NEP-FL-999-Contract Trust-07/06)

Contract is revised from previous approved version. Approval is contingent upon the following:

1. Section I—change “release” of ash to family to “delivery” of ash to family
2. Term and Conditions, 11. — Clarify whether License Holder service area and “within 75 mile radius of Beneficiary’s residence” are same.

MOTION: Ms Huggins moved to approve the agreement contingent upon revisions being completed within 45 days and two print-ready copies. Ms Zippay seconded the motion, which passed unanimously.

B. SCI Funeral Services of Florida, Inc.

1. Inflation-Proof Insurance Funded Prearranged Funeral Agreement

Originally approved on March 6 2000, the contract is being revised to reflect the current name and location of the Board of Funeral, Cemetery and Consumer Services. No other changes are being made.

Mr. Thomas Doyle questioned whether the request for this licensure under his license as the FDI C of SCI.

Mr. Shropshire questioned the application that Mr. Doyle is referring to.

Mr. Doyle stated that he is concerned that this cemetery in Lake City is affiliated with one further south that is requesting licensure under his license.

Mr. Shropshire questioned whether Mr. Doyle is referring to the ICS application.

Mr. Doyle responded yes.

Mr. Shropshire stated that the item has been tabled.

Mr. Brandenburg questioned whether the item was tabled or withdrawn.

Mr. Shropshire stated that the item was withdrawn from the Agenda by the Division.

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

2. Mt Nebo Kendall Memorial Gardens and Riverside Garden at Mt Nebo Kendall

As a result of Alderwoods Group, Inc. becoming a wholly owned subsidiary of Service Corporation International in November 2006 the Levitt-Weinstein firms were no longer affiliated with the funeral home and cemetery. The contracts are being revised to reflect the removal of the Levitt-Weinstein name throughout. No other changes are being made.

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

C. Monument Retail Sales Agreements

1. Mosley Monuments Vaults & Caskets, Inc (DeFuniak Springs)

This item has been removed from the agenda and will be presented at a subsequent Board Meeting.

2. Phoenix Cremation Society Inc db/a Affordable Memorials & Cemetery Lots (Longwood)

This item has been removed from the agenda and will be presented at a subsequent Board Meeting.

3. Smoore Enterprises, Inc db/a Superior Design Monument Co (Orlando)

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

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

4 South Georgia Monument LLC (Waycross, GA)

This item has been removed from the agenda and will be presented at a subsequent Board Meeting.

XV. Trust Agreement

A. Master Florida Preneed Funeral Trust Agreement

1. Comerica Bank (Dallas)

A preneed trust agreement to be used in accordance with section 497.458, Florida Statutes

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

XVI Preneed Trust Transfer Request(s)

A. Neptune Management Corporation (Fort Lauderdale)

Neptune Management Corporation requests transfer of preneed funds held in accordance with Chapter 497.458 by Forethought Federal Savings Bank to Comerica Bank Master Florida Preneed Funeral Trust Agreement. Approval is contingent upon Board approval of the Comerica Trust Agreement which appears on this agenda, and upon the following revisions

1. Page 16- Revise Board Name to Funeral, Cemetery and Consumer Services
2. Page 16- Revise signature line for Acknowledgement of Successor Trustee to Comerica Bank.

MOTION: Mr. Brandenburg moved to approve the agreement contingent upon revisions being completed within 45 days and two print-ready copies. Ms Thomas-Dewitt seconded the motion, which passed unanimously.

XVII Executive Director's Report

A. Director's presentation at the Florida Cemetery, Funeral & Cremation Association's Convention, August 8, 2008 (No report)

B. Rules Committee Action

1. ~~OK-5.021~~ Application for Branch Office License
2. ~~OK-5.025~~ Recordkeeping for Brokers of Burial Rights Inspections

3. GK-17.0035 Communicable Disease Filtration required for Operational Personnel

Mr. Shropshire stated that the Rules Committee, at its most recent meeting, recommended forward these three rules and the Division recommends that the Board approve the three rules and authorize the Division and the Department to commence formal rule making to have the rules adopted.

Mr. Baxley stated that there appears to have a typo on GK-50125 s 1(a) as 492281 is referenced instead of 497281.

Mr. Shropshire agreed.

MOTION: Mr. Brandenburg moved to approve the rules with the revision noted. Mr. Helm seconded the motion, which passed unanimously.

DISCUSSION: Mr. Shropshire questioned whether Mr. Doyle was still on the line.

Mr. Doyle responded yes.

Mr. Shropshire requested that Mr. Doyle call him later today at 850/413-4096.

Mr. Doyle accepted the request.

DISCUSSION: Mr. Helm questioned whether the Department inspects retail sales establishments.

Mr. Shropshire responded no. Only builders are inspected.

Mr. Helm questioned whether the Department has the right to inspect someone in Georgia.

Mr. Shropshire stated that the Department does not have the right to inspect a retail establishment in any event.

Mr. Helm questioned whether the Department could inspect them if they were a builder.

Mr. Shropshire stated that Legal counsel would have to be consulted on that matter.

XII. Adjournment

The meeting was adjourned at 9:21 a.m.