

Minutes of Meeting
BOARD OF FUNERAL, CEMETERY & CONSUMER SERVICES
Teleconference Meeting
January 2, 2008 - 9:00A.M. to 11:00A.M.

I Call to Order and Roll Call

Mr. Greg Brudnicki, Chairman, called the meeting to order at 9:04 a.m. Ms. Diana Marr, Executive Director, called the roll:

PRESENT (via phone):

Greg Brudnicki, Chairman
Jody Brandenburg, Vice-Chairman
Col. Pete Ballas
Justin Baxley
Powell Helm
Nancy Hubbell
Tracy Huggins
Ken Jones
Gail Thomas-DeWitt
Catherine Zippay

ALSO PRESENT:

Diana M. Marr, Executive Director
Deborah Loucks, Board Counsel (via phone)
Margaret Karmiewicz, Chief Counsel (via phone)
LaTonya Bryant, Department Staff
James Gellepis, Department Staff

Ms. Marr declared a quorum.

II Application(s) for Preneed Sales Agents

A. Recommended for Approval – Addendum A

Ms. Marr presented the applications for approval.

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.

Mr. Brandenburg responded no.

Ms Tracy Huggins disclosed her affiliation with The Simplicity Plan, Inc.

Ms Loucks questioned whether Ms Huggins' affiliation renders her unable to make a fair and impartial judgment.

Ms Huggins responded no.

Mr. Chaïman disclosed his affiliation with CFS Funeral Services, Inc.

Ms Loucks questioned whether Mr. Chaïman's affiliation renders him unable to make a fair and impartial judgment.

Mr. Chaïman responded no.

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

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

A. Recommended for Approval - Addendum B

1. Funeral Director and Embalmer - Internship

- a. Hylton, Bridget N**
- b. Lambert, Jerilyn A**
- c. Watts, Micah**
- d. White, Joshua G**

2. Funeral Director and Embalmer - Endorsement

- a. Hesch, Lori E**
- b. Lesney, Michael E**
- c. Reyes, Lissette**

MOTION: Ms Catherine moved to approve the application(s). Col. Pete Balla seconded the motion, which passed unanimously.

IV. Application(s) for Internship

A. Recommended for Approval - Addendum C

1. Funeral Director and Embalmer

- a. Carney, Brandi G**
- b. Lyn, Laraine A**

2. Embalmer

- a. Jannasch, Elissa A**

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

- V. Application(s) for Embalmer Apprentice**
A. Recommended for Approval – Addendum D
- 1. Dowell, Michelle A**
 - 2. Johnson, William A**

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

- VI Continuing Education Course Approval(s)**
A. Recommended for Approval – See Addendum E
- 1. American Funeral Consultants #100**
 - 2. Aurora Casket Company #129**
 - 3. Funeral Review.com, LLC #122**
 - 4. Hospice Foundation of America #76**
 - 5. Independent Funeral Directors of Florida Inc #135**
 - 6. Jewish Funeral Directors of America, Inc. #66**
 - 7. Meadow Hill Co #362**
 - 8. National Funeral Directors Association #136**
 - 9. SCI Management - Dignity University #99**
 - 10. Selected Independent Funeral Homes #137**
 - 11. Stewart Enterprises #92**
 - 12. The Dodge Institute for Advanced Mortuary Studies #81**

Mr. Brandenburg questioned whether the courses had been reviewed and approved by Mr. Baxley.

Mr. Baxley responded yes

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

- VII. Continuing Education Provider Approval(s)**
- A. 360training.com, Inc. D/B/A Funerakampus.com**
 - B. Cape School, Inc.**
 - C. Florida Cemetery, Funeral & Cremation Association**
 - D. Thomas Pierce and Company, LLC**

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

VIII Application(s) for Funeral Establishment

A. Recommended for Approval

1. Hulson Memorial Chapel Inc (Delray Beach)

Ms Marr stated that the application was submitted on October 25, 2007. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on November 19, 2007. The fingerprint cards for William Hudson III and Dianne Hudson were submitted and returned without criminal history. The establishment passed its inspection on November 30, 2007.

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

IX Application(s) for Removal Service

A. Recommended for Approval

1. Dignity Removal Service Inc. (Miami)

Ms Marr stated that the application was submitted on July 12, 2007. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on December 12, 2007. The fingerprint cards for Prentice Gillum and Concheita Gillum were submitted and returned without criminal history. The establishment passed its inspection on December 14, 2007.

The Department received a notification from SCI Funeral Services (SCI) objecting to the use of the name Dignity. SCI states that they are owner of the trademark name.

Ms Marr questioned whether the applicant was on the line.

Mr. Prentice Gillum responded yes.

Ms Marr questioned whether Mr. Gillum had received notification regarding this dispute.

Mr. Gillum responded yes. Mr. Gillum added that his attorney advised that the name Dignity could not be trademarked.

Ms Marr questioned whether the applicant wanted to proceed with the application.

Mr. Gillum responded yes.

Ms Corinne Olvey stated that SCI disagrees with the applicant and would register their opposition to the Board granting this application, as SCI would actively pursue this conflict. It is not in the best interest of consumers to have this confusion, as this may lead them to believe

they are dealing with an SCI firm. Ms O'Leary requested that the Board defer this item until the legal ramifications could be worked out between the parties.

Ms Loucks stated that the dispute is civil and not within the purview for the Board to decide. The Board would need to grant the application, deny the application or defer it. It does not appear that there are any grounds to defer the application.

Mr. Brandenburg questioned the deemer date.

Ms Marr responded that the application deemed on December 12th, so the 90 days would expire March 12th.

Mr. Helm stated that he could not foresee approving this application if there are going to be legal conflict, therefore the application should be deferred.

MOTION: Col. Ballas moved to defer the application.

DISCUSSION: Ms Zippay stated that the Board has to look at the application. If it meets the criteria for approval and there are no deficiencies then the Board must approve the application.

Col. Ballas withdrew his motion to defer the application.

Mr. Helm questioned whether there would be anything wrong with deferring the application until the legal issues have been resolved.

Ms Loucks stated that the applicant would have to agree to the deferral. If the applicant chose not to agree, the Board would have to take action on the application prior to the 90 days expiring. Otherwise the application would be deemed granted.

Mr. Helm questioned whether the February meeting would fall under the 90 day deemer.

Ms Loucks responded yes.

MOTION: Ms Zippay moved to approve the application. Col. Ballas seconded the motion, which passed with 3 dissenting votes.

2. LWN Removal Services LLC (Ocoee)

Ms Marr stated that the application was submitted on September 26, 2007. The application was complete when submitted and a deficiency letter was not sent. The fingerprint cards for Betty Baker were submitted and returned without criminal history. The applicant noted the service would not be ready for inspection until after October 31, 2007. The Removal Service is recommended for approval pending the outcome of the scheduled inspection.

Ms Thomas-Dewitt disclosed her affiliation with Ms Baker.

Ms Loucks questioned whether Ms Thomas-Dewitt's affiliation renders her unable to make a fair and impartial judgment.

Ms Thomas-Dewitt responded no.

Mr. Helm questioned whether the inspection has been passed.

Ms Marr stated that the establishment has not been inspected. Therefore staff recommends approval based upon a successful inspection.

MOTION: Col. Ballas moved to approve the application pending a successful inspection. Ms Zippay seconded the motion, which passed unanimously.

X. Application(s) for Preneed Main License

A. Dees-Parrish Family Funeral Home, Inc. (Lake City)

Ms Marr stated that the Department received the application on May 22, 2007. Applicant was notified of deficient items and all deficiencies were resolved by October 25, 2007. Fingerprint cards were received by the Department and a completed background check revealed no criminal history. Applicant acquired the preneed branch office of Security Trust Plans d/b/a Sherrill-Guerry Funeral Home and obtained a funeral establishment license on January 4, 2007. Additionally, Applicant took over existing preneed contracts in the amount of \$1,178,068 from Sherrill-Guerry Funeral Home.

The Applicant's financial statements as of June 30, 2007 reflect the following:

Preneed Contracts	= \$	1,178,068
Required Net Worth	= \$	100,000
Reported Net Worth	= \$	269,205

The Applicant will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (SouthTrust Estate & Trust Co.) and pre-arranged funeral agreement.

Mr. Helm stated that Ms Baker's historical sketch indicates that she is 100% owner, but her value in the business is only \$40,000.

Mr. Bill Williams stated that he did not understand the question.

Ms Marr stated that the application reflects that Ms Dees is the president and has 100% ownership of this business. However, the value of the holding is \$40,381.97. The net worth reported is \$269,205 and the paid in capital is \$53,359.

Mr. Williams requested that the Board defer the item for a couple of minutes so that he could get an answer from the applicant.

Mr. John Rudolph stated that the \$40,000 was put in as a contribution to the company prior to the acquisition of the funeral home and cemetery.

Mr. Williams stated that the applicant concurs with Mr. Rudolph.

Ms. Marr questioned whether the explanation was sufficient for Mr. Helm.

Mr. Helm questioned if the net worth reported is \$269,205, should the business be worth that amount.

Mr. Rudolph stated that this is the value of the company as opposed to what the principle money is placed into the business.

Mr. Helm stated that the line states "value of my holding in the business."

Mr. Williams stated that line has always been controversial.

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

XI. Contracts and Other Related Forms

A. Monument Establishment Retail Sales Agreement

1. Noble Monument Company, Inc. (Fernandina Beach)

Ms. Marr stated that 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 recommends approval of the agreement pending Department receipt within 45 days of two print-ready agreements.

Mr. Helm stated that a proximately should be removed from line 7 of the contract and replaced with a date.

Ms. Marr agreed that there should be a more specific date.

Mr. Chairman stated that a proximately needs to be deleted.

MOTION: Mr. Ken Jones moved to approve the application pending revision being made and Department receipt within 60 days of two print-ready copies. Ms. Thomas Dewitt seconded the motion, which passed unanimously.

XII. Approval of Department Examiner

A. *Duehring, Karen (Tallahassee)*

B. *Morse, Jessica "Suzie" (Tampa)*

Ms. Marr stated that Karen Duehring is the new examiner supervisor in Tallahassee. Today is the first day for Jessica Morse in Tampa. Ms. Morse has already begun training and would be going on some inspections this week.

MOTION: Col. Ballas moved to approve the examiners. Ms. Thomas Dewitt seconded the motion, which passed unanimously.

VI. Adjournment

The meeting was adjourned at 9:26 a.m.