

Minutes of Meeting
BOARD OF FUNERAL, CEMETERY & CONSUMER SERVICES
Teleconference Meeting
June 4, 2008 - 9:00 A.M. to 11:00 A.M.

I. Call to Order and Roll Call

Mr. Greg Brudnicki, Chairman, called the meeting to order at 9:00 am. Mr. Shropshire, Executive Director, called the roll:

PRESENT (via phone):

Greg Brudnicki, Chairman
Jody Brandenburg, Vice-Chairman
Justin Baxley
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
Ellen Simon, Executive Senior Attorney
MaryK Surles, Senior Attorney
LaTonya Bryant, Department Staff
James Gellepis, Department Staff
Karen Duehring, Department Staff
Jasmin Richardson, Department Staff

ABSENT:

Ken Jones

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.

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.

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

III. Application(s) for Preneed License Branch

A. Recommended for Approval – Addendum B

1. *Beyers Funeral Home Inc d/b/a Purcell Funeral Home (Bushnell)*
2. *Funeral Services Acquisition Group Inc d/b/a Lakeside Memorial Park and Funeral Home (Miami)*

MOTION: Ms. Catherine Zippay moved to approve the application. Ms Gail Thomas-Dewitt 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 - Internship*
 - a. *Adams, W. Mike*
 - b. *Posada, Carlos A*
 - c. *Segura, Tricia L*
 - d. *Young, Robert E*
2. *Funeral Director and Embalmer - Endorsement*
 - a. *Castoral, Michael L*
 - b. *De La Garza-Gage, Pamela*
 - c. *Evely, Jennifer L*
 - d. *Howard, Gina A*
 - e. *Neal, Mark A*
 - f. *Speakman, David M*

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

V. Application(s) for Internship

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

1. *Callava, Elizabeth*

Ms. Tracy Huggins disclosed her affiliation with Caballero Woodlawn.

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

- VI. Application(s) for Embalmer Apprentice**
- A. Recommended for Approval – Addendum E*
 - 1. Mulligan, Elaine D*

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

- VII. Continuing Education Course Approval(s)**
- A. Recommended for Approval – See Addendum F*
 - 1. Elite CME, Inc #113*
 - 2. Florida Cemetery, Funeral & Cremation Association #5202*
 - 3. FuneralReview.com, LLC #122*
 - 4. National Funeral Directors Association #136*
 - 5. Stericycle #6401*
 - 6. The Dodge Institute for Advanced Mortuary Studies #81*

Mr. Brandenburg questioned whether Mr. Baxley and Ms. Huggins had reviewed the applications.

Ms. Huggins responded yes.

Mr. Baxley responded yes.

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

- VIII. Continuing Education Provider Approval(s)**
- A. Matthews International #6802*

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

- IX. Application(s) for Funeral Establishment**
- A. Recommended for Approval*
 - 1. Chapel of Faith Inc (Miami)*

The application for a new Funeral Establishment was submitted on March 21, 2008. The application was incomplete when submitted and a deficiency letter was sent. All deficient items were returned on May 6, 2008. The Funeral Director in Charge will be Rene Alonso (F043666). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on May 13, 2008.

Mr. Baxley stated Statement #5 on the inspection form, “Establishment does not employ unlicensed persons in the practice of funeral directing, embalming or direct disposing,” is answered NO. Mr. Baxley questioned whether this is NO, they do or NO, they do not because that question is answered YES on the following funeral establishment application being presented to the Board.

The Chair requested clarification from the Department.

Upon checking with Division staff, Mr. Shropshire advised the Board that the "NO" answer should be understood to indicate that it was the inspector's finding that the establishment does not employ unlicensed persons in the practice of funeral directing, embalming or direct disposing.

MOTION: Mr. Brandenburg moved to approve the application subject to confirmation that the inspector intended to indicate that there are no unlicensed people involved. Ms. Huggins seconded the motion, which passed unanimously.

2. *Grace Memorial Funeral Home LLC d/b/a Grace Memorial Funeral Home and Cremation Services (Jacksonville)*

The application for a new Funeral Establishment was submitted on April 22, 2008. The application was incomplete when submitted and a deficiency letter was sent. All deficient items were returned on May 8, 2008. The Funeral Director in Charge will be Harold Felder (F046693). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on May 16, 2008.

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

X. Application(s) for Cinerator Facility

A. *Recommended for Approval*

1. *Neptune Management Corp d/b/a Neptune Society (Pompano Beach)*

The application for a new Cinerator Facility was submitted on January 22, 2008. The application was incomplete when submitted and a deficiency letter was sent. All deficient items were returned on April 25, 2008. The Funeral Director in Charge will be Steven Rider (F044422). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on May 15, 2008.

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

2. *Richard E. Sorensen Funeral Home Inc d/b/a Hospice & Veterans Crematory Services (St. Petersburg)*

The application for a new Cinerator Facility was submitted on April 16, 2008. The application was incomplete when submitted and a deficiency letter was sent. All deficient items were returned on April 22, 2008. The Funeral Director in Charge will be Eric Drews (F042169). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on May 9, 2008.

When this matter initially came up for consideration during the 6-4-08 Board meeting, the applicant was not on the conference call.

The Chair questioned whether it is permissible for a cinerator to use "funeral home" in the name.

Mr. Helm stated that the applicant would be doing business as Hospice & Veterans Crematory Services, so that would be the name that would appear. The funeral home would be the owner.

The Chair questioned whether "Funeral Home" would be on the sign. The Chair questioned whether a consumer would still be allowed to use this facility if the consumer did not use Hospice and is not a Veteran.

The Chair questioned whether the law states "Funeral Home" could be used on the sign of a cinerator facility.

Mr. Shropshire stated that the law does not expressly address the issue. Mr. Shropshire asked whether the Board would be willing to approve the application subject to confirmation from the applicant that "Funeral Home" would not be used on the signage for the cinerator facility. No definitive response was received from the Board at that point.

Ms. Huggins questioned the applicant's affiliation with "Hospice and Veterans."

Mr. Shropshire asked Division staff member Ms. Jasmin Richardson, then in attendance and the person who processed the application, whether she had any background on the applicant's use of Hospice and Veterans. Ms. Richardson responded in the negative.

Ms. Richardson stated that she would obtain clarification from Mr. Sorenson (applicant).

Mr. John Rudolph stated that it may not be permissible to use "Hospice" in the name. On the application, Subsection 1G asks, "will applicant do business under a name other than applicant's name as shown in this application?" The applicant is Richard E Sorenson Funeral Home, Inc. and the application showed a proposed d/b/a "Hospice & Veterans Crematory Services."

Ms. Richardson questioned whether the applicant answered YES to the question.

Mr. Rudolph responded that the applicant answered NO.

Mr. Helm stated that the applicant would not be able to use "Hospice" if he is tied to hospice in any way.

Ms. Wendy Wiener stated that the Hospice statute prohibits the use of the word Hospice in any business establishment name unless the establishment is a part expressly of a Hospice.

MOTION: Ms. Huggins moved to deny the application based on the use of "Hospice." The motion died, as there was no second.

Mr. Shropshire requested that the item be tabled to allow Staff to investigate the issue.

The Chair indicated agreement with the suggestion to table the matter until the next meeting. The Chair requested that Staff provide general information to the Board concerning the use of the term "Hospice" in the name of a Ch. 497 licensee.

Mr. Baxley requested that Staff verify there are no active at-need solicitation plans.

2nd MOTION: Ms. Zippay moved to defer the application to the June 25th meeting. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

Mr. Brandenburg questioned the deemer date.

Mr. Shropshire advised that there should not be a deemer issue if this item is presented at the June 25th meeting.

NOTE: The applicant (Sorenson) joined the 6-4-06 conference call later during the call, and his application was taken back up by the Board, and additional action was taken. See below in these minutes.

XI. Monument Retail Sales Agreements

A. Dawson Monument Co, Inc (West Palm Beach)

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 recommends approval of the agreement pending Department receipt within 45 days of two print-ready agreements with the following revisions:

- Agreement shall be sequentially numbered
- On Addendum, please include a separate section for the name, address and telephone number of the Interment Right owner
- Agreement shall disclose the latest date that the memorial or monument will be installed

Mr. Helm stated that the Addendum appears to be another contract. All of the information provided on the Addendum is not required if it will be attached to the contract.

Mr. Shropshire indicated agreement that the addendum was somewhat awkward as submitted.

The Chair stated that it appears to be a second page to the contract rather than an addendum.

Mr. Shropshire agreed.

Mr. Rudolph stated the word “execute” should be changed to “perform” throughout the contract.

Mr. Shropshire stated that Staff would inform the licensee of the revisions and request that the contract be resubmitted for the June 25th meeting.

MOTION: Ms. Hubbell moved to defer the application contingent upon revisions being completed. Ms. Thomas-Dewitt seconded the motion.

B. Eagle Monument and Cemetery Services (Ft Pierce)

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 recommends approval of the agreement pending Department receipt within 45 days of two print-ready agreements with the following revisions:

- Agreement shall disclose the latest date that the memorial or monument will be installed and that the memorial or marker meets all of the cemetery's rules and regulations as of the date of the contract
- Agreement shall disclose that there will be a separate fee charged for any future inscriptions or engravings

Mr. Helm stated "the memorial or marker meets all of the cemetery's rules and regulations" is not required on the contract.

Mr. Shropshire advised that same is a representation that the establishment must make to the customer.

Mr. Don Ray stated this is included in the Rule.

MOTION: Ms. Thomas-Dewitt 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.

C. Jackson County Vault Co, Inc (Marianna)

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 recommends approval of the agreement pending Department receipt within 45 days of two print-ready agreements with the following revisions:

- Please include lot, block, or section number of grave if to be delivered to cemetery or memorial location

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

D. Jamie Hicks d/b/a Everlasting Stoneworks (Sebastian)

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 recommends approval of the agreement pending Department receipt within 45 days of two print-ready agreements with the following revisions:

- Agreement shall disclose the latest date that the memorial or monument will be installed and that the memorial or marker meets all of the cemetery's rules and regulations as of the date of the contract
- Agreement shall disclose that there will be a separate fee charged for any future inscriptions or engravings

MOTION: Ms. Huggins 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.

E. Michael A. Frampton d/b/a Frampton's Monument Company (Lake City)

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 recommends approval of the agreement pending Department receipt within 45 days of two print-ready agreements with the following revisions:

- Please include a separate section for the address of the interment right owner
- Please include lot, block, or section number of grave if to be delivered to cemetery or memorial location

Mr. Helm stated that the contract does not include an installation date.

The Chair stated that this should be added to the list of revisions.

MOTION: Mr. Brandenburg 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.

Ms. Hubbell stated that she sent out emails advising of a reception for the June 25th meeting, since she is in the area of the Little Harbor. Mr. Hubbell added that on June 24th from 7p – 9p, everyone associated with the funeral industry is invited to the pre-meeting reception to be held at her home. Please RSVP by the 10th.

ITEM PREVIOUSLY ADDRESSED

X. Application(s) for Cinerator Facility

A. Recommended for Approval

- 2. Richard E. Sorensen Funeral Home Inc d/b/a Hospice & Veterans Crematory Services (St. Petersburg)*

Mr. Richard Sorenson stated that he arrived on the call late and requested a status of the application.

Mr. Shropshire stated that the application has been tabled while the Department contacts the applicant for additional clarification concerning whether the name of the funeral home would appear on the signage to the cinerator facility; the involvement or relationship, if any, of a hospice and the use of the term "Hospice" in the d/b/a name for the facility.

Mr. Sorenson stated that the facility is not associated or part of any hospice facility or association.

The Chair questioned the use of "Hospice" in the name.

Mr. Sorenson responded that the facility prides itself on the same type of care that Hospice provides. Mr. Sorenson added if this is an issue, he would not have a problem changing the name as this is just a matter of the word "Hospice."

The Chair questioned what the sign would read.

Mr. Sorenson stated that the sign would read, on the crematory, "Hospice and Veterans Crematory Services."

Mr. Helm stated that per new legislation, "Hospice" should not be used in the business name at all.

Mr. Shropshire questioned there was going to be any active at-need solicitation being done in connection with this facility.

Mr. Sorenson responded no. Mr. Sorenson questioned whether the Department would be mailing notification and information. Mr. Sorenson added that if the name is the issue, he would change it to meet the Board's needs.

Mr. Shropshire stated that it is the Board's pleasure whether to reopen the matter and accept Mr. Sorenson's representations on the record here and reconsider and possibly approve subject to verification of these issues.

The Chair requested that the Department check into whether "Hospice" could be used in the name and whether "Funeral Home" could be used where there is a cinerator facility. The item would then be brought back before the Board at the June 25th meeting.

Mr. Sorenson stated that "Funeral Home" would not be on the signage.

The Chair questioned the name "Richard E Sorenson Funeral Home."

Mr. Sorenson responded that is the corporate name, "Richard E Sorenson Funeral Home, Inc. d/b/a Gee & Sorenson Funeral Home and Cremation Services." This appears on the sign out front and is the name business has been done in since the purchase of the funeral home back in March '89.

The Chair questioned whether the second part of the name would be changed the Hospice and Veterans.

Mr. Sorenson responded that he is not changing the name of the funeral home. The crematory is in the back, at a separate address.

Mr. Baxley questioned whether all the arrangements would be made at the funeral home.

Mr. Sorenson responded that all business would be held at the funeral home. No arrangements would be made at the crematory address.

The Chair questioned whether the applicant would consider naming the crematory the same as the funeral home.

Mr. Sorenson responded that he did not have a problem doing so.

Mr. Rudolph questioned whether the name of the funeral home would be placed on the building behind the funeral home.

The Chair stated that he was referring to the d/b/a name of the funeral home. The Chair asked that Mr. Sorenson repeat the d/b/a name.

Mr. Sorenson responded "Gee & Sorenson Cremation Services."

The Chair questioned whether this name would be permissible.

Mr. Shropshire responded yes.

Mr. Sorenson that he would be satisfied with the name Gee & Sorenson Crematory Services.

Ms. Loucks stated that the Board may consider approving the application contingent upon receipt of a new application with the proposed name.

MOTION: Mr. Brandenburg moved to approve the application contingent upon receipt of a new application with the new name. Mr. Baxley seconded the motion, which passed unanimously.

DISCUSSION: Mr. Sorenson questioned whether he could white-out the current application and change the name on it and fax it to the Department.

Mr. Shropshire stated that would be acceptable, but Mr. Sorenson should also mail the original in with a signature in blue ink. Mr. Shropshire added that Staff would contact Mr. Sorenson after the meeting to work out the details.

Mr. Sorenson questioned at what point in time the crematory number be available.

Mr. Shropshire stated that the fictitious name would have to be registered; therefore part of this would be up to the applicant.

XII. Adjournment

The meeting was adjourned at 9:37 a.m.