

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
JANUARY 7, 2010
10:00AM TO 12:00PM

1. Call to Order and Roll Call

Mr. Jody Brandenburg, Chair, called the meeting to order at 10:07 am.

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

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. Today is January 7, 2010. The time is approximately 10:07am. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. Notice of this meeting has been duly published in the FAW. An agenda for this meeting had been made available to interested persons. Members of the Board are participating by Teleconference. Members of the Public have been invited to listen in via speakerphone with us here in the Alexander Building in Tallahassee, Florida and in fact we have some members of the Public here with us. My Assistant, Ms LaTonya Bryant-Parker, will take minutes of this meeting, which is being tape recorded.

Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. All persons participating by phone, other than the Chair and Board members, while speaking are asked to place their phones on mute at all times while listening. We ask this to enhance the audio quality of the Teleconference. If any Member is disconnected they can call back to the same number called initially. 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, other Board members and the Public cannot hear you.

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

PRESENT (via phone):

Joseph "Jody" Brandenburg, Chairman

Gail Thomas-DeWitt, Vice-Chairman

Jean Anderson

Lewis "Lew" Hall

Powell Helm

Nancy Hubbell

Tracy Huggins

Ken Jones

Col. Don Stiegman

Virginia "Ginny" Taylor

ALSO PRESENT:

Doug Shropshire, Executive Director

Allison Dudley, Board Counsel (via phone)

Anthony Miller, Assistant Director

Jim Gellepis, Department Staff

Karen Duehring, Department Staff

LaTonya Bryant-Parker, Department Staff

Mr. Chairman we have a quorum and the Board may proceed to address the matters on the agenda.

2. **Application(s) for Preneed Sales Agent**
A. *Informational Item - Addendum A (Licenses Issued without Conditions)*

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

3. **Continuing Education Course Approval(s)**
A. *Recommended for Approval without Conditions – Addendum B*
(1) *360training.com, Inc #4601*
(2) *Alexander C Wynn III #45*
(3) *Florida Cemetery, Funeral & Cremation Assoc #5202*
(4) *Florida Funeral Directors Association Inc #75*
(5) *Funeral Review.Com, LLC #122*
(6) *International Order of the Golden Rule #2201*
(7) *MK Jones & Associates, Inc #9605*
(8) *National Funeral Directors Association #136*
(9) *Selected Independent Funeral Homes #137*

These courses have been approved by the Continuing Education Committee and Division staff and are recommended for approval.

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

4. **Application(s) for Florida Laws and Rules Examination**
A. *Recommended for Approval without Conditions – Addendum C*
(1) *Funeral Director and Embalmer - by Internship*
(a) *Brown, Jamal M*
(b) *Minotti, Michelle V*
(c) *Pittman, Bettye D*
(2) *Funeral Director and Embalmer-by Endorsement*
(a) *Mark, Jennifer J*

These are clean applications, no criminal or disciplinary record. The Division recommends approval of the applications.

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

5. **Application(s) for Internship**
A. *Recommended for Approval without Conditions – Addendum D*
(1) *Funeral Director and Embalmer*
(a) *Craig, Janine M*
(b) *Ellis, Janet L*
(c) *Hicks, Barry L*
(d) *Hood, Jarren*

These are clean applications, no criminal or disciplinary record. The Division recommends approval of the applications.

MOTION: Ms. Taylor moved to approve the application(s). Ms. Jean Anderson seconded the motion, which passed unanimously.

6. **Application(s) for Embalmer Apprentice**
A. *Recommended for Approval without Conditions – Addendum E*
(1) *Locklear, Krystal M*

(2) *Mitchell, Jr., Samuel R*

These are clean applications, no criminal or disciplinary record. The Division recommends approval of the applications.

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

- B. Recommended for Approval with Conditions – Addendum F**
- (1) *McKenzie, Dorothy V***

This is a clean application, no criminal or disciplinary record. The Division recommends approval of the applications.

MOTION: Ms. Taylor moved to approve the application pending approval of the training facility, which is also on the agenda. Ms. Huggins seconded the motion, which passed unanimously.

7. Registration(s) as a Training Agency

- A. Recommended for Approval without Conditions – Addendum G**
- (1) *Funeral Directing/Embalming***
- (a) *Vieira Funeral Homes LLC d/b/a Beach Funeral Homes & Cremation Services (F052125)***

This is a clean application. The Division recommends approval.

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

8. Application(s) for Centralized Embalming Facility

- A. Recommended for Approval with Conditions**
- (1) *Serenity Embalming & Services Inc (Pompano Beach)***

The application for a Centralized Embalming Facility was submitted on December 7, 2009. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were returned on December 17, 2009. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Director in Charge will be Dennis McArthur (F043737). The Division is recommending approval with conditions.

Mr. Helm stated that Section 5 of the application indicates there are other licenses, but the Other License form was not included in the Board packet.

Mr. Shropshire requested that the item be held in abeyance while staff checks on the other license information.

*****ITEM REVISITED LATER IN THE MEETING*****

Mr. Anthony Miller stated that based on a review of the issue, the Division has determined that the Applicant should have answered “No” to other licenses. Serenity Embalming & Services Inc. does not have any other licenses. However, the principle is the principle for another entity. That may have been the source of confusion.

Mr. Shropshire stated that the Division recommends approval of the application subject to the condition that they pass an onsite inspection.

MOTION: Mr. Jones moved to approve the application pending the facility passing an inspection. Ms. Taylor seconded the motion, which passed unanimously.

9. Application(s) for Cinerator Facility

- A. Recommended for Approval with Conditions**
- (1) *Faith Chapel Funeral Home Inc (Cantonment)***

The application for a Cinerator Facility was submitted on November 9, 2009. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were returned on December 15, 2009. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Director in Charge will be Ronnie Brown (F045220). The Division is recommending approval with conditions.

Mr. Helm stated that Section 5 of the application indicates there are other licenses, but the Other License form was not included in the Board packet.

Mr. Shropshire requested that the item be held in abeyance while staff checks on the other license information.

*****ITEM REVISITED LATER IN THE MEETING*****

Mr. Miller stated that the Applicant rightly answered "Yes", however they failed to attach the form. The entity holds two other licenses and they both are in good standing. One of the establishments is an approved apprentice intern training agency.

Mr. Shropshire requested that the item be held in abeyance while staff checks on the other license information.

The Applicant stated that the inspection was completed on Tuesday, January 5, 2010 and it was satisfactory.

MOTION: Ms. Taylor moved to approve the application pending the facility passing an inspection. Mr. Jones seconded the motion, which passed unanimously.

(2) Merritt Funeral Home Inc (Brooksville)

The application for a Cinerator Facility was submitted on December 15, 2009. The application was complete when submitted. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Director in Charge will be David Merritt (F043452). The Division is recommending approval with conditions.

The Chair indicated that Mr. Merritt was present on the line.

Mr. Merritt stated that the establishment was inspected by Ms. Suzie Morse a week ago.

The Chair questioned whether there were any challenges on the inspection.

Mr. Merritt stated there were no challenges at all.

Mr. Shropshire questioned whether there were any findings.

Mr. Merritt stated there was an issue with approvals with our district cremations with the Medical Examiner. Ms. Morse stated that there was an outstanding bill with them from June, which our records indicate we have never been late paying for our authorizations so we began to question why we were never sent notification of a past due bill. The Medical Examiner could not explain it. Mr. Merritt added that his wife was just on the phone this morning and is going to talk with the Director at Marion County as we can prove a check was issued to them. If it had not been for the Inspector, we would have never known it. Apparently they lost the check. The authorizations are paid online. We have proof that a check was issued and are going to reissue once the check has been cancelled.

MOTION: Mr. Jones moved to approve the application pending the facility passing an inspection. Ms. Taylor seconded the motion, which passed unanimously.

10. Application(s) for Funeral Establishment

A. Recommended for Approval without Conditions

- (1) Amanda E Granger-Epps d/b/a Epps Memorial Funeral Home (Lake Wales)**

The application for a Funeral Establishment was submitted on November 17, 2009. The application was complete when submitted. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Director in Charge will be Amanda Granger-Epps (F045252). The Funeral Establishment passed its inspection on December 18, 2009. The Division is recommending approval.

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

B. Recommended for Approval *with* Conditions
(1) Palm Beach National Chapel LLC (Lake Worth)

The application for a Funeral Establishment was submitted on December 2, 2009. The application was complete when submitted. The Funeral Director in Charge will be Michael Meadows (F044377). The Funeral Establishment passed its inspection on December 14, 2009. The fingerprint cards for the principal listed (Joseph Farish) was submitted in a timely manner and have come back clean. The Division is recommending approval without conditions.

Mr. Helm questioned whether it is acceptable for Denco, Inc. to be listed as a principle, as it is not a person.

Mr. Shropshire stated that it is permissible that a member of an LLC may be another entity.

Ms. Nancy Hubbell stated that she looked on line and the only principle listed for that corporation was Mr. Farish.

The Chair questioned whether Ms. Hubbell felt comfortable with this.

Ms. Hubbell answered yes.

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

(2) The Kuzniar Group LLC d/b/a First Coast Funeral Home (Atlantic Beach)

This Funeral Establishment application for change of ownership was submitted on July 16, 2009. The application was complete when submitted.

In the same general time frame there was also filed by the parties involved, a request to undedicate certain cemetery land in Beaches Memorial Gardens, and move this same funeral establishment to the undedicated land; that matter was placed on the October 2009 Board meeting agenda, and the undedication and moving of the funeral establishment was approved by the Board at that meeting.

However, the application for approval of change in FE ownership never got before the Board. It is that application for approval of change in FE ownership/control that is before the Board under this cover sheet. FCCS Division's records show the owner of First Coast FH as Stephen J. Kuzniar (see attached FE license certificates, Attachments A and B hereto).

Under this application, Stephen J. Kuzniar will have no ownership interest; the owner will be The Kuzniar Group LLC. The ultimate beneficial owner will be Amanda Kuzniar, former spouse of Stephen J. Kuzniar. A completed background check of Ms. Kuzniar revealed criminal history from 1999 stemming from a conviction in a case involving hit and run. The Board has previously reviewed this criminal record and determined that it was not a bar to licensure. This history was disclosed to the board in February, 2006, when the initial application to acquire control of a Cemetery was approved by the Board. At the December 2, 2009 Board meeting, the Board approved the acquisition of Beaches Memorial Park by Cemetery Professionals, LLC, d/b/a Beaches Memorial Gardens, which is solely owned by Amanda Kuzniar.

There is currently an administrative complaint (AC) pending against the funeral establishment. The licensees have disputed the allegation in the AC. The AC are being dealt with pursuant to the disciplinary procedures specified in ch. 497, and are not currently ripe for presentation and consideration by the Board. The FCCS Division does not believe that there is anything alleged in the AC that would, if proven, be a bar to the requested change in ownership.

Col. Don Stiegman questioned whether the Administrative Complaint has any reflection on this decision.

Mr. Shropshire stated that the Division occasionally finds itself in this situation. The Administrative Complaint is working its way through the process. Pursuant to conversation with the legal advisor, all that can be done is have the Division staff provide an estimate of whether we believe it would be a cause for revocation. Ultimately it will come before the Board.

Ms. Allison Dudley concurred. The representation is that this is not typically something that would result in revocation of the license.

Mr. Shropshire stated unless it is dismissed and goes back to Probable Cause for dismissal, ultimately the Board will get a chance to look at what is in the Administrative Complaint, as it will come before the Board for final action. The Board would then have an opportunity to gage whether this was an appropriate action.

Ms. Dudley stated that the Board would still have recourse if this change of ownership is granted. Ms. Dudley questioned whether a whole new license is issued.

Mr. Shropshire stated there would clearly be recourse.

Mr. Helm questioned whether it would be easier if approved with probation.

Mr. Shropshire stated that would not add anything and may cause a legal problem for the Board prejudging the case.

MOTION: Ms. Thomas-Dewitt moved to approve the application pending the facility passing an inspection. Ms. Huggins seconded the motion, which passed with one dissenting vote.

11. Application(s) for Broker of Burial Rights
A. Recommended for Approval without Conditions
(1) Buy and Sell Cemetery Plots, LLC (St Petersburg)

The application was received on November 3, 2009 and there were no deficiencies noted on the application. The Department completed a background check of all officers which revealed no criminal history. The Division recommends approval of the application.

Mr. Helm stated that Shawn is listed as the contact person in Section 2, throughout the application Jennifer is listed. Mr. Helm questioned whether this was a mistake.

Mr. Shropshire stated the application is signed by Jennifer McKenzie. The assumption is that they are husband and wife and simply divided the responsibilities that way.

The Chair stated Shawn could be the administrative person.

Mr. Lew Hall questioned whether there is a net worth requirement for this application.

The Chair stated none that he was aware of.

Ms. Taylor stated that she checked into this and there is no provision in the statute for this.

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

12. Application(s) for Monument Establishment Retailer
A. Recommended for Approval without Conditions
(1) Northwest Florida Monuments & Vaults, LLC (Cantonment)

The application was received on October 22, 2009 and deficiencies were noted. A deficiency letter was sent on October 28, 2009 and the applicant resolved all deficiencies by November 18, 2009. The Department completed a background check of all officers which revealed no criminal history. The Division recommends approval of the application.

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

(2) *Sumner Granite & Bronze, Inc (St Petersburg)*

The application was received on October 16, 2009 and deficiencies were noted. A deficiency letter was sent on October 22, 2009 and the applicant resolved all deficiencies by November 20, 2009. This application for licensure was filed due to the owners transferring the assets from the previously licensed monument establishment retailer that is no longer in business, Sumner Marble & Granite Works, Inc., to Sumner Granite & Bronze, Inc. The Department completed a background check of all officers which revealed no criminal history. The Division recommends approval of the application.

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

13. Contract(s) or Other Related Form(s)

A. *Monument Retail Sales Agreement*

(1) *Recommended for Approval without Conditions*

(a) *Northwest Florida Monuments & Vaults, LLC (Cantonment)*

Staff recommends approval of the agreement.

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

(b) *Sumner Granite & Bronze, Inc (St Petersburg)*

Staff recommends approval of the agreement.

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

Mr. Shropshire stated that the Division and the Board note with sorrow the passing of Ms. Judy Ralph. The Division, on behalf of the Board and the Department was allowed to attend her funeral service and to read a resolution listing her many outstanding contributions to her profession and her community. Not the least of which was that in 1993, the late Governor Lawton Chiles appointed Ms. Ralph to serve of the Board of Funeral Directors and Embalmers (DBPR) and she was instrumental in providing guidance to that Board on funeral home operations. Continuing her public service, Ms. Ralph served on the Board in various capacities from 1993 up until the date of her passing in 2009 in that she served on this Board's Probable Cause Panel and she also served as Chairperson of the 470 Board at various times. The Division and the Board offer their condolences to the family and recognize her significant contributions to the community and her profession.

The Chair thanked Mr. Shropshire for reading that and also for the Division's attendance at the service.

The Chair stated that the next in person meeting would be February 4th in Tallahassee.

14. Adjournment

The meeting was adjourned at 10:38am.