

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES**  
**February 4, 2010 - 10:00 A.M. to 5:00 P.M.**  
**Department of Financial Services**  
**2020 Capital Circle SE, Alexander Bldg #230**  
**Tallahassee, FL 32301**

**1. Call to Order and Roll Call**

Mr. Jody Brandenburg, The Chair, called the meeting to order at 10:00 am.

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

My name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. Today is February 4, 2010; the time is approximately 10:00am. 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 has been made available to interested persons. The meeting is occurring in person at the Alexander Building in Tallahassee, FL. My Assistant, Ms LaTonya Bryant-Parker, will be taking minutes of the meeting and recording it in addition to that.

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.

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

**PRESENT:**

Jean Anderson  
Jody Brandenburg, Chairman  
Lewis "Lew" Hall  
Powell Helm  
Tracy Huggins  
Ken Jones  
Col. Don Stiegman  
Virginia "Ginny" Taylor  
Gail Thomas-DeWitt, Vice-Chairman

**ABSENT:**

Nancy Hubbell

**ALSO PRESENT:**

Doug Shropshire, Executive Director  
Anthony Miller, Assistant Director  
Allison Dudley, Board Counsel  
Robyn Jackson, Department Counsel  
James Gellepis, Department Staff  
LaTonya Bryant-Parker, Department Staff  
Jasmin Richardson, Department Staff

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

**2. Action on the Minutes**

A. *December 2, 2009*

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on December 2, 2009.

**MOTION:** Mr. Ken Jones moved to adopt the minutes of the meeting. Ms. Tracy Huggins seconded the motion, which passed unanimously.

*B. January 7, 2010 – Teleconference*

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on January 7, 2010.

**MOTION:** Mr. Powell Helm moved to adopt the minutes of the meeting. Ms. Ginny Taylor seconded the motion, which passed unanimously.

**3. Old Business**

*A. Informal Hearing(s), Section 120.57(2), Facts Not Disputed*

*(1) Application(s) for Funeral Establishment*

*(a) Timothy E Kitchens Funeral Home Inc (Riviera Beach) NOI-2009-14*

Mr. Shropshire stated this matter is before the Board for informal hearing after the Board denied the application at its December 2, 2009 meeting. The Division renews its recommendation that the license application be granted subject to 2 years probation. The Division's Assistant Director, Mr. Miller, will present the case for the Division.

Mr. Anthony Miller stated at the December 2, 2009 Board meeting, the Board voted to deny Mr. Kitchens' application for Funeral Establishment License based upon the Applicant's criminal history. In 2004, the Applicant pled No Contest to a 2<sup>nd</sup> Degree Felony of Unarmed Burglary of a Structure Conveyance and also pled No Contest to a 1<sup>st</sup> Degree Misdemeanor Battery.

Mr. Kitchens has elected an informal hearing, a non-disputed proceeding. As such, the facts of the criminal history are not in dispute. The Division recommends that the Board reverses its initial decision to deny the application and instead grant the licensure subject to 2-year probation. Mr. Miller deferred to Mr. Kitchens and his counsel who were present to make a presentation to the Board.

Mr. John Rudolph, representing Timothy Kitchens Funeral Home, stated at the Board meeting, the basis for the denial as contained in the Notice of Intent to Deny is that Mr. Kitchens, the principle, pled No Contest to a 2<sup>nd</sup> Degree Felony, Unarmed Burglary of a Structure Conveyance and also pled No Contest to a 1<sup>st</sup> Degree Misdemeanor Battery. From the records that are clearly in the Board's file and in the information provided by Mr. Rudolph afterwards, through a letter from the person that was in the car, who explained that there was no burglary there; that this was a dispute between a boyfriend and a girlfriend who shared a common child, and that he did nothing wrong. Looking at what an Unarmed Burglary of a Structure Conveyance is, the Judge that original heard the case or Mr. Rudolph could understand what that was. Mr. Rudolph added why a person pleads "No Contest" is something that you do not know and would like Mr. Kitchens to be sworn in.

Mr. Shropshire requested that Mr. Kitchens raise his right hand. "Do you solemnly swear that the testimony you are about to give in this proceeding is the truth, the whole truth and nothing but the truth so help you God.

Mr. Timothy Kitchens answered, "Yes."

Mr. Shropshire stated, Mr. Kitchens also pled No Contest to a charge of 1<sup>st</sup> Degree Misdemeanor Battery. Mr. Shropshire requested that Mr. Kitchens explain what happened in the Unarmed Burglary of a Structure Conveyance why he pled No Contest.

Mr. Kitchens stated on a particular Saturday he was coming away from a funeral service in Miami, FL. My girlfriend Jacqueline (Johnson) Edwards and I were on our way to Delray Beach traveling on I-95. She was in her car and I was in my car; we were trailing each other. During the time that we were traveling on I-95, we had a phone conversation through cell

phone and through that conversation, an argument developed and everything. Ms. Edwards became very upset, to the point that she was crying. Just to let you know, she had just lost her daughter about 3 or 4 years ago in a tragic car accident and had been dealing with that for a period of time and I had been helping her and trying to get her to go to counseling to deal with the grief. We have had arguments from time to time, which all couples do. At that point, I was just trying to calm her down so she would not injure herself or anyone on the highway, so I did get her to that point to pull over. She pulled over and at that time, she let down her window and I was trying to console her. She was crying and trying to fuss and talk at the same time. All I was trying to do was just calm her down. The people that were behind us thought something was going on or something was wrong, so they called 911. From that point, when I saw that she was not able to be calmed down or she did not want to talk at that time; sometimes it is just good to leave a situation alone until it dies down. So I left the scene and went home. Afterwards, I found out that the state trooper wanted to press charges against me for something that I did not do; not knowing that leaning inside of a car is a Burglary of a Conveyance, as I never heard that before. However, never being in trouble from that point, I did not know what was what, I turned myself in. After which, the Judge on the case could not understand it, as far as what was going on. Mr. Kitchens explained to the Judge what had happened. Jacqueline did come in.

Mr. Rudolph questioned whether Mr. Kitchens pled no contest at that time.

Mr. Kitchens answered that he had not at that time because there was a different Judge that presided the case because the original Judge had taken sick and he did not know the basis of the charge.

Mr. Rudolph questioned why Mr. Kitchens pled No Contest at the time that he did.

Mr. Kitchens stated that he had never been in trouble and did not know how things went as far as the legal system goes and he had a public defender so it was very foreign to him.

Mr. Rudolph requested that Mr. Kitchens explain the battery charge.

Mr. Kitchens stated that the battery was connected with the Burglary of the Conveyance at that time. This was the point of the officer being overzealous.

Mr. Rudolph stated that this was regarding Mr. Kitchens' child, as there was not battery in that case.

Mr. Kitchens concurred. Mr. Kitchens stated his daughter was 14 years old at the time and he was brought up from the "old school"; if you did something, you got in trouble for it. Mr. Kitchens added that he never hurt his daughter, but he did spank her because she was being disobedient at 14 years old, and I do have 4 children. Mr. Kitchens stated that his daughter went to school and it was overheard by one of the counselors that the situation had happened. From that point, Mr. Kitchens was charged for the battery.

Mr. Rudolph questioned the result of that charge.

Mr. Kitchens stated that the Judge dismissed it because there was lack of evidence in the case.

Mr. Rudolph stated that what is before the Board and what can be proven in the record is that in both of these instances, Mr. Kitchens did not commit the acts that he was charged with, they were alleged against him. Mr. Kitchens did plead No Contest, but if you look at what the sentence was and if you look carefully at the report, adjudication was withheld in both of those cases, and Mr. Kitchens served his time. Now to say that something that happened in 2004 is an indication of a lack of trustworthiness, in this case, I believe, can be overturned at a hearing. The most important thing that you have in your record is the letter from the girlfriend, who corroborates what Mr. Kitchens said. So, looking at the basis of the denial, I feel that the Board's denial on those 2 issues is wrong and I would ask that it be reversed. The second thing in this file is an allegation made by a competitor of Mr. Kitchens, or will be a competitor of Mr. Kitchens if he opens a funeral home.

Mr. Shropshire requested that the legal advisor for the Board address the issue since this issue is not the basis for the Board's decision and that the Board was advised at the December meeting was being processed through normal disciplinary probable cause channels.

Mr. Rudolph requested to withdraw it.

Mr. Allison Dudley stated it does not need to be brought up, but if Mr. Rudolph wants to discuss it with the Board, it would be fine.

Mr. Rudolph stated the first issue is whether the Board will reverse the denial so that the application can be discussed as it should have been before.

Col. Don Stiegman questioned why the other issues are not being discussed.

Ms. Dudley stated there is an allegation that may not have gone to probable cause yet and that was not the basis as the Board had already denied the license. The Board is now doing an informal hearing, so the Board can only discuss the basis for the original denial.

Col. Stiegman stated he did not recall that was the only basis.

Mr. Shropshire stated that the minutes, which are also in the Board's packet, which read. "Col. Stiegman moved to deny the application based on the criminal history. Ms. Taylor seconded the motion, which passed with 2 dissenting votes."

Col. Stiegman stated that he would take exception to that because there was more to the motion than that. That was part of it but that was not the entire motion.

Mr. Helm stated that the issue was in the other packet, too.

Mr. Shropshire stated it was, but without addressing the issue of the accuracy of the minutes, the Board is always free and does sometimes, bases its decision on what part of packet presented it deems to be valid and meritorious. It is our understanding in the Division office that is what happened here when Col. Stiegman made his motion. Mr. Shropshire asked the Board's legal advisor whether the issue of the accuracy of the minutes at this point in time, which were just approved, can and should be addressed at this point and time.

Col. Stiegman questioned why the other issue could not be addressed.

Mr. Shropshire stated because legally, it was not part of the basis for the Board's decision.

Ms. Dudley concurred. Ms. Dudley stated it could not be addressed unless the Board goes back and listens to the tape.

Mr. Rudolph stated that the first thing they are asking the Board to do is to withdraw its denial of this license. The second step is to argue for the Department's recommendation of approval of the establishment license with 2 year probation.

Mr. Shropshire noted or suggested for the legal advisor's consideration, that if Mr. Rudolph or his client were willing to waive the confidentiality of the reported investigation matters that were in the record at December and allow the Board to discuss them and agree that it would not prejudice the Board if the matter comes before them in the future for final action, then the Board could consider and discuss that matter here today.

Mr. Rudolph requested Staff's view on the basis of allegations made against an Applicant that had not gone to Probable Cause, forming the basis of a denial.

Mr. Shropshire stated that they have not, strictly speaking, but Col. Stiegman has indicated that he is interested in discussing the matters. The Applicant could stand on its rights and it would not be discussed, or you could waive it. Mr. Rudolph would have to make the decision of what is best for his client at this point in time.

Mr. Rudolph stated he is asking the legal advisor to the Board, where you have allegations made that have not gone to Probable Cause, that there has been no opportunity for the Applicant to address them, whether that could form the basis for the denial of an application.

Ms. Dudley stated that it could not.

Ms. Taylor stated that the Board is addressing the application for establishment license with the State's recommendation that we have a 24-month probationary period. If that is approved, we are already into one issue of Probable Cause during a 24-month probationary period. In other words, that would go immediately to a Panel.

The Chair suggested differentiating between a funeral director and funeral establishment license. The Board is discussing the funeral establishment license and the other could possibly be the funeral directors license.

Ms. Taylor stated that would not affect the 24-month probationary period because they are two different licenses.

Mr. Jones stated it could, but not at this point, potentially.

Mr. Hall questioned why the girlfriend, who submitted the letter to the Board, did not make herself available at the court hearing. Mr. Hall added that he is still having a problem with the way Mr. Kitchens pleaded.

Mr. Kitchens stated that Ms. Edwards did come to the State Prosecutor's Office to let them know that she did not want to press charges as she did not want to take time off of work to come from Miami to Broward County because every time I did come to court, the State was not ready, as far as the Prosecutor, to really present all of the facts. This caused the Judge to keep doing Continuances. Ms. Edwards was well aware of what was going on and she continued to let them know that she did not want to press charges against me but it was the State that took it up so she could not do anything from that point.

Mr. Kitchens questioned Mr. Hall's second question.

Mr. Hall stated that he still has a difficult time understanding why Mr. Kitchens pleaded the way he did.

Mr. Kitchens stated he had never been in trouble, never been in the court system, could not afford a lawyer at that time and was under a public defender. That is what it was at that time, because it was a different Judge that presided over the case than at the sentencing. There was a plea of guilt, not guilty or no contest. So I pleaded No Contest because I did not know.

Mr. Hall questioned whether the Judge and the Public Defender gave Mr. Kitchens an explanation of what he was pleading to at that time.

Mr. Kitchens stated that they did vaguely, but it just went so fast that he could not really think as he was nervous and did not want to do anything wrong to jeopardize himself. Even the Probation Officer stated that the charges were very harsh for a 1<sup>st</sup> time offender.

Mr. Rudolph stated that Mr. Kitchens served his probation.

Mr. Kitchens concurred.

The Chair questioned whether Mr. Kitchens was a licensed funeral director at that time.

Mr. Kitchens answered yes.

Ms. Gail Thomas-Dewitt questioned whether Mr. Kitchens consulted with his attorney prior to the court sentencing as to his plea.

Mr. Kitchens stated he really did not as it was a public defender that he was dealing with and she had several other cases. It was like she really did not have time to talk.

Ms. Thomas-Dewitt questioned whether Mr. Kitchens spoke with her prior to court.

Mr. Kitchens stated they spoke briefly and she advised of the things he could plead to. No Contest sounded like it was a no winner and the lesser.

Ms. Thomas-Dewitt questioned whether Mr. Kitchens realized what "No Contest" meant.

Mr. Kitchens answered, "Not at all."

Ms. Thomas-Dewitt stated that Mr. Kitchens pled No Contest on the first offense as well. Ms. Thomas-Dewitt questioned whether between 2002 and 2004, Mr. Kitchens had no clarity on what that charge meant. The 2002 case was the child abuse. Although it was dismissed, Mr. Kitchens pled the same way.

Mr. Kitchens stated he was unaware he had done so because when he went before the Judge, he dismissed the case.

Ms. Thomas-Dewitt stated she misunderstood.

Col. Stiegman stated that there is a saying in the Military Retired Activities Office, "There's his side, her side and somewhere in the middle, is the truth." Everything always seems to be an overzealous policeman, an overzealous judge, an overzealous probation officer, but it is never Mr. Kitchens' fault. There is one thing after another after another, and we cannot talk about these other things, which I do not understand because Mr. Kitchens addressed it the last time it was in the Board packet. Col. Stiegman stated he sees a pattern of character issues and does not understand why the Board cannot discuss these under things because it carries right on with this character thing.

Ms. Thomas-Dewitt questioned whether the Board could discuss the insufficient check.

Ms. Dudley stated the Board could ask about the check.

Ms. Thomas-Dewitt requested an explanation of the insufficient check submitted for the fee.

Mr. Kitchens stated they thought the appropriate funds were in the bank at the time that the check went through. Apparently, there was not enough to cover it. Mr. Kitchens did not know this at the time, but when he got notice that the check came back, he immediately made restitution of that.

Mr. Rudolph questioned whether there were funds in the account to cover it at the time the check was cut.

Mr. Kitchens answered yes.

Mr. Rudolph questioned how long after sending the check did the check get processed.

Mr. Kitchens stated he was unsure and did not have record of that.

Mr. Hall stated that the records on that check also show licensing as a funeral home and questioned how this was obtained prior to the establishment license.

Mr. Kitchens stated a bank account was established as they were trying to get the construction of the funeral home going. Mr. Kitchens stated he is new in business with this, but he believes they needed to show a bank account of the name of the establishment.

Mr. Hall stated from the Division's standpoint, there have been things in the past whether Applicants could not even put out a sign prior to being approved as an establishment. Mr. Hall questioned whether this was correct.

Mr. Shropshire stated there has been the Division's position, and the Board has addressed the issue of for instance notice of taking advertising in a phone book ahead of licensure because you have to meet a deadline and if you do not meet that publishing deadline the entity would go a whole 6 months or a year without anything in the phonebook. Mr. Shropshire

stated that has been allowed in certain circumstances but does not recall anything specific about establishing a checking account as in this case.

Mr. Rudolph stated when he represents a client and they set up a corporation, the first thing he does is have them establish a checking account. Mr. Rudolph added he did not represent Mr. Kitchens at that time, but setting up a checking account and putting the name of the corporation, which is a valid corporation, on the check is not advertising. When trying to get a funeral establishment license under the name of a corporation you should pay the check with the name of the corporate check. This does not appear to be a violation at all.

Ms. Thomas-Dewitt questioned whether Mr. Kitchens had a business card with him.

Mr. Kitchens answered that he did not.

Ms. Thomas-Dewitt questioned the wording on Mr. Kitchens' business card.

Mr. Kitchens answered, "Timothy E Kitchens, Licensed Funeral Director, 24 hours, and it has my cell phone number on it, 561-856-6637."

Ms. Thomas-Dewitt questioned if she received one of Mr. Kitchens' business cards and she called him, how she would know which establishment he was participating with.

Mr. Kitchens stated he would say, "L C Poitier Funeral Home" if services were needed and would say that we would run services through L C Poitier Funeral Home. Mr. Kitchens stated that he does answer his personal cell phone with "Hello."

Ms. Thomas-Dewitt questioned whether there is any particular reason Mr. Kitchens does not list Poitier Funeral Home on his business cards rather than himself as a personal entity.

Mr. Kitchens stated he does have Poitier's business cards.

Mr. Rudolph questioned whether Mr. Kitchens has his name on an L C Poitier Funeral Home business card.

Mr. Kitchens stated his name is not on the card.

Mr. Helm questioned whether Shuler and Kelley could voice their opinion if they were in the audience.

Ms. Dudley stated she would recommend against them doing so.

Mr. Helm questioned the reason for having a public meeting.

Ms. Dudley stated that the problem is that case has not gone to Probable Cause yet, so if the Board addresses it as a whole it could taint the Probable Cause proceeding and ultimately the Board would be making a determination of Probable Cause before the Probable Cause Panel has even had a chance to look at it.

Mr. Helm questioned whether the letters are informational for the Board's purpose or whether they are in the form of a complaint.

Mr. Shropshire stated that some of the letters in the package were recommendations and some were complaints. They were all included in the December package as a potential basis for the Board's decision. If they had been, without intending to reopen the issue of the motion, if the motion at the time of the December meeting had been for instance, to the affect of, "I move to reject the application on the basis of the criminal history and these various allegations in the investigation", then all the material that was presented to the Board in December would be open for discussion here. The minutes currently reflect that the motion was based on just the criminal history.

Col. Stiegman stated that he moved on the information in the package, which is exactly what he said.

Mr. Rudolph stated his client has agreed to waive its rights to that so that he could present evidence to the Board on this allegation made by Ms. Shuler that Timothy Kitchens was soliciting an at-need sale from a lady that was sitting at her funeral home.

Mr. Shropshire questioned whether Mr. Rudolph is stipulating on behalf of his client that the Board would not be deemed prejudiced to consider that matter if that issue subsequently comes before the Board for disciplinary action.

Mr. Rudolph answered yes and questioned whether Mr. Shropshire is saying that they are going to try and find probable cause right now.

Ms. Dudley answered no. Ms. Dudley stated that Mr. Rudolph is stating that later on he would not raise an issue concerning the proceeding and that the Board would all have to recuse themselves because they already heard part of the case.

Mr. Shropshire stated it is his understanding that Mr. Rudolph on behalf of his client has waived and opened up the Board to discuss in full anything that was presented to the December Board meeting, including the material questioned by Col. Stiegman.

The Chair stated that should not be an issue.

Mr. Rudolph stated it really is not an issue but I am hearing from the Board members that this is something that could affect their decision on whether to overturn this denial. If they are going to state that is the basis for not overturning this denial, then I would like it stated on the record.

The Chair stated that was not the basis of the denial. The minutes clearly reflect it and the minutes were approved earlier.

**MOTION:** Ms. Huggins moved to reverse the Board's original decision and accept the Division's recommendation of granting funeral establishment license with 2 years probation. Ms. Jean Anderson seconded the motion, which failed with 5 dissenting votes.

Mr. Shropshire stated that the Board has to fundamentally rule on affirming the decision.

Ms. Dudley stated that would be the cleanest way to do it if someone would make a motion to affirm the previous decision.

Mr. Rudolph stated Ms. Huggins made a dual motion to reverse the denial and to agree to the Department's recommendation. The Board could have a motion to just reverse the denial which would then open up discussion on the case.

Ms. Dudley stated that we are here for an informal hearing so the Board still has to discuss whether they want to affirm or deny the request for reconsideration. Ms. Dudley added if it was just a request for reconsideration then she would agree with Mr. Rudolph.

Col. Stiegman asked what the next step is.

Ms. Dudley stated the Board would need to make a motion to affirm the previous decision.

Col. Stiegman stated he did not understand what the Board would be affirming or denying.

Ms. Dudley answered the Board would be affirming or denying the previous Notice of Intent to Deny.

Mr. Shropshire suggested that the motion may be to affirm the previous denial of this Applicant's application.

Mr. Helm stated the request is that Col. Stiegman make his motion over again.

**MOTION:** Col. Stiegman moved for denial based on the criminal record and all the information provided in the package.



Mr. Shropshire stated that would not be an appropriate motion because it would include matters not previously discussed.

Ms. Dudley stated it would have to just be affirming the basis for the previous denial.

Col. Stiegman withdrew his motion.

Ms. Taylor stated the Board is looking for further clarification, but if you look in the package from when they originally came before the Board and was denied, there is a letter dated April 27, 2009 from Eunice Gibson re: Timothy E Kitchens Funeral Home Inc, referring to the services from Kitchens Funeral Home. Ms. Taylor stated that she is all for people getting another chance, but this is holding out to the public that this funeral home already exists since it is being identified on the 27<sup>th</sup> of April.

The Chair stated that the Board chose to deny before based upon the criminal history and that was the motion reflected in the minutes. The motion to reconsider failed. Legal Counsel is advising that the Board needs a motion to affirm the previous denial.

Ms. Dudley concurred.

Mr. Hall whether it could be based on that plus information released in this informal hearing.

Ms. Dudley stated that this informal hearing is just for mitigation purposes.

Mr. Rudolph added the basis for Notice of Intent to Deny. The only 2 things for forming that basis for denial are those 2 items addressed. Mr. Rudolph stated if the Board's decision to deny this application is based on anything other than the 2 criminal history things, this should be stated on the record as that was not the basis for the denial that was in the Intent to Deny, which the Applicant can appeal. Mr. Rudolph stated that he has spoken with his client and he has waived his right to not bring that up, but that is only in the context of if we are arguing for his license, after the denial is reversed. The denial was just 2 violations of law, which we explained. From what I am hearing from the discussion of the Board members, there are other things in the record that they wish they could discussed but I am not going to address them right now because all I have to do is address the Board's basis for the denial.

**MOTION:** Col. Stiegman moved to affirm the motion for denial based on previous criminal history. Mr. Hall seconded the motion, which passed with 4 dissenting votes.

**4. Application(s) for Preneed Sales Agent**

**A. Informational Item (Licenses Issued without Conditions) – 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.

**B. Recommended for Denial (Criminal History)**

**(1) Baldwin, Evans Palmer (Appointing Entity: Baldwin Brothers Memorial Care Services Inc.)**

The application has been removed from the Agenda.

**(2) Busch, Diane (Appointing Entity: None )**

On the application received by the Department on October 30, 2009, the applicant answered "No" to the Applicant Background Questions. During the review of her fingerprint results provided by FDLE it was determined Ms. Busch did have one criminal infraction that required disclosing.

The criminal history includes one count of Disorderly Intoxication in Florida that occurred September 3, 2007. Due to the date of the infraction, Ms. Busch was required to disclose this offense on her application. Upon request, Ms. Busch submitted a statement that the Disorderly Intoxication charge was dropped to Resist w/o Violence and all court costs & fees were paid. Ms. Busch provided a Certificate of Completion for an Anger Management Program. Also, she provided documentation from

the courts indicating that she was placed in a Pretrial Intervention Program for a Threat or Extortion charge in 2004. The information Ms. Busch submitted was not requested by the Department. However, during the review process of Ms. Busch's application, the Division contacted the Palm Beach County courts to see if any information could be obtain concerning the September 3, 2007 charge. Per Sharon, with Palm Beach County Clerk of Courts office in the Call Center, Ms. Busch has an alias "Diane Heath" and the 2007 disposition was filed under "Heath" not Busch. No information could be obtained without a written request and the applicable fees being paid. The department had no knowledge of Ms. Busch's alias Diane Heath. The initial appointing entity, SCI Funeral Services of Florida, Inc., has withdrawn its appointment of this agent. Ms. Busch has not withdrawn her application. Therefore, the department is continuing with the denial process.

The Department assessment is that misrepresentation of her criminal history is an indication of untrustworthiness. It is the Division's belief that if issued a preneed sales agent license, Ms. Busch would 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)(2).

The Division recommends denial for the following reasons:

1. Failure to disclose criminal record, Florida Statutes, section 497.466 (2)(d).
2. Lack of a Preneed Appointing Entity, Florida Statutes, section 497.466 (2)(f).

The Chair questioned whether Ms. Busch or any representing her was present.

There was a negative response.

**MOTION:** Mr. Helm moved to deny the application based on the Division's recommendation. Ms. Taylor seconded the motion, which passed with 2 dissenting votes.

5. **Application(s) for Preneed Main License**
  - A. **Recommended for Approval without Conditions**
    - (1) ***Palm Beach National Chapel, LLC (Lake Worth)***

The Department received the application and additional amendments on December 31, 2009. There were no deficiencies noted on the application. A completed background check of all officers revealed no criminal history. Applicant will be trusting at 100% (one hundred percent) and will use the pre-approved Funeral Services Inc (FSI) First Florida Trust Agreement (BB&T) and Pre-arranged Funeral Agreement. The applicant submitted an application for a funeral establishment license, which was approved by the Board on December 2, 2009.

The Applicant's financial statements as of November 30, 2009 reflect the following:

Acquired Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	28,309

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

6. **Continuing Education Course Approval(s)**
  - A. **Recommended for Approval without Conditions – Addendum B**
    - (1) ***Epsilon Nu Delta Mortuary Fraternity #5801***
    - (2) ***Florida Funeral Directors Association #75***
    - (3) ***FuneralCE #43***
    - (4) ***Hospice Foundation #76***
    - (5) ***Independent Funeral Directors of Florida #135***
    - (6) ***Matthews International #6802***
    - (7) ***National Funeral Directors Association #136***
    - (8) ***Selected Independent Funeral Homes #137***

The Continuing Education Committee and the Division recommends approval of the application(s).

Col. Stiegman questioned whether the course titled "How to Fly Below the Division's Radar" was a class on how people could bamboozle the Division.

Ms. Huggins stated the course was more compliance on how to do things the right way, as opposed to the title of the course.

Ms. Jan Scheff concurred with Ms. Huggins. The course teaches how to stay in compliance. The title was created to stay within the "theme", but also to fit with the material in the class.

Ms. Wendy Wiener stated this was actually her class, as we all want our licensees to comply with the law and this course is exactly about that. The Provider is having a "Top Gun theme" and this was meant to be a catchy title.

**MOTION:** Mr. Jones moved to approve the application(s). Ms. Huggins seconded the motion, which passed with 1 dissenting vote.

7. **Application(s) for Florida Laws and Rules Examination**
  - A. **Recommended for Approval without Conditions – Addendum C**
    - (1) **Funeral Director and Embalmer - by Internship**
      - (a) *Chang, Susana E*
      - (b) *Conway, Jr., Thomas G*
      - (c) *Miller, Ashley S*
      - (d) *Weldon, Wendy L*
    - (2) **Funeral Director and Embalmer-by Endorsement**
      - (a) *Howrey, Merrill S*
      - (b) *Lanich, Gabrielle*

The Division recommends approval of the application(s).

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

8. **Application(s) for Internship**
  - A. **Recommended for Approval without Conditions – Addendum D**
    - (1) **Funeral Director and Embalmer**
      - (a) *Adams, Jr., Freddie L*

The Division recommends approval of the application(s).

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

- B. **Recommended for Approval with Conditions**
  - (1) **Funeral Director and Embalmer**
    - (a) *Gossett, William T*

The applicant submitted an application to become a Concurrent Intern. The application was submitted on November 3, 2009. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were returned on December 10, 2009.

Approximately 18 years ago, in 1991, at age 18, Applicant was convicted of Grand Larceny by unauthorized use of credit card, in Circuit Court in Pasco County. He was sentenced to two years probation, restitution of \$4,400, and court costs. In Nov. 2000 his civil rights were restored. In August 2007 Applicant was convicted of DUI in Florida courts.

Approve application subject to the terms & conditions of the attached stipulation for licensure, which among other conditions provides that Applicant shall be on probation during the internship.

Mr. William Gossett stated that he was a really dumb, immature teenager at the age of 17 and committed a crime.

The Chair questioned what Mr. Gossett purchased with the credit card.

Mr. Gossett answered that he purchased dumb stuff like a Nintendo, to impress friends. Mr. Gossett stated as a result, his parents taught him a life lesson by taking him to the courthouse and having him arrested. Mr. Gossett stated that he started in funeral service at the age of 16 by volunteering with Gene Padgett, who is no longer with us. Funeral service is a calling, not a profession. Mr. Gossett added that he finally graduated from San Francisco in 2000 and repaid his debt to society. Mr. Gossett requested that the Board would look past the fact that he was dumb and immature at that age and grant him the opportunity to fulfill his dream.

The Chair questioned what Mr. Gossett has been doing in the 10 years since graduating from Mortuary College in 2000.

Mr. Gossett stated for the past 5 years he has been caring for both his parents who are very elderly. Mr. Gossett has a Culinary Arts degree and has been working in the restaurant business.

The Chair questioned where the Culinary Arts degree was earned.

Mr. Gossett stated he earned it from PHCC, Pasco Hernando.

Ms. Thomas-Dewitt questioned whether the credit card belonged to Mr. Gossett's parents.

Mr. Gossett stated that the credit card belonged to one of his parent's friends.

Mr. Hall stated that subsequently, Mr. Gossett had some additional issues with check forgery and an extensive driving record and requested an explanation.

Mr. Gossett stated that in his boss' absence, he signed a payroll check although his sister was supposed to do it. This was right around the same time, so his probation was violated and he had to complete community service. While in San Francisco attending Mortuary College, Mr. Gossett's license was suspended due to not having insurance. Not knowing that Mr. Gossett drove 10 – 12 years without a license. This past 1.5 year ago while in Michigan, Mr. Gossett was pulled over and found out his license was suspended.

Mr. Hall questioned whether Mr. Gossett currently has a driver's license.

Mr. Gossett answered yes.

Mr. Hall questioned whether Mr. Gossett is employable considering his driving record.

Mr. Gossett answered yes. Mr. Gossett stated that he is currently employed and his employer is waiting for the Board's decision.

Mr. Jones stated he saw the 1995 grand theft but questioned whether there were thefts in 2003, and if so, what they were for.

Mr. Gossett stated that he addressed each of his offenses. Mr. Gossett added when he went to the courthouse to obtain copies of everything, they showed him violated in 1995 when he was actually released from probation in 1995.

Mr. Hall questioned whether Mr. Gossett drove an automobile for 10 years without a license.

Mr. Gossett answered yes.

Ms. Dudley stated she could answer the question regarding the 1995 grand theft, which was a probation violation. Mr. Gossett violated the original violation, so it would not be a new charge, but would still show up. When people violate probation they do re-arrest them but it does not go back on their record as a new charge.

The Chair questioned whether Mr. Gossett was ever licensed in any other State.

Mr. Gossett answered no.

The Chair questioned whether Mr. Gossett internships or apprenticeships in any other State.

Mr. Gossett answered no. Mr. Gossett added that he applied for an apprenticeship in California while going to school, but it was never approved as San Francisco College is only a year of schooling.

Mr. Helm stated he did not have a problem until Mr. Gossett admitted to driving without a license for years.

Mr. Gossett stated he was never pulled over or anything.

Mr. Helm stated that does not make a difference. Driver's licenses are not good for 10 or 12 years; they have to be renewed. Mr. Helm questioned how Mr. Gossett managed that.

Mr. Gossett stated he just drove.

Mr. Helm questioned whether Mr. Gossett received a renewal notice.

Mr. Gossett stated he was living in California, then he moved back to Florida to take care of his parents. His mother was diagnosed with 2 brain aneurisms, so they thought she was going to pass away within 2 weeks. Mr. Gossett's father is from Kentucky and thought it would be best if he be back with his family if that happened, so they left Florida and moved back to Kentucky. Mr. Gossett thanked God that his mother received medical attention. Mr. Gossett's parents then decided to move to Michigan, so Mr. Gossett has moved from California to Florida to Kentucky to Michigan within the last 6 years. Mr. Gossett added that he is currently keeping the Florida license until it expires. Mr. Gossett stated that everything has been rectified, fines have been paid.

Mr. Helm questioned whether Mr. Gossett paid fines for his driver's license.

Mr. Gossett stated that he paid fines for his driver's license in the amount of \$5600.

Mr. Helm questioned why Mr. Gossett was fined on his driver's license.

Mr. Gossett stated he was fined for driving with a suspended license.

Mr. Helm questioned whether this occurred when Mr. Gossett was arrested for the DUI.

Mr. Gossett answered yes. Mr. Gossett stated he paid dearly for all of this which has taught him a life lesson and is hoping that the Board will give him a chance.

Ms. Thomas-Dewitt questioned whether there were 3 DUIs.

Mr. Gossett stated there was only one.

Ms. Thomas-Dewitt questioned whether Mr. Gossett has a drinking problem now.

Mr. Gossett answered no. Mr. Gossett stated this is not an excuse, but when you take care of your parents every day and you see them dwindle in your eyes, it is tough.

Ms. Thomas-Dewitt questioned whether Mr. Gossett's parents are still alive.

Mr. Gossett answered yes.

Ms. Thomas-Dewitt questioned whether Mr. Gossett is still caring for his mother.

Mr. Gossett stated he still cares for both his parents.

The Chair questioned whether Mr. Gossett understands the supervision he would be under as an intern.

Mr. Gossett stated that he did as he signed and went over it with Mr. Michels and Mr. Lundquist, as he works for Michels and Lundquist Funeral Home in New Port Richey.

The Chair questioned whether Mr. Gossett understands the difference between direct and indirect supervision.

Mr. Gossett stated he did; direct means the embalmer or funeral director I am under the supervision of needs to be in the building.

**MOTION:** Ms. Huggins moved to approve the application subject to the terms & conditions of the stipulation for licensure, which among other conditions provides that Applicant shall be on probation during the internship. Col. Stiegman seconded the motion, which passed with 1 dissenting vote.

Mr. Gossett adding that the Division staff is wonderful.

9. **Application(s) for Embalmer Apprentice**
  - A. *Recommended for Approval without Conditions – Addendum E*
    - (1) *Ligon, Patrece Y*

The Division recommends approval of the application(s).

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

10. **Registration(s) as a Training Agency**
  - A. *Recommended for Approval without Conditions – Addendum F*
    - (1) *Funeral Directing*
      - (a) *Swilley Funeral Home & Cremation Service Inc (F040044)*

The Division recommends approval of the application(s).

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

11. **Consumer Protection Trust Fund Claims**
  - A. *Recommended for Approval without Conditions – Addendum G*

The Division recommends approval of the claim(s).

Mr. Rudolph stated that he noticed Casket Galleria as the defaulting seller. It is my understanding, in dealing with Casket Galleria, that it was just a casket store and was never a licensed entity.

Mr. Shropshire stated he did not have the details of that at this point in time. The Board could either table the matter while Christine Lynn looks into it or we could approve the remainder and have this one taken off and re-presented later.

Mr. Bill Williams stated that Casket Galleria in Pensacola was a licensed funeral home at one time, owned by Jack Jones. Mr. Helm questioned, in regards to Reduction Code #2, how the Division determines whether the money is the claimants.

Mr. Shropshire stated for instance, they would present the preneed contract with their claim. They also have to prove that they paid the amount showed on the preneed contract. So the Division reduces it to the amount that they actually can prove.

The Chair requested that the Division modify Reduction Code 2 to provide a better explanation.

Mr. Shropshire stated Reduction Code 2 should read "Not able to verify entire payment(s) on preneed or at-need contracts."

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

**12. Application(s) for Monument Establishment Sales Agent, Licenses Issued without Conditions**  
**A. *Informational Item - Addendum H***

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

**13. Application(s) for Centralized Embalming Facility**  
**A. *Recommended for Approval with Conditions***  
**(1) *Infiniti Centralized Embalming & Refrigeration Inc (Opa-Locka)***

The application for a Centralized Embalming Facility was submitted on January 7, 2010. 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 Latonya Canady (F045589). The Division is recommending approval with conditions.

Approve subject to the condition(s) as follows:

- (1) That the establishment passes an on-site inspection by a member of the Division staff.

Mr. Helm questioned whether the inspection was passed.

Ms. Jasmin Richardson stated that the inspection was passed.

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

**14. Application(s) for Cinerator Facility**  
**A. *Recommended for Approval without Conditions***  
**(1) *Everglades Crematorium LLC (West Park)***

The application for a Cinerator Facility was submitted on December 28, 2009. The application was incomplete when submitted. All deficient items were returned on January 6, 2010. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Director in Charge will be Cedric Wilks (F044018). The Cinerator Facility passed its inspection on January 20, 2010. The Division is recommending approval without conditions.

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

**15. Application(s) for Direct Disposal Establishment**  
**A. *Recommended for Approval without Conditions***  
**(1) *Guiding Light Cremations (West Park)***

The application for a Direct Disposal Establishment was submitted on December 28, 2009. The application was incomplete when submitted. All deficient items were returned on January 6, 2010. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Director in Charge will be Cedric Wilks (F044018). The Cinerator Facility passed its inspection on January 20, 2010. The Division is recommending approval without conditions.

Mr. Rudolph stated that Everglades Crematorium, on the previous issue, and Guiding Light are at the same location, but they have different names.

The Chair stated that the prohibition is on funeral establishments or direct disposal establishments.

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

**16. Contract(s) or Other Related Form(s)**

**A. Preneed Sales Agreement**

**(1) Recommended for Approval without Conditions**

**(a) Neptune Management Corporation d/b/a Neptune Society (Plantation)**

This proposed preneed agreement is for the sales of services only. No merchandise (other than the “medium density fiberboard cremation receptacle” mentioned on page 1 of the form and will be included in the package price) will be included in this agreement. Merchandise will be sold by use of a separate Retail Merchandise Agreement and delivered upon purchase, rather than on a preneed basis.

The Division asked Neptune to make numerous changes to the proposed forms to address some concerns the FCCS Division had. We attach the pertinent correspondence. Neptune had been very cooperative and has addressed all the Division’s issues.

Staff recommends approval of the agreement.

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

**17. Trust Transfer Request(s)**

**A. Recommended for Approval with Conditions**

**(1) Riverview Memorial Park, Inc. (Fort Pierce)**

**(a) Chapter 497.266 Care and Maintenance Trust: From U.S. Bank Care & Maintenance Trust to Funeral Services, Inc. (FSI) Master Care & Maintenance Trust Agreement. (BB&T)**

Riverview Memorial Park, Inc. requests transfer of cemetery care and maintenance funds currently held by U.S. Bank to the Funeral Services, Inc. (FSI) Master Care & Maintenance Trust Agreement (BB&T).

Staff recommends approval of the above referenced request contingent upon the certification of the transfers be received by the Department within 60 days of this Board meeting date.

**MOTION:** Mr. Helm moved to approve the request contingent upon the certification of the transfers be received by the Department within 60 days of this Board meeting date. Ms. Jean Anderson seconded the motion, which passed unanimously.

Col. Stiegman questioned whether the certification comes from the entity or the bank, from the place where it is going or from the guy who took it there.

Mr. Shropshire stated it comes from the place where it is going.

**(2) Royal Funeral Service, Inc. (Miami Gardens)**

**(a) Preneed trust transfer from U.S. Bank to Independent Funeral Directors of Florida (IFDF) Master Trust Fund A (Regions Bank).**

Royal Funeral Service, Inc. requests transfer of preneed funds currently held by U.S. Bank to the (IFDF) Master Trust Fund A (Regions Bank). The transfer concerns 68 contracts of which 4 were written pre-1993 under the terms of Chapter 639 and 64 contracts were written post-1993 under the terms of Chapter 497. The post-1993 Ch. 497 contracts were written as 100% trusted and 100% refund upon cancellation. Regions Bank agrees to administer the contracts under the same trusting and refund provisions as in the original contracts. As the successor trust agreement is a grantor trust, any purchasers continuing to make payments must be notified of the change in trustees and that their payments should be made directly to the new trustee.

Mr. Shropshire stated there is an amendment to the petition for approval here. It was thought at the time of the petition that these were grantor trusts, in which case each individual customer would have needed to agree to this transfer, but the Division has subsequently ascertained that these were not grantor trusts. Mr. Gellepis has a more specific explanation.



Mr. Jim Gellepis stated subsequent to the Division's preparation of the Board materials for the February 4, 2010 meeting, the Division determined that the funds in question were not governed by ch. 497.464, Alternative Preneed Contracts, and were therefore not held in grantor trusts. Therefore the request was amended to transfer the funds to the 70/30 IFDF 1993 Master Trust Fund governed by ch. 497.458 rather than to IFDF Master Trust Fund "A", governed by ch. 497.464. Transferred funds and earnings will be 100% trusted until such time that contracts are cancelled or fulfilled.

Condition for approval remains that the transfer will not impair the existing rights of the affected purchasers. The condition that any purchasers with outstanding payment balances receive notice that the change in trustee will require direct payment to the trustee has been stricken.

The Chair requested that Mr. Gellepis communicate to the Board, via email, the enumerated changes, if the request is approved by the Board.

Mr. Gellepis answered yes.

**MOTION:** Mr. Jones moved to approve the request with the condition that the transfer will not impair the existing rights of the affected purchasers. Ms. Huggins seconded the motion, which passed unanimously.

**(3) *Serenity Gardens Inc. of Santa Rosa (Milton)***

**(a) *Chapter 497.266 Care and Maintenance Trust: From Synovus Trust Company, N.A. to Funeral Services, Inc. (FSI) Master Care & Maintenance Trust Agreement. (BB&T)***

Serenity Gardens Inc. of Santa Rosa requests transfer of cemetery care and maintenance funds currently held by the Synovus Trust Company, N.A to Funeral Services, Inc. (FSI) Master Care & Maintenance Trust Agreement (BB&T).

Staff recommends approval of the above referenced request contingent upon the certification of the transfers be received by the Department within 60 days of this Board meeting date.

**MOTION:** Col. Stiegman moved to approve the request contingent upon the certification of the transfers be received by the Department within 60 days of this Board meeting date. Mr. Helm seconded the motion, which passed unanimously.

**18. Chairman's Report (Oral)**

The Chair had no items to report.

**19. Resolution of the Board in opposition to a proposal to eliminate the Assistant Division Director position in the Division of Funeral, Cemetery, and Consumer Services.**

The Chair recognized Mr. Keenan Knopke to make a presentation to the Board in opposition to a proposal to eliminate the position of Assistant Division Director in the Division of Funeral, Cemetery, and Consumer Services.

Mr. Knopke advised the Board that, for purposes of the specific issue he was bringing before the Board, he represented the following organizations:

Florida Funeral Directors Association  
Independent Funeral Directors of Florida  
Funeral Services, Inc.  
Funeral & Cemetery Alliance of Florida  
Florida Funeral, Cemetery Consumer Advocacy  
Florida Morticians Association  
Trust 100  
Florida Monument Builders Association  
National Funeral Directors & Morticians Association, Inc.

(Note: Trust 100, Florida Morticians Association, National Funeral Directors & Morticians Association, Inc. and the Florida Monument Builders Association were added to the resolution subsequent to its initial presentation Mr. Knopke).

Mr. Knopke advised the Board that the organizations he represented (listed above) on this matter all opposed the proposal to eliminate the position of Assistant Division Director in the Division of Funeral, Cemetery, and Consumer Services.

Mr. Knopke indicated that the Governor's Budget Proposal, sent to the Legislature, would eliminate the position of Assistant Division Director in the Division of Funeral, Cemetery, and Consumer Services. Mr. Knopke indicated that the Industry and consumers benefit on a day to day basis from the existence of that position, and since the money to fund the position comes from industry fees, not general revenue, and since the Industry is willing to pay for the position and is paying for it, the Industry believes that the position should not be eliminated.

Mr. Jones questioned whether this is a trust funded position.

Mr. Shropshire answered yes. All the expenses of the Division are paid for by fees. It is an entirely fee-supported entity.

Mr. Helm questioned whether Mr. Knopke is requesting an opinion from the Board.

Mr. Knopke stated they are hoping the Board would adopt a resolution that supports keeping that position.

The Chair stated that the resolution would go on record and become a part of the minutes and record of this Board meeting.

Mr. Knopke stated this is an attempt to ensure the position, no matter who fills it in the future, is there. The support that it gives to the Division Director, as well as to the Division staff and to the consumers, is paramount.

The Chair questioned whether the groups Mr. Knopke was representing have approved this resolution. Mr. Knopke answered yes.

Mr. Bill Swain, Florida Funeral, Cemetery, Consumer Advocacy, indicated that retention of the position of Assistant Division Director in the Division of Funeral, Cemetery, and Consumer Services, is absolutely critical for the continued protection of the citizens of Florida. This affects every household in the State, in every generation.

**MOTION:** After further discussion among the Board members, Mr. Lew Hall moved that the Board adopt a resolution opposing elimination of the position of Assistant Division Director in the Division of Funeral, Cemetery, and Consumer Services. . Ms. Thomas-Dewitt seconded the motion, which then passed unanimously.

## **20. Executive Director's Report**

### ***A. Proposed Revised Form for Reporting Criminal History (see attachments)***

The Division is intending to amend the form used for reporting criminal history. A copy of the current form, and the proposed new form, is attached. In addition, the FCCS Division is intending to seek promulgation of the attached rule that would require use of the criminal history form in license applications. As best the Division can ascertain, there is not currently a rule requiring use of a criminal history disclosure form, and such a rule is needed.

Under ch. 497, authority over all substantive matters is with the Board, while authority re forms and application procedures is with the Division. Accordingly the FCCS Division understands this to be a matter for Division rulemaking.

The Division would be pleased to receive any suggestions or comment the Board has concerning the proposed new form or rule.

The Chair questioned whether the Board could move on the item now.

Mr. Shropshire stated it is an informational item to the Board.

Mr. Helm questioned whether the Board could move on the issue before the Division goes forward.

Mr. Shropshire stated that Board would not have to move or rule on this one way or the other as this would be a procedure within the Division.

***B. Proposed Rule re Procedures for Form Filings; Related Cover Sheet Form (see attachments)***

The Division is intending to seek promulgation of the attached rule that would establish procedures re how to file the various forms that must come before the Board for approval. There is currently no rule establishing procedures for such filings. The Division also intends to seek promulgation of the attached form that would be used as a cover sheet for form filings. Because there is no rule or form establishing a standard procedure for form filings, proposed filings come into the FCCS Division offices in many formats, and this tends to delay identifying what the incoming item is and who to route it to for review and prep for Board presentation.

Under ch. 497, authority over all substantive matters is with the Board, while authority re forms and application procedures is with the Division. Accordingly the FCCS Division understands this to be a matter for Division rulemaking.

The Division would be pleased to receive any suggestions or comment the Board has concerning the proposed new form or rule.

Mr. Helm questioned why the form does not include all license types being filed for.

Mr. Shropshire stated, in Item 2, these are the types of forms the Division receives for approval.

Mr. Jones questioned whether this is an internal form.

***C. Report from Richard Baldwin, Examiner for Menorah Gardens, October '09 - November '09 (see attachments)***

Informational item

**21. Office of Attorney General's Report (Oral)**

None

**22. Administrative Report**

The Administrative Report was submitted to the Board on the Agenda.

**23. Disciplinary Report**

The Disciplinary Report was submitted to the Board on the Agenda.

**24. Adjournment**

The meeting was adjourned at 11:23 A.M.