

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES**  
**TELECONFERENCE MEETING**  
**MARCH 4, 2010**  
**10:00 AM TO 12:00 PM**

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

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

Mr. Anthony Miller, Assistant 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 Anthony Miller. I am Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, March 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 Florida Administrative Weekly. 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, Conference Room 230A in Tallahassee, Florida and in fact we have some members of the Public here with us. The Division's Administrative 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  
Robyn Jackson, Department Counsel  
Jim Gellepis, 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. **Action on Minutes**  
A. *February 4, 2010*

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on February 4<sup>th</sup>.

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

3. **Old Business**

A. *Application(s) for Preneed Main License*

(1) *Recommended for Approval without Conditions*

(a) *Aable Development, Inc d/b/a Aaron and Burney Bivens Funeral Home (Orange Park)*

This application was initially presented at the November 4, 2009 teleconference and the Board voted to defer the matter in order to have its questions addressed. Subsequently, the Division followed-up with the applicant to address those concerns and others concerns the Division had regarding the application. The questions or concerns raised by the Board and/or the Division are summarized as follows:

- (1) The concern that the ownership of the commercial property located at 529 Kingsley Avenue, Orange Park, FL is listed under a different company name, Breast, LLC;
- (2) That the applicant provides an explanation as to why the name of the establishment, Aaron and Burney Bivens Funeral Home, was not listed on the banking statement and the compiled financial statement;
- (3) The question as to why the name of Bernice Bivens, which does not appear on the application, is listed as the sole signatory on bank statements as having authority over the business account for Aable Development, Inc.;
- (4) The concern that there is income in the amount of \$25,620 reported on the June 30, 2009 income statement which indicates that there may have been business conducted prior to licensure.

After review of the Applicant's responses, the Division has determined that the applicant has adequately addressed these concerns and that the application meets all criteria for licensure. Therefore, the Division recommends approval without conditions of the Preneed Main License application, as explained in more detail below:

The Department received the application on August 6, 2009 and a deficiency letter was sent August 7, 2009. Applicant resolved all of the deficiencies as of October 19, 2009. A completed background check of all officers revealed no criminal history. Applicant will sell insurance-funded preneed only through Monumental Life Insurance Company and will use the pre-approved Statement of Funeral Goods and Services. The applicant submitted an application for a funeral establishment license, which was approved by the Board on August 5, 2009

The applicant provided a written response to the Division and addressed all of the concerns raised by the Board (please see the attached response correspondence from Mr. Burney Bivens, dated November 11 and 20, 2009, respectively). Each concern raised is addressed below:

(1) To the question concerning the control and ownership of the commercial property located at 529 Kingsley Avenue, Orange Park, FL, the applicant responded that this property is owned by BREAST, LLC. Related to this issue, there was a concern that the building was owned by one entity and the land owned by another. However, a review of this issue has determined that BREAST, LLC is the listed owner for both the land and the building. The applicant, Aable Development, Inc. d/b/a Aaron and Burney Bivens Funeral Home, leases the building from BREAST, LLC. BREAST, LLC was formed solely as a real estate holding company, whereas Aable Development, Inc. is the operating company. According to the Division of Corporation records, the applicant's principal, Burney Bivens, is listed as the registered agent and sole principal of both companies.

(2) To the question concerning the name that appears on the banking statements and the compiled financial statement, Aable Development, Inc., the applicant responded that Aaron and Burney Bivens Funeral Home is wholly owned by the corporation. All fictitious name registrations have been properly filed with the Division of Corporations. The current financial statement provided by the applicant, as of September 30, 2009, have been

updated to show that the legal name is Aable Development, Inc. d/b/a Aaron Burney and Bivens Funeral Home. In his response the applicant also explained that because the funeral establishment was not licensed as of June 30, 2009, the compiled financial statement contained the name, Aable Development, Inc. In addition, the current financial statement represents that the applicant has a reported net worth of \$40,196 and the minimum net worth that is required is \$10,000. Therefore, the applicant meets the statutory net worth requirement.

(3) To the question concerning Bernice Bivens listed as the sole signatory on the business checking account, the applicant responded that this is a result of the bank choosing to use this name for the bank accounts. Mr. Burney Bivens, also known as Burnice Bivens, is the same person. The applicant has indicated that the name Bernice Bivens is an incorrect spelling of Burnice. Applicant has provided proof of corrected banking statements and a further explanation from Regions Bank to the Division that refers to the name, Burney Bivens.

(4) To the question concerning the sales and total income on the previous June 30, 2009 Income Statement in the amount of \$25,620, the applicant responded that all income generated prior to licensure resulted from the management of real estate by the corporation, Aable Development, Inc. The corporation now only manages the commercial property of the funeral home location at 529 Kingsley Avenue, Orange Park, FL. The applicant represents that there have been no funeral home sales or activity prior to licensure. Furthermore, it should be noted that on the applicant's September 30, 2009 income statement there is a reported a loss of income in the amount of \$31,304 for the funeral home.

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

Acquired Preneed Contracts = \$	0
Required Net Worth = \$	10,000
Reported Net Worth = \$	40,196

Ms. Nancy Hubbell indicated she still had a few questions regarding this application.

The Chair advised that Mr. Bivens was present on the line.

Ms. Hubbell stated that the property is owned by one corporation and Aable Development, Inc d/b/a Aaron and Burney Bivens Funeral Home leases the property. Neither the June 30<sup>th</sup> nor the September financial statements list an expense for rent or anything related to using someone else's property. This should have been a legitimate expense. Ms. Hubbell questioned whether the Applicant presented a true statement of net worth if the expenses are not reported on the Balance Sheet.

Mr. Burney Bivens stated he is the sole shareholder of the various corporations listed and has established this relationship on the advice of his accountant. The lease arrangement does call for \$1 per year, as far as the lease expense, so it would not make a significant difference with respect to the expenses of the corporation.

The Chair questioned whether that is the arrangement that Aable Development has with the other corporation that owns the building.

Mr. Bivens answered affirmatively. Mr. Bivens stated the reason this was established at the time the property was purchase, he did not have a funeral home. Mr. Bivens was in the process of organizing and completing a business plan, but they had to establish the property ownership in some manner. Mr. Bivens added that he was advised not to put it in his individual name so BREAST, LLC was established for the sole purpose of property ownership.

**MOTION:** Ms. Ginny Taylor moved to approve the application. Ms. Gail Thomas-Dewitt seconded the motion, which passed with (1) dissenting vote.

**B. Application(s) for Funeral Establishment**

**(1) Timothy E Kitchens Funeral Home, Inc (Riviera Beach) – Action to Correct Error in Minutes**

This matter comes before the Board for consideration and decision concerning the effect of an inaccuracy in the Minutes related to a denial of license application by this Applicant.

The Board denied this application for funeral establishment license at its December 2009 meeting. The materials presented to the Board at the December 2009 meeting, by the Division of Funeral, Cemetery and Consumer Services, included materials relating to the following matters:

- (1) Applicant's CEO and president, Timothy Kitchens (TK), has a criminal record.
  - In 2004 TK pled no contest to the 2<sup>nd</sup> degree felony of unarmed burglary of a structure/conveyance. In his attached letter, TK asserts that the matter related to an argument between him and his girlfriend. He was sentenced to 2 years community control, and 2 years of probation.
  - He was subsequently charged with violation of probation, but that charge was dismissed.
  - In or about 2002, TK was charged with "child abuse without great harm"; this charge was not ultimately prosecuted.
- (2) Applicant's check for the application fee for the license here applied for was returned for non-sufficient funds. Applicant thereafter made the check good.
- (3) In April 2009 the FCCS Division received a complaint that TK was soliciting at-need business. The FCCS Division conducted an investigation. The investigative report did not document the allegations except for one instance, in which TK, having been initially contacted by the girlfriend of the deceased, and realizing that she was not a legally authorized person, TK called the mother of the deceased. The materials presented to the Board advised the Board that this matter was being processed for possible disciplinary action pursuant to normal channels.

At the December 2009 meeting, after hearing from Mr. Kitchens and discussion among Board members, Board member Col. Stiegman moved to deny the application. Analysis of the recording of the December 2009 Board meeting indicates that the motion to deny was as follows: Col. Stiegman moved to deny based on criminal background, trouble with the law and courts, and unethical business practices.

However, when the minutes for the December 2009 meeting were prepared, Col. Stiegman's motion was inadvertently shortened to the following: Col. Stiegman moved to deny the application based on the criminal history. The minutes of the December 2009 meeting, with the erroneous report of Col. Stiegman's motion, were presented to the Board at the beginning of the February 4, 2010 Board meeting and the error was not then noticed, and the minutes were approved with the erroneous report of the motion included.

After the December 2009 Board meeting, a Notice of Intent to Deny Application was issued to the Applicant and in accordance with the error in the Minutes, the Notice of Intent to Deny cited only the criminal record as cause for the denial.

The Applicant thereafter requested an informal hearing concerning the Notice of Intent to Deny and said informal hearing was held at the Board's February 4, 2010 meeting. During the February 4, 2010 informal hearing, the issue arose as to whether the Board's December 2009 decision was based on more than the criminal record alone. Because the minutes of the December 2009 meeting had already been approved, and those minutes reflected a motion limited to the criminal record, and because the Notice of Intent referred only to the criminal record, after hearing from the Board's Executive Director and Board Counsel, the Board after discussion of the matter affirmed the denial based solely on the criminal record.

Division staff now brings the matter back before the Board for decision as to what, if any, action is needed to address the error in the minutes and assure a fair procedure for the Applicant.

In the Division's view, the Board's options are as follows:

**Option 1. Correct the minutes, but then affirm the denial based solely on the criminal record. The Board determined in its February 2010 affirmation of denial, that the Board believed that the criminal record alone justified the denial. That being the case, the most expeditious resolution would require three motions, as follows:**

**Motion 1**

Move that the minutes of the December 2009 meeting be amended to reflect that the December 2009 motion to deny this Applicant was based on criminal background, trouble with the law and courts, and unethical business practices.

**Motion 2**

Move that the Board's revise its basis for denial to reflect that denial is based solely on the following: 1) the 2004 plea of no contest by Timothy Kitchens, to the 2<sup>nd</sup> degree felony of unarmed burglary of a structure/conveyance; 2) the 2004 plea of no contest by Timothy Kitchens to the criminal charge of 1<sup>st</sup> degree misdemeanor batter.

**Motion 3**

Move that the Board finds that the aforesaid criminal record standing alone and by itself requires denial of the applicant pursuant to s. 497.380(4), F.S., as evidencing lack of good character.

**Option 2. Correct the December 2009 minutes, clarify the grounds for denial and direct the Division to issue a revised Notice of Intent to Deny to Applicant. This would require 3 motions as follows:**

**Motion 1**

Move that the Minutes of the December 2009 meeting be amended to reflect that the December 2009 motion to deny this Applicant was based on criminal background, trouble with the law and courts, and unethical business practices.

**Motion 2**

Move that the Board's basis for denial be clarified to reflect that denial is based on the following: 1) The 2004 plea of no contest by Timothy Kitchens, to the 2<sup>nd</sup> degree felony of unarmed burglary of a structure/conveyance and the 2004 plea of no contest by Timothy Kitchens to the criminal charge of 1<sup>st</sup> degree misdemeanor batter.; 2) That the Applicant's applicant payment check was returned unpaid "NSF" by Applicant's bank; and 3) One instance of at-need solicitation of Marsha Armstrong, mother of decent Michael Armstrong, by Timothy Kitchens, in violation of s. 497.381(5), F. S.; And that those items show lack of good character, authorizing denial of application under s. 497.380(4), F.S.

**Motion 3**

Move that the Division issue a revised Notice of intent to Deny based on the grounds specified in Motion 2 just made.

**Option 3. Reverse the denial of license and approve the application subject to conditions. This would require 2 motions as follows:**

**Motion 1**

Move that the Minutes of the December 2009 meeting be amended to reflect that the December 2009 motion to deny this Applicant was based on criminal background, trouble with the law and courts, and unethical business practices.

**Motion 2**

Move that the Board reverse its February 2010 affirmation of denial and that the Board approve the application subject to 2 years probation.

The Division recommends Option 3.

Mr. John Rudolph, for the Applicant, was present to answer any questions the Board may have.

**MOTION (1):** Ms. Hubbell moved to amend the minutes of the December 2009 meeting to reflect that the December 2009 motion to deny this Applicant was based on criminal background, trouble with the law and courts, and unethical business practices. Ms. Jean Anderson seconded the motion.

Ms. Allison Dudley stated that Motion 1 is just to correct the minutes and questioned whether the Board is opposed to correcting the Minutes.

The Chair called for a roll call vote on that motion.

Mr. Powell Helm stated this is getting confusing. All of the options basically start out with the same Motion 1.

The Chair concurred.

Mr. Helm stated he did not understand why the Board would have to vote down this one and if another Option is chosen, the Board would have to vote it back in.

The Chair stated that the Board does have the ability to do nothing on this.

Ms. Dudley concurred with The Chair. Ms. Dudley suspected there may have been some confusion as to what the motion was, because it would be interesting to see why the Board would not want to correct the minutes at least.

The Chair stated this is his reasoning for voting on one motion at a time rather than perhaps multiple motions. This motion is merely to amend the Minutes that were previously approved.

Mr. Helm questioned whether this is part of Option 3 or not.

The Chair stated that the Motion is a part of all 3 Options. The Chair clarified with Ms. Hubbell that her motion was for Motion 1.

Ms. Hubbell concurred with the Chair.

The Chair confirmed that the Motion was seconded by Ms. Anderson.

Ms. Anderson concurred with the Chair.

The Chair stated there was a vote but it was unclear by voice vote, therefore a roll call vote is needed.

Mr. Miller called the roll to determine the vote. The affirmative vote was unanimous. Therefore, **MOTION (1)** would read: Ms. Hubbell moved to amend the minutes of the December 2009 meeting to reflect that the December 2009 motion to deny this Applicant was based on criminal background, trouble with the law and courts, and unethical business practices. Ms. Jean Anderson seconded the motion, which passed unanimously.

**MOTION (2):** Ms. Hubbell moved to reverse the Board's February 2010 affirmation of denial and approve the application subject to 2 years probation (24 months). Ms. Anderson 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 Approval without Conditions (Criminal History) (1) Weinberg, Stephen**

On September 23, 2009, the Department received an application from Mr. Weinberg. Mr. Weinberg answered "No" to Applicant Background Questions. During the review of his fingerprint results provided by FDLE it was determined Mr. Weinberg did have one criminal infraction that required disclosing.

The criminal history includes one (1) offense relating to one incident of misdemeanor Reckless Driving in 2006, which occurred in Monroe County, Florida. Mr. Weinberg disclosed all required information. Mr. Weinberg's occupation at the time of this infraction was Vice President of World Wines (a wine distributor in Florida), his responsibilities included wine tasting. Although, Mr. Weinberg did not appear to be impaired he did acknowledge consuming alcohol the night of the infraction. Mr. Weinberg pled to Reckless Driving which was previously seen as non criminal offenses. However, pursuant to the Florida State it is a criminal offense.

The Department assessment is that if issued a preneed sales agent license, Mr. Weinberg would not pose an unreasonable risk to members of the public who might deal with him in preneed transactions.

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

**C. Recommended for Denial**  
**(1) Hazen, Michael**

On the application received by the Department on October 14, 2009, the applicant answered “No” to the Applicant Background Questions. During the review of his fingerprint results provided by FDLE it was determined Mr. Hazen did have four criminal infractions, two of the infractions required disclosing.

The criminal history includes one count of Obstructing Official Business and Carrying Concealed Weapon in Florida that occurred March 7, 2002. Due to the date of the infractions, Mr. Hazen was required to disclose these offenses on Hazen application. Mr. Hazen failed to comply with the Department’s request for a certified copy of the final disposition. However, during the review process of Mr. Hazen’s application, the Division searched Akron Municipal Courts online records to see if any information could be obtain concerning the March 7, 2002 charge. No information could be obtained.

The initial appointing entity, SCI Funeral Services of Florida, Inc., has withdrawn its appointment of Mr. Hazen has an agent. Mr. Hazen has not withdrawn his application. Therefore, the department is continuing with the denial process.

The Department assessment is that the misrepresentation of his criminal history is an indication of untrustworthiness. It is the Division’s belief that if issued a preneed sales agent license, Mr. Hazen would pose an unreasonable risk to members of the public who might deal with his 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).

**MOTION:** Ms. Anderson moved to deny the application based on failure to disclose criminal record and the lack of a Preneed Appointing Entity. Ms. Gail Thomas-Dewitt seconded the motion, which passed unanimously.

- 5. Continuing Education Course Approval(s)**
- A. Recommended for Approval without Conditions – Addendum B**
- (1) *Apex Continuing Education Solutions #4201*
  - (2) *Aurora Casket Company #129*
  - (3) *Florida Funeral Directors Association*
  - (4) *Independent Funeral Directors of Florida #135*
  - (5) *International Cemetery and Funeral Association #74*
  - (6) *National Funeral Directors Association #136*
  - (7) *Pinellas County Funeral Home Association #58*
  - (8) *Total Compliance Solutions Inc #36*

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

The Chair questioned whether Ms. Huggins had approved the courses.

Ms. Tracy Huggins answered yes.

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

- 6. Application(s) for Florida Laws and Rules Examination**
- A. Recommended for Approval without Conditions – Addendum C**
- (1) *Funeral Director and Embalmer - by Internship*
    - (a) *Gomez, Andrea C*
    - (b) *McHayle, Bonnie M*

- (c) *Schrader, Kaitlynn M*
- (2) *Funeral Director and Embalmer-by Endorsement*
  - (a) *McBrearty, Joseph G*
- (3) *Direct Disposer*
  - (a) *Koma, Justine L*
  - (b) *Lopez, Sarah R*
  - (c) *Rouzer, Susan J*

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

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

- 7. **Application(s) for Internship**
  - A. *Recommended for Approval without Conditions – Addendum D*
    - (1) *Funeral Director and Embalmer*
      - (a) *Cornwall, Michelle A*
      - (b) *Jenkins, Richard F*
      - (c) *Peoples, Karen Y*

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

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

- 8. **Application(s) for Embalmer Apprentice**
  - A. *Recommended for Approval without Conditions – Addendum E*
    - (1) *Rogers, Delvis D*

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

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

- 9. **Registration(s) as a Training Agency**
  - A. *Recommended for Approval without Conditions – Addendum F*
    - (1) *Funeral Directing and Embalming*
      - (a) *Kalis-McIntee Funeral & Cremation Center (F039832)*

This is a clean application. The Division recommends approval.

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

- (2) *Funeral Directing*
  - (a) *Gendron Funeral Home & Cremation Services (F057222)*

This is a clean application. The Department would note that there is an open complaint against Gendron Funeral Home & Cremation Services. This is an anonymous complaint that the Department is handling under the normal process. The Division recommends approval.

The Chair questioned whether the Board is permitted to know the nature of the complaint and whether it involves embalming.

Ms. Dudley stated if the case has not gone through Probable Cause yet, then the Board cannot know the nature of the complaint.



Ms. Taylor questioned whether this complaint is merely an allegation at this time.

Ms. Dudley concurred with Ms. Taylor. There has been no finding of probable cause.

Mr. Miller concurred with Ms. Dudley. This is a fairly recent complaint submitted anonymously. This is early in the process and has not gone to Probable Cause Panel.

**MOTION:** Ms. Huggins moved to defer the application until the investigation of the complaint has been completed. The motion failed due to a lack of a second.

Mr. Miller stated that the attorney for the Applicant was present and may be willing to waive deemer.

Ms. Wendy Wiener stated it is inappropriate for the Board to defer an application at this point in time, given that this is an anonymous complaint about which we have no knowledge, no information, nothing upon which to base a deferral or a denial particularly given the Agency's recommendation for approval. The Board approves licensees all the time and then they go through the process of whatever discipline may or may not come. This is simply an anonymous allegation by who knows who against the establishment.

Ms. Dudley stated that the Statute allows the Board to defer if there is an open investigation, in which there is. The Board is well within its right to defer and the deemer date would be tolled while this investigation is pending.

The Chair requested that Ms. Dudley explain the tolling of the deemer date.

Ms. Dudley stated that the application has to be approved or denied within 90 days or it is automatically approved if the Board does not address it within those 90 days, but there are certain provisions that would toll those 90 days. One of the provisions that would toll the 90 days and give the Board additional time to consider the application is if there is an open investigation into the Applicant. So, because there is an open investigation, the Board could vote to defer the application and see where the investigation goes.

Ms. Taylor questioned whether the attorney for the Applicant could waive that right to let the Board know what the allegation is so that the Board could possibly move forward today.

Ms. Dudley stated that the Applicant could waive the confidentiality, but it would be completely up to the attorney to make that decision.

Ms. Wiener stated that she would not waive confidentiality, but it is pointless as she has not been made aware of the nature of the complaint.

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

#### **10. Consumer Protection Trust Fund Claims**

##### ***A. Recommended for Approval without Conditions – Addendum G***

The Division recommends approval of the claim(s).

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

The Chair questioned whether the claims are failing off drastically or is it just an anomaly.

Mr. Miller stated there may be an anomaly.

Mr. Doug Shropshire stated that the Division has just begin, this month, the practice of putting CPTF claims on the Teleconference agenda, so there was only one in time for this particular agenda because it is a new practice.

11. **Change in Location of Establishment(s)**  
A. *Informational Item (Licenses Issued without Conditions) – Addendum H*  
(1) *Omega Funeral Services LLC d/b/a American Family Funerals & Cremations (F049914)*

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

12. **Application(s) for Preneed Branch Office Licenses**  
A. *Recommended for Approval without Conditions – Addendum I*

The Division recommends approval of the application(s).

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

13. **Application(s) for Monument Establishment Sales Agents**  
A. *Informational Item (Licenses Issued without Conditions) – Addendum J*

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

14. **Application(s) for Direct Disposal Establishment**  
A. *Recommended for Approval without Conditions*  
(1) *Coastal Cremations Inc (New Port Richey)*

The application for a Direct Disposal Establishment was submitted on January 14, 2010. The application was complete when submitted. The fingerprint cards for all principals were submitted and returned without criminal history. The Direct Disposer in Charge will be Cheryl Gooldin (F046877). The establishment passed its inspection on February 15, 2010. The Division is recommending approval without conditions.

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

15. **Application(s) for Funeral Establishment**  
A. *Recommended for Approval with Conditions*  
(1) *Buggs-Bellamy Funeral Services Inc (Jacksonville)*

The application for a Funeral Establishment was submitted on January 11, 2010. The application was incomplete when submitted. All deficient items were returned on February 1, 2010. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Director in Charge will be Wilbur Bellamy, Jr. (F043355). The Division is recommending approval with the condition that the establishment passes an on-site inspection by a member of the Division staff.

**MOTION:** Ms. Taylor moved to approve the application contingent upon a satisfactory inspection. Ms. Hubbell seconded the motion, which passed unanimously.

- (2) *E. H. Zion Funeral Home LLC (Opa-Locka)*

The application for a Funeral Establishment was submitted on January 29, 2010. The application was incomplete when submitted. All deficient items were returned on February 18, 2010. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Director in Charge will be Robert Brown (F046425). The Division is recommending approval with the condition that the establishment passes an on-site inspection by a member of the Division staff.

**MOTION:** Ms. Taylor moved to approve the application contingent upon a satisfactory inspection. Ms. Hubbell seconded the motion, which passed unanimously.

**(3) Russell Allen Wright Sr., Mortuary (Panama City)**

The application for a Funeral Establishment was submitted on January 21, 2010. The application was incomplete when submitted. All deficient items were returned on February 8, 2010. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Director in Charge will be Russell Wright, Sr. (F043164). The Division is recommending approval with the condition that the establishment passes an on-site inspection by a member of the Division staff.

Mr. Russell Allen Wright Sr stated that he has evidence of passing the inspection on February 8<sup>th</sup>.

The Chair stated that the Board appreciates the information, but this is a formality as the Board has a right to move forward subject to an onsite inspection.

**MOTION:** Ms. Thomas-Dewitt moved to approve the application contingent upon a satisfactory inspection. Ms. Taylor seconded the motion, which passed unanimously.

**(4) Savino Funeral Home Inc (Margate)**

The application for a Funeral Establishment was submitted on February 5, 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 Melanie Gendron (F058560). The Division is recommending approval with the condition that the establishment passes an on-site inspection by a member of the Division staff.

**MOTION:** Ms. Taylor moved to approve the application contingent upon a satisfactory inspection. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

**16. Application(s) for Removal Service**

**A. Recommended for Approval without Conditions**

**(1) Nationwide Cremation Services Inc d/b/a Southeastern Mortuary Services (Palm Harbor)**

The application was withdrawn from the Agenda, so that the Division may conduct some follow-up investigation, and will be considered at a later Board meeting.

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

**A. Recommended for Approval with Conditions**

**(1) The Simplicity Plan (Altamonte Springs)**

**(a) Agreement to Purchase Cemetery Interment Rights, Merchandise and Services FL-ORL-2/3/2010-CEM**

**(b) Agreement to Purchase Funeral Goods and Services FL-ORL-2/2/2010-FUN**

The agreements are substantially identical to the agreements approved at the February 2009 Board meeting. Revisions have been made to accommodate standardization in format, provide greater clarity in merchandise description and to remove the privacy policy, which will be delivered to the purchaser separate of the contract. There are no apparent revisions to terms or conditions that would negatively impact purchasers.

The Division recommends approval subject to Department receipt of two print-ready copies of each contract, within 60 days.

Ms. Huggins disclosed her affiliation with The Simplicity Plan and stated this would not affect her ability to remain fair and impartial.

**MOTION:** Mr. Jones moved to approve the agreement and addendum subject to Department receipt within 60 days of two print-ready copies. Mr. Lew Hall seconded the motion, which passed unanimously.

(2) *The Simplicity Plan, Inc. d/b/a All Faiths Cremation Society (Lady Lake)*  
(a) *Agreement to Purchase Cremation Goods and Services (Direct Disposer Contract)*

The agreement is submitted for The Simplicity Plan, Inc. d/b/a All Faiths Cremation Society. The agreement is substantially identical to the agreements approved for the Simplicity Plan Inc. at the February 2009 Board meeting. The agreement provides standardization in format, greater clarity in merchandise description and to removes the privacy policy, which will be delivered to the purchaser separate of the contract. There are no apparent inclusions or revisions to terms or conditions that would negatively impact purchasers.

The Division recommends approval subject to Department receipt of two print-ready copies of each contract, within 60 days.

**MOTION:** Mr. Helm moved to approve the agreement and addendum subject to Department receipt within 60 days of two print-ready copies. Ms. Anderson seconded the motion, which passed unanimously.

The Chair commended the Division and the Division staff for all of their hard work in putting together the meetings, both Committee and Board, and all of the administrative things that are done behind the scene, which is just exemplary. The Chair added as he travels throughout the State and talk to Industry members, there are a lot of comments on the Division staff and the improvement that has been shown there.

Mr. Miller thanked The Chair, on behalf of the Division, for his generous comments and advised that the same would be relayed to the Division staff. Mr. Miller added that it is a pleasure working with the Board.

**18. Executive Director's Report**

*A. Report from Richard Baldwin, Examiner for Menorah Gardens, December '09 (see attachment)*

This item is informational only and does not require Board action.

**19. Adjournment**

The meeting was adjourned at 10:46 a.m.