

Minutes
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
SEPTEMBER 2, 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. Doug Shropshire, Director, requested to make the usual prefatory comments for the record and then take the roll.

As a preliminary matter, let me state for the record that my name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, September 2, 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. My Assistant, Ms LaTonya Bryant-Parker, will take minutes of the meeting.

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.

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
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
Anthony Miller, Assistant Director
LaTonya Bryant-Parker, Department Staff
Jasmin Richardson, Department Staff
Lashonda Morris, Department Staff

ABSENT

Gail Thomas-DeWitt, Vice-Chairman

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

The Chair questioned whether all Board members received their packets. There was a positive response from the Board members.

2. Action on Minutes
A. August 5, 2010

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on August 5, 2010.

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

3. Application(s) for Preneed Sales Agent
A. Informational Item (License(s) 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.

4. Continuing Education Course Approval(s)
A. Recommended for Approval without Conditions – Addendum B
(1) American Academy McAllister Institute of Funeral Service #9808
(2) Batesville Management Services #86
(3) Funeral Review.Com, LLC #122
(4) Hospice Foundation of America #76
(5) Jewish Funeral Directors of America, Inc #66
(6) Matthews International #6802
(7) National Funeral Directors Association #136

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

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

5. Continuing Education Provider Approval(s)
A. Recommended for Approval without Conditions – Addendum C
(1) CenterOfExcellenceForFuneralServiceProfessionalsInc #11008
(2) Department of Health, Bureau of Vital Statistics #11408

These applications have been approved by the Continuing Education Committee and are recommended for approval.

Mr. Ken Jones disclosed his affiliation with the Department of Health and stated it would not affect his ability to remain fair and impartial.

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

6. Application(s) for Florida Laws and Rules Examination
A. Recommended for Approval without Conditions – Addendum D

- (1) *Direct Disposer*
 - (a) *Kavaklian-D'Annecy, Michel*
- (2) *Funeral Director and Embalmer - by Endorsement*
 - (a) *Harper, Bridget A*
 - (b) *Poulter, Lisa A*
 - (c) *Smith, Jan E*
- (3) *Funeral Director and Embalmer – by Internship*
 - (a) *Acosta, Eileen*
 - (b) *Covell, Cassidy D*
 - (c) *Heaton, Jeffrey S*
 - (d) *Lyle, Megan A*
 - (e) *Spann, Lindsey C*

The Division recommends approval of the application(s).

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

- 7. **Application(s) for Internship**
 - A. *Recommended for Approval without Conditions – Addendum E*
 - (1) *Funeral Director and Embalmer*
 - (a) *Miranda, Mercedes A*
 - (b) *Morgan, Charles T*
 - (c) *Nadekow, Candi J*
 - (d) *Xenos, Jennifer L*

The Division recommends approval of the application(s).

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

- 8. **Application(s) for Embalmer Apprentice**
 - A. *Recommended for Approval without Conditions – Addendum F*
 - (1) *Bakey, Paige N*
 - (2) *Colley, Raphael D*
 - (3) *Reading, Tammie L*
 - (4) *Strange, Stephen B*

The Division recommends approval of the application(s).

Mr. Lew Hall disclosed his affiliation with Stephen B Strange and stated it would not affect his ability to remain fair and impartial.

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

- 9. **Registration(s) as a Training Agency**
 - A. *Recommended for Approval without Conditions – Addendum G*
 - (1) *Funeral Directing and Embalming*

(a) Kent Care of Florida LLC d/b/a Abbey Funeral Home (Tallahassee)

The Division recommends approval of the application(s).

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

Mr. Shropshire stated that there was still a participant with their phone line open as the background noises are being heard. Mr. Shropshire again requested that the participants place their phones on mute.

10. Application(s) for Direct Disposal Establishment

A. Recommended for Approval without Conditions

(1) Eternal Cremation Services LLC (Clearwater)

An application for a Direct Disposal Establishment was received on July 22, 2010. The application was incomplete when submitted. All deficient items were returned on August 2, 2010. The fingerprint cards for all principals were returned with no criminal history. The Direct Disposer in Charge will be Mark Grande (F060594). The Division is recommending approval without conditions. The establishment passed its inspection on August 2, 2010.

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

B. Recommended for Approval with Conditions

(1) Edgley Cremation Services of Martin County LLC (Stuart)

An application for a Direct Disposal Establishment was received on August 6, 2010. The application was complete when submitted. The fingerprint cards for all principals were returned with no criminal history. The Direct Disposer in Charge will be William Glynn (F042222). 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 subject to the establishment passing an on-site inspection by a member of the Division staff. Ms. Hubbell seconded the motion, which passed unanimously.

11. Application(s) for Funeral Establishment

A. Recommended for approval with Conditions

(1) Gudes Funeral Home Inc (Tampa)

An application for a Funeral Establishment was received on June 18, 2010. The application was incomplete when submitted. All deficient items were returned on August 16, 2010. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Robert Jordan (F044867). The Division is recommending approval with the condition that the establishment passes an on-site inspection by a member of the Division staff.

Ms. Hubbell stated that the application was dated May 25, 2010 and it also stated it would be ready for inspection on that date. However, the articles were not filed until the 10th, nor were other documents signed. Ms. Hubbell questioned the discrepancy and why it was ready for inspection in May.

Mr. Shropshire stated that it is very common for during the application process for Applicants to anticipate a date that they would be ready for inspection. The Applicant feels this may speed the process up when in fact they are not ready.

Ms. Jasmin Richardson concurred with Mr. Shropshire. When the application was submitted, the Applicant thought that they were ready for inspection but the inspection is not requested until all of the application requirements are fulfilled.

MOTION: Ms. Taylor moved to approve the application subject to the establishment passing an on-site inspection by a member of the Division staff. Ms. Anderson seconded the motion, which passed unanimously.

(2) Lawson Funeral Home & Cremation Services Inc (St Petersburg)

An application for a Funeral Establishment was received on July 2, 2010. The application was complete when submitted. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Cecelia Lawson (F043458). The Division is recommending approval subject to the terms & conditions of the stipulation for licensure. The establishment passed its inspection on August 13, 2010.

Mr. Shropshire stated that Mr. John Rudolph, representing Lawson Funeral Home and also perhaps the principal are present.

The Chair questioned whether Ms. Cecelia Lawson was still on the line.

Ms. Lawson confirmed that she was still on the line.

The Chair questioned Lisa Speights' role in Lawson Funeral Home.

Ms. Lawson stated that Lisa Speights has no role and will not be an employee of Lawson Funeral Home, nor has she ever been.

Mr. Jones questioned what role Ms. Speights previously had as it appears she had some involvement.

Ms. Lawson stated that Ms. Speights was never an employee of Lawson Funeral Home. Ms. Speights was involved with McRae.

Mr. John Rudolph stated that Ms. Speights wrote contracts for McRae Funeral Home when she did not have a license and that is what this whole issue is about. McRae Funeral Home has nothing to do with this application.

Mr. Jones thanked Mr. Rudolph for the clarification.

MOTION: Mr. Jones moved to approve the application subject to the terms & conditions of the stipulation for licensure, which would call for a \$500 fine, 1 year probation and the Respondent agrees to honor all contracts written on Respondent's contract forms by Lisa Speights or any other person or entity, as long as the consumer can produce documentation that they paid the sum owed on the contract. Ms. Hubbell seconded the motion, which passed unanimously.

12. Application(s) for Monument Establishment Retailer

A. Recommended for Approval *without* Conditions

(1) A Bronze Monument LLC (Miami)

The application was received on July 8, 2010 and deficiencies were noted. A deficiency letter was sent on July 13, 2010 and the applicant resolved all deficiencies by July 22, 2010. The Department completed a background check of all officers which revealed no criminal history. The Division recommends approval of the application.

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

(2) Etched Impressions LLC (Jacksonville)

The application was received on July 22, 2010 and deficiencies were noted. A deficiency letter was sent on August 3, 2010 and the applicant resolved all deficiencies by August 10, 2010. The Department completed a background check of all officers which revealed no criminal history.

The Division does have some supplemental information concerning this Applicant. Item 9, page 4 of the application, the Applicant did not answer the questions in (b), which is in fact proper for them not to have answered that because those questions are relevant to a builder and they are applying for a retailer license. However, the Division did contact the Applicant and requested that they answer those questions, for informational purposes, and their answers were as follows:

Do you currently have, or will you have before commencing operations:

1. an office in which to conduct business, including the reception of customers? **YES**
2. a display area in which is displayed a selection of monuments, markers and related products for inspection by customers prior to sale? **YES**
3. facilities on site for inscribing monuments? **We will have an etching machine onsite.**
4. equipment to deliver and install markers and monuments? **YES**
5. will the office and display area be open to the public weekdays during normal business hours? **YES**

Mr. Shropshire questioned whether the Applicant was on the line.

Ms. Gayla Reed confirmed her presence.

Mr. Shropshire questioned whether he accurately summarized the Applicant's answers to the questions.

Ms. Reed concurred.

Ms. Hubbell questioned whether there is an independent structure as it appeared that the residential address and the business address were the same.

Ms. Reed stated that her residential address is in Callahan, FL and the business address is 538 Chatham Street, Jacksonville, FL. There is a separate structure for the monument retail area.

The Division recommends approval of the application.

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

- 13. Monument Retail Sales Agreement(s)**
A. Recommended for Approval with Conditions

(1) A Bronze Monument LLC (Miami)

Staff recommends approval of the agreement.

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

(2) Etched Impressions LLC (Jacksonville)

Staff recommends approval of the agreement.

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

14. Preconstruction Performance Bonds

A. Recommended for approval *with* Conditions

(1) SCI Funeral Services of Florida Inc d/b/a Forest Lawn Memorial Gardens (Pompano Beach)

The Chair declared his affiliation with SCI Funeral Services of Florida Inc and stated it would not affect his ability to remain fair and impartial.

SCI intends to construct a new mausoleum at its Forest Lawn Memorial Gardens (F039648), in Pompano Beach.

Pursuant to s. 497.272, Fla. Statutes, typically, a pre-construction trust must be put in place if sales are going to occur prior to completion. However, s. 497.272(8) provides that in lieu of the pre-construction trust fund, the cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator.

The licensee has submitted for approval a performance bond, in lieu of a pre-construction trust. The mausoleum project, and the bond, is summarized as follows:

- Project: 320 Crypt Mausoleum – 220 single crypts, 50 tandem crypts, 96 niches
- Cost: \$660,450
- Bond Amount: \$726,495
- Bond Number: SUR 0008653
- Surety Company: Argonaut Insurance Company

Cemetery agrees to complete said construction by Dec. 17, 2010 and in accordance with Attachment "A" hereto, which Attachment "A" is incorporated herein and which Attachment is generally described as follows: Attachment "A" consists of 30 single-sided pages in total, each page of which is sequentially numbered by a hand written page number in the lower right corner enclosed in a hand drawn circle. The first page of Attachment "A" is a 2 page cover letter dated August 6, 2010, from Gibraltar Mausoleum Construction Company (hereinafter "Gibraltar"), to SCI management LP, Mr. Dennis Smith. There then follows in Attachment "A" a single page construction cost estimate, followed by an executed Construction Agreement dated July 22, 2010, with its attachments, between SCI Funeral Services of Florida, Inc., and Gibraltar.

The Division recommends approval of the pre-construction performance bond in lieu of trusting.

MOTION: Mr. Jones moved to approve the pre-construction performance bond. Ms. Huggins seconded the motion, which passed unanimously.

(2) *SCI Funeral Services of Florida Inc d/b/a Palms-Robarts Funeral Home and Memorial Park (Sarasota)*

SCI intends to construct a new mausoleum at its Palms-Robarts Funeral Home and Memorial Park (F039513), in Sarasota.

Pursuant to s. 497.272, Fla. Statutes, typically, a pre-construction trust must be put in place if sales are going to occur prior to completion. However, s. 497.272(8) provides that in lieu of the pre-construction trust fund, the cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator.

The licensee has submitted for approval a performance bond, in lieu of a pre-construction trust. The mausoleum project, and the bond, is summarized as follows:

Project: 340 Crypt Mausoleum – 140 single crypts, 100 tandem crypts

Bond Amount: \$474,886

Bond Number: LPM 8986316

Surety Company: Fidelity and Deposit Company of Maryland

Cemetery agrees to complete said construction 156 calendar days from commencement date and in accordance with the attached construction agreement dated August 23, 2010, with Gibraltar Mausoleum Construction Co.

The Division recommends approval of the pre-construction performance bond in lieu of trusting.

MOTION: Ms. Huggins moved to approve the pre-construction performance bond. Ms. Taylor seconded the motion, which passed unanimously.

15. Adjournment

The meeting was adjourned at 10:24 a.m.