

Minutes
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
May 5, 2011 - 10:00 A.M.

1. Call to Order, Preliminary Remarks 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, May 5, 2011. The time is approximately 10:01am. 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
Gail Thomas-DeWitt, Vice-Chairman
Jean Anderson
Lewis "Lew" Hall
Powell Helm
Nancy Hubbell
Tracy Huggins
Ken Jones

ABSENT

Col. Don Stiegman

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

ALSO PRESENT:

Doug Shropshire, Executive Director
Allison Dudley, Board Counsel
Anthony Miller, Assistant Director

LaTonya Bryant-Parker, Department Staff
Jasmin Richardson, Department Staff

The Chair questioned whether all Board members received their packets. There were positive responses from the Board members.

2. Action on the Minutes

A. April 7, 2011

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on April 7, 2011.

MOTION: Mr. Ken Jones moved to adopt the minutes of the meeting. Mr. Lew Hall seconded the motion, which passed unanimously.

3. 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 with Conditions (Criminal History)

(1) Galoppe, Anthony (Appointing Entity: Neptune Management, Inc.)

On the application received by the Department on March 30, 2011, the applicant answered “Yes” to the Applicant Background Questions. During the review of his fingerprint results provided by FDLE, it was confirmed that Mr. Galoppe did have one criminal infraction that required disclosing.

The criminal history includes one (1) felony offenses relating to a traffic incident of DUI-Leave Scene Accident Injury to Another in 2001, which occurred in Brooksville, Florida. Mr. Galoppe disclosed all required information. Mr. Galoppe, who is now 49 yrs old, acknowledges that alcoholism is a disease. Mr. Galoppe is truly sorry for his past mistakes and truly grateful that he never seriously hurt anyone. He has been very candid, cooperative with the Division’s staffer and has worked very hard to become a better citizen.

Mr. Galoppe regularly attended AA meetings and he’s enrolled in Specialized Supervision Driving program at Metro Traffic School, under the supervision of Ms. Sherry Workman, he reports monthly. Mr. Galoppe filed a motion with the courts to have his probation terminated early, motion approved on October 17, 2003. Also, on July 11, 2007, the Office of Executive Clemency restored his civil rights.

The Department assessment is that if issued a preneed sales agent license, Mr. Galoppe would not pose an unreasonable risk to members of the public who might deal with him in preneed transactions. The Division recommends approval subject to the terms & conditions of the attached stipulation for licensure, including but not limited to the following:

- (1) That the Applicant be on 24 full months of probation after license.
- (2) That the Applicant quarterly provides the Division with proof of continual successful participation in the Specialized Supervision Driving program at Metro Traffic School.

MOTION: Ms. Gail Thomas-Dewitt moved to approve the application with the conditions recommended by the Division. Ms. Nancy Hubbell seconded the motion, which passed unanimously.

4. **Application(s) for Preneed Branch License**
A. *Recommended for Approval without Conditions – Addendum B*

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

5. **Continuing Education Course Approval(s)**
A. *Recommended for Approval without Conditions – Addendum C*
(1) *Florida Morticians Association, Inc #133*
(2) *FuneralCE #43*
(3) *National Funeral Directors Association #136*
(4) *New Jersey Funeral Service Education Corp. #7002*
(5) *Pinellas County Funeral Home Association #58*

These courses have been approved by the Continuing Education Committee and are recommended for approval of the course(s) for the number of hours indicated in the materials before you.

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

6. **Application(s) for Florida Law and Rules Examination**
A. *Recommended for Approval without Conditions – Addendum D*
(1) *Funeral Director and Embalmer – by Endorsement*
(a) *Delaney, Roger L*
(b) *Durham, Mary E*
(2) *Funeral Director and Embalmer – by Internship and Exam*
(a) *Cavazos, Sergio M*
(b) *Chery, Luc G*
(c) *Manson, Ernest L*
(d) *Rodriguez, Stephanie M*
(e) *Smith, Charles R*
(f) *Thayer, Gregory T*

The Division recommends approval of the application(s).

MOTION: Ms. Huggins moved to approve the application(s). Ms. Hubbell 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) *Glick, Jeffrey A*
(b) *Lee, Linda B*
(c) *Sellers, Brittany T*

The Division recommends approval of the application(s).

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

8. **Application(s) for Embalmer Apprentice**
A. *Recommended for Approval without Conditions – Addendum F*
(1) *Box, Bryan W*
(2) *Weimer, Anne E*

The Division recommends approval of the application(s).

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

9. **Change in Location of Establishment**
A. *Informational Item (Licenses Issued without Conditions) – Addendum G*
(1) *Clymer Cremations and Funeral Home Inc (Palm Coast) (F040142)*
(2) *Eden Funeral Services LLC (Pompano Beach) (F052853)*
(3) *Eric George Funeral Home (Dania) (F01460)*

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

10. **Registration(s) as a Training Agency**
A. *Recommended for Approval without Conditions – Addendum H*
(1) *Funeral Directing*
(a) *GF Ventures LLC d/b/a Glick Family Funeral Homes (F062802) (Boca Raton) (47)*
(b) *Russell Haven of Rest Cemetery Inc (F052582) (Green Cove Springs) (53)*

The Division recommends approval of the application(s).

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

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

The Division recommends approval of the claim(s).

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

12. **Application(s) for Monument Establishment Sales Agent**
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.

13. **Application(s) for Centralized Embalming Facility**
A. *Recommended for Approval with Conditions*
(1) *S. E. Combined Services of Florida LLC d/b/a Tampa Care, Administration & Training Center (Tampa)*

An application for a Centralized Embalming Facility was received on March 31, 2011. The application was incomplete when submitted. All deficient items were returned on April 12, 2011. The fingerprint cards for all principals were returned with no criminal history. The Embalmer in Charge will be James Covington, Jr. (F046253). There is a current funeral establishment, Blount, Curry & Roel Fun Homes & Cemeteries (F040203) at this location. If approved, the funeral establishment license will be invalid and the location will operate as a centralized embalming facility only. The Division is recommending approval subject to the condition(s) as follows:

- (1) That the establishment passes an on-site inspection by a member of the Division staff.
- (2) That the surrender of funeral establishment license F040203 at this location be accepted.

Ms. Huggins disclosed her affiliation with the Applicant but indicated that it would not affect her ability to remain fair and partial.

MOTION: Mr. Jones moved to approve the application with the condition that the establishment passes an on-site inspection by a member of the Division staff and that the surrender of funeral establishment license F040203 at this location is accepted. Mr. Hall seconded the motion, which passed unanimously.

14. Application(s) for Cinerator Facility
A. Recommended for Approval with Conditions
(1) Cremation Center of Tampa Bay LLC (Tampa)

An application for a Cinerator Facility was received on April 6, 2011. 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 Carmen Yebba (F045714). 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. Thomas-Dewitt moved to approve the application with the condition that the establishment passes an on-site inspection by a member of the Division staff. Ms. Huggins seconded the motion, which passed unanimously.

15. Application(s) for Funeral Establishment
A. Recommended for Approval with Conditions
(1) Eternity Funeral Home and Cremations of Nassau LLC (Yulee)

An application for a Funeral Establishment was received on February 22, 2011. The application was incomplete when submitted. All deficient items were returned on April 4, 2011. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Karen Bacchus (F045233). 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. Anderson moved to approve the application with the condition that the establishment passes an on-site inspection by a member of the Division staff. Mr. Jones seconded the motion, which passed unanimously.

(2) Island Cremations LLC (Merritt Island)

An application for a Funeral Establishment was received on April 8, 2011. The application was incomplete when submitted. All deficient items were returned on April 20, 2011. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Paul Mazzoni (F025275). The Division

is recommending approval with the condition that the establishment passes an on-site inspection by a member of the Division staff.

MOTION: Mr. Jones moved to approve the application with the condition that the establishment passes an on-site inspection by a member of the Division staff. Ms. Hubbell seconded the motion, which passed unanimously.

(3) Rogers Funeral Home Inc (Opa-Locka)

An application for a Funeral Establishment was received on March 29, 2011. The application was incomplete when submitted. All deficient items were returned on April 18, 2011. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Jon Shipp, Sr. (F044693). The Division is recommending approval with the condition that the establishment passes an on-site inspection by a member of the Division staff.

Mr. Hall questioned whether there were any issues of problems associated with the apprenticeship license for Mr. Delvis Rogers expiring on March 4, 2011.

Ms. Jasmin Richardson stated there were no issues. The license just expired.

Mr. Hall stated that the license was just issued in 2010. It appears it should have been valid for longer than that.

Ms. Richardson stated that apprentice licenses are issued for one year unless the Licensee requests to have them extended.

Mr. Hall questioned whether there was a request by Mr. Rogers to extend his license.

Ms. Richardson answered, "No."

Mr. Shropshire questioned whether Mr. Hall feels there is some information the Division may need to look into.

Mr. Hall stated that usually an embalmer apprenticeship can go for 3 years or even 5 years if the Licensee is in school. Mr. Hall stated he was just curious as to why Mr. Rogers would allow his apprenticeship license to expire while he is opening a funeral home.

Mr. Delvis Rogers stated that his apprenticeship license was issued at E. A. Stevens Funeral Home. Unfortunately, E. A. Stevens' license has been revoked. Therefore, Mr. Rogers is in the process of locating another training agency to complete his apprenticeship under.

The Chair questioned whether this answers Mr. Hall's question.

Mr. Hall answered, "Yes sir."

MOTION: Mr. Jones moved to approve the application with the condition that the establishment passes an on-site inspection by a member of the Division staff. Mr. Hall seconded the motion, which passed unanimously.

16. Application(s) for Removal Facility

A. Recommended for Approval *without* Conditions

(1) Funeral Removal Center LLC (Miami)

An application for a Removal Service was received on February 11, 2011. The application was incomplete when submitted. All deficient items were returned on April 6, 2011. The fingerprint cards for all principals were returned with no criminal history. The removal service passed its inspection on April 19, 2011. The Division is recommending approval without conditions.

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

B. Recommended for Approval with Conditions
(1) Florida First Call Removal Service LLC (Lakeland)

Florida First Call Removal Service LLC (F053542) submits this request for approval of a change in location of the removal service, as required by s. 497.385(1)(g)2, Florida Statutes.

The application for a Removal Service was submitted on March 25, 2011. The application was complete when submitted. The fingerprint cards for all principals were submitted and returned without criminal history. The Division is recommending approval with the condition that the establishment passes an on-site inspection by a member of the Division staff.

Mr. Hall disclosed his affiliation with the Applicant but indicated that it would not affect his ability to remain fair and partial.

MOTION: Ms. Huggins moved to approve the application with the condition that the establishment passes an on-site inspection by a member of the Division staff. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

17. Application(s) for Monument Establishment Builder License
A. Recommended for Approval without Conditions
(1) All Bronze, Inc. (Hialeah)

The application was received on March 21, 2011 and deficiencies were noted. A deficiency letter was sent on April 1, 2011 and the applicant resolved all deficiencies by April 13, 2011. The Department completed a background check of all officers which revealed no criminal history. Applicant passed the required inspection of facility for monument builder as of April 21, 2011, as set forth under 497.552, F.S.

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

18. Application(s) for Monument Establishment Retailer License
A. Recommended for Approval without Conditions
(1) Florida Wilbert, Inc. d/b/a Pyramid Memorials and Monuments, Inc. (Jacksonville)

The application was received on March 21, 2011 and deficiencies were noted. A deficiency letter was sent on March 25, 2011 and the applicant resolved all deficiencies by April 13, 2011. The Department completed a background check of all officers which revealed no criminal history.

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

19. Trust Transfer Request(s)

A. Recommended for Approval with Conditions

(1) Oakdale Cemetery Association d/b/a Oakdale Cemetery (Deland) (F039443)

(a) Transfer of Chapter 497.417 (pre-2005) Perpetual Care Cemetery and Cemetery Care & Maintenance Trust from Bank of America to Regions Bank

Oakdale Cemetery Association d/b/a Oakdale Cemetery (F039443) has appointed Regions Bank as successor trustee and requests transfer of the above mentioned trust accounts currently held by Bank of America to Regions Bank. The transfer includes the trust accounts for the perpetual care and cemetery care and maintenance trust funds for Oakdale Cemetery, currently owned by the Oakdale Cemetery Association. Regions Bank will continue to operate under the existing trust agreements.

The Division is recommending approval with the following conditions:

- (1) That Regions Bank provides a certification statement that as trustee it meets the requirements of Rule 69K-7.015(1) or (2).
- (2) That the former trustee provides a certificate stating the dollar amount of trust assets being transferred.
- (3) That Regions Bank, as new Trustee, provides acknowledgement of receipt of the amount of trust assets being transferred as specified by the former trustee.
- (4) That the effective date of the transfer and all above certifications be provided to the Division within 60 days of the date of this Board Meeting.

MOTION: Ms. Huggins moved to approve the request with the conditions recommended by the Division. Mr. Jones seconded the motion, which passed unanimously.

20. Contract(s) or Other Related Forms

A. Recommended for Approval with Conditions

(1) Monument Establishment Retail Sales Agreement(s)

(a) All Bronze, Inc. (Hialeah)

The Division is recommending approval since the application for monument establishment builder license presented at this meeting for All Bronze, Inc. was approved.

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

(b) Florida Wilbert, Inc. d/b/a Pyramid Memorials and Monuments, Inc. (Jacksonville)

The Division is recommending approval since the application for monument establishment retailer license presented at this meeting for Florida Wilbert, Inc. d/b/a Pyramid Memorials and Monuments, Inc. was approved.

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

(2) Preneed Sales Agreement(s)

(a) Sea Pines Memorial Gardens, Inc. (Edgewater)

The licensee, Sea Pines Memorial Gardens, Inc. has submitted its preneed cemetery (CE-1: 03/08) agreement to be used exclusively for cemetery and preneed sales through its licensed cemetery and preneed establishment and branches.

The Division is recommending approval with the condition that the Department receives within 60 days two full-sized print-ready copies of the amended final agreements.

MOTION: Ms. Anderson moved to approve the agreement with the condition that the Department receives two full-sized print-ready copies of the amended final agreements within 60 days of this meeting. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

21. Adjournment

The meeting was adjourned at 10:25 a.m.