

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
November 3, 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, November 3, 2011. 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. The meeting is occurring by Teleconference with some members of the Public here with the Division staff here in the Alexander Building, in Tallahassee, Florida and in fact we have some members of the Public here with us. The call in number has also been made available to the public. My Assistant, Ms LaTonya Bryant-Parker, will take minutes of the meeting, which is being 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. I repeat, please put your 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 respectfully reminded of the necessary protocol that only one person may speak at the time.

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 (delayed)
Jean Anderson
Lewis "Lew" Hall
Powell Helm
Nancy Hubbell
Tracy Huggins
Ken Jones
Richard "Dick" Mueller
Col. Don Stiegman

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

Also noted as present:

Doug Shropshire, Executive Director
Clark Jennings, Board Legal Advisor (via phone)
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 Minutes

A. October 5, 2011

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on October 5, 2011.

MOTION: Mr. Lew Hall moved to adopt the minutes of the meeting. Mr. Ken Jones 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) Orr, Jason Brannon (Appointing Entity: M&M Florida Enterprises, Inc.)

On August 9, 2011, the Department received an application from Mr. Orr. Mr. Orr answered “No” to Applicant Background Questions. During the review of his fingerprint results provided by FDLE it was determined Mr. Orr had one criminal traffic infraction that required disclosing. Mr. Orr was asked to provide an explanation for the inaccuracy on his application. Mr. Orr’s explanation “I was not trying to hide anything about my past history. I simply misunderstood the question when I filled the application out”.

The criminal history includes (1) offense relating to one incident of Driving While License Suspended/Revoked (2nd Offense) in 2008, which occurred in Highlands County, Florida. Upon request Mr. Orr disclosed all required information. The Department assessment is that if issued a preneed sales agent license, Mr. Orr would not pose an unreasonable risk to the members of the public who might deal with him in preneed transactions.

The Division is recommending approval subject to the terms & conditions of the attached stipulation for licensure which calls for the Licensee be on 12 full months of probation.

MOTION: Mr. Powell Helm moved to approve the application subject to the terms & conditions of the attached stipulation for licensure which calls for the Licensee be on 12 full months of probation. Mr. Jones seconded the motion, which passed unanimously.

(2) Ruetschi, Jenny E. (Appointing Entity: The Simplicity Plan, Inc.)

On October 11, 2011, the Department received an application from Ms. Ruetschi. Ms. Ruetschi answered “Yes” to Applicant Background Questions. During the review of her fingerprint results provided by FDLE it was confirmed, Ms. Ruetschi did have one criminal infraction that required disclosing.

The criminal history includes (1) offense relating to one incident of Driving Under the Influence in 2008, which occurred in Pinellas County, Florida. Upon request Ms. Ruetschi disclosed all required information. The Department assessment is that if issued a preneed sales agent license, Ms. Ruetschi would not pose an unreasonable risk to the members of the public who might deal with him in preneed transactions.

The Division is recommending approval subject to the terms & conditions of the attached stipulation for licensure which calls for the Licensee be on 12 full months of probation.

MOTION: Ms. Gail Thomas-Dewitt moved to approve the application subject to the terms & conditions of the attached stipulation for licensure which calls for the Licensee be on 12 full months of probation. Ms. Jean Anderson seconded the motion, which passed unanimously.

4. Application(s) for Preneed Main License

A. Recommended for Approval with Conditions

(1) Atlantic Mortuary & Cremation Services, Inc (Rockledge)

Applicant applies for a preneed main license, to operate at 117 Barton Ave., Rockledge FL. The Department received the application on September 26, 2011 and no deficiencies were noted on the application. A completed background check of all officers revealed no criminal history.

The qualifying Licensee will be a funeral establishment also operating at 117 Barton Ave., under license number F054400, under the name Atlantic Mortuary & Cremation Service Inc., d/b/a Atlantic Burial & Cremation Service. Applicant will sell insurance-funded preneed through Homesteaders Life Insurance Company and will use the approved Homesteaders preneed contract form. The Applicant's financial statements as of December 31, 2010 reflect the following:

Required Net Worth	= \$	10,000
Reported Net Worth	= \$	40,525

The application in this matter indicates that one June Smith is a principal of the Applicant. In approximately 2001 June Smith applied for and obtained a license to operate a funeral establishment at 117 Barton Ave., Rockledge, FL. In approximately August 2006, she sold her stock to one David Comoletti, and the Board approved the change of ownership. Mr. Comoletti subsequently applied for and was issued a preneed main license, qualified by the said funeral establishment.

On approximately December 2008, Mrs. Smith filed a foreclosure suit against Mr. Comoletti for nonpayment, and in approximately June 2009 she prevailed in the foreclosure suit. The foreclosure sale occurred in July 2009 and all ownership reverted back to Mrs. Smith.

In approximately March 2009 Mrs. Smith and her spouse, Harvey Smith, applied for and obtained a funeral establishment license for 3815 N US 1, Building D, in Cocoa, Florida. In approximately October 2009 the Board approved her request to relocate the funeral establishment to the 117 Barton Avenue, Rockledge location.

In approximately June 2009 an investigation of June Ellis' activities was conducted in regard to an allegation that her funeral establishment had advertised prior to licensure, and had sold preneed without a license. Ms. Ellis's denied the allegations and asserted to the effect that the activity in issue was attributable to Mr. Comoletti. No probable cause was found.

Applicant has offered and agreed to honor at Applicant's expense the preneed contracts sold by Mr. Comoletti under the preneed license issued to the Comoletti preneed firm. It is understood by the Division that in making this agreement, Applicant does not concede any private civil liability for those prior preneed contracts. It is further understood by the Division that Applicant may after the license applied for herein has been in effect for 2 years, approach the Division and the Board for modification or release from Applicant's agreement to be responsible for said preneed contracts issued under the Comoletti preneed license; such modification or release, if granted, would only be in regard to preneed contracts becoming at-need after such modification or release is granted, and would not include any modification or release for such preneed contracts honored by Applicant prior to seeking such modification or release.

The Division is recommending approval subject to the following conditions:

- (1) That the Board approve the application based upon the attached **Stipulation for Licensure** agreement entered into by the Division and the Applicant, which calls for, among other things:
 - 2 year probation.
 - agreement for 100% trusting or insurance funding.
 - agreement to honor the preneed contracts sold by Mr. Comoletti.

Ms. Wendy Wiener, representing the Applicant, stated that the Applicant expressly denies any relationship with Mr. Comoletti.

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

(2) D&L Real Estate Investments, LLC (Ocala)

The Department received the application on August 8, 2011 and deficiencies were noted on the application. A deficiency notice was sent to the Applicant on August 12, 2011 and all deficiencies were resolved as of August 30, 2011. A completed background check of all officers revealed no criminal history.

Applicant currently holds a qualifying funeral establishment license (F063797), approved by the Board as of March 10, 2011, and will sell insurance-funded preneed through Great Western Insurance Company and use the Great Western pre-approved contract of funeral goods and services.

The Applicant's financial statements as of March 31, 2011 reflect the following:

Acquired Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	83,382

Documentation establishes that O'Donald B. Clark (III) (a principal of Applicant herein), was discharged from Ch. 7 bankruptcy on November 6, 1998, by the Federal District Court, District of New Jersey. It was a personal bankruptcy action and discharge. Applicant provided a notarized statement disclosing the bankruptcy as supporting documentation. In view of the bankruptcy, the FCCS Division requested additional materials from Applicant:

- a) Court documentation evidencing that the bankruptcy was discharged.
- b) A personal financial statement for officer and owner, O'Donald B. Clark (III)
- c) A current invoice from a vendor whom Applicant has an account with as evidence that the account is in good standing and a current business bank statement.

Applicant has provided the requested information and material. Special Representations by Applicant (see Stipulation for Licensure):

- a) Applicant represents to the Board that neither Applicant nor any of Applicant's principals have any business relationship with Alfred Cunningham, Helen Cunningham, Algernon Cunningham, or Alfred Cunningham Jr. (hereinafter collectively the "Cunninghams"), or with any business in which any of the Cunninghams have any interest.
- b) Applicant represents to the Board that none of the Cunninghams will at any time now or in the future have any involvement or interest in the operation of the Licensee, if the license is issued.
- c) Applicant represents to the Board that the license and business operated under the license will not be sold or otherwise transferred, directly or indirectly, to the Cunninghams, or any of the Cunninghams individually, or to any business of which the Cunninghams or any of them have a direct or indirect interest or employment.
- d) Applicant consents that if it be proven that any part of the special representations set forth above is or was inaccurate, or any part of the special representations is violated whether intentionally or unintentionally, the license applied for herein shall be revoked.

Ms. Nancy Hubbell stated that the financial statement was from January to March 2011. This company was not licensed as a funeral establishment until March 25th, so it appears in a 5-day period they generated \$38,000 in income. The income statement showed rent of over \$10,000 for the first 3 months. The building and structures were listed on the balance sheet at \$75,000. Mr. Hubbell questioned what the Applicant is renting.

Ms. Wiener, representing the Applicant, stated that none of these issues were raised prior to today's meeting so she could not provide answers to those particular questions at this very moment. Ultimately, this is a new preneed license, so there is only a requirement for a minimum net worth of \$10,000 and the reported net worth exceeds that by a significant sum.

The Chair questioned whether Ms. Wiener has an explanation for the income of \$38,500.

Ms. Wiener responded that she did not have an explanation but added that she could contact the Licensee in attempt to answer that question if it pleases the Board.

Mr. Clark Jennings stated that it may be best that this particular matter be tabled to allow Ms. Wiener to make a phone call to ascertain the information.

The Chair questioned whether there are any other questions Ms. Hubbell may want addressed.

Ms. Hubbell responded, "No."

Mr. Hall questioned whether the \$60,000 declared in the Life Insurance section was face amount or cash value as the breakdown was not disclosed. Mr. Hall questioned whether the Applicant would want to table the item until the next meeting to allow time for clarification.

Ms. Wiener stated that she is sure the Applicant does not want to table their application for another month. Even if the figures are withdrawn, that rent amount shows up as an expense as opposed to a rental income that they are receiving. This is a situation where there is a lease purchase that is ongoing, so what is showing up as assets may be something related to improvements that they have made, but in any event even if those figures are withdrawn, they well exceed the \$10,000 minimum net worth so they meet requirements for licensure.

Mr. Shropshire questioned whether this item could be temporarily passed to allow Ms. Wiener the opportunity of getting the Applicant's principal to call in to try and answer these questions.

The Chair stated that the Board also has the option to table the item rather than temporarily passing it.

MOTION: Mr. Mueller moved to table the item until later in the meeting. Ms. Hubbell seconded the motion, which passed unanimously.

Mr. Shropshire stated that Mr. Clark, a principal of the Applicant, is on the line now to try and answer questions.

Mr. Shropshire requested that Mr. Clark raise his right hand to be sworn in. "Do you solemnly swear that the testimony you are about to give in this matter will be the truth, the whole truth and nothing but the truth so help you God?"

Mr. O'Donald B Clark, III answered, "So help me God, I do."

Ms. Hubbell stated that the financial statement reflected \$38,000 worth of income from January to the end of March, that first quarter, and it appeared that the facility was not licensed until the 25th of March. Ms. Hubbell questioned whether it is reasonable that there were that many sells in a five day period.

Mr. Clark stated that they were operating under Sunset Memorial and at that point, the Board approved by licensing us to release it. The community wanted us to keep the name "Cunningham" so the Board approved D&L Real Estate LLC d/b/a Cunningham around that particular time. We came here on January 5th and did about \$75,000 worth of improvements to the facility operating under Sunset Memorial. Once D&L was approved, the name was changed from Sunset to D&L Real Estate LLC d/b/a Cunningham Funeral Home.

Ms. Hubbell questioned whether the financial statements reflect the business from January then to the end of March, 2 separate entities but one in the same, different names.

Mr. Clark stated he is unsure how the accountant did it. That is the only reason that would explain what happened.

Ms. Wiener stated that D&L was managing the facility for the prior owner under the prior owner's license, so that was money generated by D&L as a result of its management. Once the license was approved for D&L to operate the funeral establishment, then the licensing changed over to D&L but they were operating the facility on behalf of the former Licensee for a period of time.

Ms. Hubbell questioned who owns the property.

Ms. Wiener stated that the property for the funeral home has not changed hands. There is a lease-purchase option, which I believe accounts for the rental payments as well. D&L is currently leasing the property that is the funeral establishment and

has an option to purchase it in the future. It is owned by the former owner and has not changed hands. The property is not owned by the Cunninghams.

Mr. Shropshire questioned why there is a funeral home building shown on the D&L Real Estate LLC balance sheet shown as a \$50,000 asset.

Mr. Clark stated that the \$50,000 was the down payment to enter into to 36-month option to purchase the funeral home.

Mr. Hall questioned whether it was \$50,000 or \$750,000.

Ms. Wiener stated that it was \$50,000.

Mr. Clark stated that the total cost is \$750,000, but the \$50,000 down payment brought the cost down to \$700,000.

Mr. Hall stated that the handwritten sheet of the assets shows \$750,000 in assets for the funeral home.

Mr. Clark stated that \$50,000 was paid on the contract.

Mr. Hall questioned how the \$750,000 is being carried over to the asset column if this is a lease.

Ms. Wiener stated that she did not submit this application originally, so she could not speak to the handwritten note. The more current, corrected financial statements, which appear to be prepared by an accountant, are the typewritten ones that are earlier in the packet and show an asset of \$50,000 based on those improvements. Even if you take that \$50,000 off they still meet the net worth requirement.

Mr. Shropshire stated that the handwritten materials are attached to the personal financial statement of Mr. Clark and Yves-Iande Pierre, so they are not asserted to be part of the Applicant's property. Mr. Shropshire questioned whether Mr. Clark owns a funeral home.

Mr. Clark responded that he does not own a funeral home and only has an option on the funeral home to purchase it.

The Chair questioned Mr. Clark's relationship with any members of the Cunningham family.

Mr. Clark stated that he does not have any relationship with them. There was a restraining order against them that Mr. Clark was made fully aware of, from the Ocala police department. The Cunninghams have appeared on the property and Mr. Clark made them aware of the restraining order against the entire family. In no way, shape form or matter is Mr. Clark to speak with the Cunninghams or allow them into the building. This was conveyed to the Cunninghams and it appears they understood that. Mr. Clark stated that he has not seen them since then, which was around February of this year. Mr. Clark added that he has no personal relationship with the Cunninghams whatsoever, or business relationships.

The Division is recommending that the Board approve the application based upon the attached Stipulation for Licensure agreement entered into by the Division and the Applicant which requires among other things 2-year probation and an agreement for 100% trusting or insurance funding.

MOTION: Mr. Jones moved to approve the application based upon the attached Stipulation for Licensure agreement entered into by the Division and the Applicant which requires among other things 2 year probation and an agreement for 100% trusting or insurance funding. Col. Stiegman seconded the motion, which passed unanimously.

(3) Memorial Gardens Cemetery of the Florida Keys, LLC (Big Pine Key)

The Department received the application on June 7, 2011 and deficiencies were noted on the application. A deficiency notice was sent to the Applicant on June 16, 2011 and all deficiencies were resolved as of August 31, 2011. A completed background check of all officers revealed no criminal history. Applicant currently holds a qualifying cemetery license (F039562), approved

by the Board as of February 6, 2008, and will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (Sabal Trust Company) and pre-arranged funeral agreement.

It should be noted that preneed contracts were previously sold under common ownership of the formerly licensed preneed entity, Pinewood Memorial Cemetery, Inc. d/b/a Memorial Gardens of the Keys (F019257), which held a license from November 15, 2000 until August 25, 2005. Applicant has acquired all of the existing preneed contracts sold under the commonly held entity for fulfillment, in the amount of \$35,986.

The Applicant's financial statements as of December 31, 2010 reflect the following:

Acquired Preneed Contracts	= \$	35,986
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	120,655

Documentation establishes that Jeffrey W. Dean (a principal of Applicant herein) was discharged from Ch. 7 bankruptcy on January 27, 2006, by the Federal District Court, Southern District of Florida. It was a personal bankruptcy action and discharge. Applicant provided a notarized statement disclosing the bankruptcy as supporting documentation.

In view of the bankruptcy, the FCCS Division requested additional materials from Applicant:

- a) Court documentation evidencing that the bankruptcy was discharged.
- b) A personal financial statement for officer and owner, Jeffrey W. Dean.
- c) A letter of reference from an affiliated financial institution or vendor.

Applicant has provided all requested information and material. The letter of reference is favorable. The Division is recommending that the Board approve the application based upon the attached Stipulation for Licensure agreement entered into by the Division and the Applicant which requires among other things 5 year probation; agreement for 100% trusting or insurance funding.

MOTION: Mr. Jones moved to approve the application based upon the attached Stipulation for Licensure agreement entered into by the Division and the Applicant which requires among other things 5 year probation; agreement for 100% trusting or insurance funding. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

5. Application(s) for Preneed Branch License

A. Recommended for Approval without Conditions – Addendum B

The Division recommends approval of the application(s).

Mr. Hall disclosed his affiliation with Lew Hall & Associates, Inc and Gentry-Morrison Cremation Center.

Mr. Jennings questioned whether this, any way, would preclude Mr. Hall from rendering a vote in this particular matter or whether Mr. Hall had a significant financial or personal interest.

Mr. Hall stated that he owns the business.

Mr. Jennings suggested that Mr. Hall not vote on this item, but his vote on the other items would certainly be valid.

Mr. Hall agreed.

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

6. Application(s) for Continuing Education Course

A. Recommended for Approval without Conditions – Addendum C

(1) FuneralCE #43

(2) Hospice Foundation of America #14410

- (3) *International Cemetery & Funeral Association #74*
- (4) *Miami-Dade College Funeral Service Department #114*
- (5) *Pinellas County Funeral Home Association #58*
- (6) *SCI Management – Dignity University #99*

The Continuing Education Committee and the Division recommends approval of the application(s). Col. Stiegman may have some comment on the submission by Pinellas County Funeral Home Association, “Veteran Services and Benefits.”

Col. Stiegman stated that his reservations were made known to the Division. The information should not be presented to the funeral directors allowing them to convey it to their clients as it could be detrimental to the consumer. The outline mentions “Service Connected Disabilities”, “Non-service Connected Disabilities”, “Veterans with Income above GMT”, “Disability Compensation”, “Dependency and Indemnity Compensation (DIC)” and “Pension”. If the funeral director is armed with half information, it could be very detrimental to the families when they should be referred to the County, State or the Federal VA for assistance with those types of questions.

The Chair questioned whether any one on the Continuing Education Committee would like to address this.

Mr. Hall questioned whether Col. Stiegman feels this should be referred directly to the VA.

Col. Stiegman feels that the part of the presentation referencing “Burial and Plot-Interment Allowances” would be pertinent but having very little information on the other issues could steer the consumer away and it could be devastating to them financially.

Mr. Hall questioned whether there are any restrictions as far as what funeral directors can offer regarding Social Security.

Mr. Shropshire stated that the context is that this Provider has only requested 1 hour and the Division believes the course is worth 1 credit hour. While on one hand, I agree with Col. Stiegman that it may be misinformation, but the Law does not allow the Division to prevent what other presenters present to associations as long as we do not give CE credit for it and in this context we are not giving CE credit for this other material that Col. Stiegman is referring to. The Division does not have any legal standing to prevent it from being presented to the Association that wants to hear it in Pinellas.

Mr. Hall questioned whether there is anything preventing Col. Stiegman, as a Board Member, from going to the Association to express his concern to see whether the Provider would withdraw the application.

Col. Stiegman stated that he already spoke with the presenter and the Association, and just agreed to disagree.

Ms. Huggins stated that she spoke with Col. Stiegman regarding his concerns and somewhat agrees with him. The Committee hopes that the presenters are presenting truth and helpful information, but cannot control what is being submitted. The Committee is approving CE credit for the hours served, but cannot control the content. All information presented should be filtered and vetted, but you cannot believe everything you hear from everybody anyway.

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

7. **Application(s) for Florida Law and Rules Examination**
 - A. *Recommended for Approval without Conditions – Addendum D*
 - (1) *Funeral Director and Embalmer – by Endorsement*
 - (a) *Lambright, Vanessa L*
 - (b) *O’Brien, William G*
 - (c) *Shook, Joshua R*
 - (2) *Funeral Director and Embalmer – by Internship and Exam*
 - (a) *Gibbs, Monica W*
 - (b) *Miranda, Mercedes A*
 - (c) *Tomlinson, Mandisa A*

(d) *Valenti, Tammy A*

(e) *West, Hunter J*

Vanessa L Lambright has withdrawn her application to take the Law and Rules Exam.

The Division recommends approval of the application(s).

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

8. Application(s) for Internship

A. Recommended for Approval without Conditions – Addendum E

(1) Funeral Director and Embalmer

(a) *Dabney, Tiffany N*

(b) *Rhea, Stephanie A*

(c) *Roberson, Mark*

(d) *Stengel, Tharon M*

The Division recommends approval of the application(s).

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

9. Application(s) for Embalmer Apprentice

A. Recommended for Approval without Conditions – Addendum F

(1) *Chesser, Matthew A*

(2) *Copeland, Paul R*

(3) *Duran, Jonathan*

(4) *Jones, Jonathan K*

(5) *Steele, Robin S*

Jonathan Duran has withdrawn his application.

The Division recommends approval of the application(s).

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

10. Change in Location of Establishment

A. Informational Item (Licenses Issued without Conditions) – Addendum G

(1) *ABO Funeral Services LLC d/b/a Eden Funeral Services Miami (F060082) (Miami)*

(2) *Neptune Management Corp d/b/a Neptune Society Management Corporation (F064804) (Plantation)*

The application by Neptune Management Corp has been withdrawn.

The remaining application presented is clean and has been approved by the Division. This item is informational only and does not require Board action.

11. Registration(s) as a Training Facility

A. Recommended for Approval without Conditions – Addendum H

(1) Funeral Directing

(a) *Dorsey-E. Earl Smith Memory Gardens Funeral Home (F040297) (Lake Worth)*

(b) *Marsicano-B. Marion Reed-Stowers Funeral Home (F041737) (Tampa)*

(c) *SCI Funeral Services of Florida Inc d/b/a Babione Funeral Home (F041107) (Boca Raton)*

(d) SCI Funeral Services of Florida Inc d/b/a Babione Funeral Home (F041133) (Boca Raton)

The Division recommends approval of the application(s).

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

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

12. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum I

The Division recommends approval of the claim(s).

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

13. Application(s) for Cinerator Facility

A. Recommendation for Approval with conditions

(1) Englewood Community Funeral Home Inc (Englewood)

An application for a Cinerator Facility was received on May 14, 2009. The application was incomplete when submitted. All deficient items were returned on October 11, 2011. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Jo-Ann Verna (F046474). 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. Helm 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.

14. Application(s) for Direct Disposal Establishment

A. Recommended for Approval with conditions

(1) Scrivens Johnson Mortuary Service LLC (Tampa)

An application for a Direct Disposal Establishment was received on September 22, 2011. The application was incomplete when submitted. All deficient items were returned on October 7, 2011. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Willie Lucas (F045298), who was recently disciplined by the Board. Yesterday Mr. Lucas did pay the \$1000 fine imposed. The Division is recommending approval subject to 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 subject to 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.

15. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Florida Family Funeral Home Inc (Oakland Park)

An application for a Funeral Establishment was received on October 4, 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 Stephen Plescia (F042412). In the last several days, the Division has ascertained that the Applicant's check for the application fee bounced. The Division is recommending denial for that reason.

MOTION: Mr. Helm moved to deny the application based on the bad check. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

(2) *Select Funeral Partners LLC (North Port)*

The application was received by the Division on October 7, 2011. The application was complete when submitted. The fingerprint cards for all principals were returned with no criminal history. The FDIC for the establishment will be Michael Fuller (F019840). The Division is recommending approval subject to the condition(s) as follows:

- (1) That the closing occur within 60 days of the date of this Board meeting.
- (2) Receipt by the Division within 75 days of this Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred.
- (3) Receipt by the Division within 75 days of this Board meeting, of a copy of the Bill of Sale, executed by all parties, and any and all amendments thereto, also fully executed.
- (4) That the establishment passes an on-site inspection by a member of the Division Staff.

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

16. Application(s) for Removal Service
A. *Recommended for Approval with Conditions*
(1) *Sunset Removals LLC (Miami)*

An application for a Removal Service was received on September 20, 2011. The application was incomplete when submitted. All deficient items were returned on October 4, 2011. The fingerprint cards for all principals were returned with no criminal history. The Division is recommending approval subject to the condition that the establishment passes an on-site inspection by a member of the Division staff.

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

17. Contract(s) or Other Related Form(s)
A. *Recommended for Approval with Conditions*
(1) *Neptune Management Corp d/b/a Neptune Society Management Corporation (F064863) (Plantation)*

The Applicant, Neptune Management Corporation d/b/a Neptune Society (Neptune) (F064863), submitted a Preneed Funeral Agreement (NEP-FL-999-PN) to be used solely for the sale of preneed through its preneed licensed establishments and branches. Neptune is filing this as an amendment to its previously approved preneed funeral agreement due to revisions. The Division recommends approval with the condition that the Department receives within 60 days two full-sized print-ready copies.

MOTION: Mr. Mueller moved to approve the contract with the condition that the Department receives within 60 days two full-sized print-ready copies. Ms. Hubbell seconded the motion, which passed unanimously.

Mr. Hall requested that the Division provide the Board with a report showing the status of fines assessed in regards disciplinary actions.

Mr. Shropshire stated that the Division would provide the Board with the requested report monthly.

The Chair welcomed Mr. Mueller and thanked him for his participation on the call.

18. Adjournment

The meeting was adjourned at 10:32 a.m.