

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
June 7, 2012 - 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, June 7, 2012. 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. The call in number has also been made available to the public. Members of the Board are participating by phone. 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 or participant 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
Jean Anderson
Andrew Clark
Lewis "Lew" Hall
Powell Helm
Nancy Hubbell
Richard "Dick" Mueller
Col. Don Stiegman

ABSENT:

Ken Jones

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
Allison Dudley, 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 all the Board members.

2. Action on Minutes
A. May 3, 2012

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on May 3, 2012.

MOTION: Mr. Dick Mueller 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.

4. Application(s) for Continuing Education Course
A. Recommended for Approval without Conditions – Addendum B
(1) Elite CME, Inc (Provider #113)
(2) International Cemetery & Funeral Association (Provider #74)
(3) James H Justice (Provider #107)
(4) National Funeral Directors Association (Provider #136)
(5) New Jersey Funeral Service Education Corp. (Provider #7002)

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

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

5. Application(s) for Approval as a Continuing Education Provider
A. Recommended for Approval without Conditions – Addendum C
(1) ISMPI, Inc. #16808

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

MOTION: Ms. Thomas-Dewitt moved to approve the application(s). Mr. Andrew Clark seconded the motion, which passed with 1 dissenting vote.

6. Application(s) for Florida Law and Rules Examination
A. Recommended for Approval without Conditions – Addendum D
(1) Direct Disposer

- (a) *Selby, Tiffany D*
- (2) *Embalmer – by Internship and Exam*
 - (a) *Vazquez Ruiz, Alejandro*
- (3) *Funeral Director – by Endorsement*
 - (a) *Crouse, Gregory F*
- (4) *Funeral Director and Embalmer – by Endorsement*
 - (a) *Anderson, Betty P*
 - (b) *Cooper, Gary D*
 - (c) *High, Lisa G*
- (5) *Funeral Director and Embalmer – by Internship and Exam*
 - (a) *Dunne, Mary R*
 - (b) *Glick, Jeffrey A*
 - (c) *Sellers, Brittany T*
 - (d) *Velez, Laura S*

The Division recommends approval of the application(s).

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

The Chair disclosed his affiliation with SCI Funeral Services of Florida, Inc and stated that it would not affect his ability to remain fair and impartial on any of the items presented today.

- 7. **Application(s) for Internship**
 - A. *Recommended for Approval without Conditions – Addendum E*
 - (1) *Funeral Director*
 - (a) *Copeland, Paul R*
 - (2) *Funeral Director and Embalmer*
 - (a) *Casado, Luis I*
 - (b) *Malphurs, Mary B*
 - (c) *Mayo, Rachel M*
 - (d) *Parrish, Nicole R*
 - (e) *Schnur, Teresa M*
 - (f) *Teramae, Michael A*

The Division recommends approval of the application(s).

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

- 8. **Application(s) for Embalmer Apprentice**
 - A. *Recommended for Approval without Conditions – Addendum F*
 - (a) *Berling Wilson, Shannon R*
 - (b) *Hernandez, Estiven*
 - (c) *Perry, Erik G*
 - (d) *Rivero, Edwardo C*
 - (e) *Watkins, Rebecca J*

The Division recommends approval of the application(s).

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

9. Registration(s) as a Training Facility

A. Recommended for Approval without Conditions – Addendum G

(1) Funeral Directing

(a) Carriage Florida Holdings Inc d/b/a Baird-Case Jordan-Fannin Funeral Home & Cremation (F058285) (Fort Lauderdale)

(b) Riverside Gordon Memorial Chapels (F041707) (Deerfield Beach)

(2) Funeral Directing and Embalming

(a) Carriage Florida Holdings Inc d/b/a Baird-Case Funeral Home & Cremation Service (F058284) (Tamarac)

(b) Griffith-Cline Funeral and Cremation Services Inc (F039925) (Bradenton)

(c) Isaac Brown d/b/a Brown's Funeral Home (F057223) (Lantana)

The Division recommends approval of the application(s).

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

10. Application(s) for Monument Establishment Sales Agent

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

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

11. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum I

The Division recommends approval of the claim(s).

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

12. Application(s) for Direct Disposal Establishment

A. Recommended for Approval with Conditions

(1) Atlantic Cremation Society of Florida LLC d/b/a Heritage Cremation Center (Bunnell)

An application for a Direct Disposal Establishment was received on April 20, 2012. 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 Deldon Price (F043969). 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 subject to the condition that the establishment passes an on-site inspection by a member of the Division staff. Mr. Clark seconded the motion, which passed unanimously.

(2) Atlantic Cremation Society of Florida LLC d/b/a Heritage Cremation (Ormond Beach)

An application for a Direct Disposal Establishment was received on February 27, 2012. The application was incomplete when submitted. All deficient items were returned on April 27, 2012. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Jody Zeese (F052374). 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 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.

13. Application(s) for Funeral Establishment
A. Recommended for Approval *without* Conditions
(1) Hadley Davis Funeral Home LLC (Miami)

An application for a Funeral Establishment was received on April 5, 2012. The application was incomplete when submitted. All deficient items were returned on May 1, 2012. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Walter Wilson (F043712). The establishment passed its inspection on May 10, 2012. The Division is recommending approval without conditions.

Mr. Helm questioned whether “No” was checked in error on (4a).

Ms. Jasmin Richardson responded that the Applicant checked the wrong box.

The Chair questioned whether the Division’s records would be corrected to reflect that.

Ms. Richardson stated that the Applicant has already submitted proof that they have entered into a contract for the cremation services. The Division’s records are hereby noted that the application was in error and this Licensee will offer cremation services through a contractor.

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

B. Recommended for Approval *with* Conditions
(1) Tranquility Funeral Homes & Crematorium Inc (North Miami)

An application for a Funeral Establishment was received on April 17, 2012. The application was incomplete when submitted. All deficient items were returned on May 16, 2012. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Bernard Roberson (F044089). The Division is recommending approval with conditions.

Mr. Helm questioned whether “maintain on site” was checked in error on (4b).

Ms. Richardson stated that “maintain on site” was checked in error as “make arrangements for” should have been checked. This location does not have a cremation center.

The Chair questioned whether the Applicant would be contacted to make that change for the Division’s records. Ms. Richardson stated that the Applicant has submitted a copy of the contract entered into with Florida Cremation Services, LLC.

MOTION: Mr. Helm 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. Thomas-Dewitt seconded the motion, which passed unanimously.

14. Contract(s) or Other Related Form(s)

A. Recommended for Approval with Conditions

(1) Preneed Sales Agreement

(a) Forethought Life Insurance Company (Batesville, IN) Preneed Funeral Planning Agreement (Forms A4000-02-FL and A4154-01-FL)

The applicant, Forethought Life Insurance Company (Forethought), submits preneed funeral planning agreements (Forms A4000-02-FL and A4154-01-FL), for approval. If the forms are approved, they are to be used for the sale of insurance-funded preneed through licensed preneed establishments and branches. Forethought is an approved life insurance company that holds a current certificate of authority with the Florida Office of Insurance Regulation (OIR). Forethought received approval by OIR as of October 23, 1985.

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

MOTION: Ms. Nancy Hubbell moved to approve the agreement subject to the condition that the Department receives within 60 days two full-sized print-ready copies. Ms. Anderson seconded the motion, which passed unanimously.

15. Request(s) to Relocate Records

A. Recommended for Approval without Conditions

(1) Carriage Cemetery Services, Inc. (Multiple DBAs) (Panama City)

Carriage Cemetery Services, Inc d/b/a Forest Lawn Memorial Park, Inc. (F039729), requests Board approval to relocate cemetery records currently held at 2420 Jenks Avenue, Panama City, FL 32405 to the location at 2403 Harrison Ave, Panama City, FL 32405. This re-location is due to Carriage Cemetery undergoing the process of computerizing/digitizing all of its cemetery records. After the records have been digitized, the paper documents will then be moved and stored at the Garden of Memories location at 4035 East 15th St, Panama City, FL 32404. Additionally, all computerized/digitized records will later be stored off site at Carriage Services, Inc., the parent company's headquarters, located at 3040 Post Oak Boulevard, Suite 300, Houston, TX 77056 and may be retrieved electronically when necessary. This is pursuant to Rule 69K-6.005, which requires that records be made available for review at the licensed facility or at an alternative site of the cemetery company, if approved by the Board.

MOTION: Mr. Helm moved to approve the request. Mr. Hall seconded the motion, which passed unanimously.

16. Request(s) for Waiver of Late Fee

A. Recommended for Approval without Conditions

(1) Serenity Gardens Cemetery, Inc. of Santa Rosa (Milton) (F039549)

This matter is before the Board on the licensee's request for waiver of late fees. Licensee's cemetery renewal fees were due at the FCCS Division office not later than December 31, 2011, but was in fact was received on March 28, 2012. Pursuant to section 497.265(2), late fees are assessable in the aggregate amount of \$600.

Licensee submits a written explanation of the cause of the late filing, as attached. In summary, there was a shift of duties from the former secretary treasurer of the cemetery, Ms. Katie Lou Culpepper, to Ms. Dana J. Stone, who manages the cemetery, and has currently assumed the duties formerly performed by Ms. Culpepper. Ms. Stone

further indicates that the cemetery renewal was never received due to a transition to move all of the cemetery mail from its former P.O. Box 248, Milton, FL address to the physical cemetery address at 6208 Stewart St, Milton, FL. Therefore, the renewal fees were not filed by the deadline.

It should be noted that Licensee's cemetery renewal fees were filed timely in the previous years, 2010 and 2011, and there have been no other noted problems. The Division recommends approval of the Licensee's request for waiver of a late penalty in the amount of \$600 for the 2012 cemetery license renewal.

Mr. Mueller questioned whether there is any evidence that the Licensee actually submitted a change of address to the Division.

Mr. Shropshire stated that would be a question for Lashonda Morris, but she is not on the line now. Mr. Shropshire stated that if the Board wishes to hold the item in abeyance, the information could be attained.

Mr. Mueller stated he is not willing to vote on this issue until that information is received.

Mr. Shropshire suggested tabling this item until the next meeting because it is not an application that needs to be moved on and there would not be any harm in waiting.

MOTION: Ms. Anderson moved to defer the item to the June 28th Board Meeting. Mr. Mueller seconded the motion, which passed with 1 dissenting vote.

Col. Don Stiegman stated that the Licensee did not change their location, they only changed the post office box. The Licensee would not have to notify the Division for this change. All they would do is notify the post office.

Mr. Shropshire stated that the Licensee would be required to notify the Division of a change in mailing address.

Col. Stiegman added that he was under the impression that the Division only had to be notified of a change in physical location.

Mr. Shropshire stated that would require Board approval, but a change of mailing address must be submitted to the Division.

17. Executive Director's Report

A. Background re CPTF Claims Related to Troy Brant; and Request for Order

This month there appear for the first time claims against the Preened Consumer Protection Trust Fund (CPTF), under s. 497.456, Florida Statutes, in regards to preened sales by Troy Brant and/or businesses he was operating. This memo will provide background to the Board in regard to this matter.

A funeral establishment license was issued to Brant Funeral Services, LLC d/b/a Brant Funeral Chapel, located in Wauchula FL in March 2004. There had been a funeral home at the same location since approximately 1976. From 1976 through 1995 the funeral home was named Curry and Raley FH; it was sold to Loewen Group in 1995; Loewen sold it to Work and Sons in 2003; Work & Sons sold it to Troy Brant in 2004. (This info drawn from the March 2, 2007 exam report)

- The funeral establishment license, license #F040808, while under the ownership of Troy Brant, was revoked by this Board by Order filed January 28, 2010. The Administrative Complaint that was the basis of the revocation is attached hereto. Brant Funeral Services, LLC failed to respond to the charges and the revocation proceeded by default. The charges included but were not limited to:

- Assisting an unlicensed person in acting as a funeral director;
 - Operating a branch chapel without proper notice to the FCCS Division or Board.
 - Receiving three life insurance policies on the life of one LM, in the aggregate total amount of \$5,000, for the payment of funeral services for decedent LM, but failing to timely provide the family of LM with a statement of merchandise and services provided, and failing to account for the disposition of the life insurance proceeds.
- A funeral director & embalmer license was issued to Troy Brant in 1996. Said license, F044511, was revoked by this Board by Order filed July 7, 2011. The revocation was by stipulated surrender with acknowledgment that the surrender has the same force and effect as a revocation, and is permanent. The Administrative Complaint that was the basis of the revocation is attached hereto. The charges included but were not limited to:
 - Assisting an unlicensed person in acting as a funeral director;
 - Operating a branch chapel without proper notice to the FCCS Division or Board.
 - Continuing to operate a revoked funeral establishment, Brant Funeral Services, LLC d/b/a Brant Funeral Chapel, license number F040808.
- Brant Funeral Chapel was issued preneed license F019489 in 2004. The qualifying entity was the funeral establishment referred to above.
 - Preneed had been sold at the above referenced funeral establishment location under prior owners. Since the early 1980s Curry and Raley sold preneed and trusted with FSI. When Loewen acquired the location in 1995, they transferred the trust to Security Trust Plan (STP). When Work & Sons acquired the location in 2003, they accepted the prior preneed contracts but wrote additional contracts trusted with Forethought Savings Bank Trust. When Brant acquired the location in 2004, he continued using Forethought Trust, and accepted the preneed contracts written on the prior trusts.
 - The preneed licensee renewed its license effective July 1, 2005.
 - The preneed licensee did not seek renewal of the preneed license in 2006, and the preneed license expired effective June 30, 2006. Division records indicate that the preneed license was sent notice on July 5, 2006 that their preneed license was expired and that they could no longer sell preneed contracts.

There has been substantial publicity in the Wauchula area, concerning the Troy Brant preneed arrest, and police through the media have urged anyone who purchased a preneed contract from Troy Brant to come forward. As of the date of this memo approximately 13 CPTF claims have been filed. The FCCS Division believes it likely that some additional claims will hereafter be filed, but does not believe the number will be large.

Troy Brant was arrested on April 26, 2012 by the Wauchula Police Department. The police were assisted in their investigation by FCCS Division field staff. The following information is from the police department press release.

Troy Brant was arrested on 18 felony charges and four misdemeanor charges stemming from a police investigation into alleged fraudulent practices, while he was owner of Brant Funeral Home in Wauchula. Customers were shown caskets, vaults and various other services that may be needed for their own future funeral, or the funeral of a family member and was given a final price for the package. Customers were under the misconception the monies paid for the services would be placed in trust by one of the approved trust funds guided by the State of Florida as required by Florida Statutes Chapter 497, and would be available when the unfortunate time came. Brant was not registering the services with the trust funds as required and was instead directing all the monies paid by the victims to be deposited in one of several checking accounts owned by him for the Brant Funeral Home business. The funds were then used to pay normal bills for the Funeral Business or for personal expense. Brant admitted during his first interview by detective Harrison on April 11, 2012 in

Jacksonville FL that he did unlawfully deposit and use the victim's money to support the business but never intended to hurt anyone and believed he could cover the Funerals as they occurred. During the year of 2006 Brant was unable to renew his preneed sales license but continued to sell preneed services to unsuspecting victims. The discrepancies in the contracts started to surface after a new Funeral Home business began at the same location. The Department of Finance, Division of Funeral and Cemetery Services was contacted and an investigation into various license violations began. DFS Investigator Suzie Helms reviewed the contracts, interviewed witnesses then forwarded the information to the Wauchula Police Department for an investigation into possible criminal violations. Wauchula Police Detectives subpoenaed bank records from several accounts belonging to Brant during the time period and started the process of comparing the victim's cancelled checks to Brant's deposits.

Detectives presented the facts to the 10th Judicial State Attorney's office on Monday April 23rd for review and an Arrest Warrant was signed by Circuit Judge Ezelle.

Detectives are requesting any persons that may have done preneed business with Troy Brant or Brant Funeral Home to contact their local Funeral Home and verify the preneed contract is valid or contact the Wauchula Police Department.

The FCCS Division requests approval of the Board to issue the attached Order, identified as Order #2012-0607-1, based upon the facts set forth in said draft Order that would direct preneed trustees, until further order of the Board is issued, to not recognize and act upon disbursement orders from Troy Brant or any representative of his.

MOTION: Mr. Mueller moved to accept the Order. Mr. Hall seconded the motion, which passed unanimously.

Mr. Hall questioned whether there were some monies then located on the preneed trust funds and whether they have been taken over by this other firm. Mr. Hall questioned whether the Department has an idea of the trust fund amounts.

Mr. Shropshire stated that there are funds in trust, but added that he did not have the exact amount. The Ponger-Karnes Funeral Home has, by contract, an option to assume these preneed contracts but the Division is not advised yet that they have exercised that option to assume the contracts or particular contracts. I would anticipate that if and as Ponger- Karnes honors the contracts, the Division would certainly direct the preneed trustees to release the applicable funds to Ponger- Karnes or any other Licensee that honors these contracts, assuming Ponger- Karnes has not assumed them.

Mr. Hall questioned whether Mr. Shropshire recalls whether the majority is trust funds or insurance.

Mr. Shropshire stated that he believed the majority is trust funds but requested that Christine Moore confirm.

Ms. Christine Moore responded that to the best of her knowledge, the majority is in trusts.

Mr. Shropshire stated that such funds that there are, are in trusts.

B. Report: Payment of Disciplinary Fines and Costs – Informational

Monthly Report of Fine and Costs Assessed and Paid Division of Funeral, Cemetery and Consumer Services June 7, 2012 Board Meeting Report Updated as of May 29, 2012
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Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?
			\$2,500	2/2/2012	YES
Deliria Holmes	Dec-11	105280-09-FC	\$2,500	7/3/2012	See Note D*
Boyd Family Funeral Home Chapel	Feb-12	120364-11-FC	\$2,000	3/22/2012	YES
Laurence Boyd	Feb-12	120363-11-FC	\$1,000	4/6/2012	YES
Chapel Hill Cemetery	Feb-12	122372-12-FC	\$1,000	3/24/2012	YES
Daytona Memorial Park, Inc.	Feb-12	111349-10-FC	\$3,500	3/22/2012	YES
Edgewater-New Smyrna Cemetery, Inc.	Feb-12	11347-10-FC	\$2,000	3/22/2012	YES
Clyde Chandler	Apr-12	122375-12-FC	\$2,750	5/23/2012	See Note A
Chandler's Funeral Chapel	Apr-12	122376-12-FC	\$2,750	5/23/2012	See Note A
Alliance Monument & Marble Co.	Apr-12	122927-12-FC	\$2,750	6/22/2012	See Note D
Wright & Young Funeral Home, Inc.	Apr-12	120946-11-FC	\$2,750	5/21/2012	YES
Kimberly White	Apr-12	120948-11-FC	\$2,750	5/21/2012	YES
Wilson-Wolfe, Inc. d/b/a Sweet Dreams Memorials	Apr-12	118247-11-FC	\$500	6/17/2012	See Note D

NOTES:

- A. When payment becomes past due, the FCCS Division works with the DFS Legal Division to enforce payment.
 - B. Once fines and costs are paid in full the licensee is kept on this report 3 months, showing Paid in Full, and is then dropped of this report.
 - C. The Order re this case is still in process, so no Due date is yet established.
 - D. Due date has not passed.
- *Partial payment of \$500 received.

Mr. Shropshire stated that the two people who are indicated in the report not to have paid, in fact paid their fines the day after the report was prepared.

Mr. Anthony Miller concurred.

The Chair stated the request for this report was certainly a good suggestion by Mr. Hall.

18. Adjournment

The meeting was adjourned at 10:28 a.m.