

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
March 7, 2013 - 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, March 7, 2013. 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 Pepper 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, 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
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, Department Staff
Jasmin Richardson, Department Staff
Lashonda Morris, Department Staff

2. Action on Minutes
A. February 7, 2013

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meetings held on February 7, 2013.

MOTION: Mr. Dick Mueller moved to adopt the minutes of the meeting. Mr. Andrew Clark 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.

Mr. John Rudolph noted that Lance Brian Wiener (F071597) was listed as an Applicant for WPalm, Inc and SCI and questioned whether there was an agreement there.

Ms. Lisa Coney, compliance and quality assurance person for SCI Funeral Services of Florida, stated that for a preneed sales agent, it is their license and all they have to have is an appointing entity. The appointing entity can choose to have multiples if they wish or choose not to by their own internal policy. WPalm and SCI are affiliated firms in the West Palm Beach market. We do allow our preneed sales people to be appointed to both, so I do not see why that would be of any concern.

Mr. Rudolph stated he was just wondering as he did not know they were affiliated.

Col. Don Stiegman questioned whether Mr. Rudolph has any legal standing with Mr. Wiener.

Mr. Rudolph stated that he did not. Anytime I see something that I have a question about I am asking a question about it just to make sure that it is proper and it is proper under this circumstance.

Col. Stiegman responded, "I thought that we were told that only people that have legal representation could speak, Mr. Jennings."

Mr. Rudolph stated that applies to disciplinary matters.

Ms. Coney stated that she fully supports anyone's right to stand up in front of this Board and ask questions to bring things to the attention of the Board. I think that is a safe sound measure and am happy to answer Mr. Rudolph's question.

Mr. Clark Jennings stated that, as Mr. Rudolph noted, that the restrictions mentioned by Col. Stiegman apply to disciplinary matters or matters where a license application has been brought forward pursuant to a 57(2) proceeding. Neither of those conditions applies in this particular situation as this matter is being presented as an informational item only.

4. **Application(s) for Continuing Education Course**
- A. *Recommended for Approval without Conditions – Addendum B*
- (1) *American Academy McAllister Institute of Funeral Service (9808)*
 - (2) *Aurora Casket Company (129)*
 - (3) *Cohen Battisti Attorneys (12609)*
 - (4) *Epsilon Nu Delta Mortuary Fraternity, Inc (15609)*
 - (5) *Florida Morticians Association, Inc (133)*
 - (6) *FuneralCE (43)*
 - (7) *Independent Funeral Directors of Florida Inc (135)*
 - (8) *International Cemetery & Funeral Association (74)*
 - (9) *International Order of the Golden Rule (2201)*
 - (10) *M.K. Jones & Associates, Inc (9605)*
 - (11) *National Funeral Directors Association (136)*
 - (12) *New Jersey Funeral Service Education Corp (7002)*
 - (13) *SCI Management - Dignity University (99)*
 - (14) *Selected Independent Funeral Homes (137)*

The majority of the Continuing Education Committee and the Division recommends approval of the application(s) for the number of hours indicated on Addendum B in the right hand corner.

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

5. **Application(s) for Florida Law and Rules Examination**
- A. *Informational Item – Licenses Issued without Conditions – Addendum C*
- (1) *Funeral Director and Embalmer – by Endorsement*
 - (a) *Torres, Monica*
 - (2) *Funeral Director and Embalmer – by Internship and Exam*
 - (a) *Brookin, Zacary O*
 - (b) *Goldthorp, Suzanne*

The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

6. **Application(s) for Internship**
- A. *Informational Item (Licenses Issued without Conditions) – Addendum D*
- (1) *Funeral Director*
 - (a) *Hall, Jaynee E*
 - (b) *Hopkins, Patrick J*
 - (2) *Funeral Director and Embalmer*
 - (a) *Harden, Santrecia L*
 - (b) *Hatton, Robert C*
 - (c) *King, Susan D*
 - (d) *Mehu, Laura*
 - (e) *Monroe, Ashlee C*
 - (f) *Norwood, Lisa M*
 - (g) *Wilson, Cedricjuan D*

The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

7. Application(s) for Embalmer Apprenticeship

- A. Informational Item (Licenses Issued without Conditions) – Addendum E**
(1) Choice, Arthur

The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

8. Application(s) for Registration as a Training Agency

- A. Informational Item (Licenses Issued without Conditions) – Addendum F**

(1) Funeral Directing

- (a) Hancock Funeral Home Inc (F039972) (Fort Meade)**
(b) Joseph A Scarano Funeral Home Inc d/b/a Joseph A Scarano Biscayne Memorial Chapel (F067309) (North Miami Beach)
(c) Joseph A Scarano Funeral Home Inc d/b/a Joseph A Scarano Hollywood Hills Memorial Chapel (F063611) (Hollywood Hills)
(d) Joseph A Scarano Funeral Home Inc d/b/a Joseph A Scarano Stirling Memorial Chapel (F058286) (Davie)

(2) Funeral Directing and Embalming

- (a) Hooper Funeral Homes Inc (F066034) (Inverness)**
(b) Joseph A Scarano Pines Memorial Chapel (F039799) (Pembroke Pines)

The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

9. Consumer Protection Trust Fund Claims

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

The Division recommends approval of the claim(s) for the amount indicated on Addendum G entitled “Amount Recommended.”.

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

10. Application(s) for Direct Disposal Establishment

- A. Recommended for Approval without Conditions**
(1) The Evergreen Cemetery Association (Jacksonville)

An application for a Direct Disposal Establishment was received on January 30, 2013. 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 Rick Swanson (F044932).

The application herein states that the direct disposal establishment would be located at 4535 Main Street, Jacksonville.

Evergreen Cemetery Association, Applicant herein, is the Licensee of the cemetery (F039440) operating under the name Evergreen Cemetery Association, and which cemetery's business address is 4535 Main Street, Jacksonville.

Evergreen Cemetery Association, Applicant herein, is the Licensee of the Cinerator facility (F040200) operating under the name Evergreen Cemetery Association, and which Cinerator facility's business address is 4535 N. Main Street, Jacksonville.

Evergreen Cemetery Association, Applicant herein, is the Licensee of the preneed business (F019212) operating under the name Evergreen Cemetery Association, and which preneed business' business and preferred address is 4535 Main Street, Jacksonville.

The Applicant has assured the Division that Applicant will have the required 625 square feet of interior space dedicated to use as a direct disposal establishment; this has been verified by inspection. The inspection was completed on February 13, 2013.

The Division is recommending approval without conditions.

Mr. Dick Mueller proudly disclosed his 37 year association with Evergreen Cemetery and stated that it would not affect his ability to make a fair and impartial decision on the matter.

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

11. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Coral Springs Funeral Home LLC (Coral Springs)

An application for a Funeral Establishment was received on January 30, 2013. 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 William Savino (F036730). The establishment is recommended for approval with subject to the condition that the establishment passes an on-site inspection by a member of Division Staff.

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

(2) DeArbor1 LLC d/b/a JGR Funeral Services (Tampa)

The Funeral Establishment application was received by the Division on January 25, 2013. 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 Vanessa Franco (F034814). This entity is not the qualifying entity for any preneed license. 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 Division Staff.

MOTION: Ms. Hubbell moved to approve the application subject to the conditions as stated by the Division. Ms. Anderson seconded the motion, which passed unanimously.

(3) Waldon Professional Funeral & Cremation Services LLC (Sanford)

An application for a Funeral Establishment was received on February 7, 2013. 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 Kristy Waldon (F045354). The establishment is recommended for approval with subject to the condition that the establishment passes an on-site inspection by a member of Division Staff.

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

12. Application(s) for Preneed Main License
A. Recommended for Approval without Conditions
(1) Holmes-Glover-Solomon, LLC (Jacksonville)

The Department received the application on November 20, 2012 and a deficiency letter was sent on November 28, 2012. All items of deficiency were resolved as of February 6, 2013. A completed background check of all officers revealed no criminal history. Applicant obtained its qualifying funeral establishment license as of July 9, 1991. Applicant will sell insurance-funded preneed through National Guardian Life Insurance Co (NGLIC) and utilize its approved preneed funeral agreement.

The Applicant’s financial statements as of December 31, 2012 reflect the following:

Acquired Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	45,455

The Division recommends approval.

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

13. Application(s) to Transfer Preneed Main License
A. Recommended for Approval with Conditions
(1) Robert M. Naugle Mortuaries, Inc. d/b/a Naugle Funeral Home and Cremation Services (Jacksonville) (F019241)

S. 497.453(4), Florida Statutes, provides in pertinent part as follows: “(4) CHANGE IN CONTROL SUBSEQUENT TO LICENSURE. -- (a) Each [preneed main] Licensee under this section shall provide notice as required by rule prior to any change in control of the Licensee. Any such change is subject to disapproval or to reasonable conditions imposed by the licensing authority, for the protection of the public to ensure compliance with this chapter, based upon criteria established by rule, which criteria shall promote the purposes of this part in protecting the consumer.”

The Department received the application on January 22, 2013 and completed as of February 15, 2013. This is an application for the transfer of a preneed license from Robert M. Naugle Mortuary, Inc. d/b/a Naugle Funeral Home (F019241) to Robert M. Naugle Mortuaries, Inc. d/b/a Naugle Funeral Home and Cremation Services.

This application is being filed as a result of a change in ownership and change of the qualifying entity for the preneed license due to the death of one of the former owners and officer, Robert M. Naugle. Upon Mr. Naugle’s

death, the ownership interests were then transferred to Paul C. Naugle (46% ownership), P. "Cameron" Naugle, Jr. (50% ownership) and Patricia B. Naugle (4% ownership). The former qualifying entity was previously licensed as a funeral establishment under license number F040337. Applicant obtained a new qualifying funeral establishment license as of January 16, 2013 under the new license number F072788.

The Applicant will continue to trust through Funeral Services, Inc. (FSI), First Florida Trust Agreement (Sabal Trust Company), and utilize the approved prearranged funeral agreements. A completed background check of all officers revealed no criminal history. If this application is approved, all preneed contracts that were previously written under the preneed license, Robert M. Naugle Mortuary, Inc. d/b/a Naugle Funeral Home (F019241), will then be transferred under the new preneed license operating under the Robert M. Naugle Mortuaries, Inc. d/b/a Naugle Funeral Home and Cremation Services.

The Applicant's financial statements as of December 31, 2012 reflect the following:

Outstanding Preneed Contracts	=	\$	57,336
Required Net Worth	=	\$	10,000
Reported Net Worth	=	\$	47,401

The transfer is recommended for approval with subject to the condition that all preneed obligations of the preneed Licensee under its current controlling party shall continue as its obligations under its new controlling party.

MOTION: Mr. Mueller moved to approve the transfer is recommended for approval with subject to the condition that all preneed obligations of the preneed Licensee under its current controlling party shall continue as its obligations under its new controlling party. Mr. Hall seconded the motion, which passed unanimously.

Ms. Wendy Wiener stated that the materials presented to the Board seem to suggest that the only difference is the fictitious name. There is no actual change in the entity. Ms. Wiener questioned whether Robert M Naugle Mortuaries, Inc is being acquired.

The Chair stated that the change of ownership was previously approved at another Board meeting.

Ms. Wiener stated that it seemed like the change here had to do more with the fictitious name than the change in ownership.

14. Application(s) for Monument Establishment Retailer License

A. Recommended for Approval without Conditions

(1) O.T. Davis Monument Company, LLC (Gainesville)

The application was received on October 18, 2012 and deficiencies were noted. A deficiency letter was sent on October 24, 2012 and the Applicant resolved all deficiencies as of February 19, 2013. The Department completed a background check of officers which revealed no criminal history. This application is being filed for a new monument establishment retailer license due to a change in ownership of the establishment from Mr. O.T. Davis, a sole proprietorship, to an LLC, O.T. Davis Monument Company, LLC. Applicant will continue to utilize the attached retail sales agreement approved by the Board at its June 25, 2008 meeting. If approved, the establishment will operate under the name: O.T. Davis Monument Company, LLC.

Mr. Helm stated that there were no principals listed on the application.

Mr. Shropshire requested that the item be held in abeyance until Ms. Lashonda Morris comes in to the meeting to provide clarification.

Mr. Helm questioned whether the application could be approved with the condition that the form is completed correctly.

MOTION: Mr. Helm moved to approve the application subject to the condition that the identification of principals is completed. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

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

A. Recommended for Approval *with* Conditions

(1) Preneed Funeral Agreement(s)

(a) Independent Funeral Directors of Florida, Inc. (IFDF) (Tallahassee)

Independent Funeral Directors of Florida, Inc. (IFDF), submits preneed funeral sales agreements for approval. Forms G01 and G02 along with page 2 addendums, are to be utilized in conjunction with the IFDF Master Trust Fund A, pursuant to ss. 497.464, F.S. Forms N01, N02, and N03 along with page 2 addendums, are to be utilized with the IFDF Master Trust Fund, pursuant to ss. 497.458, F.S. If the forms are approved, they are to be used for the sale of trust-funded preneed contracts through licensed various preneed establishments and branches.

The agreements are recommended for approval subject to the condition that two full sized print-ready copies of each contract are received by the Department within 60 days of this Board meeting.

MOTION: Mr. Clark moved to approve the agreements are recommended for approval subject to the condition that two full sized print-ready copies of each contract are received by the Department within 60 days of this Board meeting. Mr. Hall seconded the motion, which passed unanimously.

16. Executive Director's Report

A. "How to Complete the Death Record When Disposition is Donation"

Mr. Shropshire stated that this is an informational item concerning how to complete the death record when disposition is donation. This relates to the issue of donation of a body for medical research and so forth. Mr. Jones' office has issued this and is publishing it in their newsletter, so we publishing it here as we fully support this position.

Mr. Jones requested that Mr. Shropshire direct any comments to his office for clarification.

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
 March 7, 2013 Board Meeting
 Report Updated as of February 25, 2013

Licensesee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Stanley Gunter-Butler	Jun-12	117958-11-FC	\$2,750	8/20/2012	See Note E	Monthly payments are current
Cemetery Professionals, LLC dba Beaches Memorial Gardens and Cemetery Professionals, LLC dba Beaches Memorial Park	Jun-12	110156-10-FC & 110157-10-FC	\$5,250 \$5,000 38,859.57	9/6/2012 12/7/2012 35 mo pymts	YES YES See Note E	Monthly restitution payments are current
George Morgan, III	Oct-12	120359-11-FC	\$1250 33,711.30	11/7/2012 36 mo pymts	Yes Yes	Total balance of restitution payments paid in full on 2/5/13.
Snow's Funeral Ministry and Cremation Service	Dec-12	123305-12-FC	\$2,000	1/17/2013	Yes	
Christopher Coleman	Dec-12	122894-12-FC	\$250	1/17/2013	Yes	
John Edgley	Dec-12	119604-11-FC	\$2,500	2/11/2013	Yes	
John Edgley	Dec-12	117342-11-FC	\$1,000	2/11/2013	Yes	
Edgley Crematory, Inc. dba Edgley Cremation Services	Dec-12	119606-11-FC	\$2,500	2/11/2013	Yes	
Palm Beach Removals, Inc.	Dec-12	117345-11-FC	\$1,000	2/11/2013	Yes	
Cremation Services of Mid-Florida, Inc.	Dec-12	126781-12-FC	\$3,000	2/11/2013	Yes	
Larry Locke	Dec-12	126779-12-FC	\$3,000	2/11/2013	Yes	
New Serenity Memorial Funeral Home & Cremation Services	Dec-12	126168-12-FC	\$1,500	2/15/2013	NO; See Note A	Licensesee's attorney, John Rudolph, filed a motion for 30 additional days to pay fine; motion will be heard at April Board meeting; Mr. Rudolph has advised the Division that he expects payment to be paid in full by that April meeting.
SCI Funeral Services of Florida, Inc./Forest Lawn dba Forest Lawn Memory Gardens #907	Dec-12	ATN-17648	\$700	1/17/2012	Yes	
Nancy Lohman	Feb-13	126800-12-FC	\$1,000	3/14/2013	Yes	
David E. Leveck	Feb-13	126159-12-FC	\$1,000	3/15/2013	See Note D	
Masters Funeral Home, PA	Feb-13	126160-12-FC	\$1,000	3/15/2013	See Note D	
Edward W. Stone	Feb-13	128621-12-FC	\$2,750	3/15/2013	See Note D	
Stone's Memorial Funeral Home	Feb-13	128622-12-FC	\$2,750	3/15/2013	See Note D	
Doctor R. Choice	Feb-13	126172-12-FC	\$750	4/15/2013	See Note D	
Farrell F. Speights	Feb-13	128345-12-FC	\$2,250	3/18/2013	See Note D	
Young's Funeral Home, Inc.	Feb-13	128346-12-FC	\$2,250	3/18/2013	See Note D	
Kevin Blackmon	Feb-13	126775-12-FC	\$2,750	3/27/2013	See Note D	

- 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, licensee kept on this report 3 months, showing Paid in Full, and then dropped off report; also licensee dropped off report after disciplinary filed due to nonpayment of the fine and costs.
- C. The Order re this case is still in process, so no Due date is yet established.
- D. Due date has not passed, as of the date of this report.
- E. As of the date of this report, monthly payments were current.

DM March Bd Mtg 2013
DM Mcr Bd

17. Adjournment

The meeting was adjourned at 10:21 a.m.