

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
April 4, 2013 - 10:00 A.M.
Embassy Suites Jacksonville-Baymeadows
9300 Baymeadows Road
Jacksonville FL 32256

1. Call to Order, Preliminary Remarks and Roll Call

Mr. Jody Brandenburg, The Chair, called the meeting to order at 10:00 am.

Mr. Doug Shropshire made the following prefatory comments for the record:

My name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. Today is April 4, 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 has been made available to interested persons. The meeting is occurring in person Jacksonville FL. My Assistant, Ms LaTonya Bryant, is recording the meeting and will be preparing 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. Participants are requested to keep in mind the necessary protocol that only one person may speak at a time.

Mr. Shropshire took the roll and the following members were present:

Joseph "Jody" Brandenburg, Chairman
Gail Thomas-DeWitt, Vice-Chairman
Jean Anderson
Andrew Clark
Lewis "Lew" Hall
Powell Helm
Ken Jones
Richard "Dick" Mueller

ABSENT:

Nancy Hubbell
Col. Don Stiegman

Mr. Shropshire advised the Chair that there was a quorum present and the Board may proceed to address the matters on the agenda.

Also noted as present:

Clark Jennings, Board Legal Advisor
Anthony Miller, Assistant Director
LaTonya Bryant, Department Staff
Mary K Surles, Department Counsel
Jasmin Richardson, Department Staff
Dianna Patterson, Department Staff

The Chair stated he would like to recognize some guests who were present at the meeting. There were students and staff present from Florida State College Jacksonville, in the funeral services program, and these are future leaders in our industry. The Chair requested that they stand and be recognized. The Chair thanked the guest for attending the meeting and added that their attendance is appreciated. The Chair also recognized his mentor, friend and colleague, Ronald Giddens, who was

on the Board of Funeral Directors and Embalmers for 16 years and was Chairman for 15 of those years. Last but not least, the Chair recognized his daughter, Lorelei Raymond.

Mr. Anthony Miller recognized Dianna Patterson, one of the Division's Financial Specialist.

2. Action on the Minutes
A. March 7, 2013

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

MOTION: Mr. Dick Mueller moved to adopt the minutes of the meeting. Mr. Andrew Clark seconded the motion, which passed unanimously.

3. Disciplinary Proceedings:
A. Request for Payment Modification under Previous Consent Order
(1) New Serenity Memorial Funeral Home & Cremation Services, Inc. (F039970): Case No. 126168-12-FC

Pursuant to the Consent Order in Case No. 126168-12-FC, filed January 16, 2013, the Licensee was required to pay a \$1500 administrative fine within thirty days of the date of the Consent Order. The fine amount was due February 15, 2013. Since entry of that Consent Order, the Licensee has made no payments.

On February 15, 2013, the counsel for the Licensee filed a Motion for Extension of Time to Pay Fine and Costs. In that motion, the Licensee is requesting that the Board amend the previous Consent Order entered in Case No. 126168-12-FC, and allow the Licensee an additional thirty days to pay the fine. As a basis for the motion, counsel represents that the Licensee has experienced "very little business" since the Consent Order was filed. A copy of the motion was provided to the Board.

To date, 39 days have passed since the fine was due on February 15, 2013. Therefore, in effect, the Licensee has already had a total of 69 days to pay the fine since the date the Consent Order was entered. To date, not even a partial payment has been received from the Licensee. Therefore, the Division recommends the Board deny the Motion to modify the payment of fine and costs.

Mr. Shropshire stated that Mr. John Rudolph would make presentation on behalf of the Licensee.

Mr. John Rudolph, representing New Serenity, stated that he filed a Motion before the last expiration. I tried to contact my client to find out whether they had made a payment within the 30 days, but they had not. I have not filed a second Motion to extend. New Serenity is a small funeral home that basically helps people in Hospice and locally to have low-cost funerals. New Serenity is an African American funeral home and has had three (3) cremations in one (1) month, four (4) in one (1) month and three (3) in the other. The cremations are basically being done at cost and they have to pay the funeral director. New Serenity has advised that they will make a payment of \$500 next week, but up to this time they have not had the money. Mr. Rudolph requests leniency from the Division because they are trying to get the fine paid, but they are not making the money to pay it.

Mr. Lew Hall questioned whether the problem with the monument was corrected.

Mr. Rudolph responded, "Yes it was."

Mr. Hall questioned whether Mr. Rudolph could provide the Board with an assurance that something is going change in the business that would allow them to pay the fine in the near future.

Mr. Rudolph stated he would have to speak with his client but they feel business is going to pick up. There was a lot of bad publicity that the Board may not be aware of. When a Licensee gets a suspension, the competitors in the area are going to share that information with people. We understand that Hospice was contacted and had stopped referring consumers, but the

Licensee finally got back with Hospice and they are now sending consumers again. We have faith that it is going to pick up, but I cannot make any promises on it.

The Chair questioned whether the Division has an accounting of the report of bodies handled by this firm in the time since the fine.

Ms. Jasmin Richardson responded yes and provided the Board with copies of the three (3) Bodies Handled Reports.

Mr. Shropshire questioned whether Mr. Rudolph would like a copy.

Mr. Rudolph stated that he had copies of the reports.

Mr. Ken Jones questioned the time expectancy as far as paying the fine, beyond the \$500 next week.

Mr. Rudolph stated that the Licensee is requesting a payment plan. They are going to pay \$500 next week and could pay \$500 a month until the fine is paid.

Mr. Hall stated that the Licensee has not paid anything since November. Since the original agreement, there has been no attempt to make a payment. Mr. Hall questioned whether the Licensee is in agreement that if they do not make the \$500 payment that the license would be suspended, if the Board agreed to that.

Mr. Rudolph stated that he would have to speak with his client about that, but if that is a condition of the extension then I would have to advise my client to accept.

Mr. Mueller stated there were also costs in the amount of \$250.

Mr. Rudolph stated that there was not a \$250 cost included, only the \$1500 fine.

Mr. Mueller stated that the Motion for Extension of Time to Pay Fine and Costs does mention \$250 in costs, Item #3.

Mr. Rudolph stated that was an error.

Mr. Clark Jennings stated that the Consent Order itself stated \$1500, but the Motion erroneously included \$250.

MOTION: Mr. Jones moved to approve the request subject to \$500 being paid by April 15th plus \$500 for the next two (2) months. Mr. Mueller seconded the motion, which passed unanimously.

B. Material Facts Not Disputed (Section 120.57(2) Hearings)

(1) Alliance Monument & Marble Co., Inc. (F037816): Case No. 129485-12-FC, Division #ATN-18381 (Probable Cause Panel A)

Ms. Mary K Surles stated that the Department's Administrative Complaint alleges that on March 13, 2009, the Department sent a letter to Alliance Monument & Marble Co., Inc. ("Alliance") informing Alliance that its monument establishment retail sales contract did not meet the requirements of Rule 69K-12.005, Florida Administrative Code. Alliance has not submitted to the Division any other retail sales contracts for approval. Alliance is continuing to use a monument establishment retail sales contract that has not been approved by the Board and does not meet the requirements of Rule 69K-12.005, Florida Administrative Code.

On January 24, 2013, the Department filed its Administrative Complaint against Alliance, the Respondent, and on January 28, 2013, Mr. Sandor Barany received the Administrative Complaint on behalf of the Respondent. In the Administrative Complaint were Notices of Rights informing the Respondent that failure to submit a response within 21 days after the receipt of the Administrative Complaint would constitute a waiver by the Respondent of the right to elect a proceeding on the matters alleged in the Administrative Complaint and an Order by the Board would be entered against the Respondent. The Department has not received a response in this matter and more than 21 days have passed for receiving such response. Ms.

Surles stated that she needed to verbally amend paragraph 4 of the Motion for Determination of Waiver of Rights and Final Order imposing discipline filed by the Department on March 18, 2013. Paragraph 4 is verbally amended and should state "Proof of the certified mail is attached as Exhibit 2."

The Department believes it is appropriate at this time for the Chair to entertain a motion that the Respondent has waived its right to elect a proceeding in the administrative action.

The Chair questioned whether there was anyone present representing Alliance.

Mr. Sandor Barany indicated he was present.

The Chair requested that Mr. Barany come forward.

MOTION: Ms. Gail Thomas-Dewitt moved to find that the Respondent waived its rights to elect a formal proceeding in this matter. Mr. Clark seconded the motion, which passed unanimously.

The Department believes it is appropriate at this time for the Chair to entertain a motion adopting the Allegations of Fact as set forth in the Administrative Complaint as the Board's Findings of Fact.

MOTION: Mr. Powell Helm moved to adopt the Findings of Fact. Mr. Jones seconded the motion, which passed unanimously.

At this time, the Department feels it would be appropriate for the Board to hear from the Respondent.

Mr. Shropshire requested that Mr. Barany raise his right hand. "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. Sandor Barany Jr responded, "So help me God." Mr. Barany apologized for not doing the right thing. I had a really painful divorce, both emotionally and financially. I could not function. I have gone through counseling at Mt. Calvary Church and am requesting a last chance. I have a contract and promise to do all the right things. I love my job, as I have been doing this for 26 years. I have a God-given talent for making monuments and I promise from here on in to, if given one last chance, to maintain my life, rebuild my life and do the right thing with respect. Mr. Barany added that was the worst thing that ever happened to him and on top of that he had two (2) losses in his family. At that time, I could not get out of my own way and I did not have any one to rely on but me.

The Chair questioned whether Mr. Barany has a sales contract that has been submitted to the Division for approval by the Board.

Mr. Barany stated he has one with him today and is willing to do everything spontaneously immediately for the Board.

The Chair questioned whether Mr. Barany realizes that the Department was trying to serve him information on this and the mater could have been handled without it going this far.

Mr. Barany responded, "Oh yes, I do, I do." I do not have any excuse other than depression. I am not an alcoholic, I do not do drugs. It was just depression. All I can do is beg for forgiveness and a last chance.

Mr. Helm questioned whether Mr. Barany is the owner.

Mr. Barany responded, "Yes."

Mr. Mueller questioned whether the only issue is the contract.

Ms. Surles stated that she believes that is the only issue. The Respondent has been operating without having a retail sales contract approved by this Board.

Mr. Barany stated he is very sorry and will take care of this immediately. Everything will be taken care of by tomorrow. I will resubmit it, stay on top of the emails and phone calls and be responsible.

Mr. Helm questioned whether Mr. Barany knows how long ago he was supposed to have this contract in place.

Mr. Barany stated four (4) years was about the time.

Mr. Helm responded it was 2005 and questioned whether Mr. Barany has been going through divorce since then.

Mr. Barany answered, "No."

The Chair questioned how long Mr. Barany has been in business.

Mr. Barany answered, "Since 1987, 26 years."

Ms. Thomas-Dewitt questioned how many employees Mr. Barany has.

Mr. Barany stated that right now there are four (4) employees, including him.

Mr. Helm questioned whether Mr. Barany has a plan for paying the fine.

Mr. Barany stated if the Board would allow him to make a payment plan he would definitely make sure that it is done. Right now, one of the reasons that put me in financial and emotional tailspin is that I was married for 23 years. When I met my wife, I fell in love with her and her daughter who did not have a dad. Three (3) years later I married mom, adopted my daughter and we had three (3) more children. My wife fell in love with some guy on the internet, fifteen (15) years younger than her, moved to Alabama and she took the equity line out of our home and our business. Even with the attorney that I was able to afford, I could not get anything back. To this day I still cannot believe it. That is why I have gone to counsel to figure out what happened and why, but I will never know. Financially, I am strapped. I wish I could cut you a check right now, but if you allow a payment plan I will make sure it is done.

Ms. Surles stated that this is an informal hearing. The Respondent was served. March 13, 2009, the Department sent a letter to Alliance informing Alliance that its monument establishment retail sales contract did not meet the requirements of Rule 69K-12.005, Florida Administrative Code. That never happened; therefore an Administrative Complaint was issued. There was no response to that. Mr. Barany did receive the Administrative Complaint by certified mail. The Board gets to make the recommendation for penalty as there is no Settlement Stipulation before the Board. Ms. Surles added that currently there is no fine out there.

Mr. Helm stated he thought there was a fine.

Mr. Shropshire stated that Ms. Surles has not recommended a fine to this point.

Ms. Surles concurred as she has not given the Department's recommendation.

Mr. Shropshire stated that typically after this phase of the proceeding Ms. Surles would make, on behalf of the Department, a recommendation as to a penalty, but then it would be up to the Board, of course, what the penalty should be.

Ms. Surles stated that normally we go through a couple of different phases:

- The Board determines the Licensee was served with the Administrative Complaint and received notices; twenty-one days have passed with no response; Respondent has waived their right to elect a proceeding.
- Adopt the Findings of Fact.
- Hear from the Respondent.
- Adopt the Conclusions of Law as stated in the Administrative Complaint.
- Department makes a recommendation.

Mr. Shropshire questioned whether Mr. Helm has a specific reference where he thinks he has seen a fine recommended in this proceeding.

Mr. Clark stated that page 13 of the Board packet states that, "The Department respectfully request the Board enter into an Order imposing one or more of the following penalties: revocation or suspension of the license, imposing an administrative fine not to exceed \$5000."

Mr. Shropshire stated that would be the maximum fine.

Mr. Miller stated that Mr. Helm may be referring to the previous discipline that had a fine associated, which is a different case.

Mr. Helm questioned whether that fine has been paid.

Mr. Jennings stated that this is a valid question to ask. However, whether the fine has or has not been paid at this point should not come into consideration when dealing out a resolution to the matter before you here. So we may end up having to have a bifurcated hearing here in dealing with two (2) different issues since we have Mr. Barany here before us. Mr. Jennings questioned whether the fine from the previous matter has been paid.

Mr. Barany answered, "No."

Mr. Jennings suggested that the Board separate this, deal with this matter first and then perhaps go back to the earlier case since Mr. Barany is present. I heard what I would interpret to be an oral motion for a modification of the earlier Order to get him a payment plan, but we can deal with that at a separate time if the Chair so desires.

The Chair concurred.

Mr. Mueller questioned the amount of the previous fine.

Ms. Surles stated that she did not have that information available.

Mr. Barany stated that he did not remember how much it was.

Mr. Miller stated that the amount of the fine in the previous disciplinary matter is \$2500 fine and costs in the amount of \$250. The Order was issued April 23, 2012.

Ms. Surles stated that the Board should not consider that in this matter or it will run into problems.

Mr. Jennings reiterated that the Board should not focus on whether the fine has or has not been paid. If the Board wishes to consider the fact that the gentleman has been previously disciplined, that is a valid consideration when determining how to resolve the case before you now.

Ms. Surles stated that the Board should be focusing on which disciplinary guidelines in this matter allows for discipline in this case. Under Chapter 69K-11, since this is a monument establishment retailer, the minimum penalty for violations as alleged in the Administrative Complaint is a reprimand and/or fine up to \$1000 per count with the maximum penalty listed as revocation and the maximum fine would be \$5000 per count.

Ms. Surles stated that now that the Board has heard from the Respondent, the Department contends that based on the Board's Findings of Fact, as charged in the Administrative Complaint. It is appropriate at this time for the Chair to entertain a motion adopting the violations set forth in the Administrative Complaint as the Board's Conclusion of Law.

MOTION: Mr. Jones moved to adopt the Conclusions of Law. Mr. Helm seconded the motion, which passed unanimously. Ms. Surles stated that based on the Facts that have been adopted and the Conclusions of Law, the Board has determined that the Respondent is in violation and may impose discipline at this time.

MOTION: Mr. Jones moved for a penalty of \$1000 fine to be paid within four (4) months from the date of the Order, one (1) year probation and Department's receipt of the necessary documents within 30 days of the date of this meeting. Mr. Mueller seconded the motion, which passed unanimously.

C. Settlement Stipulation(s)

(1) Collison Family Funeral Home & Cremation Howell Branch Chapel (F041652): Case No. 125720-12-FC, Division # ATN-17998 (Probable Cause Panel B)

Ms. Anderson recused herself as she participated on Probable Cause Panel B.

Ms. Surles stated that the Department's Administrative Complaint alleges that on December 11, 2011, Mr. Michael Beckham passed away, and the immediate family, residing in New York, contacted Collison Family Funeral Home & Cremation Howell Chapel Branch via telephone and made arrangements for the memorial service and cremation. The immediate family was overcharged \$250 for the service of ID Viewing. On December 16, 2011, the day of the service for decedent Michael Beckham, Mr. Gregory Collison introduced himself to Mr. Scotti and the family and told Mr. Scotti that the viewing was limited to five family members and that this was the law and there was nothing else he could do. Mr. Anthony Scotti requested to take his brother's remains home with him on his return airplane flight to New York. Collison charged Mr. Scotti \$1000 to expedite the cremation of the decedent's body. Mr. Patrick Fulton provided a sworn written statement that stated "again Mr. Scotti was previously told that the expedite fee was for us to physically take him (exclusively) to the crematory and physically bring him (exclusively) back and to have him moved up on the cremation schedule instead of being cremated in the order the paperwork came in." On December 16, 2011, a representative of Collison Family Funeral Home contacted Metro Crematory, Inc. ("Metro"), via telephone, requesting Metro to pick up the body of decedent Michael Beckham for cremation. On December 16, 2011, Metro picked up the body of Michael Beckham for cremation and did not charge any additional costs or fees to Collison Family Funeral Home for the pickup and the expedited cremation of the body of Michael Beckham. Therefore, Collison Family Funeral Home & Cremation Howell Chapel Branch, Gregory Collison, Sara Fredericks and Patrick Fulton directly or indirectly exercised undue influence on a client for the purpose of financial gain, in connection with a transaction regulated by Chapter 497, Florida Statutes and Chapter 69K, Florida Administrative Code.

On December 5, 2012, the Department filed an Administrative Complaint against the Respondent. On January 8, 2013, the Department received Respondent's request for a formal hearing. On March 15, 2013, the Respondent and the Department entered into a Settlement for the resolution of this matter. The terms of the Settlement require the Respondent to pay an administrative fine of \$1000 and costs of \$250. Respondent's failure to timely comply with the terms and conditions of the Board's Final Order shall be grounds for emergency suspension of all licensure held by the Respondent; provided the Department shall give written notice to Respondent, pursuant to s. 497.153(5)(c), Florida Statutes.

Mr. Rudolph was present representing Collison Family Funeral Home & Cremation Howell Chapel Branch. If you look at the answer I filed on behalf of my client, we denied the allegations. We have been in litigation and have been taking depositions. My client complied with the federal funeral rule and we have denied it all, but have entered into this stipulation to resolve the case and to keep from having to shut down three (3) funeral homes for two (2) days for a hearing and we are waiving our attorney's fees.

Mr. Mueller questioned how it was determined there was an overcharge.

Ms. Surles stated that the Division looked at the General Price List ("GPL") and the GPL listed a viewing in the amount of \$350. It was determined that an ID Viewing was of a lesser nature, which involved less expenses and prep. The ID Viewing is not listed on the GPL.

Mr. Rudolph stated that the GPL listed a viewing at \$350, but the basic services of the funeral director and embalmer are added to that, which brings a viewing in a memorial service up to \$2000. An ID Viewing, a couch viewing, a cot viewing where the family can come in identify is something that was requested by the family. They did not want it so that is what they gave them. They were charged \$600 for an ID Viewing. That is not something they do very often.

Ms. Surles stated that it is less in nature than a regular viewing.

Mr. Rudolph disagreed.

Mr. Hall stated that they did do preparation and embalming of the body along with a viewing, not just an ID Viewing.

Mr. Rudolph stated they did an ID Viewing. They did the preparation because Michael Beckham was involved in a motorcycle accident and had been autopsied by the ME.

Ms. Surles stated that they did charge for the embalming. There were two (2) separate contracts; one (1) was with the brother, one (1) was with the ex-wife.

Mr. Hall stated that the ex-wife requested that for her and the kids and paid for that on a separate contract. Mr. Hall questioned whether Ms. Surles is stating that the charge for the embalming was a problem.

Ms. Surles responded no and stated she was just advising that the embalming was not included in the ID Viewing price listed on the contract.

Mr. Clark stated that the contract clearly states family up to five (5) family members 30 minutes, on the contract that was sign. Mr. Clark questioned the courtesy discount of \$1300 that was listed on the contract.

Mr. Rudolph stated that discount was issued because the brother, Mr. Scotti, called the funeral home after his brother died and was shopping for a price. Sara Fredericks was on call, got the call from the call center, called him back and Mr. Scotti indicated that his brother had died and wanted to know the price for a memorial package. Ms. Fredericks quoted \$3000+, but Mr. Scotti stated that was too much. Ms. Fredericks called Greg Collison who advised her to give him an urn allowance. Mr. Scotti stated that was still too much. Ms. Fredericks called Mr. Collison again who advised her to offer Mr. Scotti a discount, which appeared on the contract, but remind him that the funeral allowance is not there. Ms. Fredericks called Mr. Scotti back with this information and he agreed to it. Everything in this contract was agreed to by the parties. In both of the contracts it was spelled out to them before and we are ready to prove it. We have entered into this Settlement Stipulation to avoid shutting down a funeral home for two (2) days to try and administrative hearing, pay this lawyer to fly to New York to take the deposition of the complainant and to fly back and take the other depositions.

Mr. Mueller questioned whether the only issue is the \$250 that was overcharged.

Ms. Surles stated there was also \$1000 charge, on Mr. Scotti's contract, to expedite the cremation of the decedent's body. Mr. Patrick Fulton provided a sworn written statement that stated "again Mr. Scotti was previously told that the expedite fee was for us to physically take him (exclusively) to the crematory and physically bring him (exclusively) back and to have him moved up on the cremation schedule instead of being cremated in the order the paperwork came in." However, if you look at the Metro Crematory logs, there were five (5) bodies received on the 16th: two (2) before Mr. Beckham, Mr. Beckham and then two (2) after Mr. Beckham. They were all cremated on the same date that they were received. Also, Metro picked up the body. Mr. Fulton did not have to deliver the body himself.

Mr. Scotti was explained to expedite the cremation the day of the service so that he could take it back to New York the next morning would be \$1000. They did have to have Metro pick up the body as soon as the ID Viewing was completed. Metro had a crematory waiting for them. They put the body in, cremated the body and Mr. Fulton was called to come and pick up the cremains to take back to Mr. Scotti.

Mr. Hall questioned whether the family could have had the cremains shipped for \$100, via the mail service, if they did not want to pay the \$1000.

Mr. Rudolph responded, "Sure."

Mr. Hall stated the family had that option if they felt \$1000 was too much. Mr. Hall questioned whether that option was available.

Mr. Rudolph stated it was available. The expedited cremation did not come up until after the first call.

Ms. Surles stated that she did not think Mr. Rudolph could stand here today and say that was offered to Mr. Scotti. The Department does not fare well when there is a contract that basically states these are the terms they ultimately signed and it was in the last minute. The ex-wife did not even sign that contract, even though it is dated the 14th, until moments before the service took place. The brother signed his contract only the day before the memorial service was going to take place. It is unfortunate that the family did not think that they had recourse to stop everything when there were already plans in place for the family and friends to have a memorial service. As I mentioned, the Department does not fare well at DOAH when there is a contract, here are the terms and the complainant signed that contract, but are now saying that is not exactly what was quoted over the phone.

MOTION: Mr. Jones moved to approve the Settlement Stipulation as recommended by the Department. Mr. Clark seconded the motion, which passed with one (1) dissenting vote.

(2) Collison, Gregory (F043365): Case No. 125716-12-FC, Division # ATN-17998 (Probable Cause Panel B)

Ms. Anderson recused herself as she participated on Probable Cause Panel B.

Ms. Surles stated that the Department's Administrative Complaint alleges that on December 11, 2011, Mr. Michael Beckham passed away, and the immediate family, residing in New York, contacted Collison Family Funeral Home & Cremation Howell Chapel Branch via telephone and made arrangements for the memorial service and cremation. The immediate family was overcharged \$250 for the service of ID Viewing. On December 16, 2011, the day of the service for decedent Michael Beckham, Mr. Gregory Collison introduced himself to Mr. Scotti and the family and told Mr. Scotti that the viewing was limited to five family members and that this was the law and there was nothing else he could do. Mr. Anthony Scotti requested to take his brother's remains home with him on his return airplane flight to New York. Collison charged Mr. Scotti \$1000 to expedite the cremation of the decedent's body. Mr. Patrick Fulton provided a sworn written statement that stated "again Mr. Scotti was previously told that the expedite fee was for us to physically take him (exclusively) to the crematory and physically bring him (exclusively) back and to have him moved up on the cremation schedule instead of being cremated in the order the paperwork came in." On December 16, 2011, a representative of Collison Family Funeral Home contacted Metro Crematory, Inc. ("Metro"), via telephone, requesting Metro to pick up the body of decedent Michael Beckham for cremation. On December 16, 2011, Metro picked up the body of Michael Beckham for cremation and did not charge any additional costs or fees to Collison Family Funeral Home for the pickup and the expedited cremation of the body of Michael Beckham. Therefore, Collison Family Funeral Home & Cremation Howell Chapel Branch, Gregory Collison, Sara Fredericks and Patrick Fulton directly or indirectly exercised undue influence on a client for the purpose of financial gain, in connection with a transaction regulated by Chapter 497, Florida Statutes and Chapter 69K, Florida Administrative Code.

On December 5, 2012, the Department filed an Administrative Complaint against the Respondent. On January 8, 2013, the Department received Respondent's request for a formal hearing. On March 15, 2013, the Respondent and the Department entered into a Settlement for the resolution of this matter. The terms of the Settlement require the Respondent to pay an administrative fine of \$1000 and costs of \$250. Respondent's failure to timely comply with the terms and conditions of the Board's Final Order shall be grounds for emergency suspension of all licensure held by the Respondent; provided the Department shall give written notice to Respondent, pursuant to s. 497.153(5)(c), Florida Statutes.

Mr. Rudolph was present representing Gregory Collison. If you look at the answer I filed on behalf of my clients, we denied the allegations. We have been in litigation and have been taking depositions. My clients complied with the federal funeral rule and we have denied it all, but have entered into this stipulation to resolve the case and to keep from having to shut down three (3) funeral homes for two (2) days for a hearing and we are waiving our attorney's fees.

MOTION: Mr. Helm moved to approve the Settlement Stipulation as recommended by the Department. Mr. Clark seconded the motion, which passed with two (2) dissenting vote.

(3) Fredericks, Sara (F042162): Case No. 125717-12-FC, Division # ATN-17998 (Probable Cause Panel B)

Ms. Anderson recused herself as she participated on Probable Cause Panel B.

Ms. Surles stated that the Department's Administrative Complaint alleges that on December 11, 2011, Mr. Michael Beckham passed away, and the immediate family, residing in New York, contacted Collison Family Funeral Home & Cremation Howell

Chapel Branch via telephone and made arrangements for the memorial service and cremation. The immediate family was overcharged \$250 for the service of ID Viewing. On December 16, 2011, the day of the service for decedent Michael Beckham, Mr. Gregory Collison introduced himself to Mr. Scotti and the family and told Mr. Scotti that the viewing was limited to five family members and that this was the law and there was nothing else he could do. Mr. Anthony Scotti requested to take his brother's remains home with him on his return airplane flight to New York. Collison charged Mr. Scotti \$1000 to expedite the cremation of the decedent's body. Mr. Patrick Fulton provided a sworn written statement that stated "again Mr. Scotti was previously told that the expedite fee was for us to physically take him (exclusively) to the crematory and physically bring him (exclusively) back and to have him moved up on the cremation schedule instead of being cremated in the order the paperwork came in." On December 16, 2011, a representative of Collison Family Funeral Home contacted Metro Crematory, Inc. ("Metro"), via telephone, requesting Metro to pick up the body of decedent Michael Beckham for cremation. On December 16, 2011, Metro picked up the body of Michael Beckham for cremation and did not charge any additional costs or fees to Collison Family Funeral Home for the pickup and the expedited cremation of the body of Michael Beckham. Therefore, Collison Family Funeral Home & Cremation Howell Chapel Branch, Gregory Collison, Sara Fredericks and Patrick Fulton directly or indirectly exercised undue influence on a client for the purpose of financial gain, in connection with a transaction regulated by Chapter 497, Florida Statutes and Chapter 69K, Florida Administrative Code.

On December 5, 2012, the Department filed an Administrative Complaint against the Respondent. On January 8, 2013, the Department received Respondent's request for a formal hearing. On March 15, 2013, the Respondent and the Department entered into a Settlement for the resolution of this matter. The terms of the Settlement require the Respondent to pay an administrative fine of \$1000 and costs of \$250. Respondent's failure to timely comply with the terms and conditions of the Board's Final Order shall be grounds for emergency suspension of all licensure held by the Respondent; provided the Department shall give written notice to Respondent, pursuant to s. 497.153(5)(c), Florida Statutes.

Mr. Rudolph was present representing Sara Fredericks. If you look at the answer I filed on behalf of my client, we denied the allegations. We have been in litigation and have been taking depositions. My client complied with the federal funeral rule and we have denied it all, but have entered into this stipulation to resolve the case and to keep from having to shut down three (3) funeral homes for two (2) days for a hearing and we are waiving our attorney's fees.

MOTION: Mr. Mueller moved to approve the Settlement Stipulation as recommended by the Department. Mr. Helm seconded the motion, which passed with two (2) dissenting votes.

(4) Fulton, Patrick (F035586): Case No. 125722-12-FC, Division # ATN-17998 (Probable Cause Panel B)

Ms. Anderson recused herself as she participated on Probable Cause Panel B.

Ms. Surles stated that the Department's Administrative Complaint alleges that on December 11, 2011, Mr. Michael Beckham passed away, and the immediate family, residing in New York, contacted Collison Family Funeral Home & Cremation Howell Chapel Branch via telephone and made arrangements for the memorial service and cremation. The immediate family was overcharged \$250 for the service of ID Viewing. On December 16, 2011, the day of the service for decedent Michael Beckham, Mr. Gregory Collison introduced himself to Mr. Scotti and the family and told Mr. Scotti that the viewing was limited to five family members and that this was the law and there was nothing else he could do. Mr. Anthony Scotti requested to take his brother's remains home with him on his return airplane flight to New York. Collison charged Mr. Scotti \$1000 to expedite the cremation of the decedent's body. Mr. Patrick Fulton provided a sworn written statement that stated "again Mr. Scotti was previously told that the expedite fee was for us to physically take him (exclusively) to the crematory and physically bring him (exclusively) back and to have him moved up on the cremation schedule instead of being cremated in the order the paperwork came in." On December 16, 2011, a representative of Collison Family Funeral Home contacted Metro Crematory, Inc. ("Metro"), via telephone, requesting Metro to pick up the body of decedent Michael Beckham for cremation. On December 16, 2011, Metro picked up the body of Michael Beckham for cremation and did not charge any additional costs or fees to Collison Family Funeral Home for the pickup and the expedited cremation of the body of Michael Beckham. Therefore, Collison Family Funeral Home & Cremation Howell Chapel Branch, Gregory Collison, Sara Fredericks and Patrick Fulton directly or indirectly exercised undue influence on a client for the purpose of financial gain, in connection with a transaction regulated by Chapter 497, Florida Statutes and Chapter 69K, Florida Administrative Code.

On December 5, 2012, the Department filed an Administrative Complaint against the Respondent. On January 8, 2013, the Department received Respondent's request for a formal hearing. On March 15, 2013, the Respondent and the Department

entered into a Settlement for the resolution of this matter. The terms of the Settlement require the Respondent to pay an administrative fine of \$1000 and costs of \$250. Respondent's failure to timely comply with the terms and conditions of the Board's Final Order shall be grounds for emergency suspension of all licensure held by the Respondent; provided the Department shall give written notice to Respondent, pursuant to s. 497.153(5)(c), Florida Statutes.

Mr. Rudolph was present representing Patrick Fulton. If you look at the answer I filed on behalf of my client, we denied the allegations. We have been in litigation and have been taking depositions. My client complied with the federal funeral rule and we have denied it all, but have entered into this stipulation to resolve the case and to keep from having to shut down three (3) funeral homes for two (2) days for a hearing and we are waiving our attorney's fees.

Mr. Rudolph stated that if you look at the Settlement Stipulations for the previous three (3) cases, we specifically had an agreement with the Division that we would be denying the facts and denying the law, which we have done all along. In this one signed by Mr. Fulton, which I delivered as soon as it came, it turned out he scratched out "fine" and put "fee" and he signed the wrong Settlement Stipulation because it stated he neither admits or denies the allegations. So, we want to substitute the same language that we had in the other Stipulations that everyone signed denying it for this one because it was signed by mistake.

The Chair questioned whether this was clear to all Board members.

Mr. Mueller questioned whether Ms. Surles has a problem with this.

Ms. Surles stated that she did not have a problem with it, as that is what was submitted to Mr. Rudolph. Ms. Surles stated that she would print out the correct page, substitute it and it will be attached to the Consent Order. The Board packet will have something different, but through this record that is being made, the Settlement Stipulation and Consent Order will be corrected.

Mr. Shropshire questioned whether Mr. Rudolph's client would agree that it is a fine and not a fee.

Mr. Rudolph responded, "Yes sir."

MOTION: Mr. Mueller moved to approve the Settlement Stipulation as recommended by the Department. Mr. Helm seconded the motion, which passed with two (2) dissenting votes.

(5) Kate Mayberry d/b/a Agape Funeral Home and Cremation Services, Gainesville (F063982): Case No. 130350-12-FC, Division #ATN-19050 (Waiver of Probable Cause)

Ms. Surles stated that on September 27, 2012, the Department conducted an inspection of the funeral establishment of Kate Mayberry d/b/a Agape Funeral Home and Cremation Services, Gainesville, the Respondent. The Division examiner found that the Respondent did not have a current license displayed of the funeral director in charge for the funeral establishment, did not submit the July, August and September 2012 Bodies Handled Reports to the Department, and did not notify the Department, within twenty days, of the change in the funeral director in charge for the Respondent in violation of ss. 497.380(7), (14), (12)(c); 497.382, 497.152(1)(b) and 497.152(1)(a), Florida Statutes and Rules 69K-21.008, 69K-21.009 and 69K-21.001, Florida Administrative Code as alleged in the Division's investigation file, as maintained in Division record ATN-19050.

On February 4, 2013, Rita Armstrong notarized the signature of Kate Mayberry on the Waiver of Finding Probable Cause and Waiver of Confidentiality. Pursuant to the executed Waiver of Finding Probable Cause and Waiver of Confidentiality, the Respondent has voluntarily waived a finding of probable cause to formally charge a violation of the Chapter 497, Florida Statutes and the Rules promulgated thereto, in this matter.

On February 12, 2013, the Respondent and the Department entered into a Settlement Stipulation for resolution of this matter. The terms of the Settlement Stipulation for Consent Order require the Respondent to pay an administrative fine of \$1500, cost of \$250, and the Respondent's funeral establishment license will be placed on probation for a period of two (2) years with the specific condition that Respondent will file the July, August and September 2012 Bodies Handled Reports to the Department

pursuant to the Act within the first three (3) months of probation and will display the current and valid license of the funeral director in charge for Respondent at all times. Respondent's failure to timely comply with the terms and conditions of the Board's Final Order shall be grounds for emergency suspension of all licensure held by the Respondent; provided the Department shall give written notice to Respondent, pursuant to Section 497.153(5)(c), Florida Statutes. It is appropriate at this time for the Chair to entertain a motion to accept the Settlement Stipulation for Consent Order as discipline in this matter.

The Chair questioned who the Probable Cause Panel members were.

Ms. Surles stated there were none as this was a Waiver of Probable Cause.

MOTION: Mr. Helm moved to approve the Settlement Stipulation as recommended by the Department. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

4. 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.

5. Application(s) for Continuing Education Course Approval
A. Recommended for Approval without Conditions – Addendum B
(1) Academy of Graduate Embalmers of GA #13609
(2) Cremation Association of North America #16008
(3) Florida Cemetery, Cremation & Funeral Association #75
(4) FuneralCE #43
(5) International Order of the Golden Rule #2201
(6) National Funeral Directors Association #136
(7) SCI Management - Dignity University #99

The majority of the Continuing Education Committee and the Division recommends approval of the course(s) for the number of hours indicated on the Addendum.

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 on any of the items being presented today.

MOTION: Mr. Hall moved to approve the application(s). Mr. Helm seconded the motion, which passed with one (1) dissenting vote.

6. Application(s) for Florida Law and Rules Examination
A. Informational Item (License Issued without Conditions) – Addendum C
(1) Funeral Director and Embalmer – Endorsement
(a) Higginbotham, Jason D
(b) Kershaw, Joan M
(2) Funeral Director and Embalmer – by Internship and Exam
(a) Swanson, Ron C

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.

B. Recommended for Approval without Conditions (Criminal History)
(1) Funeral Director and Embalmer – by Internship and Exam
(a) Sisk, Scott P

The Applicant submitted an application to become a Funeral Director and Embalmer on March 8, 2013. The application was complete when submitted. The Applicant submitted a fingerprint card, the processing of which returned a criminal history, to wit:

- In 1995 Applicant pled guilty to Aggravated Battery in Brevard County, Florida. Applicant advised he got into an altercation with a fellow classmate during non school hours. Mr. Sisk was sentenced to confinement of 11 months and 29 days (credited 83 days), two years probation and two years community control. Applicant was approximately age 18 when this occurred.

Mr. Sisk was approved at the February 7, 2007 Board meeting for an Embalmer Apprentice license, without conditions, and has served his apprenticeship since that date. Mr. Sisk was also approved at the February 9, 2012 Board meeting for a Concurrent Intern license. This matter was disclosed in the 2007 and 2012 application.

The Division is recommending approval without conditions.

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

C. Recommended for Denial

(1) Funeral Director and Embalmer – by Endorsement

(a) Toms, William L

The Applicant submitted an application to become a Funeral Director/Embalmer on January 14, 2013. The application was incomplete when submitted. All deficient items were returned on February 8, 2013. The Applicant submitted a fingerprint card, the processing of which returned with no criminal history.

The Applicant does have an adverse licensing history from the state of Pennsylvania, as follows:

- By Order dated March 4, 1998, at file nos. 97-48-00616 and 97-48-00617, the Penn. Board adopted a Consent Agreement levying a civil monetary penalty against Petitioner in the amount of \$500 and against the funeral home which Petitioner worked in the amount of \$1500, because Petitioner practiced as a funeral supervisor without being licensed and the licensed funeral supervisor did not supervise the funeral home.
- By Final Adjudication and Order dated January 12, 2001, at file no. 99-48-00653 and docket no. 0215-48-00, the Penn. Board suspended Petitioner's license for two years from February 12, 2001 until February 12, 2003, for committing misconduct in the profession of funeral director and failing to comply with a regulation of the Board and levied a civil monetary penalty in the amount of \$2000.
- By Order Dated March 6, 2002, at file no. 00-48-00802 and docket no. 0636-48-00, the Penn. Board adopted a Consent Agreement levying a civil monetary penalty against Petitioner in the amount of \$5000 for practicing funeral directing in the Commonwealth while his license was expired, i.e., without a valid license to do so.
- By Final Adjudication and Order dated October 3, 2002, at file no. 01-48-01214 and docket no. 1448-48-01, the Penn. Board levied a civil monetary penalty against Petitioner of \$4000 and revoked Petitioner's license to practice as a funeral director for committing misconduct in the practice of funeral directing by refusing to return the remains of a deceased individual to her family and by failing to provide the funeral goods and services to the family at the prices quoted in the preneed agreement with the deceases.
- In its October 3, 2002 Order, the Penn. Board indicated that it would not consider a petition to reinstate Petitioner's license to practice as a funeral director unless all civil monetary penalties levied against him had been paid in full.
- The Penn. Board further ordered that the five (5) year period prescribed by Section 11(b) of the FDL, 63 P.S. 479.11(b), would not begin to run until the completion of the two-year period of suspension imposed by the Board's January 12, 2001 adjudication at docket no. 0215-48-2000, and the completion of the period of active suspension imposed by the Board's March 6, 2002 Order accepting a Consent Agreement at docket no. 00636-48-2000.

Pennsylvania has subsequently reinstated his license, and he is currently licensed in good standing in Penn.

Copies of pertinent materials from Pennsylvania were provided to the Board.

The Division recommends that the Board deny on the following grounds:

Pursuant to ss. 497.373 (1)(c), and s. 497.374(1)(d), Florida Statutes, an Applicant for Funeral Director license may not be licensed unless the licensing authority determines the Applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters.

Pursuant to ss. 497.368 (1)(c), and s. 497.369(1)(d), Florida Statutes, an Applicant for Embalmer license may not be licensed unless the licensing authority determines the Applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters.

Applicant's disciplinary record prevents a finding that Applicant is of good character. Applicant's disciplinary record prevents a finding that Applicant has no demonstrated history of lack of trustworthiness or integrity in business or professional matters.

Mr. Shropshire requested that Mr. Toms raise his right hand. "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. William L Toms responded, "I do." Members of the stated Board, my name is William Toms and currently I am a licensed funeral director in Pennsylvania. With me today is my brother James H Toms who serves as my attorney in this matter. I am appearing before you this morning to demonstrate to you that I possess the character and integrity which you require for licensure as a funeral director in the state of Florida. As you have seen from my record, my Pennsylvania license was revoked in 2002. In January 2011, I appeared before the Pennsylvania Board and demonstrated to them that I was sufficiently rehabilitated to sit for and ultimately acquire a license in Pennsylvania. During the period of my license's revocation, I spent many hours in retrospect concerning the Board's decision and concluded that I would take the necessary steps to demonstrate to the Board that I was trustworthy of reconsideration. My rehabilitation efforts include courses at the college in ethics, multiple counseling sessions with my minister on ethics and responsibility, therapy sessions with a Dr. Edward Bautista focusing on the effects of my military service and experience and accepting responsibility for my misconduct. The Board also considered the positions of responsibility that I held during the period of revocation. These included positions as a security guard, which required a high-level security clearance as well as the permit to carry a firearm. Also I have driven a multi-axle tandem truck and was responsible for handling many tons of materials in a safe manner. As a school bus driver, I was responsible for the transportation with an even more precious cargo named the children of my community. I sold real estate for a number of years with E R Real Estate in Clark Summit. After consideration of my efforts, paying all the fines the Pennsylvania Board had given me, they gave me the opportunity to regain my license to practice in the commonwealth. I considered this a major redemption and proceeding to pass all requirements necessary to include the study, testing and with great seriousness of purpose they issued me a new license. I feel it is important to tell this Board at this time that in Pennsylvania, once a license is revoked, it is very rarely reinstated. I have continued my efforts to rehabilitate my character, even after the Board's decision. To give you a sense of my community involvement, let me outline a few of my activities. I have held positions of responsibility with our Lion's Club and my local volunteer fire company of which I am a trustee. As a Vietnam War veteran, I have spent time assisting my fellow veterans in transportation and helping them after coming back from overseas with debilitating conditions. I have helped through talking with them and working with them to adjust. I was appointed to the vestry of my church, Church of the Epiphany, and I am proud to say that in February 2013 I was elected to the position of Jr. Warden. In this position, I am responsible for the real estate and facilities of the church and the related budget to operate them. I think you will agree a position that requires a sound character and integrity. I realize I made some serious mistakes. Despite an unblemished 20 year career up to that point, I realize that my decisions were very poor. I have worked steadfastly to redeem these mistakes so that I could stand before you and request that you give me compassionate consideration to my application for a license as a funeral director and embalmer in this state. With all due respect, I hope you will reconsider the denial recommendation and vote to grant me a license to practice. I am happy to answer any questions that you may have.

The Chair stated that ss. 497.373 (1)(c), and s. 497.374(1)(d), Florida Statutes, states that an Applicant for Funeral Director license may not be licensed unless the licensing authority determines the Applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters. The Board appreciates Mr. Toms coming before the Board to explain the circumstances, but recommends that your application be denied.

Mr. Shropshire requested that Mr. Toms raise his right hand. "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. James Henry Toms answered, "I so swear." Mr. Toms stated that the letters of recommendation in the Board packet were written by prominent members of the community in which his brother currently serves. I think you will see in those packages the comments relative to his character and to his integrity. I also would like to give to each of you statements from the Pennsylvania Board at the time of his hearing if I may.

Mr. Shropshire questioned whether there were enough copies for each Board member.

Mr. Toms stated that he believes that there are enough copies.

Mr. Shropshire stated for the record that Mr. Toms presented a two (2) page document without a title. The first line of which begins with "demonstrate any degree of reform or rehabilitation."

Mr. Toms stated that this was taken from the hearing in January 2011, a copy of which is included in the Board's packet. The purpose is to simply highlight some of the comments that were made and I begin on what is identified as page 11, *Id. at pp. 13-14*, starting with the sentence, "Since that previous decision, Petitioner has undertaken substantial efforts to rehabilitate himself. He presented a markedly different character in his appearance before the Board, fully acknowledging his personal responsibility for past misconduct. Beyond the mere verbal admission of fault, the Board has also had the opportunity to view Petitioner's demeanor. He appeared sincere and contrite." At the bottom of the page, "Finally, Petitioner has sought professional assistance and advice. The record includes evidence from Dr. Bautista that records how Dr. Bautista observed Petitioner's attitude evolve over time from an attitude of denial to one of responsibility." Mr. Toms stated that his brother practiced as a funeral director for 24 years prior to any of these misconduct charges that were levied against him. That represents probably somewhere in the neighborhood of over 700 funerals during the course of that period of time. There are two (2) misconduct charges. Admittedly, poor judgment on his part and badly followed up, but those two (2) I would ask you to consider in relationship to the 700+ funerals he conducted and families that he served represent less than 1% of his commitment and service to the community of the residents of the Commonwealth of Pennsylvania. I would ask you to consider the fact that he has been out of the funeral profession during a period time from age 56 to age 66, the point in time where he would have been making probably the greatest contributions that he could have during that period. He is at a point now where he is really trying to make up for that lost time. He prides himself in the service that he gives to his community and I would ask you to consider the fact that despite the record, despite the adverse history that you have the ability to use your judgment as a Board in making a determination in this case based on what you see, based on what you read and based on what you saw from the Commonwealth of Pennsylvania's Board who has similar responsibilities to their citizens as you have to the citizens of Florida. We ask for your favorable consideration and your compassion in this situation.

MOTION: Ms. Thomas-Dewitt moved to deny the application based on criminal record as reflecting lack of trustworthiness or integrity in business or professional matters. Mr. Hall seconded the motion, which passed unanimously.

7. Application(s) for Internship

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

- (1) *Funeral Director*
 - (a) *Vierling, Ralph J*
 - (2) *Funeral Director and Embalmer*
 - (a) *Brisbine, Daniel D*
 - (b) *Markham, Samuel W*
 - (c) *Perhach, John L*

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 Embalmer Apprenticeship

A. Informational Item (Licenses issued without Conditions) – Addendum E

- (1) *Bell, Anna M*
- (2) *Farley, Britney N*
- (3) *Hagins Jr, Lorenzo*
- (4) *McKinney, Ami E*

(5) *Prus, Kelly B*

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.

B. Recommended for Approval with Conditions (Criminal History)
(1) Lowery, Michael D

The Applicant submitted an application to become an Embalmer Apprentice on February 21, 2013. The application was complete when submitted. The Applicant submitted a fingerprint card, the processing of which returned a criminal history, to wit:

- In 2008, pled no contest to Possession of Cannabis, sentenced to 90 days probation, \$230 court costs, 15 hours community service.
- In 2009, pled no contest to Burglary of an Unoccupied Dwelling, sentenced to 4 years probation, \$391 court costs, 100 hours community service
- In 2011, pled no contest to Reckless Boating, court costs \$665, complete safe boating course and prohibited from operating a boat in Monroe County for six months.

The statute pertaining to licensure of embalmer apprentices, section 497.371, Florida Statutes, provides no express qualification criteria regarding the character or trustworthiness of an embalmer apprentice license Applicant. We attach a copy of the embalmer apprentice statute and rule.

The Division recommends that the Board approve the application with the following conditions/proviso:

- This Applicant has a criminal record. However, the statute pertaining to licensure of embalmer apprentices, section 497.371, Florida Statutes, provides no express qualification criteria regarding the character or trustworthiness of an embalmer apprentice license Applicant. Accordingly, the license applied for herein is granted, but Applicant is advised that the Board's decision herein shall not be deemed to include or reflect a determination by the Board concerning Applicant's character or trustworthiness.

The Division noted that the Board's counsel has also weighed in on this and there is a memo from Board Counsel in the materials presented to the Board.

The Chair questioned whether Applicant was present.

Ms. Wendy Wiener, representing the Applicant, responded "Yes."

Mr. Shropshire questioned whether Board Counsel's memorandum was included in the materials.

Ms. Richardson responded that the memo was not included.

Mr. Shropshire apologized and stated that the Division did receive a memo from Board Counsel. Mr. Shropshire questioned whether Board Counsel believes that his statement concerning the statute, the law is correct.

Mr. Jennings concurred.

Mr. Helm questioned whether the Applicant understands the conditions as recommended by the Division.

Ms. Wiener stated that at this point and time, her conversation with Mr. Jennings confirmed that there are no conditions at this time because an embalmer apprentice license, pursuant to sort of a quirk in the law, does not allow the Board to take into consideration the criminal history. The Applicant does understand that when he comes back for his ultimate licensure that these issues will likely need to be addressed at that time.

Mr. Mueller stated that these types of issues have come up before the Board in the past, upon licensure. Some Applicants that have received permission to become apprentices but then have had licenses denied in the past for similar offenses. Mr.

Mueller stated that Mr. Lowery needs to know that he may do all his time but not receive a license at the end of that time from this Board.

Mr. Lowery confirmed that he understood this.

Ms. Wiener also confirmed that Mr. Lowery understands that.

MOTION: Mr. Mueller moved to approve the application but Applicant is advised that the Board's decision herein shall not be deemed to include or reflect a determination by the Board concerning Applicant's character or trustworthiness. Mr. Helm seconded the motion, which passed unanimously.

(2) *Wright, Timothy C*

The Applicant submitted an application to become an Embalmer Apprentice on September 27, 2012. The application was incomplete when submitted. All deficient information was returned on February 1, 2013. The Applicant answered no to the criminal history question; however the Applicant submitted a fingerprint card, the processing of which returned a criminal history, to wit:

- Mr. Timothy Wright pled No Contest to Felony Deposit Account Fraud on September 11, 2002. The case related to two bounced checks of under \$30 each. Mr. Wright was sentenced to four hours Community Service.

The statute pertaining to licensure of embalmer apprentices, section 497.371, Florida Statutes, provides no express qualification criteria regarding the character or trustworthiness of an embalmer apprentice license Applicant. The Board was provided a copy of the embalmer apprentice statute and rule.

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

9. *Consumer Protection Trust Fund Claims*

A. *Recommended for Approval without Conditions – Addendum F*

The Division recommends approval of the claim(s).

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

10. *Application(s) for Cinerator Facility*

A. *Recommended for Approval with Conditions*

(1) *Charlotte Funeral Services LLC d/b/a Charlotte Memorial Funeral Home and Cemetery (Punta Gorda)*

An application for a Cinerator Facility was received on March 6, 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 Andrew Tuss (F020835).

The establishment is recommended for approval subject to the condition that the establishment passes an on-site inspection by a member of 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 Division staff. Mr. Mueller seconded the motion, which passed unanimously.

11. *Application(s) for Funeral Establishment*

A. *Recommended for Approval with Conditions*

(1) *Dallas and Davis Funeral Services LLC (Gulfport)*

An application for a Funeral Establishment was received on February 5, 2013. The application was incomplete when submitted. All deficient items were returned on March 10, 2013. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Eric Drews (F042169).

The establishment is recommended for approval 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.

(2) Nur-Jairam Funeral Home LLC (Clermont)

An application for a Funeral Establishment was received on February 15, 2013. The application was incomplete when submitted. All deficient items were returned on March 12, 2013. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Dexter Jairam (F042418).

The establishment is recommended for approval subject to the condition that the establishment passes an on-site inspection by a member of 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 Division staff. Mr. Helm seconded the motion, which passed unanimously.

(3) SCI Funeral Services of Florida Inc d/b/a Dignity Memorial (Thonotosassa)

An application for a Funeral Establishment was received on February 18, 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 Brea Young (F052573). The establishment passed its inspection on March 14, 2013.

Note: The new funeral establishment will be located on the grounds of an SCI cemetery. There is currently a funeral establishment on the cemetery grounds. Currently the cemetery, the existing funeral establishment, and the new funeral establishment would all share the same postal address. However, the Division's inspector has determined by on-site review that the new funeral establishment will be approximately 250 yards from the existing funeral establishment, in a new building. Therefore, these establishments are not be considered by the Division to be co-located. Furthermore, the Applicant has agreed to obtain a separate postal address for the new funeral establishment.

The establishment is recommended for approval subject to the condition that within six months of approval the establishment is issued a new address by the USPS and SCI Funeral Services of Florida Inc submits said address to the Division.

MOTION: Mr. Hall moved to approve the application subject to the condition that that within six months of approval the establishment is issued a new address by the USPS and SCI Funeral Services of Florida Inc submits said address to the Division. Mr. Mueller seconded the motion, which passed unanimously.

12. Application(s) for Preneed Main License

A. Recommended for Approval with Conditions

(1) Coral Springs Funeral Home and Cremation Services, LLC (Coral Springs)

The Department received the application on January 30, 2013 and deficiencies were noted on the application. A deficiency letter was sent as of February 6, 2013, and all items were resolved as of February 26, 2013. A completed background check of all officers revealed no criminal history. Applicant was approved for its qualifying funeral establishment license subject to passing of an inspection, approved by the Board as of March 7, 2013. Applicant will sell insurance-funded preneed through Homesteaders Life Insurance Company and utilize the Homesteaders pre-approved preneed funeral agreement.

The Applicant's financial statements as of January 11, 2013 reflect the following:

| | | |
|----------------------------|------|--------|
| Acquired Preneed Contracts | = \$ | 0 |
| Required Net Worth | = \$ | 10,000 |
| Reported Net Worth | = \$ | 10,485 |

Documentation establishes that William J. Savino (a principal of Applicant herein) was discharged from Chapter 7 bankruptcy on February 27, 2008, by the Federal District Court, Southern District of Florida. It was a personal bankruptcy action and discharge. In view of the bankruptcy, the FCCS Division requested additional materials from Applicant:

- Court documentation evidencing that the bankruptcy was discharged.
- A personal financial statement for officer and owner, William J. Savino
- A letter of reference from an affiliated financial institution and a vendor.

Applicant has provided all requested information and material. The letters of reference are favorable.

The establishment is recommended for approval subject to the condition that the Board approve the application based upon the attached Stipulation for Licensure agreement (2 year probation; agreement for 100% trusting or insurance funding).

MOTION: Ms. Thomas-Dewitt moved to approve the application subject to the condition that the Board approves the application based upon the agreed upon Stipulation for Licensure agreement (2 year probation; agreement for 100% trusting or insurance funding). Ms. Anderson seconded the motion, which passed unanimously.

13. Application(s) for Preneed Branch License
A. Recommended for Approval with Conditions – Addendum G

The Division recommends that the application(s) be approved.

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

14. Application(s) for Removal Service
A. Recommended for Approval with Conditions
(1) Tri County First Call LLC (Altamonte Springs)

An application for a Removal Service was received on March 1, 2013. The application was incomplete when submitted. All deficient items were returned on March 14, 2013. 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 Division staff.

MOTION: Ms. 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.

15. Recommended for Denial of Funeral Director and Embalmer License (Exam Challenge)
A. Eichacker, Jeffery A

Mr. Eichacker, Applicant, has satisfied all requirements for the funeral director & embalmer license under Chapter 497, except for the Law and Rules Exam, required under s. 497.373(2)(b), Florida Statutes, and Board Rule 69K-16.001.

Mr. Eichacker was approved to take the Florida Law and Rules examination and took the exam on February 8, 2013. The test contained 50 questions. Mr. Eichacker was initially scored as answering 14 questions incorrectly. He received an initial score of 72% (Rule 69K-16.001 requires a score of 75% to pass the exam).

After taking the exam Mr. Eichacker requested and was provided a review of the questions and answers he was scored as incorrect on. Mr. Eichacker challenges two questions, reproduced below, asserting that the official correct answer is not a correct answer.

First Question Challenged

An individual who is **NOT** registered as a direct disposer may legally:

- A. make at-need cremation arrangements
- B. represent as his own the registration of another
- C. sell funeral merchandise
- D. use the name or title of "Direct Disposer"

The official correct answer is "C. sell funeral merchandise." Mr. Eichacker answered "D. use the name or title of 'Direct Disposer.'"

The FCCS Division recommends that the Board find that the correct answer is "C. sell funeral merchandise." No license under Chapter 497 is required to sell funeral merchandise, as long as the sale is not in the context of arranging or providing funeral services, or part of a preneed sale for future delivery of the merchandise at time of need. For example, caskets are sold at Costco, which has no Chapter 497 license of any type.

MOTION: Mr. Mueller moved that official answer is the correct answer and Mr. Eichacker did not answer correctly. Mr. Hall seconded the motion, which passed unanimously.

Ms. Thomas-Dewitt questioned whether these questions would be stricken from the test bank.

Mr. Shropshire responded yes and stated that he and Ms. Richardson have already worked with the vendor, PearsonVue, and two (2) additional questions have been inserted to replace these questions.

Second Question Challenged

The preneed license expires annually on which day?

- A. January 1
- B. April 15
- C. June 30
- D. October 30

The official correct answer is "C. June 30." Mr. Eichacker answered "D. October 30".

The FCCS Division recommends that the Board strike this question. Although the Division commonly refers to preneed licenses as expiring on June 30th, Rule 69K-5.0026(5) states in pertinent part as follows: *"(5) Any Preneed License not approved or denied by the Board prior to July 1 of each year shall automatically expire on July 1 and the entity shall be required to cease and desist from all selling of preneed funeral and cemetery goods and services."*

The question did not provide Mr. Eichacker with an opportunity to select the correct answer (July 1 was not one of the choices given). Therefore the FCCS Division recommends that Mr. Eichacker's answer be counted as correct for purposes of scoring his test.

Mr. Shropshire requested that Mr. Eichacker raise his right hand. "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. Jeffery Allan Eichacker responded, "Yes sir, I do."

The Chair questioned whether Mr. Eichacker would like to address the Board.

Mr. Eichacker stated that in response to the reason for my answer to the direct disposer question, Florida does not have registered direct disposers. They are licensed, such as a funeral director. To validate my statement, I have here a copy of the Application for Direct Disposer License, from the State. I also have a letter from Jeff Atwater that shows the direct disposer license requirements. That is why I answered that question such as I did and as far as I am concerned, they referred to the direct disposer as registered, which is a false statement, which in turn should make the question invalid and also make the answer selections invalid.

Mr. Shropshire questioned of Mr. Jennings whether it would be proper for the Chair to ask if on the basis of that representation or statement by the Applicant, whether the Board wishes to reconsider its previous motion that was made, seconded and passed.

Mr. Jennings stated that would be proper.

Mr. Shropshire advised that there is no implication that there is any validity to the argument but the Board should be asked whether they would like to reconsider the motion.

Mr. Mueller stated that his motion stands.

The Chair questioned whether there was any desire for reconsideration of the motion. There was no response from the Board.

MOTION: Mr. Mueller moved that Mr. Eichacker's answer be counted as correct for purposes of scoring his test. Mr. Hall seconded the motion, which passed unanimously.

If the Board finds in his favor on both questions, he will achieve a passing score. If the Board finds in his favor on one or neither of the questions, he will not achieve a passing score.

The FCCS Division recommends that:

- a) The Board find against Mr. Eichacker as to the first question challenged, finding that the official answer is the correct answer.
- b) That the Board find for Mr. Eichacker on the second question challenged.
- c) That the Board find that Mr. Eichacker correctly answered a total of 37 questions of the 50 questions on the test, and therefore achieved a score of 74, and did not pass the test.
- d) That Mr. Eichacker's application for license is denied, for failure to pass the exam required under s. 497.373(2)(b), FS

The Chair questioned the determination on the score.

Ms. Thomas-Dewitt stated that the score is at 74 which is not acceptable.

Mr. Shropshire stated that the Division represents that the score, even giving him credit for the one (1) question that the Board has now given him credit for answering correctly, is now 74. The Division represents to the Board that Mr. Eichacker did not pass the test and the Division recommends a motion of denying the application for failure to pass the Law and Rules exam.

MOTION: Ms. Thomas-Dewitt moved to deny the application based on failure to pass the exam required under s. 497.373 (2)(b), F.S. Ms. Anderson seconded the motion, which passed unanimously.

The Chair questioned whether Mr. Eichacker received information on how to proceed for reexamination in the future.

Mr. Eichacker stated that he has received the information. Mr. Eichacker questioned the point value of the additional point he received credit for because of the way the scoring is, some questions are worth more than others.

Ms. Richardson stated that PearsonVue actually rescored Mr. Eichacker's exam based on the information provided. With giving him credit for the additional question he scored 74%. Had he received credit for another additional question he would have received 76%. This information is represented in the packet provided to the Board.

16. Board Consumer Member Report (Oral)

None

17. Executive Director's Report

A. Proposed Rule 69K-1.008, re: Applicants with Criminal History (Action)

Mr. Shropshire stated that s. 497.141(5)(a) requires the Board to pass a rule relating to how a license Applicant (new or renewal) that has a reportable criminal record, shall demonstrate that if the license is granted, the Licensee will not be a danger to the public. This is mandatory rulemaking. The Division has received criticism from a legislative committee regarding tardiness in adoption of mandatory rules. The Division provided the Board with a copy of the proposed rule. The FCCS Division recommends that the Board approve rulemaking. This does not place any burden on the current Licensee.

This only applies to Applicants and in effect it tells the Applicant what the Board wants them to address in a written presentation to the Board with their application in relation to explaining the criminal history.

Mr. Jennings stated that initially, if it is the intent of the Board to move forward with the rule as drafted, then may I suggest that the motion be such that staff be instructed to file a Notice of Rulemaking in this regard that if no hearing is requested within the 21 day timeframe that staff be authorized to proceed immediately to the filing for adoption. If a hearing is requested it should be held in conjunction with the June 27th meeting.

Ms. Wiener stated that having circulated the proposed rule to some of her clients, she does have clients that will have some changes that they would like to have discussed. I know that once we are into Chapter 120 Rulemaking and in the process of a hearing that could maybe become somewhat more burdensome. I cannot help but wonder if perhaps the Board would rather send this to Rules Committee so that those issues could be worked out ahead of time. It does not really make a difference to me. I am going to make my clients' concerns known one way or another, but for purposes of helping the Division's process go more smoothly, we could either request a hearing through the Chapter 120 process or we could address it during a Rules Committee.

Ms. Lisa Coney requested that this be submitted to the Rules Committee to provide an opportunity to work with the draft before it went through the formal adoption process.

Mr. Shropshire suggested that if these are not substantive changes that they be put on the table here today. The Division has no pride of authorship. If they are not major changes, perhaps they could be taken up today.

Ms. Wiener stated she could address them, from her clients' perspectives, as they are not voluminous.

The Chair questioned whether Ms. Wiener had these changes printed out.

Ms. Wiener stated that she did not but could briefly address the three (3) concerns that were raised.

The Chair requested that Ms. Wiener address the concerns.

Ms. Wiener addressed the following subsections:

(b) If Applicant was not the sole perpetrator of the crime, a description in detail of Applicant's and each other perpetrator's role in the crime.

Ms. Wiener stated she had some privacy concerns there about an Applicant making representations that could become a matter of public record and could be deemed slanderous or libelous about other's behavior. I think it is certainly appropriate for the Board to ask about the Applicant's role in any crime but I do not think that the Applicant should be making representations regarding other's roles in a particular crime. Ms. Wiener requested that "and each other perpetrator's" be stricken to read "...Applicant's role in the crime."

(c) If there are multiple crimes on different dates, Applicant's explanation of why the multiple crimes should not be found to indicate a pattern of inability or unwillingness to comply with applicable laws.

Ms. Wiener stated that one of her expressed a concern about the vagueness of the word "pattern." I think that is potential for some significant litigation. What is a pattern of unwillingness to comply with the laws? Is it once, is it twice, is it three (3) times, does it depend on the severity? That word provides a little concern.

Mr. Helm questioned what word would Ms. Wiener suggest besides pattern.

Ms. Wiener suggested eliminating "a pattern of" to read "...should not be found to indicate inability or unwillingness to comply with applicable laws."

(d) The age and maturity of the Applicant when the crime(s) was committed.

Ms. Wiener stated that age is certainly discernible but maturity is a sufficiently vague term. What does it mean to be mature? It is such a subjective word that I hate to see a word like that in rulemaking. Ms. Wiener requested that "and maturity" be stricken to read "*The age of the Applicant when the crime(s) was committed.*"

(i) *Identification and description of any evidence that Applicant is sincerely remorseful concerning the crime.*

Ms. Wiener stated that there is a great possibility of litigation when trying to determine whether someone is "sincerely remorseful" or just remorseful. Ms. Wiener requested that "sincerely" be stricken to read "...*Applicant is remorseful concerning the crime.*"

Mr. Mueller questioned whether there is a compelling reason for this rule not to go through the Rules Committee. It appears that would be the proper procedure.

Mr. Shropshire stated that the compelling reason is that the Legislature's displeasure that it has been several years and no rule has been adopted. The Division would have no objection to the changes that Ms. Wiener has suggested.

Ms. Coney addressed the following subsection:

(g) *Whether full restitution has been made to all persons who suffered or incurred personal or property harm, injury or damage as a result of the crime, and identification and description of any evidence supporting Applicant's assertion as to restitution. If full restitution has not been made, Applicant shall provide an explanation of why it has not been made.*

Ms. Coney stated that "Whether full restitution has been made to..." That might appear to be subjective and I would prefer it say something to the effect of "*Whether any required or legally compelled restitution has been made. If full restitution has not been made, Applicant shall provide an explanation of why it has not been made.*" That way you are not opening up claims from people who say they would have restitution that were not compelled by law.

Mr. Mueller questioned whether the Rules Committee has considered this rule at all or if the Committee had an opportunity to make this rule and just did not do their job.

Mr. Shropshire stated that this rule has not been to Rules Committee, as he was hoping that it would not be controversial enough since it is only asking Applicants for information.

Ms. Coney stated that it is not her opinion that the rule is necessarily controversial but as someone who frequently has to work with the applications that bring up these kind of questions, they become controversial whether you think they are going to be or not. The kind of information that is available if something happened 30 years ago becomes really challenging, so the practical application of this is my concern. Not so much that we need to have something in place to support Division staff as they look at these applications. It is the practical "how do you hand things in."

(j) *Whether Applicant believes they had a drug or alcohol abuse problem in the time frame the crime was committed and if so, identification and description of any evidence that Applicant has been successfully treated or has otherwise overcome or is in remission concerning such drug or alcohol abuse.*

Ms. Coney stated that if you were a 12-stepper, you would say there is never a remission as the person would be in a recovery process forever and ever. Some of these things should probably be aggravating or mitigating factors, just as fines are determined in the disciplinary process. Describing someone's alcoholism as in remission is problematic and would just rear back up.

MOTION: Mr. Mueller moved to refer to the Rules Committee, given the fact that there is a process in place to propose, approve and recommend rules and they should move with expediency and develop a product as soon as possible. The motion failed due to lack of a second.

Ms. Wiener stated that there is some time sensitivity on the Division's part associated with this. If the Board would rather move forward with rulemaking, we could submit written comments within the twenty-one day period. I think the changes that would be suggested are not controversial as we all agree that this is a necessary rule. If it is more expeditious for the

Division, neither Ms. Coney nor I have a problem to doing it through the Chapter 120 process. I just came up to offer that we can do it either way.

Ms. Coney stated that adoption as is may have some concerns.

Mr. Shropshire state that the Division has not objection to the changes that Ms. Coney recommended.

The Chair stated that ultimately the rule would come back to the Board with the changes that the Division approves of and recommends.

Mr. Shropshire stated that the way the Division had envisioned it is if the Board approves a rule today, then rulemaking goes forward and the rule would be adopted assuming JAPC does not have any objections.

The Chair clarified that if the rule went to Rules Committee then it would ultimately come back to the Board.

Mr. Clark questioned whether there has been a Notice of Rule Development on this rule.

Ms. Coney stated that she has not received one.

Mr. Jennings stated that for the record, let's assume for a second that a Notice of Rule Development has not been filed. The motion would be to instruct staff to file a Notice of Rule Development and then after the appropriate period of time, which I believe is fourteen (14) days to then proceed and file a Notice of Rulemaking with the language as now having been discussed with instructions that if no request for hearing is made to subsequently file the rule for adoption at the conclusion of the twenty-one (21) days or if a hearing is requested to have the hearing at the June 27th Board meeting.

MOTION: Ms. Thomas-Dewitt moved to move forward with the rule as recommended by Mr. Jennings. Mr. Clark seconded the motion, which passed unanimously.

Mr. Jennings stated that he had (2) questions to pose to the Board in order to facilitate Mr. Shropshire moving forward. These have to do with the Statement of Estimated Regulatory Costs. Mr. Jennings questioned whether the Board feels that the proposed rule amendment would have an adverse impact on small business. Mr. Jennings questioned whether the proposed rule amendment would likely, directly or indirectly, increase regulatory cost to any entity including government in excess of \$200,000 in the aggregate in Florida within one (1) year of implementation.

Mr. Shropshire stated that the answer to both questions is in the negative to both questions and would recommend that the Board would so find.

B. Rules Committee re Handling and Storage of Human Remains (Informational)

The Chair hereby appointed Jeff Coffelt and Darlene Smith to serve as members of the Rules Subcommittee, Handling and Storage of Human Remains, effective March 19, 2013. The Committee will be meeting immediately after this Board meeting at 12 Noon and now consists of Ms. Gail Thomas-Dewitt as Chair, Mr. Justin Baxley, Ms. Lisa Coney, Mr. Jay Rhodes, Mr. Jeff Coffelt and Ms. Darlene Smith.

C. Report: Payment of Disciplinary Fines and Costs (Informational)

Monthly Report of Fine and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 April 4, 2013 Board Meeting
 Report Updated as of March 26, 2013

| Licensee | 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 | NO; See Note A | Monthly payments are not current. Licensee failed to make February payment. March payment is due 3/29/13. |
| 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 | 119605-11-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 | 2/1/2013 | Yes | |
| Larry Locke | Dec-12 | 126779-12-FC | \$3,000 | 2/1/2013 | Yes | |
| New Serenity Memorial Funeral Home & Cremation Services | Dec-12 | 126168-12-FC | \$1,500 | 2/15/2013 | NO; See Note A | Licensee's attorney, John Rudolph, filed a motion for 30 additional days to pay fine; motion will be heard at April Board meeting. |
| SCI Funeral Services of Florida, Inc./Forest Lawn dba Forest Lawn Memory Gardens #907 | Dec-12 | ATN-17646 | \$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 | Yes | |
| Masters Funeral Home, PA. | Feb-13 | 126160-12-FC | \$1,000 | 3/15/2013 | Yes | |
| Edward W. Stone | Feb-13 | 128621-12-FC | \$2,750 | 3/15/2013 | Yes | |
| Stone's Memorial Funeral Home | Feb-13 | 128622-12-FC | \$2,750 | 3/15/2013 | Yes | |
| 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 | NO; See Note A | |
| Young's Funeral Home, Inc. | Feb-13 | 128346-12-FC | \$2,250 | 3/18/2013 | NO; See Note A | |
| Kevin Blackmon | Feb-13 | 126775-12-FC | \$2,750 | 3/27/2013 | See Note D | |

- A. When payment in full 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 action 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.

CBM April 6/13

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18. Chairman's Report (Oral)

None

19. Office of Attorney General's Report (Oral)

None

20. Administrative Report

The Administrative Report was provided to the Board via the Agenda.

21. Disciplinary Report

The Disciplinary Report was provided to the Board via the Agenda.

22. Adjournment

The meeting was adjourned at 11:47 a.m.