

BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
June 27, 2013 - 10:00 A.M.
Department of Financial Services
2020 Capital Circle SE, Alexander Bldg #230
Tallahassee, FL 32301

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 June 27, 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 the Alexander Building in Tallahassee 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
Linje Rivers, Department Counsel
James "Jim" Bossart, Department Counsel
Jasmin Richardson, Department Staff
Christine Moore, Department Staff
LaShonda Morris, Department Staff

The Chair confirmed that the Board members had received their packets in a timely manner. Also, the Chair reminded those in attendance to sign in and out prior to leaving the meeting.

2. Action on the Minutes

A. June 6, 2013

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meetings held on June 6, 2013.

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

3. Disciplinary Proceedings:

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

(1) *Mitchell and Mitchell Mortuary, Inc.: Case No. 129484-12-FC, Division #ATN-16963 (F058023)*

Ms. Mary K Surlis stated that the Board was provided with certified copies of the Amended Information, the formal charging document filed by the State Attorney's Office in Seminole County, Florida in the matter of State of Florida vs. Bernard Delano Mitchell, Case No. 10-02111-CFA, a certified copy of the judgment and sentence for the same criminal case and the certified copy of the Florida for Profit Corporation annual report for Mitchell and Mitchell Mortuary, Inc. for the years of 2010 – 2013 and the Electronic Articles of Incorporation.

On June 5, 2009, the Department received an initial application for a funeral establishment license for Applicant Mitchell and Mitchell Mortuary Inc. and Bernard D Mitchell was listed on the application as an officer and principal for the Applicant. The criminal records check did not disclose any criminal history that could be used to deny the application for the funeral establishment license for the Applicant. On October 8, 2009, the funeral establishment license was granted. On May 21, 2009, the State Attorney's Office for Seminole County Florida filed an Amended Information in the matter of State of Florida vs. Bernard Delano Mitchell, Case No. 10-02111-CFA, which alleged that on and between January 1, 2006 and December 31, 2006, as well as in 2007 and 2008, Bernard Mitchell was stealing from the funeral establishment, Wilson-Eichelberger, where he was the funeral director in charge and failed to make required deposits to the trust accounts of Wilson-Eichelberger.

On July 22, 2011, Bernard Mitchell pled guilty to fourteen (14) felony counts in the Circuit Court of Seminole County, Florida in the same criminal case No. 10-02111-CFA. Four (4) of the counts were for violation of the Florida Money Laundering Act, which are second-degree felonies. Five (5) of the counts were for failing to make required deposits by a preneed Licensee, which are third-degree felonies. Five (5) of the counts were for grand theft, which are third-degree felonies. Mr. Mitchell was sentenced to twelve (12) years and six (6) months probation under the supervision of the Department of Corrections.

On September 13, 2011, the Department entered a Final Order permanently revoking the funeral director and embalmer license of Bernard D. Mitchell. On December 5, 2012, the Department received a completed licensure renewal application for Mitchell and Mitchell Mortuary, Inc. On December 18, 2012, the funeral establishment license was renewed. As part of the completed licensure renewal Mitchell and Mitchell Mortuary answered in the negative to the question, "Has the Licensee or any of its principals been convicted of, pled no contest to, or pled guilty to any crime required to be reported pursuant to s. 497.142(10), F.S., for which the crime has not previously been reported to the Division?" Thus, Mitchell and Mitchell Mortuary misrepresented information as part of its licensure renewal because Bernard Mitchell, who completed the renewal application, was then and is now President of Mitchell and Mitchell Mortuary.

On March 11, 2013, the Department filed an Administrative Complaint against Mitchell and Mitchell Mortuary alleging it renewed its funeral establishment license by misrepresentation when it answered in the negative to the question, "Has the Licensee or any of its principals been convicted of, pled no contest to, or pled guilty to any crime required to be reported pursuant to s. 497.142(10), F.S., for which the crime has not previously been reported to the Division?" The Respondent, Mitchell and Mitchell Mortuary admitted that it had never reported the crimes committed by one of its principals to the Division. In its response to the Department's discovery request, the Department asked in Interrogatory #4, "Did Mitchell and Mitchell Mortuary, Inc. ever notify the Department that one of the principals of Mitchell and Mitchell Inc. had been convicted of a crime?" Mitchell and Mitchell's answer was no and it answered to the Department's Interrogatory.

On April 5, 2013, the Respondent elected to have a formal hearing in this matter and on April 10, 2013, the Department referred this matter to the Division of Administrative Hearings. After the Department received the Respondent's Discovery

Responses, the Department moved the Division of Administrative Hearings to relinquish its jurisdiction of the case for lack of any material facts in dispute. On May 29, 2013, the Division of Administrative Hearings closed its case and relinquished jurisdiction to the Department. This matter is being presented as an informal hearing pursuant to s. 120.57(2), F.S. and the parties may present evidence to support either mitigating or aggravating factors to either enhance or reduce the penalty as set forth in Rule 69K-30, F.A.C. The Department recommends revocation of the funeral establishment license of Mitchell and Mitchell Mortuary Inc. based on the facts alleged in the Administrative Complaint and the aggravating factors that the fourteen (14)-time convicted felon, Bernard Mitchell, identified himself as the individual who completed the renewal paperwork for Mitchell and Mitchell Mortuary and based upon Respondent's response to question #3 to the Department's first set of Interrogatories to Mitchell and Mitchell Mortuary. Therefore, it is Bernard Mitchell who answered in the negative to the question, "Has the Licensee or any of its principals been convicted of, pled no contest to, or pled guilty to any crime required to be reported pursuant to s. 497.142(10), F.S., for which the crime has not previously been reported to the Division?" Mr. Mitchell is currently and has always been the President of Mitchell and Mitchell Mortuary since it was incorporated in the State of Florida on March 5, 2009, as provided by the State of Florida Division of Corporation's records which were provided to the Board this morning. The public is not safe when a convicted felon is an owner and President of a funeral establishment in the state of Florida. At no time did any officer or director of Mitchell and Mitchell Mortuary notify the Department of the felony convictions that Bernard Mitchell pled on July 22, 2011. There is more than one officer and director besides Mr. Bernard Mitchell, as indicated also in the corporation documents provided. The public is not safe while Mitchell and Mitchell Mortuary Inc. is licensed to conduct business in the deathcare industry as a funeral establishment in the State of Florida. The Department believes it is appropriate at this time for the Chair to entertain a motion adopting the allegations as set forth in the Administrative Complaint as the Board's Findings of Fact.

MOTION: Ms. Gail Thomas-Dewitt moved to adopt the Findings of Fact. Mr. Hall seconded the motion, which passed unanimously.

At this time, the Department feels it would be appropriate for the Board to hear from the Respondent's counsel, Mr. Shawn Smith, who is here today.

Mr. Shropshire questioned whether Ms. Surles distributed several additional documents to the Board at the meeting this morning.

Ms. Surles concurred.

Mr. Shropshire requested that Ms. Surles identify the documents for the record and confirm that opposing counsel has received a copy of the documents as well.

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

Ms. Surles stated that previously in the opening statement she introduced the documents that were provided to the Board members, which are the certified copies of the Amended Information, the formal charging document filed by the State Attorney's Office in Seminole County, Florida in the matter of State of Florida vs. Bernard Delano Mitchell, Case No. 10-02111-CFA, a certified copy of the judgment and sentence for the same criminal case and the certified copy of the Florida for Profit Corporation annual report for Mitchell and Mitchell Mortuary, Inc. for the years of 2010 – 2013 and the Electronic Articles of Incorporation. Mr. Shawn Smith does have a copy of these documents.

Mr. Shawn Smith, representing the Respondent, stated that he would like an opportunity for himself and Mr. Mitchell to address the Board. Specifically in reference to any misleading or misrepresentations made by my client in filing out the specific application that was presented before that Board and the specific which was "Has the Licensee or any of its principals been convicted of, pled no contest to, or pled guilty to any crime required to be reported pursuant to s. 497.142(10), F.S., for which the crime has not previously been reported to the Division?" My client, in reading this application, and this is a new question on the application, did not fully understand what was meant by that question. Specifically, Mr. Mitchell had been before this Board before, the Board was well aware of his prior convictions and in fact Ms. Tina Williams, a representative from the Department, was at his sentencing at the time that he pled to these particular charges. Mr. Mitchell was also before this Board in reference to his embalmer's license, which was brought up and made aware to this Board and Director of his conviction. Also, he has received several correspondences from Ms. Surles and other individuals of the Department

pertaining to this prior conviction and prior arrest. So my client's understanding was that he did not need to report it since it was well aware and almost common knowledge to this Board of his prior convictions and prior felony arrest. At this, I would like to allow Mr. Mitchell to come forward and go through an analysis of his thought process and thinking when he received the question and the reason why he answered in the negative when he responded to it.

Mr. Shropshire requested that Mr. Mitchell raise his right hand to be sworn in. "Do you solemnly swear 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. Bernard Delano Mitchell responded, "So help me God." Mr. Mitchell stated if he had willfully done anything wrong, he would not be here this morning before the Board. I would be running and hiding so you could not find me. In renewing this application, I did not understand the particulars on the second page. It asked whether any principals had been convicted of crimes. I studied that thing continuously and came to the conclusion that the Board has everything in reference to my criminal record, my arrest, everything. The State's Attorney, Mr. Stone, reported it. Ms. Williams was at the sentencing and she reported it. So, I thought, in as much as when I was here when my funeral director and embalmers license was revoked that everything was reported to the Board, not knowing that I personally had to report that information to the Board. I am not a threat to my community. I am well supported in Sanford. I have done many things in my community so the people of Sanford are not threatened by me. I do not agree that I am a threat to the community and the funeral establishment. Mr. Mitchell requested that the Board consider his lack of knowledge in filling out the application, as he did not do anything willfully nor did he do anything to mislead the Board. I would never do anything to mislead this Board.

Mr. Smith questioned whether Mr. Mitchell received any response from the Department referencing the things that were missing from the application once the application was sent in.

Mr. Mitchell responded that he did. I received notice from the Department indicating that the application was late and the only thing needed to complete the application was a \$50 assessment fee.

Mr. Smith questioned whether, in previous times that he had correspondence with the Department, Mr. Mitchell was informed of any mistakes or errors that needed to be fixed by Mr. Mitchell.

Mr. Mitchell responded yes.

Mr. Brandenburg questioned whether it occurred to Mr. Mitchell, as he studied and studied the criminal history portion of the application that he could call the Department or Division for guidance.

Mr. Mitchell stated after hearing back from Ms. Surles he realized that was the biggest mistake he made, as he should have sought legal counsel in answering that question. As a matter of fact, my attorney said that I should have brought the application to him. Honestly, I did not willfully do anything to mislead this Board.

Ms. Surles stated that the original criminal information was reported in the individual license for Mr. Mitchell. There is a duty and ongoing obligation for any entity to also complete the renewal application paperwork completely, for which this application was a part of. Yes, the Department knew of the criminal conviction for the individual license, but we did not know that Mr. Mitchell was still a principal for the entity that was required to report.

Ms. Thomas-Dewitt questioned Mr. Mitchell's daily duties at Mitchell and Mitchell Mortuary.

Mr. Mitchell stated that he mows the yard, keeps the building clean, wash the cars and may run errands.

Ms. Thomas-Dewitt stated that on page 259 of the packet, one of the conditions from the court was that the only way Mr. Mitchell was permitted on the premises was by police escort or someone from the Division.

Mr. Mitchell stated that is not true, as it was a part of the previous arrest report.

Ms. Surles stated that condition was a part of his pre-trial release during the pendency of the case. The final judgment was provided to the Board.

Ms. Thomas-Dewitt questioned the Respondent's failure to have a licensed funeral director for the months of April, June, July and August of 2010.

Mr. Mitchell stated that the establishment was closed in 2010.

Ms. Thomas-Dewitt questioned whether there was any operation during that time.

Mr. Mitchell responded, "None whatsoever."

Ms. Thomas-Dewitt questioned the biomedical waste pickup.

Mr. Mitchell stated that had been completed. We have a company that picks that up for us.

Ms. Thomas-Dewitt questioned whether they were picking up during the months the establishment was non-operational.

Mr. Mitchell stated there were no pickups during that period of time because there were no operations going on at that particular time.

Ms. Thomas-Dewitt questioned whether Mr. Mitchell stands before the Board today and swears that he has nothing to do in the funeral home except labor or chores, without any contact with families.

Mr. Mitchell stated that he does not do any arrangements with any families.

Ms. Thomas-Dewitt questioned whether Mr. Mitchell attends funeral services.

Mr. Mitchell responded, "Yes I attend funeral services."

Ms. Thomas-Dewitt questioned whether Mr. Mitchell is in contact with the family during the funeral services.

Mr. Mitchell stated that he does not correspond with the families.

Ms. Thomas-Dewitt questioned Mr. Mitchell's duties during the funeral services.

Mr. Mitchell stated that he opens the doors for families to walk into the church or chapel. Mr. Mitchell questioned the normal procedure when a Licensee files a complaint against another Licensee.

Mr. Shropshire stated that typically, the Division assigns the complaint to an Investigator to be investigated.

Mr. Mitchell questioned whether it is the duty of the Investigator to ensure that the person being investigated receives a copy of the complaint and that person has twenty (20) days to respond.

Mr. Shropshire stated that is typically the practice but it is not required by Statute. There are times when, because of considerations of investigative procedure, we do not advise the subject of the investigation initially, but at some point in the investigation the subject is apprised of the allegations and given an opportunity to submit a response.

Mr. Hall stated that he could maybe understand a little bit whether Mr. Mitchell was wondering if the information was transferred to the Division. However, this question is not a tricky question. It is not a difficult question. It is a check yes or no question on whether you have felony convictions. Mr. Hall questioned what was tricky for Mr. Mitchell that confused him. It is an honesty issue for me, additional deception.

Mr. Smith stated that the specific issue is "which crime has not been previously reported to the Division." So if the crime has been reported to the Division, you can answer in the negative because it had been previously reported.

Mr. Mitchell stated that he did not actually see it as a tricky question. It was one that my thought was since it was already reported to the Board and I just did not mark the right answer. If I had to do it all over, I would correctly mark the right answer.

Mr. Hall stated that in August 2011, Mr. Smith submitted a character reference letter to the Board. In that letter, Mr. Smith stated that Mr. Mitchell was a man of outstanding moral and ethical character. Mr. Hall questioned whether Mr. Smith still stands by that letter.

Mr. Smith answered, "Yes I do."

Mr. Hall responded, "With fourteen (14) felony counts, can you give me your definition of moral and ethical character so that I can understand?"

Mr. Smith stated that Mr. Mitchell, since the time that I have known him, has been a kind and honest individual. In fact, what I tell people in the Sanford community that I know Mr. Mitchell, his name stands out and they say "Yes, we know Mr. Mitchell and we know that he is a good individual." I even question them in regards to the felony counts that he has. Everyone does make mistakes, but Mr. Mitchell has been honest, straightforward and candid with me. I mostly practice criminal defense law and a lot of times I come into contact with people who do not tell the truth and who are not credible, but in my contact with Mr. Mitchell, a God-fearing man, he has always been honest and straightforward with me. I believe he was even honest when I directly asked him why did he check "No" when there could have been better resolutions and better actions made before the Board. I believed him when he told me that he believed the Division had this information already. It would be silly to think that he could hide this type of felony conviction before the Board when he has had so much correspondence with the Department and with the Board. It would be impossible to hide something like that especially since it is public record and he has been before this Board on these same particular issues. It is because of that, I believe him. I do not think that you could try to hide something like this.

Mr. Hall stated that he still did not get a definition on what he requested. There was another case recently that came before the Board where an individual took money from a preneed account. That is theft; taking money that does not belong to you. No one is allowed to take that money until the time of a death. It does not belong to us. It is not at our access. If things get difficult we cannot come in and access that as a general account because it is not our money.

Mr. Smith stated that in life, people do make mistakes. The question that you need to look at is if this is something that they are continuously doing or a one-time affair. Prior to the felony convictions that Mr. Mitchell was involved with, he had no prior criminal history, which is one of the reasons I believe he was given probation in the case. Also, he came forward and paid a restitution amount of over \$60k in an effort to make retribution for the mistakes that he has made. Since then, Mr. Mitchell has not violated his probation in regards to these particular cases. I believe the particular issue, in reference to the prior criminal case, was a mistake and a misstep in his journey in life. Mr. Mitchell is apologetic for it and is making amends to the community and to the Board for that mistake.

Mr. Hall stated that Mr. Mitchell had fourteen (14) missteps, not one (1). There are fourteen (14) counts.

Mr. Mueller questioned whether Ms. Surles stated that while it was not reported for this license that the felony convictions were reported to the Department on another license.

Ms. Surles stated that in essence that is what was used as the basis to filing an Administrative Complaint against the individual funeral director and embalmers license of Mr. Mitchell and have that license revoked. That does not remove the responsibility and duty to report for Mitchell and Mitchell Mortuary, the entity license.

Mr. Mueller questioned whether the Department was informed when Mr. Mitchell was applying for another license.

Ms. Surles stated that the license for Mitchell and Mitchell Mortuary was issued on October 8, 2009. Mr. Mitchell did not plead guilty to the fourteen (14) felony counts until July 21, 2011. The Department was not aware whether Mr. Mitchell was still a principal of Mitchell and Mitchell Mortuary. That is why it is the responsibility of the entity, because the entity knows who its principals and officers are and who has been convicted.

Mr. Mueller questioned whether the Department was informed of the felony convictions.

Ms. Surles responded "Correct."

Ms. Thomas-Dewitt stated that it would appear to be easier to answer "Yes" because Mr. Mitchell assumed the Department already knew.

Ms. Surles stated that if that were so the matter probably would not be before the Board today because the Administrative Complaint alleges the misrepresentation.

Mr. Mitchell stated that he understands what Ms. Surles has presented to the Board today but he can truthfully say that he did not do anything willfully with any intentions of misleading this Board. The reason is because I knew the Board had information on file regarding the criminal record, the arrest record, everything. So there is no reason for me to mark it just to mislead the Board because I knew you had the information. I am telling you the God given truth. I did nothing to mislead you all.

Mr. Smith stated that the specific question on the application, "If you have previously reported the criminal record to the Division of Funeral, Cemetery and Consumer Services when applying for or previously renewing the license, you are NOT required to disclose it again and you may check NO above" and that was the key issue that confused Mr. Mitchell. Mr. Smith recommended that the next time this application is sent out that an explanation or guidance will be given to those renewing their applications. I have spoken to Mr. Mitchell and he has no problem in stepping down as agent, director or anything else in reference to his business. Mr. Mitchell has no problem with being placed on probation for the actions nor does he have a problem with a reasonable fine in reference to this particular case. Mr. Mitchell's main goal is to be able to keep his license at this point and is at the mercy of the Board at this time.

The Chair stated that the fact is that it was never reported for this establishment's license.

Ms. Thomas-Dewitt added that the question also asks, "Have you", so it was Mr. Mitchell's responsibility to report, not assuming that the Board already knew. Mr. Mitchell had never reported it, so the question is very simple.

Mr. Hall stated that Mr. Mitchell's response shows continuous deception. This is fourteen (14) felony counts and my concern is the public welfare.

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, the Respondent failed to disclose the criminal convictions of Mr. Mitchell as an officer and principal of Mitchell and Mitchell Mortuary that were required to be disclosed pursuant to s. 497.152(10), F. S. The Respondent renewed its funeral establishment license through misrepresentation, failed to maintain one or more qualifications for licensure as a funeral establishment, was deceitful, negligent, incompetent and/or committed fraud or misconduct in the practice of activity regulated by Chapter 497, F. S. and the rules promulgated thereto 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 Conclusions of Law.

MOTION: Ms. Thomas-Dewitt moved to adopt the Conclusions of Law. Mr. Mueller seconded the motion, which passed unanimously.

Ms. Surles stated that the Department believes that the Board should impose a penalty more severe than that provided by the Disciplinary Guidelines for such violations set forth in the Administrative Complaint and the aggravating factors presented hereto. Respondent's maximum exposure according to the Disciplinary Guidelines is a one (1) year suspension of the funeral establishment license of Mitchell and Mitchell Mortuary Inc and a \$5000 administrative fine, if the Board does not seek to go outside those guidelines.

MOTION: Mr. Hall moved for a penalty of revocation. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

(2) Cantrell, Kevin: Case No. 129477-12-FC, Division #ATN-18503 (F031765)

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

Ms. Surles stated that on November 28, 2011, Mrs. Rose Green's husband passed away. Approximately three (3) months after her husband's death, the Respondent, Kevin Cantrell, and Willdoris & Associates d/b/a Cycadia Mausoleum & Monument Co. telephoned Mrs. Green to sell Mrs. Green a monument, a marker or some other product for the gravesite of Mr. Green without any prior initial contact by the family or next of kin of the decedent, Mr. Green. On March 11, 2013, the Department filed an Administrative Complaint against Mr. Cantrell and against Willdoris & Associates d/b/a Cycadia Mausoleum & Monument Co. for contacting Mrs. Green to solicit at-need sales of burial rights, merchandise or services from Mrs. Green when she had not initially called or contacted Mr. Cantrell or his company, Willdoris & Associates to request such merchandise and services be provided in violation of Section 497.164(5), Florida Statutes. Respondent has requested a proceeding to be conducted pursuant to s. 120.57(2), F. S. and therefore does not dispute the facts alleged by the Department in the Administrative Complaint. Both the Respondent and the Department may present evidence that either mitigates or aggravates the penalty as proposed in the Disciplinary Guidelines of Rule 69K-11, F.A.C.

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. Hall moved to adopt the Findings of Fact. Mr. Andrew Clark seconded the motion, which passed unanimously.

At this time, the Department feels it would be appropriate for the Board to hear from the Respondent who is represented by John Rudolph.

Mr. John Rudolph stated that Mr. Cantrell and Cycadia Monument contacted him. After I heard about the fact that he called Mrs. Green three (3) months after final disposition, I did some research. At-need solicitation, in my understanding, was limited to prior to final disposition. Under the statutes the rule says you cannot do any at-need solicitation. The definition of at-need means after the individual for whom arrangements are being made has died. Arrangements under 69K-15.003, which defines everything in the statutes, lists a number of things that mean arrangements and all of them relate to things that happen prior to final disposition. In this particular case, you have before you an affidavit of the lady who was called. I have to read to you the purpose of Chapter 497, F. S., "However, restrictions shall be imposed only to the extent necessary to protect the public from significant or discernible harm or damage and not in any manner which will unreasonably affect the competitive market." Look at the affidavit. She was not harmed. The way that this case is trying to say that you cannot contact anybody after final disposition to sell anything, and remember that includes flowers, means you cannot have block parties because how do you know that the people you are talking to have not had a loved one just die. That would be unintentional but would still be a violation of the law. If this happened two (2) years later, under the reading of the statute that after final disposition you can have an at-need solicitation, then you could have someone selling flowers for veterans on Veterans Day call up the family and say we want to put flowers in a vase on your loved ones grave. Under the reading of the statute, the only one who can contact the family is someone that they contacted first, which means the funeral home and cemetery would have unbridled discretion to contact people as long as they wanted after their death to try and sell to them. Now, here is the thing. You have to look at the rules to determine what period of time is reasonable after the death of a person and the final disposition where you should not try and sell to them. Of what I just read to you, here the damage would have been Mrs. Green. Mrs. Green's complaint did not complain about the time that he called. It complained about something entirely different.

Ms. Surles stated that the Administrative Complaint alleges a violation of s. 497.164(5), F.S., which is located in Part I of the General Provisions for all Licensees regulated by Chapter 497, which is formally known as s. 559.408, s. 497.043 and s. 497.321, F.S. Those statutes were repealed when s. 497.164, F.S., was created by the Legislature. It was put in the General Provisions section of Chapter 497. It is applicable to all Licensees. The Legislature chose to prohibit the act of solicitation by all Licensees regulated by Chapter 497, F. S. Section 497.005(2), F.S. defines at-need solicitation as any uninvited contact, not unwanted, by a Licensee or her or his agent for the purpose of the sale of burial services or merchandise to the family or next of kin of a person after her or his death has occurred. If the Legislature wanted to limit the time after death for when a Licensee could contact a family member or next of kin of a decedent then the Legislature should have specifically provided language limiting the time after death that a Licensee could not contact a family member or next of kin of the decedent before being allowed to

solicit business from the family member. The statute language is unambiguous and the plain meaning of the language in the statute was utilized in conjunction with the facts of the case for the allegations set forth in the Administrative Complaint in this matter.

Mr. Rudolph stated that s. 497.381(5), F.S. is still in the statute. That particularly relates to funeral directors and direct disposers. When we put in s. 497.164, F.S., she said it is all Licensees. Read the language of s. 497.164, F.S., which states "no person" not "no Licensee." When that language first came out, I said that "no person" did not make sense, but it became a statute. If you are going to say that it relates to after death, after final disposition, you have to remember what at-need in the statute has to be defined as. That clearly determines before arrangements are made. Arrangement, again under the Rule, is prior to final disposition. In this case, it was final disposition, the cremated remains were buried, and three (3) months had passed, according to Ms. Surles. Mr. Cantrell called Mrs. Green, as he noticed she did not have a marker, and asked if he could send her a pricelist, which he did. Mrs. Green did not call back until a month later. She had all the time in the world and could have called anybody. Mrs. Green asked Mr. Cantrell to come out, they looked at the gravesite, picked out a marker, Mr. Cantrell sent it to the cemetery and it was finally placed on the grave. An interpretation of this statute and the rules, if you start extending it past or make a rule defining a reasonable period of time, there is evidence in the record that this woman appreciated the call. So the only harm you would have is harm to another Licensee who could have sold Mrs. Green the marker and that is anticompetitive.

Ms. Surles stated that the "at-need" Mr. Rudolph is referring to, Rule 69K-15.004, is used in s. 497.372(1)(a), (b) and (c), F.S. Mr. Cantrell and his business, Willdoris, are not regulated under the 300 section. They are regulated under the 500 section, as it is a monument establishment retailer and a monument establishment sales agent. It says at-need means after the individual for whom arrangements are being made has died, after death. Again, if the Legislature wanted to limit a time after death they would have provided that information.

The Chair requested that Ms. Surles read that statute one more time.

Ms. Surles stated that at-need solicitation means any uninvited contact, not unwanted, by a Licensee or her or his agent for the purpose of the sale of burial services or merchandise to the family or next of kin of a person after her or his death has occurred. That is in the statute and it does say Licensee. In the Rule, 69K-15 Definitions (At-need, Preneed), 69K-15.004(1) specifically states, "As used in s. 497.372(1)(a), (b) and (c), F.S., at-need means after the individual for whom arrangements are being made has died. We have alleged a general violation of s. 497.164, F.S. Mr. Cantrell and his entity, Willdoris, a licensed entity and an individual license, for monument establishment retailer and monument establishment sales agent, is not governed by 497.372, F.S.

Mr. Rudolph stated that the only definition of at-need is in the rules. That is on the only one I could find and it applies not just to 497.372, F.S., it applies to 497.164 or 497.381, F.S. I urge the Board to look at this and find that there has been no violation of that statute.

Mr. Helm questioned whether the initial complaint was regarding a phone call.

Ms. Surles stated that the initial complaint came in through the Division based upon a recorded statement from Mrs. Green.

Mr. Helm questioned whether it was about the phone call.

Ms. Surles answered yes as it led to the services and business she was being conducted.

Mr. Helm stated that in the affidavit of Mrs. Green stated that she did not complain about the initial phone call. Mr. Helm questioned what the complaint was about.

Ms. Surles stated that there was business being conducted between Mrs. Green and Mr. Cantrell's company and there was a problem with the monument being placed.

Mr. Helm questioned how the phone call came into play if the complaint was about a problem with the monument.

Ms. Surles stated that when investigating a complaint, the Department has to look at the entire facts. Based on the facts we received, we determined there to be a violation of at-need solicitation.

Mr. Helm questioned whether there was a violation in the original complaint.

Ms. Surles stated that the Board's Probable Cause Panel determines what the Department charges in an Administrative Complaint and they determined there was a violation of the statute. Ms. Surles added that Mrs. Green did not specifically complain about a phone call from Mr. Cantrell.

Mr. Helm stated that Ms. Surles is making the complaint about the phone call but that is not what Mrs. Green said.

Ms. Surles stated that at-need solicitation does not mean an unwanted phone call. The definition of at-need solicitation means any uninvited contact by a Licensee. It was not invited.

Mr. Helm stated Ms. Surles just said it was about the phone call then she said it was not.

Mr. Mueller questioned whether a monument dealer, who has no prior contact with a customer, may contact the widow about selling them a monument for the deceased.

Ms. Surles stated that the way the statute is written at this particular time, it is a violation of the statute because the Legislature has not given a time frame.

Mr. Mueller stated that the funeral home or cemetery would have exclusive rights to making that solicitation.

Ms. Surles stated that they would if they were previously contacted.

Mr. Clark stated that in Mrs. Green original letter, she stated that Mr. and Ms. Work also ended up talking to her about some type of memorial. Mr. Clark questioned whether the Works are in trouble or if they were the funeral home that served Mrs. Green loved one.

Ms. Surles stated that she could not determine that. It is my understanding that there was an issue or complaint made to the Division but I cannot get into that as it is a pending complaint. That is not the matter before us today. There were facts in this particular case that indicated Work & Son did offer to provide Mrs. Green with a free marker or monument.

The Chair stated that Work & Son were the cemetery. Sometimes Mrs. Green referenced funeral home but she meant cemetery.

Mr. Rudolph stated that after Mr. Cantrell was being removed from the cemetery for trespassing, Mr. Work offered Mrs. Green a free marker. Knowing Mr. Cantrell had already purchased a marker would have damaged Mr. Cantrell.

Mr. Hall stated as far as being an owner, he likes the way Ms. Surles thinks. From a competitive situation for consumers this is not a good thing. This is the statute and I do not know how we bend from this but are we saying from the Division's perspective this needs to be worked on because this is unreasonable. The dealers in our area send out brochures and cards. Mr. Hall questioned whether they have to be told to cease and desist on doing so.

Mr. Jones questioned whether the Board's decision, as Ms. Surles presented it, indefinite and if that is how the Board interprets that. Mr. Jones added he would like to have that interpretation in order to move forward.

Mr. Shropshire stated that the context of this provision against at-need solicitation harkens back and we should call to mind that it probably had its origin in the Federal Trade Commission (FTC) and that rule, back in the late 80s early 90s, when there was a lot of abuse discovered by the FTC and they enacted the funeral rule. I cannot say with absolute confidence but I believe that this statute was a reaction that flowed from the FTC's rule and probably was enacted by the Legislature at that time as a very absolute, prophylactic prohibition on at-need solicitation because of the feeling that people were so vulnerable and even with the passage of a lot of time, skillful sales people can play upon the emotions of a loved one. Whether that

should be changed at this point in time, perhaps so, but I think Ms. Surles properly states the law and I suspect that was the way the Legislature intended it at the time because of the reported abuses that they saw when they considered adopting this statute.

Mr. Helm stated that it is not the absolute thing that you talked about. It is legal for the funeral home or the cemetery where they were buried for those people to contact them. I think that is unfair.

The Chair stated that the keyword is uninvited.

Mr. Helm stated that they could contact them whether invited or not.

Mr. Shropshire stated that he thinks the rule would apply against the funeral establishment if a year after the family has said they do not want a marker and they re-contact them questioning whether they would like a marker, as that is arguably uninvited contact at that point in time by the funeral establishment that handled the arrangements.

Mr. Rudolph stated that there are all kinds of circumstances you could look at if you do not limit at-need solicitation to be solicitation prior to final disposition. You are opening up a can of worms in your interpretation that this could go a year, two (2) years or five (5) years. It could go against the funeral home that handled the arrangements but they denied it and then they call them five (5) years later and that is an at-need solicitation. The only way and I think the FTC was looking at a time when people would die and then all of a sudden every funeral home in the city would call them up and offer them something when they had already made arrangements with a funeral home and they would switch back and forth. That is what was wrong. It is not things that happened well after death. Again, you are looking at was the customer taken advantage of and here the customer was not taken advantage of, because you said the funeral rule was to take the place of and keep people from being taken advantage of at a time when they were vulnerable.

Mr. Shropshire stated that the Legislature is entitled to adopt, on a prophylactic basis, prohibitions because they believe the likelihood of people being taken advantage of is so prevalent that they think the statute is needed.

Mr. Rudolph suggested the Board look at the intent that he read that it shall not make any rule or law that is anticompetitive.

Mr. Shropshire stated at some point he would probably concur with Mr. Rudolph's reasoning, but at this point, three (3) months after death is still pretty recent. I think that those considerations that the FTC and the Florida Legislature was looking at are still very much real considerations two and a half (2.5) months after the death of a spouse.

Ms. Surles stated that the definition of solicitation pursuant to s. 497.005(68), F.S., "Solicitation means any communication that directly or implicitly requests an immediate oral response from the recipient." It became solicitation when Mrs. Green picked up the phone and spoke to Mr. Cantrell. It coincides with the at-need solicitation.

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, the Respondent solicited an at-need sale of a marker for Mrs. Green without ever being contacted initially by Mrs. Green as prohibited by s. 497.164(5), F. S. 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 Conclusions of Law.

Mr. Mueller questioned whether an aye vote to this motion would mean that an at-need solicitation took place.

Ms. Surles stated that the Conclusions of Law would be the violations as stated in the Administrative Complaint.

Mr. Clark Jennings stated that the violation is s. 497.164(5), F. S.

Ms. Surles concurred and added s. 497.152(1)(b) and (a), F.S.

Mr. Jennings stated that the quick, short answer to Mr. Mueller's question is yes. An affirmative vote would mean that the Board concludes that the phone call was an at-need solicitation as prohibited by the provision cited.

Mr. Helm questioned a yes vote has any bearing on the penalty.

Mr. Jennings responded, "No sir. You are simply saying there is a violation." How you wish to resolve it requires a second vote.

Ms. Surles added that the penalty stage is different.

MOTION: Ms. Thomas-Dewitt moved to adopt the Conclusions of Law. Mr. Hall seconded the motion, which passed with one (1) dissenting vote.

Ms. Surles stated that based on the Facts that have been adopted and the Conclusions of Law, it is appropriate at this time to impose a penalty since the Board has determined that the Respondent violated ss. 497.164(5), 497.152(1)(a) and (b), F. S.. The maximum penalty the Board may impose is revocation pursuant to the Disciplinary Guidelines of 69K-11, F.A.C. for the violations previously stated on the monument establishment sales agent license and the monument establishment license. However, the Department recommends that the Respondent, Kevin Cantrell, pay a fine of \$2500 in that Mr. Cantrell's monument establishment sales agent license be placed on probation for two (2) years with the specific condition to complete four (4) hours of Ethics and the Respondent will not contact anyone to solicit business unless the person has initially contacted Respondent first.

Mr. Jennings requested that Ms. Surles repeat what the exposure is in this matter.

Ms. Surles stated that the exposure is, under the guidelines of 69K-11, F.A.C., revocation.

Mr. Jennings questioned whether it is only revocation.

Ms. Surles stated that the minimal penalty is a reprimand and/or fine up to \$1000 per count and the maximum is revocation.

Mr. Mueller stated that hundreds of these solicitations happen every day in this state and have for years. The Board is making a big mistake if we discipline Mr. Cantrell in any way. This is not the intention of the Legislature as to at-need solicitation. At-need solicitation had to do with funeral homes or whoever trying to get a body from someone else prior to the burial. This is wrong.

Ms. Thomas-Dewitt stated that the Board has to make determinations based on the current statutes and not our personal opinions.

Mr. Clark questioned what at-need solicitation is if this violation is not at-need solicitation.

Mr. Mueller stated that he agrees with Mr. Rudolph that after final disposition there is no such thing as at-need solicitation.

The Chair stated that the Legislature did not agree with Mr. Mueller. You cannot read a legislative intent in something that is clearly not defined.

Mr. Mueller stated that he thinks it is really odd that this is the first time this has come up and all of a sudden the Board is going to do something about it.

Mr. Hall stated that Ms. Surles has presented her case and there is nothing else to deviate from. However, I agree with Mr. Mueller that this does happen on a daily basis. There needs to be some definition as to a timeframe.

MOTION: Mr. Helm moved for a penalty of a letter of reprimand. Mr. Hall seconded the motion, which failed with four (4) dissenting votes.

2nd MOTION: The Chair moved for a penalty of a letter of reprimand, a \$1000 fine, one (1) year probation and a four (4) hour course in Ethics during which time the Respondent should not violate any parts of Chapter 497. Ms. Thomas-Dewitt seconded the motion, which failed with four (4) dissenting votes.

3rd MOTION: Mr. Jones moved for a penalty of a letter of reprimand, six (6) month probation and a four (4) hour course in Ethics. Mr. Hall seconded the motion, which passed with three (3) dissenting votes.

(3) *Willdoris & Associates Inc d/b/a Cycadia Mausoleum & Monument Co.: Case No. 129483-12-FC, Division #ATN-18503 (F037722)*

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

Ms. Surles stated that based on the same set of facts that were previously read into the record for the companion case, the Department believes it is appropriate at this time for the Chair to entertain a motion adopting the Allegations of Fact as previously stated and set forth in the Administrative Complaint as the Board's Findings of Fact.

MOTION: Ms. Thomas-Dewitt moved to adopt the Findings of Fact. Mr. Clark seconded the motion, which passed unanimously.

Mr. Rudolph posed the same arguments as in the companion case.

Ms. Surles stated that the Department contends that based on the Board's Findings of Fact, the Respondent solicited an at-need sale of a marker for Mrs. Green without ever being contacted initially by Mrs. Green as prohibited by s. 497.164(5), F. S. 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 Conclusions of Law.

MOTION: Mr. Hall moved to adopt the Conclusions of Law. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

Ms. Surles stated that the potential exposure for the disciplinary penalty in this matter ranges from a reprimand up to a revocation. It is appropriate at this time for the Chair to entertain a motion for a penalty.

MOTION: Mr. Jones moved for a penalty of a letter of reprimand and six (6) month probation. Mr. Hall seconded the motion, which passed with one (1) dissenting vote.

B. *Settlement Stipulation(s)*

(1) *Arruda, Lynn: Case Nos. 114245-11-FC & 114211-11-FC, Division #1-474966228 & 1-595582341 (F042107) (Probable Cause Panel A)*

Mr. Linje Rivers stated that on or about March 24, 2010, the Division completed an inspection and financial examination Dove Funeral Home. Lynn Arruda is a Direct Disposer at Dove Funeral Home. The Division alleges that the Licensee engaged in the sale of pre-need contracts without a valid preneed license. Additionally, the Division alleges that the Licensee entered into contracts for funeral services with Consumers without the proper licensure.

In lieu of a hearing at the Division of Administrative Hearings (DOAH), the Respondent was offered a Settlement Stipulation for Consent Order, which she accepted and is being presented to the Board today. Should the Board wish not to accept the Settlement Stipulation for Consent Order the Department will be filing the Administrative Complaint with the DOAH.

Ms. Arruda has agreed to a pay of fine of \$1000 and be place on one (1) year probation. The terms of the settlement stipulation are reasonable under the facts and circumstances of this case. The Department requests that the Board approve the settlement and issue the Consent Order to conclude this matter.

Mr. Shropshire questioned if the Board were to make a counter-offer today whether that might be a possibility.

Mr. Rivers concurred.

Ms. Thomas- Dewitt questioned the fine range for this offense.

Mr. Rivers stated that for a first offense it is up to \$2500.

Mr. Rudolph stated that in the stipulation, his client denied any violation, so there really was not a violation.

Mr. Shropshire stated that Mr. Rivers' memorandum to the Board summarizing the case suggests that the stipulation calls for a fine of \$1000. Mr. Shropshire questioned whether the stipulation also calls for probation of one (1) year.

Mr. Rivers concurred.

The Chair noted that page 4 just indicates a fine of \$1000, but the probation is included in the actual Settlement Stipulation.

Mr. Hall questioned whether this is also a direct disposal operation.

Mr. Rudolph answered, "Yes."

Mr. Hall questioned whether it is being operated within the funeral home.

Mr. Rudolph answered, "Yes and it has been for a long time."

Mr. Hall questioned what gives them permission to run a direct disposal within a funeral establishment.

Mr. Rudolph stated that he forgets when it was but you could do it before when it was connected with a funeral home, long time ago.

The Chair questioned whether Mr. Hall is referring to a direct disposal establishment or a direct disposer license.

Mr. Rudolph stated that Ms. Arruda is a direct disposer.

Mr. Hall questioned whether they are running a direct disposal establishment there at the facility.

Mr. Rudolph stated that he was not sure of that.

Mr. Hall questioned whether it is true that those could be grandfathered in.

Mr. Shropshire stated that there is grandfather provision and questioned whether Ms. Jasmin Richardson recalled the date.

Ms. Richardson stated that she believes the date is October 1, 1993.

Mr. Hall questioned whether Ms. Thomas-Dewitt's inquiry on the fine range was clarified.

Mr. Rivers stated that the range was between \$1000 and \$2500 for misrepresentation and fraud in the practice, six (6) months to one year probation.

Mr. Helm questioned whether that is for each count or the whole thing.

Mr. Rivers responded for each count.

MOTION: Mr. Jones moved to approve the Settlement Stipulation as recommended by the Department. Mr. Clark seconded the motion, which three (3) dissenting votes.

*(2) Daugherty, Gary: Case No. 114222-11-FC & 114212-11-FC, Division #1-474966228 & 1-595582341 (F042923)
(Probable Cause Panel A)*

Mr. Rivers stated that on or about March 24, 2010, the Division completed an inspection and financial examination Dove Funeral Home. Gary Daugherty is a Funeral Director and Embalmer at Dove Funeral Home. The Division alleges that the Licensee did not: attach a picture to the license of Lynn Arruda conduct business in the name by which it is licensed, did not file cases embalmed and bodies handled report for November 2008 through February 2009. Additionally, the Licensee did not correct violations found in the previous examinations and allowed Lynn Arruda, a direct disposer, to enter into contracts for funeral services with consumers.

Gary Daugherty has agreed to a pay of fine of \$1000 and be placed on one (1) year probation. The terms of the settlement stipulation are reasonable under the facts and circumstances of this case. The Department requests that the Board approve the settlement and issue the Consent Order to conclude this matter.

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

(3) Dove Funeral Home: Case No. 114224-11-FC & 114213-11-FC, Division #1-474966228 & 1-595582341 (F039914) (Probable Cause Panel A)

Mr. Rivers stated that on or about March 24, 2010, the Division completed an inspection and financial examination Dove Funeral Home. The Division alleges that the Licensee did not: attach a picture to the license of Lynn Arruda conduct business in the name by which it is licensed, did not file cases embalmed and bodies handled report for November 2008 through February 2009. Additionally, the Licensee did not correct violations found in the previous examinations and allowed Lynn Arruda, a direct disposer, to enter into contracts for funeral services with consumers.

Dove Funeral Home has agreed to a pay of fine of \$1000 and be placed on one (1) year probation. The terms of the settlement stipulation are reasonable under the facts and circumstances of this case. The Department requests that the Board approve the settlement and issue the Consent Order to conclude this matter.

Mr. Helm questioned whether the Respondent denies the allegation of ten (10) counts of selling preneed contracts.

Mr. Rudolph responded, "Yes, absolutely." He did not sell preneed contracts. They were whole-life policies, end of life insurance policies, to the families that on the back clearly stated they could go anywhere. There were no prearrangements, no lists there done. Dove Funeral Home fulfilled a few of them but there were a number of them that went to other funeral homes, so there were no preneed contracts.

Mr. Helm questioned whether that was true.

Mr. Rivers concurred.

Mr. Hall stated that it was his understanding that they could sell the final expense, however, you do not offer goods and services forms with it, which is what they did.

Mr. Rudolph stated that they did not give them to them. They were found in the funeral home.

Mr. Hall stated they were filled out.

MOTION: Mr. Mueller moved to approve the Settlement Stipulation as recommended by the Department. Mr. Clark seconded the motion, which passed unanimously.

(4) Bishop, William: Case No. 122747-12-FC, Division #1-648472009 (F044382) (Probable Cause Panel B)
(5) Global Mortuary: Case No. 122746-12-FC, Division #1-648472009 (F039911) (Probable Cause Panel B)

These cases were withdrawn from the Agenda by the Department at the request of counsel for the Licensee and will be presented at a later meeting.

(6) Burns, Jesse L: Case No. 123565-12-FC, Division #1- 6486122683 (F043753) (Probable Cause Panel B)

Mr. Jim Bossart stated that the Department conducted an investigation of Respondent's activities in the death care industry. As a result of the investigation, it was determined that Respondent had entered a plea of nolo contendere to the charge of Grand Theft, a third degree felony in the Marion County Circuit Court. The Respondent entered a plea of nolo contendere to the charge of Grand Theft. As a condition set by the Court, the Respondent is required to surrender to the State his Funeral Director in Charge license for revocation and be permanently barred from the death care industry and licensure by the State.

This case originally rose out of last year and on February 28, 2012 it went before the Probable Cause Panel B. Mr. Burns was a funeral director in charge of Cunningham's Funeral Home in Ocala, which is now defunct and their license has been revoked. It was alleged that Mr. Burns, on behalf of the funeral home entered into a contract on September 7, 2008 to provide a cremation for a decedent, Mr. Haas, for a fee of \$3499. Mr. Haas was an elderly, single man living alone. Mr. Burns became aware that the decedent had \$11,239 in a savings account. Mr. Burns then filed a petition with the Marion County Circuit Court seeking the entire value of the deceased savings account, \$11,239, misrepresenting to the Court that the entire amount of the funds were required to pay for the funeral. Mr. Burns represented in court that the cost of the funeral would be \$12,397, not the previously contracted \$3499. Mr. Burns then misrepresented to the decedent's representative and friend that the circuit court required that all the funds in the savings account be spent on the funeral. Mr. Burns concocted a new contract that provided basically for a \$12,000 funeral. By making this misrepresentation to the circuit court for the funds that got the Marion County State Attorney interested and they filed an action against Mr. Burns for grand theft. As part of Mr. Burns' plea agreement with the Circuit Court in the criminal case, he is required to permanently surrender his funeral directors license and never to reapply for licensure in the future. If he does, the Board could deny without any further proceedings.

This stipulation effectuates the Order of the Marion County Circuit Court and the Respondent has entered in the proposed stipulation surrendering his license without any opportunity for reinstatement. The Department recommends that the Board approve the Settlement Stipulation requiring Respondent to permanently surrender his licenses.

Mr. Rudolph stated that he was very familiar with this entire situation. The man, when he did not have any money, wanted a cremation. When the money came up from his friend who told him about it, they wanted him buried. That is why the second contract was higher. Mr. Burns never got any of the money personally. It all went to Cunningham Funeral Home, but because he was represented by counsel in a criminal case, he pled nolo to it and agreed to relinquish his license. I cannot object to that but I think it is a sad state of affairs.

Mr. Shropshire stated that this Probable Cause Panel predated Ms. Anderson, so there is no Board member here today that was on the Probable Cause Panel.

Mr. Bossart noted a typo on the Settlement Stipulation as Mr. Burns' license number is F043753.

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

(7) Golden's Funeral Home: Case No. 122935-12-FC, Division #1-696119313 (F040629) (Probable Cause Panel A)

Mr. Rivers stated that on or about December 17, 2010, the Division completed an inspection at Golden's Funeral Home. During this inspection the Division determined that the Licensee sold preneed contracts without being licensed, failed to provide a consumer with a copy of the contract, and written agreements did not contain the appropriate disclosures.

Golden's Funeral Home has agreed to a pay of fine of \$4000 and be placed on two (2) years probation. The terms of the settlement stipulation are reasonable under the facts and circumstances of this case. The Department requests that the Board approve the settlement and issue the Consent Order to conclude this matter.

MOTION: Mr. Hall moved to approve the Settlement Stipulation as recommended by the Department. Mr. Clark seconded the motion, which passed unanimously.

(8) Ruskin Memorial Park Association, Inc.: Case No. 130457-12-FC, Division # ATN -18598 (F039551) (Waiver of Probable Cause)

Ms. Surles stated that on May 30, 2012, the Department conducted an inspection of the cemetery owned and operated by Ruskin Memorial Park Association, located at 1st St SW in Little Manatee River, Ruskin FL. The Division's examiner found that Ruskin had not corrected previous violations as maintained Division record ATN-16642, SR1-695484132 and SR1-698685311 for failing to properly maintain the cemetery grounds, sequentially number all contracts and accounts receivable records and correct all noted violations in the inspection reports of the Department. The examiner did note in the inspection report that Ruskin established a new Board and was in the process of establishing new bylaws, rules and regulations for the cemetery.

Pursuant to the executed Waiver of Finding Probable Cause and a waiver of confidentiality, the Respondent has voluntarily waived a finding of Probable Cause for the violations alleged in the Division's investigation file as maintained in Division record ATN-18598 for resolution at this time for resolution of the Consent Order issued in this case.

The terms of the Settlement Stipulation require the Respondent to pay an administrative fine of \$1500, cost of \$250 within thirty (30) days of the Consent Order issued in this case and the Respondent's cemetery license will be placed on probation for a period of two (2) years. Respondent shall maintain a copy of the current by-laws, maintain the cemetery grounds in a reasonable manner as prescribed by the cemetery's by-laws and posted rules and regulations, sequentially number all contracts and accounts receivable records of the cemetery and correct all violations noted in the Department's prior inspections as set forth in the Settlement Stipulation, within ninety (90) days of the Consent Order entered in this matter. Respondent agrees that if it fails to comply with the terms and conditions of the Settlement Stipulation that the Department shall immediately suspend, without further proceedings, the Respondent's cemetery license until the terms and conditions have been completed and the Department provides written notice to the Respondent that the cemetery license has been reinstated to a valid and active status. It is now appropriate at this time for the Board to entertain a motion for acceptance of the Settlement Stipulation.

Mr. Clark questioned whether the Department will inspect the Respondent within ninety (90) days to ensure that these issues are corrected.

Mr. Shropshire stated that the Division would schedule an inspection.

Mr. Helm stated that he knows this cemetery and has worked in this cemetery. The Department is being awfully harsh on a nonprofit cemetery. There is no one out there making any money with this cemetery. They have a mausoleum. They are changing the Board of Directors as the guy who was doing it is very sick now and is not involved anymore. For the record, this is something that you do not want to close down and have the State take over. We need to be very careful because these guys could just walk away as they are not getting paid to do this.

The Chair stated that the owner or representatives have entered into a Settlement Stipulation.

Mr. Helm stated that they really do not know anything about it as they are just starting out so they are scared. They have come in and cleaned up a lot of stuff. They had a major job to do.

Mr. Shropshire questioned whether Mr. Helm requesting that the Board members vote against the stipulation and then counter with a stipulation that is lower that would of course be accepted.

Mr. Hall questioned whether the stipulation could stated if at the ninety (90) day inspection showed that the corrections were not made then the fine would go into effect at that point.

Mr. Shropshire stated that could certainly be a proposal.

Mr. Hall stated that looking at the pictures of the cemetery, they did have a monumental task to try and clean it up. There are shrines built there and things that are not acceptable under their bylaws. When it gets that far away from a cemetery, what do

they do without getting continuous complaints back to the Division? How do they clean that up and adhere to the bylaws without numerous calls to the Division.

Mr. Shropshire stated that they really cannot prevent the complaints but when the Department gets the complaints, we look into them. If they are uniformly enforcing their bylaws, we do not find a violation. The troublesome thing is when they allow some people to have shrines and they tell other people they cannot.

MOTION: Ms. Thomas-Dewitt moved to approve the Settlement Stipulation as recommended by the Department. Ms. Anderson seconded the motion, which failed with five (5) dissenting votes.

Mr. Clark questioned whether the new Board was aware of the previous violation when they took over.

Ms. Surles stated that they were aware.

2nd MOTION: Mr. Hall moved to reject the proposed settlement and make a counter offer of settlement providing for two years probation and if at the end of the 90 days the corrections have not been made then the Respondent will be required pay an administrative fine of \$1500, cost of \$250. Mr. Jones seconded the motion, which passed with one (1) dissenting vote.

Ms. Surles stated since this is a rejection of a Settlement Stipulation there will be some timeframes for me to submit this to the Respondent and allow them to accept or reject the counteroffer and I will be back in touch with the Board.

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.

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.

5. Application(s) for Continuing Education Course Approval
A. Recommended for Approval without Conditions – Addendum B
(1) Department Of Health Bureau of Vital Statistics #13809
(2) International Cemetery & Funeral Association #74
(3) International Order of the Golden Rule #2201
(4) National Funeral Directors & Morticians Assoc Inc. #15608
(5) National Funeral Directors Association #136
(6) SCI Management - Dignity University #99
(7) Selected Independent Funeral Home #137
(8) TRS Enterprises #71

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.

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

6. Application(s) for Florida Law and Rules Examination
A. Informational Item (Licenses Issued without Conditions) – Addendum C
(1) Direct Disposer
(a) Knop II, Donald
(2) Funeral Director and Embalmer – Endorsement
(a) Barbieri, Robert G
(3) Funeral Director and Embalmer – by Internship and Exam
(a) Chambers, Elizabeth S

- (b) Cordova, Jose*
- (c) Fischer, Adam L*
- (d) Gaver, Geoffrey A*
- (e) Suri, Leah I*

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) Direct Disposer
(a) Jennings, Debra

The Applicant submitted an application to become a Direct Disposer on May 13, 2013. The application was incomplete when submitted. All deficient items were returned on June 6, 2013. The Applicant submitted a fingerprint card, the processing of which returned a criminal history, to wit:

- Ms. Debra Jennings pled No Contests to Driving Under the Influence in May 2013.
- Ms. Jennings was placed on nine months probation, ordered to complete DUI School and fined a total of \$481.

Mr. Shropshire stated that the signed stipulation does have on change in paragraph (7) (a). The words, “at all times” has been stricken. The Division supports the change and the Applicant’s attorney, Ms. Wiener can explain why that has been done.

Ms. Wiener stated that this particular operation has two (2) employees, Ms. Jennings and the FDIC, who is also her husband and Licensee, Doug Jennings. He will be in full-time supervision, but in the event that he has a dr. appointment or gets called for jury duty or something of that nature, the words “at all times” are overly burdensome, but he will be in charge full-time and supervising her at all times

The Division is recommending approval subject to the terms & conditions of the stipulation for licensure, which imposes 12-month probation.

MOTION: Mr. Helm moved to approve the application subject to the terms & conditions of the stipulation for licensure, which imposes 12-month probation. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

(2) Funeral Director and Embalmer – by Internship and Exam
(a) Lane, David M

The Applicant submitted an application to become a Funeral Director and Embalmer by Internship and Examination on May 2, 2013. The application was complete when submitted. The Applicant reported on his application a criminal record, subsequently confirmed by fingerprint results, to wit:

- * In 2005, in Circuit Court, Bay County, Florida, case # 05-1333, Applicant pled no contest to the third degree felony, Burglary of a Structure. Specifically, Applicant was apprehended by police behind a closed restaurant, attempting to break in the back door; he advised police he was breaking in because he wanted a drink of liquor.
- * In 2007, in County Court, Bay County, Florida, case # 07-5433MMM, Applicant pled guilty to the Misdemeanor Payment with a Worthless Check. There were three bad checks issued to Publix supermarket. Applicant was ordered to pay \$315 fine and \$498.30 restitution.
- * In 2008, in County Court, Bay County, Florida, Case # 080005454MMM, Applicant pled no contest to the misdemeanor charge of passing worthless checks. There were two bad checks, both issued to Tom Thumb convenience store. Applicant was ordered to pay \$399 fine and \$166 restitution.
- * In 2008, Applicant pled no contest to the misdemeanor crime, No Motorcycle Endorsement or License. Applicant was ordered to pay a fine of \$357.

This Applicant applied for and was issued a Concurrent Intern License, F069036, at the April 5, 2012 Board. The above criminal record was fully disclosed at the April 2012 Board meeting. The Board approved that application subject to a

Stipulation for Licensure that required 12 months probation and random drug testing. Enclosed are the minutes from the meeting. The probation has been completed successfully, and four random drug tests were taken and returned clean. We also enclose Applicant's letter of explanation as presented at the April 2012 Board meeting materials.

Applicant has a strong letter of recommendation from his current supervisor, James Teuton, a licensed funeral director at Heritage Funeral Home.

The Division is recommending approval subject to the terms and conditions of the Stipulation for Licensure, which calls for a 2 year probation once the license applied for herein is granted.

MOTION: Mr. Jones moved to approve the application subject to the terms and conditions of the Stipulation for Licensure, which calls for a 2 year probation once the license applied for herein is granted. Mr. Helm seconded the motion, which passed unanimously.

7. Application(s) for Internship

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

(1) Funeral Director

(a) Williams, Vonda K (F020781)

(2) Funeral Director and Embalmer

(a) Day, Erinn T (F074358)

(b) Feacher, Roderic D (F057655)

(c) Oliveira, Ludmila (F071611)

(d) Vassallo, Michael (F074554)

(e) Whitehead, Jared B (F062317)

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

(a) Baldwin, Evans P

An application was submitted for a Funeral Director Intern license on May 29, 2013. The application was complete when submitted. Applicant has a felony criminal record, described below. The criminal record was fully disclosed to the Board in 2010 when Applicant applied for and was granted a preneed agent license. The criminal record is as follows:

- On Sept. 25, 2002 Applicant, then age 17, while driving a car at approximately 9 PM in Winter Park, struck a woman on a bicycle that he asserts he never saw, and caused her death. Applicant did not stop at the scene. Applicant asserts he pulled over at gas station a little way further on, and saw people apparently helping the victim, and heard emergency vehicles going to the scene, and decided to drive home. At home that same night he told his girlfriend that he had struck a bicyclist and he could hear her screaming. The next day, when his step-mother noticed the damage to the car Applicant had been driving, Applicant told her he had fallen out of a tree onto the car and damaged it. It was not until Oct. 5, 2002 that Applicant told his parents the truth. His father went to see an attorney to obtain advice and representation for Applicant. On Oct. 14, 2002 the attorney for Applicant delivered a letter to the highway patrol, revealing Applicant's involvement, which the police were not previously aware of.
- On or about 1-4-04 Applicant pled guilty to the felony charge of leaving the scene of an accident with death, in Florida Circuit Court, Orange County. His sentence included 5 years supervised probation, 150 hours of community service including 10 hours of speaking to groups in victim awareness programs using a photo of the victim, his driver's license was restricted to business driving for one year, he had to pay the victim's funeral costs, and court costs were imposed.

The preneed sales agent license application was scheduled to come before the Board at the Board's Feb. 2010 meeting. The Division's recommendation in the Feb. 2010 Board package was for denial due to the criminal record. At Applicant's request the preneed sales agent application was passed over without action at the Feb. 2010 Board meeting. Subsequently the Applicant provided multiple letters of reference as follows:

Habitat for Humanity – Hal George, President/Construction Supervisor
Curlw Hills Memory Gardens – Keenan Knopke, President/CEO
Law Offices of Leventhal & Slaughter, L.L.P. – Robert A. Leventhal
University of Central Florida – Dr. Taylor Ellis, Associate Dean
University of Central Florida – Patricia A. MacKown, Assistant Vice President
First Congregational Church of Winter Park – James Armstrong, Senior Minister (email)

The matter was re-set for the April 2010 Board meeting. At that meeting the Department recommended approval with 24 months probation, and the Board accepted that recommendation. We include herewith the materials provided to the Board at the April 2010 Board meeting.

The FCCS Division has received no complaints concerning Applicant as a preneed sales agent or otherwise. The Division is recommending approval.

Mr. Helm questioned whether the previous probation has run out.

Ms. Wiener stated that she believes the probation expired probably six (6) months to a year ago.

Ms. Richardson stated that the probation expired April 2012.

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

C. Recommended for Approval with Conditions (Criminal History)
(1) Funeral Director and Embalmer
(a) Lambert, Paryse

The Applicant submitted an application to become a Concurrent Intern on March 27, 2013. The application was complete when submitted. The Applicant submitted a fingerprint card, the processing of which returned a criminal history, to wit:

- Ms. Paryse Lambert pled No Contests to Driving Under the Influence in March 2013. Ms. Lambert was placed on six months probation, ordered to complete DUI school, 50 hours community service, 10 days impoundment, suspended drivers license for six months.

The Division is recommending approval subject to the terms & conditions of the attached stipulation for licensure, which imposes 12 months probation.

MOTION: Mr. Helm moved to approve the application subject to the terms & conditions of the attached stipulation for licensure, which imposes 12 months probation. Mr. Mueller seconded the motion, which passed unanimously.

8. Application(s) for Embalmer Apprenticeship
A. Informational Item (Licenses Issued without Conditions) – Addendum E
(1) Sturgis, Robert A (F074555)

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) Lawson, Terrance E

The Applicant submitted an application to become an Embalmer Apprentice on April 10, 2013. The application was incomplete when submitted. All deficient information was returned on May 17, 2013. The Applicant submitted a fingerprint card, the processing of which returned a criminal history, to wit:

- Mr. Terrance Lawson, Jr pled No Contest to Felony Grand Theft III on December 9, 2008.

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 FCCS Division recommends that the Board approve the application with the following provisos:

The Board notes that Applicant has a criminal history. The Board further notes that section 497.371, Florida Statutes, relating to embalmer apprentice licensure, provides no express qualification criteria regarding the character or trustworthiness of an embalmer apprentice license Applicant, so that the Board finds that it has no statutory standing to take notice of Applicant's criminal record. 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.

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.

9. Notification(s) of Change of Location

- A. Informational Item (Licenses Issued without Conditions) – Addendum F
(1) Compass Pointe Cremation Service LLC (F066693) (Orlando)*

This item is informational only and does not require Board action.

10. Consumer Protection Trust Fund Claims

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

The Division recommends approval of the claim(s) for the amount indicated entitled "Amount Recommended."

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

11. Application(s) for Funeral Establishment

- A. Recommended for Approval with Conditions
(1) Loyless Funeral Homes LLC d/b/a Florida Mortuary Funeral & Cremation Services (Tampa)*

An application for a Funeral Establishment was received on April 29, 2013. The application was incomplete when submitted. All deficient items were returned on May 15, 2013. The fingerprint cards for all principals were returned with no criminal history; however there is adverse licensing history for both the establishment and the principal, John Loyless. The Funeral Director in Charge will be John Loyless (F020835).

There are currently 2 existing Loyless funeral establishments, 5310 Land O'Lakes Blvd, Land O'Lakes, F040834; and 4601 N. Nebraska Ave, Tampa FL, F040835; and a Loyless cinerator facility, 4601 N. Nebraska Ave. Tampa, F040833. This application is for a new funeral establishment at an additional location.

Adverse Licensing History:

In October 2000, John Loyless was ordered to pay a \$2000 fine and \$229.40 in Department costs and received a letter of guidance for failure to file death certificates.

In April 2010, Loyless Funeral Homes LLC (F040835) was fined \$500 for failure to report a death to the Polk County Medical Examiner's office before cremating a body.

The establishment is recommended for approval subject to the condition that the establishment passes an on-site inspection by a member of Division Staff.

The Chair stated that Mr. Loyless was present and requested that he be sworn in.

Mr. Shropshire requested that Mr. Loyless raise his right hand to be sworn in. "Do you solemnly swear 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. John Loyless responded, "I do."

The Chair stated that he noticed on the application there was a question about the visitation chapel and Mr. Loyless checked yes. The Chair requested that the Applicant clarify his answer.

Mr. Loyless stated he was a little confused on that question. We went back and forth and had some phone calls in to the State from myself and also the general manager. We have other chapels, other funeral homes that are full service funeral homes with chapels and crematories. This particular location that we are opening does not have a chapel. It would only be, in our mind, an arrangement center but we have to license it as a funeral home. We will be using our other chapels to have services. There will not be an onsite chapel there.

The Chair stated that the other locations are already licensed funeral establishments but as far as the statute has a provision for a visitation chapel in the same county and other provisions shall not be more than 700 square feet, it is not your intent to have as part of this application a visitation chapel.

Mr. Loyless concurred.

Mr. Helm questioned whether the refrigeration, cremation and embalming is done within the Applicant's company.

Mr. Loyless responded "yes."

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.

(2) Signature Funeral Home LLC (Opa Locka) (Criminal History)

An application for a Funeral Establishment was received on March 15, 2013. The application was incomplete when submitted. All deficient items were returned on April 12, 2013. The Funeral Director in Charge will be Tarynne Arcelay (F045527). The fingerprint cards for all principals were returned with criminal history for one of its principals, Andres Arcelay. The establishment passed its inspection on April 29, 2013.

In 1997, Mr. Arcelay pled guilty to Armed Battery, Forced Sexual Assault, Kidnap-False Imprisonment and Sexual Battery. He was sentenced to Seven Years Probation, DIP Program, a Parenting Course and Psychiatric Evaluation.

Mr. Arcelay has disclosed this criminal history in both his Concurrent Intern application that was granted on February 6, 2006 (minutes of Feb. 06 Board Meeting attached) and also his application to take the Florida Law and Rules Examination and be issued a Combination Funeral Director and Embalmer License at the April 11, 2007 Board meeting.

There is currently an establishment, Pilgrim Rest Funeral Home LLC (F070356) licensed at this location. It is owned by one of the principals, Andrew T. Smith, of this new application. This is not a change of ownership application. Mr. Smith is relinquishing the license upon approval of this application.

The establishment is recommended for approval subject to the condition that the Licensee, Pilgrim Rest Funeral Home LLC (F070356) relinquishes the original license to the Division.

MOTION: Mr. Helm moved to approve the application subject to the condition that the Licensee, Pilgrim Rest Funeral Home LLC (F070356) relinquishes the original license to the Division. Mr. Mueller seconded the motion, which passed unanimously.

12. Application(s) for Preneed License Renewals

A. Recommended for Approval without Conditions – Addendum H

The Division recommends approval as the application(s) meet the net worth requirement and there is no material adverse information.

Mr. Helm stated there were three (3) Licensees listed with an amount: Compass Pointe Cremation Services LLC, Coral Springs Funeral Home LLC and Family Funeral Services Inc. Mr. Helm questioned whether this was a typo.

Mr. Shropshire questioned whether Ms. Lashonda Morris could explain why those three (3) were missing the stated net worth figure and could verify that they meet the required net worth.

Ms. Morris stated that they do meet the required net worth. Compass Pointe and Coral Springs are new Licensees that were recently approved by the Board and they met the net worth requirement.

Mr. Helm questioned whether Family Funeral Services met the required net worth as well.

Ms. Morris stated that Family Funeral Services is not a new Licensee but they do meet the required net worth.

Mr. Clark disclosed his affiliation with Foundation Partners of Florida LLC and stated it would not affect his ability to remain fair and impartial on these application(s) or any other matters before the Board today.

Mr. Hall disclosed his affiliation with Lew Hall and Associates and stated it would not affect his ability to remain fair and impartial on these application(s) or any other matters before the Board today.

Mr. Mueller disclosed his 37 year affiliation with Evergreen Cemetery Association and stated it would not affect his ability to remain fair and impartial on these application(s) or any other matters before the Board today.

Ms. Wiener stated that CFS Funeral Services Inc should be on the Non-Renewing list.

Ms. Morris stated that CFS filed a renewal application and they also simultaneously filed an R5. I think their intent was not to renew. I did contact them to verify that they were not going to renew, but they had already filed the application and paid the fees so the application was processed as a regular renewal.

Mr. Helm questioned whether the Licensee will request a refund.

Ms. Morris stated that the Licensee is requesting a refund since the renewal was filed in error.

Ms. Wiener stated when the application was filed it included the R5 which stated they would not be renewing the preneed license. The Licensee was under the impression that the fee that they were paying, because it makes reference to last year's volume, had to do with last year's preneed contracts, but they had stated their intention and we had been talking with Ms. Morris for the past six (6) months about this particular process so it was just a glitch in the system.

Ms. Thomas-Dewitt disclosed her affiliation with Gail and Wynn Mortuary and stated it would not affect her ability to remain fair and impartial on these application(s) or any other matters before the Board today.

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

***B. Recommended for Approval with Conditions
(1) Boynton Memorial Chapel Ltd (F019300) (Boynton Beach)***

2010 RENEWAL (7-1-2010): Licensee had a negative stated net worth of \$ (1,399,456), against a minimum required net worth of \$100,000. Licensee was renewed subject to the conditions that: 1) Licensee agree to 100% trusting or insurance funding of all preneed contracts sold and, 2) submission of a personal guarantee of preneed obligations by the Licensee's principals.

2011 RENEWAL (7-1-2011): Licensee reports a negative stated net worth of \$ (1,419,627), against a minimum required net

worth of \$ 100,000. Licensee was renewed subject to the conditions that: 1) Licensee agree to 100% trusting or insurance funding of all preneed contracts sold and, 2) submission of a personal guarantee of preneed obligations by the Licensee's principals.

2012 RENEWAL (7-1-2012): Licensee reports a negative stated net worth of \$ (1,325,425), against a required minimum net worth of \$100,000. Licensee was renewed subject to the conditions that: (1) Licensee provide a personal guarantee of preneed obligations executed by Licensee's principal, Stormet C. Norem, and a current personal financial statement; (2) 100% trusting or insurance funding.

CURRENT RENEWAL (7-1-2013): Licensee reports a NEGATIVE net worth of \$(1,240,346.41). Licensee reports total preneed contracts outstanding of \$1,717,406. The required minimum net worth for renewal is \$100,000.

Applicant's principal, Stormet Norem, has provided a personal financial statement dated June 7, 2013, attached hereto reporting a personal net worth of \$1,860,861.

Applicant's principal, Stormet Norem, has previously provided the Board a personal guarantee, dated 18 July 2012, copy attached, which provides by its terms that it is irrevocable by the guarantor therein and that said guarantee shall continue in force unless and until released by order of the Board, and which has not been released by the Board and is currently in force.

Applicant reports an operating profit of \$148,919 for its most recently ended fiscal year (income statement attached). Licensee reports a current ratio of .74 to 1. The net worth deficiency has decreased since last year.

The FCCS Division recommends that the Board approve renewal SUBJECT TO CONDITIONS, and adopt the findings of fact and conclusions of law set forth herein:

NET WORTH INADEQUATE - BUT ALTERNATIVE CONDITIONS ACCEPTABLE

Licensee has demonstrated a NEGATIVE net worth of \$ (1,240,346.41). Licensee reports total outstanding preneed contracts of \$1,717,406. The required net worth for renewal, pursuant to s. 497.453(2) (b) and (5), Fla. Statutes, and rule 69K-5.0016, Fla. Administrative Code, is \$ 100,000.

Section 497.453(2) (b) 2, FS, authorizes an Applicant for renewal of a preneed license who cannot demonstrate the required minimum net worth to submit to the licensing authority, and request acceptance of, alternative evidence of financial stability and resources or agree to additional oversight in lieu of the required net worth. Section 497.453(2) (b) 3, FS, provides that "The licensing authority may accept such alternative evidence or arrangements in lieu of the required net worth only if the licensing authority determines such alternative evidence or arrangements are an adequate substitute for required net worth and that acceptance would not substantially increase the risk to existing or future customers of nonperformance by the Applicant or Licensee on its retail sales agreements." The Board finds that the CONDITION(s) specified below are, under s. 497.453(2) (b) 3, FS, a proper and adequate substitute for the required net worth under the facts of this case.

The license shall be renewed subject to the following CONDITION(s):

- 1) The written Personal Guaranty of Preneed Obligations, provided by Stormet C. Norem, dated July 18, 2012, copy attached, which provides by its terms that it is irrevocable by the guarantor therein and that said guarantee shall continue in force unless and until released by order of the Board, shall continue in force;
- 2) Concerning all amounts received on or after July 1, 2013, by or on behalf of the Licensee herein, as proceeds from preneed contracts sold prior to July 1, 2013, the Licensee shall trust 100% of all such amounts in a trust under s. 497.458, Florida Statutes;
- 3) Concerning preneed contracts sold by the Licensee on or after July 1, 2013, Licensee shall either: (i) trust 100% of all proceeds from such sales in a trust under s. 497.458, Florida Statutes; or (ii) shall sell such preneed contracts funded by a life insurance policy on the preneed contract beneficiary's life with a death benefit amount at least equal to the total preneed contract price.

Mr. Hall stated that the Division has done a great job communicating with the Licensees on ways to qualify and get the personal guarantees approved upfront. My only question is whether the Division receives updated financials along with the personal guarantee.

Mr. Shropshire stated that the Division did in this case.

Mr. Rudolph stated that the guarantees that the Licensee signs is an unconditional guarantee so all you need is one and they do not need to sign them every year.

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

(2) Cemetery Professionals LLC (F019496) (Atlantic Beach)

2013 RENEWAL (7-1-2013): Licensee reports a stated net worth of \$295,964, against a minimum required net worth of \$100,000. Licensee appears to meet all substantive requirements for renewal of licensure.

At its January 2011 Board meeting, the Board approved a settlement of a disciplinary action against the Licensee, in Case #103192-09-FC. A Consent Order was filed on March 10, 2011 in the matter (copy attached). The Licensee is currently in compliance with the terms of the Consent Order. Among the stipulations made by the Licensee in the Consent order, was an agreement to write only 100% trusted preneed contracts (see page 4 of the attached Settlement Stipulation for Consent Order).

The FCCS Division recommends that the Board approve renewal SUBJECT TO CONDITIONS, and adopt the findings of fact and conclusions of law set forth herein:

At its January 2011 Board meeting, the Board approved a settlement of a disciplinary action against the Licensee, in Case #103192-09-FC. A Consent Order was filed on March 10, 2011 in the matter (copy attached). The Licensee is currently in compliance with the terms of the Consent Order. Among the stipulations made by the Licensee in the Consent Order, was an agreement to write only 100% trusted preneed contracts.

Accordingly, it is ORDERED that the application for renewal of the preneed license is approved SUBJECT TO THE CONDITION that Licensee shall continue throughout the period of renewal to deposit into a preneed trust under section 497.458, Florida Statutes, 100% of all proceeds received from the sale of preneed contracts sold under the preneed License.

MOTION: Mr. Helm moved to approve the application subject to the condition Licensee shall continue throughout the period of renewal to deposit into a preneed trust under section 497.458, Florida Statutes, 100% of all proceeds received from the sale of preneed contracts sold under the preneed License. Mr. Jones seconded the motion, which passed unanimously.

(3) CEP Investment Inc (F019381) (Hudson)

2010 RENEWAL (7-1-2010): Licensee had a negative stated net worth of \$ (246,192), against a minimum required net worth of \$100,000. Licensee was renewed subject to the condition that: Licensee trust 100% or sell insurance-funded contracts.

2011 RENEWAL (7-1-2011): Licensee had a negative stated net worth of \$ (262,961), against a minimum required net worth of \$100,000. Licensee was renewed subject to the conditions: 1) that Licensee provides a personal financial statement and guarantee of preneed obligations, fully executed by the principal of the preneed Licensee, and 2) that Licensee trust 100% or sell insurance-funded contracts.

2012 RENEWAL (7-1-2012): Licensee had a negative stated net worth of \$ (299,569), against a minimum required net worth of \$100,000. Licensee was renewed subject to the conditions: 1) that Licensee provide a personal financial statement and guarantee of preneed obligations, fully executed by the principal of the preneed Licensee, and 2) that Licensee trust 100% or sell insurance-funded contracts.

CURRENT RENEWAL (7-1-2013): Licensee reports a negative stated net worth of \$(232,604) against a minimum required net worth of \$100,000. Licensee reports a current ratio (current assets divided by current liabilities) of .08 to 1. The net worth deficiency has decreased since last year.

The FCCS Division recommends that the Board approve renewal SUBJECT TO CONDITIONS, and adopt the following

findings of fact and conclusions of law:

FINDINGS OF FACTS and CONCLUSIONS OF LAW:

Licensee has demonstrated a **NEGATIVE** net worth of \$ (232,604). Licensee reports total outstanding preneed contracts of \$1,617,069. The required net worth for renewal, pursuant to s. 497.453(2) (b) and (5), Fla. Statutes, and rule 69K-5.0016, Fla. Administrative Code, is \$100,000.

Section 497.453(2) (b) 2, FS, authorizes an Applicant for renewal of a preneed license who cannot demonstrate the required minimum net worth to voluntarily submit to the licensing authority, and request acceptance of, alternative evidence of financial stability and resources or agree to additional oversight in lieu of the required net worth. Section 497.453(2) (b) 3, FS, provides that "The licensing authority may accept such alternative evidence or arrangements in lieu of the required net worth only if the licensing authority determines such alternative evidence or arrangements are an adequate substitute for required net worth and that acceptance would not substantially increase the risk to existing or future customers of nonperformance by the Applicant or Licensee on its retail sales agreements." The Board finds that the **CONDITION(s)** specified below are, under s. 497.453(2) (b) 3, FS, a proper and adequate substitute for the required net worth under the facts of this case.

The license shall be renewed subject to said **CONDITION(s)**:

- 1) That the Board extends the stated conditions of the existing **PERSONAL GUARANTEE** of the Licensee's preneed obligations executed and dated July 18, 2012 by the Licensee's principal, Clarence E. Prevatt, Jr.
- 2) That Licensee shall cause each such principal to file with the Division, within 60 days of the date of this Board Meeting, a current statement of personal assets and liabilities, compiled and reviewed by a certified public accountant, prepared and presented in conformity with Generally Accepted Accounting Principles.
- 3) Concerning all amounts received on or after July 1, 2009, by or on behalf of the Licensee, as proceeds from preneed contracts sold before July 1, 2009, the Licensee shall continue to trust 100% of all such amounts in a trust under s. 497.458, Florida Statutes; concerning preneed contracts sold by Licensee on or after July 1, 2009, Licensee shall either trust 100% of all proceeds from such sales, or shall sell such contracts as funded by a life insurance policy on the preneed contract beneficiary's life with a death benefit amount at least equal to the total preneed contract price.

MOTION: Mr. Hall moved to approve the application subject to the conditions recommended by the Division. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

(4) Lanier Funeral Home (F019319) (Lakeland)

2010 RENEWAL (7-1-2010): Licensee reported net worth of \$106,881, against a minimum required net worth of \$100,000. Licensee was renewed without conditions.

2011 RENEWAL (7-1-2011): Licensee reported net worth of \$122,467, against a minimum required net worth of \$100,000. Licensee was renewed without conditions.

2012 RENEWAL (7-1-2012): Licensee reported net worth of \$117,256, against a minimum required net worth of \$100,000. Licensee was renewed without conditions.

CURRENT RENEWAL (7-1-2013) Licensee reports a net worth of \$ 89,991. Licensee reports total preneed contracts outstanding of \$1,081,547. The required minimum net worth for renewal is \$100,000. Licensee reports a current ratio (current assets divided by current liabilities) of 1 to 1.

The FCCS Division recommends that the Board approve renewal **SUBJECT TO CONDITIONS**, and adopt the findings of fact and conclusions of law set forth herein:

NET WORTH INADEQUATE - BUT ALTERNATIVE CONDITIONS ACCEPTABLE

Licensee has demonstrated a net worth of \$89,991. Licensee reports total outstanding preneed contracts of 1,081,547. The required net worth for renewal, pursuant to s. 497.453(2) (b) and (5), Fla. Statutes, and rule 69K-5.0016, Fla. Administrative Code is \$100,000.

Section 497.453(2) (b) 2, FS, authorizes an Applicant for renewal of a preneed license who cannot demonstrate the required minimum net worth to submit to the licensing authority, and request acceptance of, alternative evidence of financial stability and resources or agree to additional oversight in lieu of the required net worth. Section 497.453(2) (b) 3, FS, provides that "The licensing authority may accept such alternative evidence or arrangements in lieu of the required net worth only if the licensing authority determines such alternative evidence or arrangements are an adequate substitute for required net worth and that acceptance would not substantially increase the risk to existing or future customers of nonperformance by the Applicant or Licensee on its retail sales agreements." The Board finds that the CONDITION(s) specified below are, under s. 497.453(2) (b) 3, FS, a proper and adequate substitute for the required net worth under the facts of this case.

The license shall be renewed subject to said CONDITION(s):

- 1) Licensee shall, within 30 days of this Board meeting, cause the principals of the Licensee each to execute and deliver to the Division a PERSONAL GUARANTEE of the Licensee's preneed obligations and further, Licensee shall cause each such principal to file with the Division, within 60 days of the date of this Board meeting, a statement of personal assets and liabilities, compiled and reviewed by a certified public accountant, prepared and presented in conformity with Generally Accepted Accounting Principles.

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

Mr. Helm questioned whether this Licensee is under the assumption that they are guaranteed to be renewed next year.

Mr. Shropshire answered, "No."

Mr. Helm stated if this continues he would vote differently because other funeral homes provide personal guarantees.

Mr. Shropshire stated that the net worth deficiency in this case was relatively minor so that is why the Division recommended just a personal guarantee in this particular case. Next time if there is a deficiency the Division would recommend a personal guarantee and subject to 100% trusting or insurance funding.

Mr. Hall questioned whether there any provisions in these agreements that the Division could act immediate upon finding evidence that the Licensee is not adhering to the conditions of the approval, without having to come before the Board.

Mr. Shropshire stated that there are provisions in the statutes for emergency final orders, but you have to make a finding that the public is in eminent danger and that you are taking the least obtrusive step necessary to protect the public. If we were to go in for instance and find that they are actively selling and not trusting a penny, I think that those conditions would be satisfied and our attorneys would tell us that we could get an immediate final order, but it would depend on the facts of the case at the time.

(5) Live Oak Memorial Park LLC (F069162) (Crestview)

In April 2012 the Board approved a change of ownership of the cemetery that is the qualifying entity for this preneed Licensee; the said cemetery under its current name and license number is LIVE OAK MEMORIAL PARK, LLC, license number F069162, 112 N. Avenue East, Crestview FL. The principal of the new owner is one David Chapman.

Also in April 2012 there was presented to the Board an application for a preneed license by the new owner of the cemetery. In the application for that new preneed license the Applicant reported a net worth of \$70,000. The balance sheet submitted by Applicant did not show any preneed contract liabilities (because the closing had not yet occurred), and hence the required net worth was reported to the Board as being the minimum \$10,000, which Applicant met. The minimum required net worth should have been reported to the Board as \$50,000, because the qualifying entity was a cemetery; however, the Applicant would have met the \$50,000 net worth requirement. The application for preneed license was approved.

2012 RENEWAL (7-1-2012): The 7-1-12 renewal occurred approximately 3 months after the preneed license was issued. Preneed renewal packages are mailed in January of each year. Thus this Licensee was not mailed a regular renewal package,

because this preneed license was not issued until April 2012. Moreover, since a standard renewal package asks for data as of December 31 of the prior year, this Licensee would have reported no liabilities as of the prior December 31, 2011 (this license was not issued until April 2012), and only the base renewal fee would be due. Licensee was sent a renewal invoice for the base renewal fee and paid same, and was renewed on the basis of the April 2012 net worth of \$70,000 as against a required net worth of \$50,000.

CURRENT RENEWAL APPLICATION (7-1-2013): The financial statement provided to date by Applicant reports a net worth of \$ 30,490. Licensee has sold no preneed contracts, but has assumed preneed contract liabilities of \$1,599,953 as of December 31, 2012 (the assumed liabilities have now hit Licensee's balance sheet). The required minimum net worth for renewal is \$100,000.

Licensee indicates that it may have erred in preparing its balance sheet submitted in the current renewal application, and may be able to provide a corrected financial statement that demonstrates that it meets the required net worth (please see attached email from FSI dated June 18, 2013). If same is received by the FCCS Division by the date of the June 27, 2013 Board meeting, the FCCS Division will provide same to the Board at said meeting.

CURRENT RATIO: Licensee reports a current ratio (current assets divided by current liabilities) of 1.

The FCCS Division recommends that the Board approve renewal SUBJECT TO CONDITIONS, and adopt the findings of fact and conclusions of law set forth herein:

NET WORTH INADEQUATE -- LICENSEE HAS PROPOSED A SPECIFIC ALTERNATIVE

Applicant has demonstrated a net worth of \$30,490. Applicant reports total outstanding preneed contracts of \$1,599,953. The required net worth for renewal, pursuant to s. 497.453(2)(b) and (5), Fla. Statutes, and rule 69K-5.0016, Fla. Administrative Code, is \$100,000.

Section 497.453(2) (b) 2, FS, authorizes an Applicant for renewal of a preneed license who cannot demonstrate the required minimum net worth to voluntarily submit to the licensing authority, and request acceptance of, alternative evidence of financial stability and resources or agree to additional oversight in lieu of the required net worth. Section 497.453(2) (b) 3, FS, provides that "The licensing authority may accept such alternative evidence or arrangements in lieu of the required net worth only if the licensing authority determines such alternative evidence or arrangements are an adequate substitute for required net worth and that acceptance would not substantially increase the risk to existing or future customers of nonperformance by the Applicant or Licensee on its retail sales agreements."

Licensee has offered the following alternative evidence or arrangement(s) in lieu of the required minimum net worth (see attached form R6, signed by Applicant): (1) submission of monthly financial statements, (2) submission of a credit report of the entity or its principals, and (3) a written explanation of past financial activity.

The Board finds that the net worth alternatives offered by preneed Licensee are not adequate. Accordingly, it is ORDERED that the application for renewal is approved subject to the following CONDITION(s):

- 1) Concerning all amounts received on or after July 1, 2013, by or on behalf of the Licensee herein, as proceeds from preneed contracts sold prior to July 1, 2013, the Licensee shall trust 100% of all such amounts in a trust under s. 497.458, Florida Statutes;
- 2) Concerning preneed contracts sold by the Licensee on or after July 1, 2013, Licensee shall either: (i) trust 100% of all proceeds from such sales in a trust under s. 497.458, Florida Statutes; or (ii) shall sell such preneed contracts funded by a life insurance policy on the preneed contract beneficiary's life with a death benefit amount at least equal to the total preneed contract price.

Mr. Bill Williams stated that they have been working with the CPA for the firm and just this morning got the financials and the reported net worth is \$193,000 stated by the CPA. The Licensee is requesting that the application be approved contingent upon the Division's review and approval of the financials.

MOTION: Mr. Mueller moved to approve the application subject to the Division's review and approval of the financials. Mr. Clark seconded the motion, which passed unanimously.

(6) Sarah L. Carter (F019189) (Jacksonville)

2010 RENEWAL (7-1-2010): Licensee reported net worth of \$ 376,583, against a minimum required net worth of \$20,000. Licensee was renewed without conditions.

2011 RENEWAL (7-1-2011): Licensee reported net worth of \$88,585, against a minimum required net worth of \$20,000. Licensee was renewed without conditions.

2012 RENEWAL (7-1-2012): Licensee reported net worth of \$394,545, against a minimum required net worth of \$20,000. Licensee was renewed without conditions.

CURRENT RENEWAL (7-1-2013): Licensee reports a net worth of \$115,241. Licensee reports total preneed contracts outstanding of \$ 202,811. The required minimum net worth for renewal is \$40,000.

Licensee's fiscal year ended on December 31, 2012, and its financial statements were due to be filed with Division by not later than March 31, 2013. The financial statements were received by the Division on June 11, 2013, and were thus 71 days late, which indicates a late fee due of \$ 500.

The FCCS Division recommends that the Board approve renewal SUBJECT TO CONDITIONS, and adopt the findings of fact and conclusions of law set forth herein:

Licensee was late in filing materials (preneed license renewal application, and/or financial statements; see factual findings herein), required to be filed in connection with renewal of preneed license, and late fees are therefore due from Licensee; see section 497.453(5) (e), Fla. Statutes, and rule 69K-5.0026(2), FAC.

The application for renewal is granted, subject to payment of a \$500 late renewal filing fee; the renewed license is suspended, but the imposition of the suspension is stayed for 60 days from the renewal date. If the late fee is paid by said 60th day, the suspension imposed shall not take effect. If the suspension imposed takes effect, it shall continue in force until such time as the Licensee pays the late fee.

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

(7) Sea Pines Memorial Gardens (F019326) (Edgewater)

Licensee was renewed without conditions in 2010, 2011, and 2012.

Licensee's annual PNL renewal statement (R3) was due to be filed with Division by not later than April 1, 2013. The forms were received by the Division on May 7, 2013, and were thus 37 days late, which at \$50 per day indicates a late fee due of \$500.

Licensee's form R3B shows \$5,527,413 in outstanding preneed contracts. Licensee reports a net worth of \$262,374, and the required net worth is \$100,000. The Licensee meets the net worth requirement for renewal. A late fee in the amount of \$500 is due.

The FCCS Division recommends that the Board approve renewal SUBJECT TO CONDITIONS, and adopt the findings of fact and conclusions of law set forth herein:

Licensee was late in filing materials (preneed license renewal application, see factual findings herein), required to be filed in connection with renewal of preneed license, and late fees are therefore due from Licensee; see section 497.453(5) (e), Fla. Statutes, and rule 69K-5.0026(2), FAC.

The application for renewal is granted, subject to payment of a \$500 late renewal filing fee; the renewed license is suspended, but the imposition of the suspension is stayed for 60 days from the renewal date. If the late fee is paid by said 60th day, the suspension imposed shall not take effect. If the suspension imposed takes effect, it shall continue in force until such time as the Licensee pays the late fee.

MOTION: Ms. Thomas-Dewitt moved to approve the application subject to the conditions recommended by the Division. Mr. Helm seconded the motion, which passed unanimously.

The Chair stated appears the Licensee may have overpaid and questioned whether the overpayment could be applied to the late fee.

Ms. Morris stated that could be done but typically the refund for overpayment is issued back to the Licensee. The Division would need authorization or a request from the Licensee to apply those monies towards the late fees.

The Chair stated if the Licensee does not request it then they do not get it. The Chair commended Ms. Morris on all the work done in processing the renewals and putting together the Board packets as it is a monumental task.

(8) *Watson Mortuary Services Inc (F019407)(Trenton)*

2010 RENEWAL (7-1-2010): Licensee reported net worth of \$ 69,460, against a minimum required net worth of \$40,000. Licensee was renewed without conditions.

2011 RENEWAL (7-1-2011): Licensee reported net worth of \$46,583, against a minimum required net worth of \$60,000. Licensee was renewed subject to the conditions: (1) 100% trusting or insurance funding and (2) submission of personal guarantee by Licensee's principals.

2012 RENEWAL (7-1-2012): Licensee reported net worth of \$60,341, against a minimum required net worth of \$60,000. Licensee was renewed without conditions.

CURRENT RENEWAL (7-1-2013): Licensee reports a net worth of \$54,896. Licensee reports total preneed contracts outstanding of \$521,841. The required minimum net worth for renewal is \$60,000.

Licensee reports a current ratio of .85 to 1. Licensee reports an operating profit of \$49,099 for the year ended December 31, 2012. Also before the Board is the Licensee's request for waiver of late fees. Licensee's application filing was due at the FCCS Division office not later than April 1, 2013, but was in fact was received on April 9, 2013. Pursuant to section 497.453(5) (e) and Rule 69K-5.0026(2), late fees are assessable.

Licensee submits a written explanation of the cause of the late filing, attached. Licensee was initially issued their preneed license in 1999.

The FCCS Division recommends that the Board approve renewal SUBJECT TO CONDITIONS, and adopt the findings of fact and conclusions of law set forth herein:

NET WORTH INADEQUATE - BUT ALTERNATIVE CONDITIONS ACCEPTABLE

Licensee has demonstrated a net worth of \$54,896. Licensee reports total outstanding preneed contracts of \$521,841. The required net worth for renewal, pursuant to s. 497.453(2) (b) and (5), Fla. Statutes, and rule 69K-5.0016, Fla. Administrative Code is \$60,000.

Section 497.453(2) (b) 2, FS, authorizes an Applicant for renewal of a preneed license who cannot demonstrate the required minimum net worth to submit to the licensing authority, and request acceptance of, alternative evidence of financial stability and resources or agree to additional oversight in lieu of the required net worth. Section 497.453(2) (b) 3, FS, provides that "The licensing authority may accept such alternative evidence or arrangements in lieu of the required net worth only if the licensing authority determines such alternative evidence or arrangements are an adequate substitute for required net worth and that acceptance would not substantially increase the risk to existing or future customers of nonperformance by the Applicant or Licensee on its retail sales agreements."

The license shall be renewed subject to the following CONDITION(s):

- 1) The written Personal Guaranty of Preneed Obligations, provided by James C. Watson, dated 8 July 2011, copy attached, which provides by its terms that it is irrevocable by the guarantor therein and that said guarantee shall continue in force unless and until released by order of the Board, from which Personal Guaranty said guarantor has not been

released by the Board, shall continue in force;

2) Concerning all amounts received on or after 7-1-2013, by or on behalf of the Licensee herein, as proceeds from preneed contracts sold prior to 7-1-2013, the Licensee shall trust 100% of all such amounts in a trust under s. 497.458, Florida Statutes;

3) Concerning preneed contracts sold by the Licensee on or after July 1, 2013, Licensee shall either: (i) trust 100% of all proceeds from such sales in a trust under s. 497.458, Florida Statutes; or (ii) shall sell such preneed contracts funded by a life insurance policy on the preneed contract beneficiary's life with a death benefit amount at least equal to the total preneed contract price.

LATE FEES - RECOMMENDATION TO WAIVE LATE FEES

The FCCS Division recommends that the Board waive the late fees in view of the unusual circumstances; combined with the fact that Licensee has filed in a timely manner in previous years for renewal of its preneed license.

MOTION: Ms. Thomas-Dewitt moved to approve the application subject to the conditions recommended by the Division and waive the late fees. Mr. Jones seconded the motion, which passed unanimously.

(9) Whitfield Funeral Home Inc (F019375) (Ormond)

2010 RENEWAL (7-1-2010): Licensee reported net worth of \$272,256, against a minimum required net worth of \$100,000. Licensee was renewed subject to the condition: Payment of late fee in the amount of \$1,000.

2011 RENEWAL (7-1-2011): Licensee reported net worth of \$ 308,190, against a minimum required net worth of \$100,000. Licensee was renewed without conditions.

2012 RENEWAL (7-1-2012): Licensee reported net worth of \$ 296,221, against a minimum required net worth of \$100,000. Licensee was renewed subject to the condition: Payment of late fee in the amount of \$1,000.

CURRENT RENEWAL (7-1-2013): Licensee reports a net worth of \$289,788. Licensee reports total preneed contracts outstanding of \$ 2,358,587. The required minimum net worth for renewal is \$100,000.

Licensee's current renewal application package was received by the FCCS Division on or about May 24, 2013, after the April 1, 2013 deadline. However, the Form R4 did not include the stated net worth amount. On June 3, 2013 the FCCS Division mailed a Deficiency Notice to Licensee, advising of the above late fee and deficiencies. A late fee in the amount of \$1,000 is due. As of June 13, 2013, the date this cover sheet is prepared, the FCCS Division has not received any response to said deficiency and late fee notice.

The FCCS Division recommends that the Board approve renewal SUBJECT TO CONDITIONS, and adopt the findings of fact and conclusions of law set forth herein:

Licensee has filed an incomplete renewal application (see above cited deficiencies).

Licensee has failed to timely provide the Division or the Board, in connection with Licensee's application for renewal, a completed Form R4. Said materials were due to be filed with Division by not later than April 1, 2013. The said materials were at least 54 days late, which at \$50 per day indicates a late fee due of \$ 500 per statement. The Board has capped late fees at \$1,000. A late fee of \$1,000 is due.

Licensee has demonstrated that it meets the required net worth for renewal.

The application for renewal is granted, but the renewed license is suspended effective upon renewal, and shall remain suspended until the Licensee satisfies the following conditions:

- 1) The Licensee completes the required form R4 of the application package, and submits this to the Division within 30 days from the date of this Board Meeting.
- 2) The Licensee pays to the Division a late fee in the amount of \$1,000, as required by s. 497.453(5) (e), FS, and Rule 69K-5.0026(2), FAC.

MOTION: Mr. Jones moved to approve the application subject to payment of a late fee in the amount of \$1,000. Ms. Anderson seconded the motion, which passed unanimously.

(10) Wright & Young Funeral Home Inc (F038683) (Miami)

2010 RENEWAL (7-1-2010): Licensee had a stated net worth of \$618,102, against a minimum required net worth of \$40,000. Licensee was renewed without conditions.

2011 RENEWAL (7-1-2011): Licensee reports a stated net worth of \$737,645, against a minimum required net worth of \$40,000. Licensee was renewed without conditions.

2012 RENEWAL (7-1-2012): Licensee reports a stated net worth of \$ 828,941, against a minimum required net worth of \$40,000. Licensee was renewed subject to conditions of settlement stipulation and consent order agreement dated April 20, 2012.

CURRENT RENEWAL (7-1-2013): Licensee reports a stated net worth of \$ 915,767 against a minimum required net worth of \$40,000. Licensee appears to meet all substantive requirements for renewal of licensure. By Order filed April 20, 2012, the Board approved a settlement of a disciplinary action against the Licensee in Case #120946-11-FC. Among the provisions of the Consent Order were that Licensee was placed on 24-months probation (which ran from the April 20, 2012 filing date of the Consent Order), assessed a \$2500 fine plus \$250 in costs, and agreed to utilize only licensed preneed sales agents to offer to sell or make arrangements for a preneed contract. The fines and costs have been paid.

The FCCS Division recommends that the Board approve renewal SUBJECT TO CONDITIONS, and adopt the findings of fact and conclusions of law set forth herein:

Accordingly, it is ORDRED that the application for renewal of the preneed Licensee is approved subject to the condition that the probation imposed in case # 120946 shall continue according through April 20, 2014.

MOTION: Mr. Jones moved to approve the application subject to the condition that the probation imposed in case # 120946 shall continue according through April 20, 2014. Mr. Mueller seconded the motion, which passed unanimously.

(11) Zion Hill Mortuary (F019404) (St Petersburg)

2010 RENEWAL (7-1-2010): Licensee had a stated net worth of \$101,027, against a minimum required net worth of \$100,000. Licensee was renewed without conditions.

2011 RENEWAL (7-1-2011): Licensee reports a stated net worth of \$85,186, against a minimum required net worth of \$100,000. Licensee was renewed subject to the condition: 1) that Licensee agreed to a stipulation agreement for renewal for 100% trusting or insurance funding.

2012 RENEWAL (7-1-2012): Licensee reports a stated net worth of \$72,612, against a required minimum net worth of \$100,000. Licensee was renewed subject to the condition: 1)100% trusting or insurance funding.

CURRENT RENEWAL (7-1-2013): Licensee reports a stated net worth of \$85,211, against a required minimum net worth of \$100,000. Licensee reports a current ratio of .94 to 1.

The FCCS Division recommends that the Board approve renewal SUBJECT TO CONDITIONS, and adopt the following findings of fact and conclusions of law:

FINDING RE STATED AND REQUIRED NET WORTH

Licensee has demonstrated a net worth of \$ 85,211. Licensee reports total outstanding preneed contracts of \$920,045. The required net worth for renewal, pursuant to s. 497.453(2) (b) and (5), Fla. Statutes, and Rule 69K-5.0016, Fla. Administrative Code is \$100,000.

Concerning all amounts received on or after July 1, 2011, by or on behalf of the Licensee, as proceeds from preneed

contracts sold before July 1, 2011, the Licensee shall trust 100% of all such amounts in a trust under s. 497.458, Florida Statutes; concerning preneed contracts sold by Licensee on or after July 1, 2011, Licensee shall either trust 100% of all proceeds from such sales, or shall sell such contracts as funded by a life insurance policy on the preneed contract Beneficiary's life with a death benefit amount at least equal to the total preneed contract price.

Mr. Hall questioned whether the Division is requiring a personal guaranty as well.

Mr. Shropshire answered, "No sir, not in this instance."

Mr. Hall questioned whether the net worth deficiency in this case being relatively minor is the reason the personal guaranty was not required.

Ms. Morris stated that the Licensee voluntarily agreed to trust 100%.

Mr. Shropshire stated they had been on it before in 2012 and agreed to continue it. That is certainly a stronger protection than a personal guaranty.

MOTION: Ms. Anderson moved to approve the application subject to the condition that the Licensee shall either trust 100% of all proceeds from such sales, or shall sell such contracts as funded by a life insurance policy on the preneed contract Beneficiary's life with a death benefit amount at least equal to the total preneed contract price. Mr. Clark seconded the motion, which passed unanimously.

C. Non-Renewing Preneed Licensees (Not Renewing as of June 30, 2013) – Addendum I

This item is informational only and does not require Board action.

D. Request(s) for Waiver of Late Fee

(1) Recommended for Approval with Conditions

(a) Guiding Light Cremations, LLC (F059114) (Clermont)

CURRENT RENEWAL (7-1-2013): Licensee reports a net worth of \$ 741,175, against a required minimum net worth of \$10,000. Licensee appears to meet all requirements for renewal of license, except for payment of certain late fees.

This matter is before the Board on the Licensee's request for waiver of late fees. Licensee's application filing was due at the FCCS Division office not later than April 1, 2013, but was in fact was received on May 9, 2013. Pursuant to section 497.453(5) (e) and Rule 69K-5.0026(2), late fees are assessable.

Licensee submits a written explanation of the cause of the late filing, attached. In summary, the accountant used by Licensee had an unusually high volume of business due to changes in the tax laws during the time that the renewal package was being prepared for this year. Therefore, the financial statements were not submitted timely, and as a result, the Licensee filed the entire renewal package late. Licensee was initially issued their preneed license in 2010.

The FCCS Division recommends that the Board reduce the late fee in view of the cause of the late filing, as explained in the attached letter dated May 30, 2013, by Licensee's CPA firm; combined with the fact that Licensee has not previously been late in applying for renewal of preneed license.

The application for renewal is granted, subject to payment of a \$400 reduced late renewal filing fee, due within 60 days from the renewal date.

MOTION: Ms. Thomas-Dewitt moved to approve the application for renewal subject to payment of a \$400 reduced late renewal filing fee, due within 60 days from the renewal date. Ms. Anderson seconded the motion, which passed unanimously.

(2) Recommended for Approval without Conditions

(a) Heritage Gardens Funeral Home and Cemetery (F019234) (Niceville)

2010 RENEWAL (7-1-2010): Licensee reported net worth of \$6,713,307, against a minimum required net worth of \$100,000. Licensee was renewed without conditions.

2011 RENEWAL (7-1-2011): Licensee reported net worth of \$ 7,238,363, against a minimum required net worth of \$100,000. Licensee was renewed without conditions.

2012 RENEWAL (7-1-2012): Licensee reported net worth of \$5,893,929, against a minimum required net worth of \$100,000. Licensee was renewed without conditions.

CURRENT RENEWAL (7-1-2013): Licensee reports a net worth of \$ 6,832,441. Licensee reports total preneed contracts outstanding of \$2,478,869. The required minimum net worth for renewal is \$100,000. Licensee appears to meet all requirements for renewal of license, except for payment of certain late fees.

This matter is before the Board on the Licensee's request for waiver of late fees. Licensee's application R2 filing was due at the FCCS Division office not later than September 30, 2013, but was in fact was received on February 28, 2013. Pursuant to section 497.453(5) (e) and Rule 69K-5.0026(2), late fees are assessable.

Licensee submits a written explanation of the cause of the late filing, attached. In a letter provided by Licensee's accounting firm, the cause of the late filing of the R2 financial statements, FYE June 30, 2013 was due to be filed with the Division as of September 30, 2013, however, due to the death of Walt Ruckel, former principal owner of Heritage, and due to the transition, the filing deadline was not met. Licensee was initially issued their preneed license in 1995. In 2008 Licensee was late in filing its R3 renewal statement, and paid a late fee in the amount of \$500.

The FCCS Division recommends that the Board deny the request to waive the late fees and that the preneed license be renewed without conditions.

Mr. Mueller questioned the difference between this Licensee and the one that was just approved (Guiding Light Cremations).

Mr. Shropshire stated that this Licensee was late in 2008 and paid a fee of \$500.

Ms. Morris added that Guiding Light did not have a prior history of being late.

MOTION: Mr. Hall moved to deny the request to waive the late fees and that the preneed license be renewed without conditions. Mr. Clark seconded the motion, which passed unanimously.

13. Application(s) for Preneed Main License

A. Recommended for Approval *with* Conditions
(1) Countryside Funeral Home, Inc. (Anthony)

The Department received the application on June 3, 2013 and all items were resolved as of June 14, 2013. A completed background check of all officers revealed no criminal history.

Applicant previously obtained a preneed license (F057660) in February 2012. When Applicant received their renewal package for July 1, 2012 renewal, they decided not to renew, because they considered the paperwork to renew too intrusive; they submitted a form R-5 to the FCCS Division advising of their decision not to renew, and acknowledging an obligation to honor all preneed contracts they had sold. Preneed license F057660 expired on July 1, 2012.

The Applicant advises that, subsequent to letting the preneed license expire, Applicant has been receiving inquiries from customers concerning purchase of preneed contracts. Consequently, Applicant has re-considered the matter, and decided to apply for a preneed license again.

The qualifying entity for the preneed license applied for herein would be "Countryside Funeral Home Inc.," a funeral establishment located at 9185 NE 21ST Avenue, Anthony FL, license F057660.

Applicant will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (Sabal Trust Company) and pre-arranged funeral agreement forms.

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

| | | |
|-------------------------------|------|---------|
| Outstanding Preened Contracts | = \$ | 76,453 |
| Required Net Worth | = \$ | 10,000 |
| Reported Net Worth | = \$ | 104,427 |

The Division recommends approval of the application subject to the condition that the Applicant and its qualifying entity shall, under the new preneed license, be responsible to honor all preneed contracts previously sold under preneed license F057660.

MOTION: Ms. Thomas-Dewitt moved to approve the application subject to the condition that the Applicant and its qualifying entity shall, under the new preneed license, be responsible to honor all preneed contracts previously sold under preneed license F057660. Mr. Jones seconded the motion, which passed unanimously.

B. Recommended for Approval without Conditions
(1) Pinecrest Mariner Boulevard, Inc. (Spring Hill)

This is an application for approval of a change of ownership of preneed main license # F019411, which license is currently held by Mariner Boulevard Funeral Chapel Inc., d/b/a Pinecrest Funeral Chapel, Spring Hill. Until Feb. 2013, this preneed Licensee's qualifying entity was the funeral establishment operating under license F041313, at 3369 Mariner Blvd, Spring Hill, FL. In or about Feb. 2013 the said qualifying entity was acquired by Pinecrest Mariner Boulevard Inc., an entity the principals of which are Merl and Eva Faupel; the Board approved this change of ownership at its Feb. 2013 Board meeting. New license number F073184 has been issued to the said funeral establishment.

Pinecrest Mariner Boulevard Inc. now seeks approval for a change of ownership of the preneed main license. The Department received the application herein on March 25, 2013 and deficiencies were noted on the application. A deficiency letter was sent as of April 2, 2013, and all items were resolved as of May 31, 2013. A completed background check of all officers revealed no criminal history.

If approved, the preneed main Licensee will operate under the name, Pinecrest Mariner Boulevard, Inc. d/b/a Pinecrest Funeral Chapel, and the qualifying entity will be the funeral establishment under license number F073184. If this application is approved, a new preneed main license number will be issued to replace preneed license number F019411. All outstanding liabilities for preneed contracts sold under preneed license number F019411 will be transferred to and become an obligation of and under the new preneed license number. If approved, Applicant will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (Sabal Trust Company) and approved FSI pre-arranged funeral agreement forms.

The Applicant's financial statements as of April 30, 2013 reflect the following:

| | | |
|----------------------------|------|---------|
| Acquired Preened Contracts | = \$ | 960,481 |
| Required Net Worth | = \$ | 100,000 |
| Reported Net Worth | = \$ | 341,809 |

The Division recommends approval of the application.

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

(2) Waldon Professional Funeral & Cremation Services, LLC (Sanford)

The Department received the application on May 3, 2013 and no deficiencies were noted on the application. A completed background check of all officers revealed no criminal history. Applicant was issued a qualifying funeral establishment license

as of April 1, 2013 and will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (Sabal Trust Company) and pre-arranged funeral agreement.

The Applicant’s financial statements as of March 31, 2013 reflect the following:

| | | |
|----------------------------|------|--------|
| Acquired Preneed Contracts | = \$ | 0 |
| Required Net Worth | = \$ | 10,000 |
| Reported Net Worth | = \$ | 11,745 |

The Division recommends approval of the application.

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

14. Application(s) for Preneed Branch License
A. Recommended for Approval without Conditions – Addendum J

The Division recommends that these application(s) be approved for branch licensure.

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

15. Contract(s) or Other Related Form(s)
A. Recommended for Approval with Conditions
 (1) *Evergreen Cemetery Association (F019212) (F039440) (Jacksonville)*
 (a) *Cemetery Burial and Merchandise Agreement*
 (b) *Prearranged Cremation Services and Merchandise Agreement*

Evergreen Cemetery Association, preneed Licensee F019212, submits for review and approval two preneed contract forms, attached hereto and marked by the FCCS Division for identification as form A and form B. The preneed Licensee is under common control with two other Licensees, a cemetery (F039440), and a direct disposal establishment (F073486) (license issued March 7, 2013). All three entities are licensed under the name Evergreen Cemetery Association. The FCCS Division has reviewed the forms and believes they comply with all applicable requirements of law and rules.

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

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

16. Board Consumer Member Report (Oral)

None

Mr. Mueller requested that Mr. Shropshire sends Col. Stiegman the Board’s best regards and prayers.

Mr. Shropshire responded in the affirmative.

17. Executive Director’s Report
A. Monthly Bodies Handled Reports No Longer Sent to Tallahassee (Informational)

EFFECTIVE JULY 1, 2013

The Florida legislature has amended section 497.382, Florida Statutes regarding the monthly Bodies Handled Reports (BHRs) that every funeral establishment, direct disposal establishment, cinerator facility, and centralized embalming facility must

prepare each month. The BHR is the monthly report of everybody that was handled for any reasons in your establishment or facility in the prior month. The BHR also shows any disinterments a funeral establishment handled in the prior month.

Under the revised statute, you must still prepare a BHR each month, and have the BHR signed by the funeral director in charge or direct disposer in charge, and embalmers as applicable. BUT UNDER THE AMENDED STATUTE YOU NO LONGER SEND BHRs TO TALLAHASSEE. Instead, each month you file the BHR you prepared, in your records at the funeral establishment, direct disposal establishment, cinerator facility, or centralized embalming facility to which the BHR relates.

The BHRs must be available at your establishment for review at any time, by the FCCS Division' Inspectors. For example, if the FCCS Division receives a complaint that must be investigated, the Department's Inspector may appear at your establishment or facility without notice and ask to see your BHR for the prior month. If the request reveals that the BHR has not been done, the establishment or facility is subject to disciplinary action.

To summarize, you must still do a BHR every month, just as in the past, but you do not send it to Tallahassee. Instead, you keep it in your files at your licensed establishment or facility.

The change is effective July 1, 2013, and applies to BHRs for June 2013. Do not send a BHR to the FCCS Division for June 2013 or subsequent months.

The change is not retroactive and does not excuse prior failure to file BHRs with the FCCS Division. Thus, if you owe the FCCS Division a BHR for one or more months prior to June 2013, you should file such BHRs with the FCCS Division immediately.

The Board of Funeral, Cemetery, and Consumer Services and the Florida Department of Health are working on a proposed process that will allow the Department of Health's EDRS system to serve as the monthly BHR. However, that process is still being worked on and IS NOT IN EFFECT AT THIS TIME. Until you hear otherwise directly from the FCCS Division, you should continue to complete a paper BHR each month and file it in your records at your licensed establishment or facility.

We reproduce below s. 497.382(2), showing the recent amendments by the Florida legislature.

497.382 Reports of cases embalmed and bodies handled.—

(1) Each funeral establishment, direct disposal establishment, cinerator facility, and centralized embalming facility shall record monthly report on a form prescribed and furnished by the licensing authority the name of the deceased and such other information as may be required by rule with respect to each dead human body embalmed or otherwise handled by the establishment or facility. Such forms shall be signed monthly by the embalmer who performs the embalming, if the body is embalmed, and the funeral director in charge of the establishment or facility or by the direct disposer who disposes of the body and shall be maintained at the business premises of the establishment or facility for inspection by Division staff. The licensing authority shall prescribe by rule the procedures for preparing and retaining in ~~submitting~~ such forms ~~documentation~~. ~~Reports required by this section shall be filed by the 20th day of each month for final dispositions handled the preceding month.~~

For further information, call Carmen Greathouse, at the Division of Funeral, Cemetery, and Consumer Services, phone 850-413-3039.

The Chair questioned whether Mr. Jones had any comments.

Mr. Jones stated that he is trying to establish a date for a Committee meeting on the Bodies Handled Reports to discuss the rule associated with that. I have not gotten back with Mr. Shropshire yet with all the Committee members with possible dates that he can post as I hope to have the first meeting in July.

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

Monthly Report of Fine and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 June 27, 2013 Board Meeting
 Report Updated as of June 18, 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 March and April payments in full. Partial payments of \$100 each were rec'd on 5/6/13 and 5/14/13, respectively. To date, \$1,250 remains outstanding; file has been submitted to Legal for appropriate administrative action. |
| 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 pymnts | YES YES See Note E | Monthly restitution payments are current |
| New Serenity Memorial Funeral Home & Cremation Services | Dec-12 | 126168-12-FC | \$1,500 | 4/15/2013 5/15/2013 6/15/2013 | Yes Yes No; See Note A | Board approved modification request at April Board meeting. \$500 due each month. June payment is outstanding. |
| Doctor R. Choice | Feb-13 | 126172-12-FC | \$750 | 4/15/2013 | No, See Note A | File has been submitted to Legal for appropriate administrative action. |
| Kate Mayberry dba Agape Funeral Home & Cremation Services, Gainesville | Apr-13 | 130350-12-FC | \$1,750 | 5/9/2013 | Yes | |
| Collison Family Funeral Home & Cremation Howell Branch Chapel | Apr-13 | 125720-12-FC | \$1,250 | 5/10/2013 | Yes | |
| Patrick Fulton | Apr-13 | 125722-12-FC | \$1,250 | 5/10/2013 | Yes | |
| Sara Fredericks | Apr-13 | 125717-12-FC | \$1,250 | 5/10/2013 | Yes | |
| Alliance Monument & Marble Co, Inc. | Apr-13 | 129485-12-FC | \$1,000 | 9/2/2013 | See Note D | |
| Gregory Collison | Apr-13 | 125716-12-FC | \$1,250 | 5/10/2013 | Yes | |

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.

CPM
June 27 4:12 PM '13

DFS 6-27-13

Mr. Helm questioned whether Alliance Monument & Marble Co. had two (2) fines and had already paid one (1).

Mr. Miller stated that this report only documents the Orders that have fines. If there is a separate Order with a suspension or revocation that has no monetary fine, it would not show up on this report.

Mr. Helm stated that the Licensee was fined at the April meeting and there was already a previous fine.

Mr. Miller stated that this is the only fine he recalls. There may have been another Order that had some type of discipline that did not include a fine so it would not be included on this report. Mr. Miller added that he would research the issue and report back to Mr. Helm.

Mr. Hall stated that the issues with the Work & Son started prior to the start of this report. Mr. Hall questioned whether the issue with the monuments could be added to this report to provide a status on the fines and whether the changes and maintenance issues were brought up to date as the conditions were deplorable there.

Mr. Miller stated that his recommended that any member with questions relative to follow-ups that have nothing to do with a fine that they independent call the Division and we can provide that. Otherwise, this report could become unmanageable and lengthy for it to be a useful tool.

Mr. Hall stated that the cases in question did have fines associated with them and that information would be provided but not the information on the inspection.

Mr. Miller stated if that is done for one Licensee then it would have to be done for the other Licensees as well.

Mr. Shropshire stated that the Division would treat it as a specific inquiry about that case.

Mr. Hall agreed and requested an update.

Mr. Miller agreed to provide an update on Work & Son.

18. Chairman's Report (Oral)

The Chair questioned the dates/locations of the upcoming meetings.

Ms. LaTonya Bryant stated that the teleconference is scheduled for July 11th, August 1st meeting will be held in Altamonte Springs, September 5th teleconference and October 3rd meeting will be held in Tampa.

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 12:30 p.m.