

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
July 11, 2013 - 10:00 A.M.

1. Call to Order, Preliminary Remarks and Roll Call

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

Mr. Doug Shropshire, Director, requested to make the usual prefatory comments for the record and then take the roll.

As a preliminary matter, let me state for the record that my name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, July 11, 2013. The time is approximately 10:00am. This is a public meeting of the Board of Funeral, Cemetery and Consumer Services. Notice of this meeting has been duly published in the Florida Administrative Weekly. An agenda for this meeting had been made available to interested persons. The meeting is occurring by Teleconference with some members of the Public here with the Division staff here in the Pepper Building, in Tallahassee, Florida. The call in number has also been made available to the public. Members of the Board are participating by phone. My Assistant, Ms LaTonya Bryant, will take minutes of the meeting, which is being recorded.

Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. All persons participating by phone, other than the Chair and Board members while speaking, are asked to place their phones on mute at all times while listening. I repeat, please place your phones on mute at all times while listening. We ask this to enhance the audio quality of the Teleconference. If any Member or participant is disconnected they can call back to the same number called initially. Participants are respectfully reminded of the necessary protocol that only one person may speak at the time.

At this time I will take the roll and Board members will please respond clearly with "present" when I call their name:

PRESENT (via phone):

Joseph "Jody" Brandenburg, Chairman

Gail Thomas-DeWitt, Vice-Chairman

Jean Anderson

Andrew Clark

Lewis "Lew" Hall

Powell Helm

Nancy Hubbell

Ken Jones

Richard "Dick" Mueller

Col. Don Stiegman

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

Also noted as present:

Doug Shropshire, Executive Director
Lynette Norr, Board Legal Advisor (via phone)
Anthony Miller, Assistant Director (via phone)
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Karen Duehring, Department Staff

2. 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.

3. Application(s) for Continuing Education Course

A. Recommended for Approval without Conditions – Addendum B

- (1) *FuneralCE (43)*
- (2) *Hospice Foundation of America (14410)*
- (3) *National Funeral Directors Association (136)*
- (4) *Practicum Strategies (65)*
- (5) *The Dodge Institute for Advanced Mortuary Stu (81)*

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

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

4. Application(s) for Florida Law and Rules Examination

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

- (1) *Funeral Director and Embalmer – Endorsement*
 - (a) *Chapman, Thad G*
- (2) *Funeral Director and Embalmer – by Internship and Exam*
 - (a) *Casado, Luis 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.

5. Application(s) for Internship

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

- (1) *Funeral Director*

- (a) *Troxel, Erin K (F074655)*
- (2) *Funeral Director and Embalmer*
 - (a) *Box, Bryan W (F064325)*
 - (b) *Cook, Ilex M (F074745)*
 - (c) *Forrest, Vilhelmiina E (F074746)*
 - (d) *Poulard, Sindy (F074747)*

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

- 6. **Application(s) for Embalmer Apprenticeship**
 - A. *Informational Item (Licenses Issued without Conditions) – Addendum E*
 - (1) *Carter, Traceshaud T (F074654)*
 - (2) *Hernandez, Estiven (F070001)*

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

- 7. **Consumer Protection Trust Fund Claims**
 - A. *Recommended for Approval without Conditions – Addendum F*

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

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

- 8. **Application(s) for Funeral Establishment**
 - A. *Recommended for Approval with Conditions*
 - (1) *Baldwin Brothers Memorial Care Services Inc d/b/a Baldwin Brothers Cremation Society (Lady Lake)*

An application for a Funeral Establishment was received on May 24, 2013. The application was complete when submitted. The fingerprint cards for all principals were returned with criminal history for one of the principals, Evans P. Baldwin. The Funeral Director in Charge for the establishment will be Richard Baldwin Jr. (F043216).

Criminal History:

Evans P Baldwin criminal history has been presented to the Board in 2010 when he was granted a preneed agent license and again at the June 27, 2013 Board meeting when he applied for and was granted a Funeral Director Intern license. The preneed sales agent license was approved with

conditions. He was ordered to be placed on two years' probation which was completed in May 2012. The Funeral Director Intern license was approved without conditions.

The criminal record of Evans Baldwin consists of one incident, 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.
- Thereafter, on or about January 4, 2004 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. He has successfully completed the court-ordered probation.

After reviewing the criminal history and knowing that the criminal history of this particular principal has been before the Board on several occasions and the Board has dealt with it, the Division recommends that the application be approved subject to the condition that the establishment passes an on-site inspection by a member of Division Staff.

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

(2) Plenitud Funeral Homes Inc (Pembroke Pines)

An application for a Funeral Establishment was received on June 17, 2013. The application was incomplete when submitted. All deficient items were returned on June 28, 2013. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Karla Rodriguez (F033776).

The Division recommends that the application be approved subject to the condition that the establishment passes an on-site inspection by a member of Division Staff.

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

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

A. Recommended for Approval with Conditions

(1) Preneed Contract(s)

(a) National Guardian Life Insurance Company (Madison, WI)

National Guardian Life Insurance Company (NGLIC) submits a Prearranged Funeral Planning Agreement for approval. If the form is approved, the agreement will be utilized for the sale of preneed through various licensed preneed main establishments.

The contract is recommended for approval subject to the condition(s) as follow:

1. That Applicant make the following revisions to the contract form: (a) On page 1, provide a check box, or similar device, to notate whether or not an addendum is included as part of this agreement, and (b) Include in the verbiage at the bottom of page 1 the contract language to the following effect: "See Terms and Conditions on reverse side."
2. That two full sized print-ready copies of the contract is received by the Department within 60 days of this Board meeting.

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

(2) Preneed Funeral Trust Agreement

(a) Forethought Federal Savings Bank (Batesville, IN)

In accordance with ss. 497.458, Florida Statutes, Forethought Federal Savings Bank (FFSB) hereby submits a Preneed Master Trust Agreement to be utilized by StoneMor Florida Subsidiary, LLC d/b/a Daytona Memorial Park (F038725) (StoneMor), for the trusting of preneed funds derived from sales of preneed contracts sold through StoneMor's preneed establishment and preneed branch offices.

The contract is recommended for approval subject to the condition that the Department receives trust agreements fully executed by all parties within 60 days of this Board meeting.

MOTION: Ms. Thomas-Dewitt moved to approve the agreement subject to the condition that the Department receives trust agreements fully executed by all parties within 60 days of this Board meeting. Ms. Anderson seconded the motion, which passed unanimously.

10. Executive Director's Report

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

Monthly Report of Fine and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 July 11, 2013 Board Meeting
 Report Updated as of July 2, 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 pymts	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. \$225 partial June payment rec'd 6/17/13. \$275 is outstanding. File has been submitted to Legal for appropriate administrative action.
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 Fredenicks	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	Licensee currently suspended, based on Emergency Order of Suspension issued 11/8/12 for failure to pay fine & costs in previous administrative action taken against licensee in Case No. 128348-12-FC.
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.						

The Chair welcomed Col. Stiegman back.

Ms. Thomas-Dewitt announced that at 4:15p today, she will have the honor of placing the wreath on the grave of the unknown soldiers.

11. Adjournment

The meeting was adjourned at 10:09 a.m.