

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
November 6, 2014 - 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. The Chair requested that Mr. Doug Shropshire, Director, 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, November 6, 2014. 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 Register. 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 LaTonya Bryant is out sick today so Ms Crystal Grant will take minutes of the meeting, which is being recorded. Board Counsel is also appearing by teleconference.

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", as preferred, when I call their name:

PRESENT (via phone):

Joseph "Jody" Brandenburg, Chairman
Keenan Knopke, Vice-Chairman
Jean Anderson
Andrew Clark
James "Jim" Davis
Lewis "Lew" Hall
Powell Helm
Ken Jones
Richard "Dick" Mueller

ABSENT:

Vanessa Oliver

Also noted as present:

Lawrence "Larry" Harris, Board Legal Advisor (via phone)

Ellen Simon, Assistant Division Director

Crystal Grant, Department Staff

Jasmin Richardson, Department Staff

LaShonda Morris, Department Staff

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

The Chair confirmed that all Board members had received their packets in a timely manner.

2. Action on the Minutes

A. October 2, 2014

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meetings held on October 2, 2014.

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

3. Old Business

A. Application(s) for Monument Establishment Retailer License

(1) Recommended for Denial

(a) Roger D. Cribb d/b/a In Loving Memory Headstones & Granite (Sebastian)

This application is being filed for a new monument establishment retailer license. The application was received on July 15, 2014 and deficiencies were noted. A deficiency letter was sent on July 18, 2014 and the Applicant resolved all deficiencies as of August 21, 2014. If approved, Applicant will utilize the attached monument retail sales agreement which is also being presented for approval at this meeting.

This application was presented to the Board at its October 2, 2014 Board meeting, but was tabled by the Board with a request to the Division to provide more information as to whether the Applicant meets the requirement of s. 497.550(1)(d), regarding the proposed monument establishment being a physical structure at the 898 Grandin Avenue address.

Section 497.550 (1) (d) provides in pertinent part as follows (underlining emphasis added):

(d) The requirements of this chapter apply to both monument retailers and monument builders, except as provided in this paragraph. Each monument establishment shall be a physical structure that is located at a specific street address, in compliance with zoning regulations of the appropriate local government, and not located on property that is exempt from taxation, but a monument retailer may not otherwise be required to comply with s. 497.552 or be subject to inspection under this chapter.

Division field Examiner Jessica Cordero looked into the question raised and her report, under her Memo dated October 9, 2014, is attached hereto.

There appears to be no tax exempt or zoning issues. The 898 Grandin Avenue location is not tax exempt, and the City of Sebastian has issued Applicant a business license to operate the business at the 898 Grandin Avenue address.

Section 497.005(45) defines a "monument establishment" as follows:

(45) "Monument establishment" means a facility that operates independently of a cemetery or funeral establishment and that offers to sell monuments or monument services to the public for placement in a cemetery.

The Merriam-Webster online dictionary defines "facility" as follows:

fa·cil·i·ty noun \ fə- 'si-lə-tē \

: Something (such as a building or large piece of equipment) that is built for a specific purpose

: Something that makes an action, operation, or activity easier

: Skill and ease in doing something

The "physical structure" referred to in 497.550(1) (d) is the monument establishment "facility" referred to at 497.005(45).

There is no monument establishment facility (i.e., structure) at 898 Grandin Avenue. The structure at 898 Grandin Avenue is described in the records of the Indian River County property Appraisers as follows: "0100 - Single Family - Improved." The photos taken by our Examiner confirms that the structure at 898 Grandin Avenue is a lovely single family home, not a monument establishment facility.

Accordingly, it does not appear that the Applicant qualifies for a monument establishment license. Therefore, the Division recommends denial of the application.

The Chair questioned whether the Applicant would like to address the Board or answer questions.

Mr. Shropshire requested that the Applicant raise his right hand to be sworn in. "Do you swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth so help you God?"

Mr. Roger Dewayne Cribb answered yes sir.

Mr. Powell Helm stated that according to what he has seen, Mr. Cribb is operating out of his house.

Mr. Cribb concurred.

Mr. Helm questioned whether Mr. Cribb thinks that is fair to everyone else in the Industry when they have offices that they have to pay taxes on and everything like that.

Mr. Cribb stated that he just got done talking to one gentleman that works at the graveyard down here and the girl that is here that has the only shop in Sebastian is getting ready to do the same thing because there is not enough business. If I would have gone ahead and done exactly everything, which I did not know all this, as they only told me that I was legal to work out of my house. This has been going on for about eight (8) months and I would have been paying rent for eight (8) months for no reason at all because I did not have a license.

Mr. Helm questioned who told Mr. Cribb it was alright for him to operate out of his house.

Mr. Cribb stated that the Sebastian government here did, as he already has one of the licenses. It is the Florida license that I am waiting on. I have the other license already from the City of Sebastian.

Mr. Lew Hall questioned whether Mr. Cribb is referring to a business license.

Mr. Cribb stated that he is referring to a business license.

MOTION: Mr. Keenan Knopke moved to deny the application on the basis of the facts outlined in the Board packet. Mr. Hall seconded the motion, which passed unanimously.

4. Application(s) for Preneed Sales Agent

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

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

5. Application(s) for Continuing Education Course

A. Recommended for Approval without Conditions – Addendum B

(1) Aurora Casket Company (129)

(2) International Cemetery & Funeral Association (74)

(3) Practicum Strategies (65)

(4) SCI Management - Dignity University (99)

(5) Selected Independent Funeral Homes (137)

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

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

6. Application(s) for Approval as a Continuing Education Provider

A. Recommended for Approval without Conditions – Addendum C

(1) Dwight Kealy and Associates, LLC (21408)

(2) LTC Solutions (21008)

The majority of the Continuing Education Committee and the Division recommends approval of the application(s) for Provider status as indicated on Addendum C.

MOTION: Mr. Andrew Clark moved to approve the application(s). Mr. Jim Davis seconded the motion, which passed unanimously.

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

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

- (1) *Funeral Director - by Endorsement*
 - (a) *Sardinha, Susan E*
 - (2) *Funeral Director and Embalmer - by Endorsement*
 - (a) *Beard, Louis W*
 - (b) *Cantrell, James W*
 - (c) *Kwiecinski Jr, Edward J*
 - (d) *Matuszak, Michelle A*
 - (e) *Miller, Kathleen K*
 - (f) *Ponders, Stonewall*
 - (g) *Quesenberry, Jason D*
 - (h) *Quinones, Greitcha L*
 - (i) *Stanley, Christina L*
 - (3) *Funeral Director and Embalmer – by Internship*
 - (a) *Moody, Melissa D*
 - (b) *Ribalta, Maykel*
 - (c) *Sheppard, Tommy G*
 - (d) *Wumkes, Rick G*

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

8. Application(s) for Internship

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

- (1) *Funeral Director*
 - (a) *Boza, Justin M (F080736)*
 - (b) *Clayton, George E (F081020)*
- (2) *Funeral Director and Embalmer*
 - (a) *Allgood, Angela S (F081019)*
 - (b) *Garrett, Joseph M (F048306)*
 - (c) *Hancock, Charles A (F029660)*
 - (d) *Leader III, Melvin R (F081021)*
 - (e) *Whitfield, Amy E (F036394)*
 - (f) *Wilson, Jessika A (F074721)*

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

9. Application(s) for Embalmer Apprenticeship

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

- (1) Baker, Catherine D (F080780)*
- (2) Cooper Jr, Aaron A (F080847)*
- (3) Gilmore, Joshua (F080880)*
- (4) Haywood, Ryan M (F081018)*

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.

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

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

- (1) Baldauff Family Funeral Home and Crematory (F040719) (Orange City)*
- (2) Stonemor Florida Subsidiary LLC d/b/a Davis-Sea winds Funeral Home & Crematory (F073378) (Melbourne)*

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.

11. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum H

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

Mr. Knopke questioned whether this is JGR’s first time on the list.

Mr. Shropshire stated that he believes that is so but there may have been one on an earlier one.

Mr. Knopke questioned whether these were sold when they had their preneed license or when they did not have their preneed license.

Mr. Shropshire stated that he believes that the bulk of these are from when they did not have their preneed license.

Mr. Knopke questioned whether the Board is still obligated to fund those claims.

Mr. Shropshire responded yes because they were preneed sold by an entity that was not licensed. We subrogate to the consumers claim against the Licensee. We have multiple disciplinary cases over in Legal at this point in time on JGR.

Mr. Knopke stated that obviously the consumer has presented the required paperwork.

Mr. Shropshire concurred.

The Chair noted that the claimant is Gonzalez Funeral Home.

Mr. Helm questioned whether there are legal proceedings against JGR right now.

Mr. Shropshire stated that he could not go into details, but there are at least ten (10) cases over in Legal right now.

Mr. Helm questioned whether the Department is trying to collect this money.

Mr. Shropshire stated that the Department will try but the prospects are not good. It is public knowledge that Julio and Lucia Gonzalez-Roel were recently arrested by law enforcement authorities but we really should not get into any details on that.

Mr. Helm questioned whether Gonzalez Funeral Home has any connection to the Gonzalez-Roels.

Mr. Shropshire responded no. That funeral home was purchased some years ago from JGR by SCI and SCI, when this story broke, came forward and offered to honor any of the contracts that were actually at-need, for the price of the contract, then they would subrogate to the consumer's claim and that is what has happened. They have honored several of the at-need contracts and now they have submitted their claims to the CPTF.

Mr. Clark questioned whether the Division has an idea of the total financial amount that was written without the preneed license.

Mr. Shropshire stated that he was advised by Mr. Schuller yesterday that he knows of in the range of ten (10) or twenty (20) contracts that he has solid evidence of. Mr. Schuller has heard of other numbers as high as sixty (60) but he only has actual evidence of somewhere between ten (10) or twenty (20).

Mr. Knopke stated that he wanted to acknowledge SCI/Gonzalez Funeral Home for stepping up and offering to help families out. It was a nice public relations move but a nice community move as well.

The Chair declared his affiliation with SCI Funeral Services of Florida Inc and stated that this affiliation would not affect his ability to remain fair and impartial on anything before the Board today.

MOTION: Mr. Helm moved to approve the claim(s) for the amount indicated on Addendum F entitled "Amount Recommended." Mr. Clark seconded the motion, which passed unanimously.

12. Application(s) for Change of Ownership (Stonemor Florida Subsidiary LLC)

A. Recommended for Approval with Conditions – Collective Item

(1) Funeral Establishment

(a) Stonemor Florida Subsidiary LLC d/b/a Coral Springs Funeral Home (Coral Springs)

(b) Stonemor Florida Subsidiary LLC d/b/a Savino – Weissman Funeral Home & Cremation Services (Margate)

(2) Training Facility

(a) Stonemor Florida Subsidiary LLC d/b/a Coral Springs Funeral Home (Coral Springs)

(b) Stonemor Florida Subsidiary LLC d/b/a Savino – Weissman Funeral Home & Cremation Services (Margate)

Stonemor Florida Subsidiary LLC submitted a Change of Ownership Application for the following two funeral establishment locations.

The two locations to be acquired are training agencies with interns in training. Applicant has also submitted herein requests (Petitions) that the training agency status of those two locations be continued and has been duly published in the Florida Administrative Register as of September 29, 2014.

As stated in the letter from Kenneth Lee, dated August 4, 2014, Stonemor Florida Subsidiary LLC will assume all existing preneed liabilities of the locations listed. All fingerprint information was returned without criminal history. The Division is recommending approval with conditions.

Funeral Establishment:

1. Coral Springs Funeral Home (F073820); FDIC – Richard Waites (F029396)
1420 N University Drive, Coral Springs, FL 33071
2. Savino-Weissman Funeral Home & Cremation Services (F062368); FDIC – William Savino (F03670)
2950 North State Road 7, Margate, FL 33063

Training Agency:

1. Coral Springs Funeral Home (F073820)
1420 N University Drive, Coral Springs, FL 33071
2. Savino-Weissman Funeral Home & Cremation Services (F062368)
2950 North State Road 7, Margate, FL 33063

The Division recommends approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting,

and providing a copy of the fully Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.

- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the Applicant in the application and related materials provided to the Board or FCCS Division by the Applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment(s) under the application(s) herein passes an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.
- 8) That there be receipt by the Division, within 45 days of this Board meeting, proof of Fictitious Name Registration by Applicant with the Florida Department of State.
- 9) That the Petitions relating to continuation of training agency status be approved, so that the training agency status of said locations is continued under the new owners.

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

Mr. Helm stated that there was not a letter from Treasure Coast regarding cremations.

Ms. Jasmin Richardson researched her file for the letter from Treasure Coast.

13. Application(s) for Funeral Establishment
A. Recommended for Approval with Conditions
(1) La Paz Funeral Home Inc (Miami)

An application for a Funeral Establishment was received on June 23, 2014. The application was incomplete when submitted. All deficient items were returned on September 25, 2014.

The fingerprint cards resulted in a report that did not show any criminal record, but did have a vague notation that Walter Wright might be wanted person by the Fairfax County (VA) Police Department (FCPD), but further stated that "*Your Subject may or may not be the same person as the Subject named in the [Fairfax County] record.*" Division staff called and spoke to FCPD, and was advised that a preliminary check of their records did not show any information about Walter Wright, but they advised we should write them and they would do more research. Division staff wrote the FCPD on September 30, 2014, but to date has not received any reply.

Walter Wright advises he has no criminal record.

The Funeral Director in Charge will be Ana Logan (F062028).

The establishment is recommended for approval without conditions. If subsequent developments reveal that Walter Wright's assertions have been untrue, the Division will at that time pursue action against this establishment.

Mr. Knopke questioned whether the Division has received a response from Fairfax County.

Ms. Lashonda Morris stated that the Division did receive a response the other day and there was nothing that they had reportable.

Mr. Shropshire questioned whether Fairfax County responded to Ms. Morris.

Ms. Morris stated that Fairfax County responded in writing and advised that there was nothing.

Mr. Shropshire stated that that should not be a factor whatsoever then.

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

(2) Omega Discount Funeral & Cremation Services Inc (Miami)

An application for a Funeral Establishment was received on August 28, 2014. The application was incomplete when submitted. All deficient items were returned on October 13, 2014. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Nadine Maignan (F065703).

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

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

14. Application(s) for Monument Establishment Retailer License and Retail Sales Agreement(s)

A. Recommended for Approval without Conditions

(1) Monument Establishment Retailer License

(a) Mark A. Feldner d/b/a Feldner's Studio (Fellsmere)

This application is being filed for a new monument establishment retailer license. The application was received on September 25, 2014 and deficiencies were noted. A deficiency letter was sent on October 2, 2014 and the Applicant resolved all deficiencies as of October 22, 2014. If approved, Applicant will utilize the attached monument retail sales agreement which is also being presented for approval at this meeting.

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

(b) Sonya Hines-Hall d/b/a H&H Monuments (Quincy)

This application is being filed for a new monument establishment retailer license. The application was received on September 8, 2014 and deficiencies were noted. A deficiency letter was sent on September 17, 2014 and the Applicant resolved all deficiencies as of October 21, 2014. If approved, Applicant will utilize the attached monument retail sales agreement which is also being presented for approval at this meeting.

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

B. Recommended for Approval with Conditions

(1) Monument Retail Sales Agreement

(a) Mark A. Feldner d/b/a Feldner's Studio (Fellsmere)

Mark A. Feldner d/b/a Feldner's Studio submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its monument retailer establishment whose application is also being presented at this Board teleconference meeting.

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

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

The Chair questioned whether the form "Checklist – Monument Establishment Sales Agreements" is a new checklist.

Mr. Shropshire stated that the Division has been using the checklist for quite some time but it is just an internal checklist we use.

(b) Sonya Hines-Hall d/b/a H&H Monuments (Quincy)

Sonya Hines-Hall d/b/a H&H Monuments submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its monument retailer establishment whose application is also being presented at this Board teleconference meeting.

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

Mr. Helm stated that "Contract #" should be printed and not written at the top of the contract.

MOTION: Mr. Clark moved to approve the agreement subject to the condition that two full sized print-ready copies are received by the Department within 60 days of this Board meeting to include "Contract #" being printed and not written at the top of the contract. Mr. Helm seconded the motion, which passed unanimously.

Mr. Shropshire advised that Ms. Morris not issue an approval until she has received a copy of the contract with "Contract #" printed and not written at the top of the contract using the same typeface that the main form is in.

Ms. Morris concurred.

Mr. Mark Feldner thanked the Board for his approval and questioned when the approval goes into effect.

Mr. Shropshire stated that as soon as Ms. Morris contacts Mr. Feldner with a license number he can begin selling, which should be probably tomorrow.

Ms. Morris stated that she would contact Mr. Feldner within the next couple of business days.

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

The Division recommends approval of the application(s).

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

16. Application(s) for Removal Facility
A. Recommended for Approval with Conditions
(1) Jackson Family Mortuary Transport LLC (Hollywood)

An application for a Removal Facility was received on September 17, 2014. The application was incomplete when submitted. All deficient items were returned on October 16, 2014. The fingerprint cards for all principals were returned with no criminal history.

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

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

17. Cemetery Bylaw Amendment(s)

A. Recommended for Approval with Conditions

(1) SCI Funeral Services of Florida, Inc (Includes all related cemetery locations previously acquired by SCI from Stewart Enterprises Inc, collectively as "SCI") (Altamonte Springs)

The amended bylaws for SCI, Inc have been submitted for approval by the Board.

In accordance with Rule 69K-6.003, F.A.C., notice has been published in the following: *Miami Herald*, *Orlando Sentinel*, *Tampa Bay Times*, *The Palm Beach Post*, and also published in the October 8, 2014 *Florida Administrative Register*.

The Division's review finds that the proposed amendment does not unreasonably restrict use of burial rights, increase costs to burial rights owners, nor unreasonably restrict competition.

The Division recommends approval subject to the condition that no adverse comments are received by the Division within the allotted period of 30 days, as set forth in Rule 69K-6.003(3), F.A.C.

Mr. Knopke questioned whether this is a total substitution of existing bylaws or amendments to current bylaws.

Mr. Shropshire stated that these are amendments to current bylaws.

Ms. Lisa Coney, SCI Funeral Services Inc, stated that this is essentially the same document that has been approved since 1998. There has been form over substance type amendments, a couple of amendments that were requested by the Division for this approval. The primary purpose for putting this forward was to bring the acquired Stewart facilities under the same bylaws as the rest of the SCI facilities.

Mr. Knopke questioned whether regarding #31 there is any need to have reference to, in this particular area, where it is subject to following certain authorizations or requirements in the statutes like the authorization of next of kin, property owner or anything like that.

Ms. Coney stated that there is no question that no moves would be made without the authorization of next of kin and it is never our intention to fail to follow statutory requirements and this language has been in place since 1998.

Mr. Knopke stated that he understands that and expects it but if a consumer read it they may not understand it and that is my only point in that.

Mr. Shropshire stated that the way the Division read it, it is always subject to the statutes. They could not legally adopt bylaws that are contravention of the statutes and any purported approval of bylaws that were in contravention of the statutes would not be valid to the extent that they were. That is a long answer to of course they would have to get approval for a disinterment. As to whether the point that

maybe a consumer would not understand this and would think that the company does not have to get their approval, I have trouble contemplating a scenario in which that could happen because SCI knows that it would have to get their approval. If they tried to buffalo them and did it without their approval and the Department found out about it, SCI would be investigated.

Ms. Coney stated that is simply not going to happen.

Mr. Knopke stated that the bylaws were nicely written and easy to understand other than the two (2) comments he had.

MOTION: Mr. Helm moved to approve the amendment(s) subject to the condition that no adverse comments are received by the Division within the allotted period of 30 days, as set forth in Rule 69K-6.003(3), F.A.C. Mr. Hall seconded the motion, which passed unanimously.

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

A. Recommended for Approval with Conditions

(1) Preneed Contract

(a) Forethought Life Insurance Co. (Batesville IN)

Forethought Life Insurance Co (Forethought) submits the attached preneed sales agreement form for approval: Guaranteed Insurance Funded Prearranged Funeral Agreement (Form1046-FL 03/14). If the form is approved, they are to be used for the sale of insurance-funded preneed contracts by SCI Funeral Services of Florida, Inc., and various licensed preneed establishments and branches.

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

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

(2) Trust Transfer

(a) Remembrance Services of Florida, LLC (F019183 and F039367) (Includes all related cemetery, funeral, and preneed branches, collectively as "Remembrance") (Englewood)

Remembrance seeks approval of certain proposed trust asset transfers, all as more specifically set forth in Lynda McTague's of Regions Bank letter dated September 9, 2014.

Background

On July 22, 2005, the Board approved the acquisition by Remembrance of a licensed cemetery company, Gulf Pines Memorial Park (Englewood) (F039367), 4 preneed branch locations: Lemon Bay Funeral Home and Cremation Services (Englewood), Lemon Bay Funeral Home and Cremation Services (Venice), Kays-Ponger Funeral Home and Cremation Services (Punta Gorda), Kays-Ponger

Funeral Home and Cremation Services (Port Charlotte), and an application for a preneed license operating as: Remembrance Services of Florida LLC d/b/a Gulf Pines Memorial Park (F019183). Remembrance acquired all of the assets and liabilities for both the cemetery and preneed for these locations. (See **Attachment 1** hereto, minutes from the July 22, 2005 Board meeting).

Item 1) The Proposed New Trust Agreements

Remembrance seeks approval of the following two new trust agreements:

Attachment 2 hereto is a proposed new preneed trust agreement entitled "*Remembrance Services of Florida, LLC Preneed Funeral and Cemetery Merchandise and Services Trust Agreement.*"

Attachment 3 hereto is a proposed new cemetery care and maintenance trust agreement entitled, "*Remembrance Services of Florida, LLC Cemetery Care and Maintenance Trust Agreement.*"

Item 2) Proposed Trust Transfers

Remembrance seeks approval of transfer of trust assets from certain existing trusts to the proposed new trust agreements, Remembrance Services of Florida, LLC Preneed Funeral and Cemetery Merchandise and Services Trust Agreement and Remembrance Services of Florida, LLC Cemetery Care and Maintenance Trust Agreement, if approved, (that is, the trusts that are under **Attachment 4**, and included **Exhibit A**, hereto) wherein Regions Bank, N.A. is or will be trustee, all as more specifically set out in the letter from Ms. McTague, dated September 9, 2014.

Item 3) Approval of Successor Trustee

Remembrance seeks approval of appointment of Regions Bank as successor trustee for the multiple trusts (that is, the trusts that are under **Attachment 5**, and included **Exhibit B**, hereto) identified in the attached letter from Ms. McTague, dated September 9, 2014, and attachments thereto.

Subject to the conditions set forth below, the FCCS Division recommends:

- A) Approval of the two proposed new trust documents in Item 1 above; and
- B) Approval of the proposed trust transfers identified in Item 2 above; and
- C) Approval of Regions as successor trustee in Item 3 above.

Conditions recommended by FCCS Division:

- 1) That the representations of Legacy, as set forth in Ms. McTague's letter dated September 9, 2014, copy attached hereto, be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board meeting Regions provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, stated as following:
 - a) That Regions provides a letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trusts to be transferred to Regions pursuant to Ms. McTague's letter dated September 9, 2014
 - b) A letter from Regions, signed and dated by one of its officers, stating:
 - That Regions provides a certificate stating the dollar amount of trust assets being transferred as identified in "**Exhibits A and B**, under Attachments **4 and 5**, respectively, as referenced in Ms. McTague's attached letter dated September 9, 2014.

- That Regions provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in “**Exhibits A and B**” under Attachments **4 and 5**, respectively, as referenced in Ms. McTague’s attached letter dated September 9, 2014.
- 3) That the Board’s executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

Mr. Bill Williams, FSI, stated that the Division and the Board since about 1993 has upheld on numerous occasions that Ch. 639, F.S., Preneed Trusts cannot be amended or modified because that statute is no longer in existence. Mr. Williams requested that the Board and/or Division ensure that these documents are not being modified. The Board and the Division have also upheld over the years that the trust document itself can be transferred to a successor trustee and that is not really an issue. I just want to make sure the documents have not been changed and that once they are transferred to a successor trustee it can be used for that firm only. In other words it may not be used as a master trust document for other firms as well.

Mr. Shropshire suggested that the Board approve subject to the Division confirming that these Ch. 639 Trusts are not being modified substantively. The Division will contact Regions and confirm that and if it appears that they are being amended, we will bring the matter back to the Board at the December or January meeting.

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

19. Executive Director’s Report
A. 2015 Board Meeting Schedule (Action)
 2015 Meeting Schedule

ALL MEETINGS WILL BEGIN @ 10:00am

Thursday, January 8 th	Conference Call
Thursday, February 5 th	Tallahassee
Thursday, March 5 th	Conference Call
Thursday, April 2 nd	Jacksonville
Thursday, April 30 th	Conference Call
Thursday, June 4 th	Conference Call
Thursday, June 25 th	Tallahassee
Thursday, July 9 th	Conference Call
Thursday, August 6 th	Altamonte Springs
Thursday, September 3 rd	Conference Call
Thursday, October 1 st	Fort Myers/Punta Gorda
Thursday, November 5 th	Conference Call
Thursday, December 3 rd	Tallahassee

MOTION: Mr. Knopke moved to approve the schedule as presented. Mr. Davis seconded the motion, which passed unanimously.

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
 November 6, 2014 Board Meeting
 Date of Report: October 23, 2014

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
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 Status Pending	Licensee monthly restitution payments are current.
Affiliated Funeral Service	Feb-14	137272-13-FC	\$1,500	6/2/2014	No	On September 11, 2014, an Emergency Order of Suspension was entered due to failure to pay fines.
Deliria Holmes	Apr-14	133746-01-FC	\$1,666.66	4/20/2014	Yes	
			\$250	5/15/2014	Yes	
			\$1,666.67	6/20/2014	Yes	
			\$1,666.67	8/20/2014	Yes	
Holmes Funeral Directors	Apr-14	133745-13-FC	\$1,666.66	4/20/2014	Yes	
			\$250	5/15/2014	Yes	
			\$1,666.67	6/20/2014	Yes	
			\$1,666.67	8/20/2014	Yes	
David-Russell Funeral Home	Jun-14	149527-14-FC	\$500	8/1/2014	Yes	
Alphonso West Mortuary, Inc.	Jun-14	144438-13-FC	\$2,500	8/18/2014	Yes	
Debra Daniels	Jun-14	144434-13-FC	\$2,500	8/18/2014	Yes	
Hickson Funeral Home	Jun-14	146249-12-FC	\$2,000	8/6/2014	Yes	
Eugene Hickson	Jun-14	146247-12-FC	\$2,000	8/6/2014	Yes	
Guerry Funeral Home of Macclenny, LLC	Jun-14	143487-13-FC	\$1,500	8/20/2014	Yes	
William Guerry	Jun-14	143486-14-FC	\$500	8/20/2014	Yes	
Collisons Holding Company d/b/a Collison Family Funeral Home and Crematory - Howell Branch Chapel	Aug-14	143103-13-FC	\$1,500	9/17/2014	Yes	
Richard Alford	Aug-14	Multiple cases	\$2,000	See Note D	No	
Sumner Granite & Bronze, Inc.	Aug-14	Multiple cases	\$2,000	See Note D	No	

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 not 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.

- 20. **Upcoming Meeting(s)**
 - A. *December 4th (Tallahassee)*
 - B. *January 8th (Teleconference)*

21. **Adjournment**

The meeting was adjourned at 10:44 a.m.