

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
March 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.

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

As a preliminary matter, let me state for the record that my name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, March 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. Ms Crystal Grant, 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

Keenan Knopke, Vice-Chairman

Jean Anderson

Andrew Clark

James "Jim" Davis

Lewis "Lew" Hall

Powell Helm

Ken Jones

Richard "Dick" Mueller

Vanessa Oliver

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.

Also noted as present:

Doug Shropshire, Executive Director
Clark Jennings, Board Legal Advisor (via phone)
Anthony Miller, Assistant Director
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
LaShonda Morris, Department Staff

2. Action on Minutes

A. February 6, 2014

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meetings held on February 6, 2014.

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

3. Application(s) for Preneed Sales Agent

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

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

4. Application(s) for Continuing Education Course

A. Recommended for Approval without Conditions – Addendum B

- (1) Florida Cemetery, Cremation & Funeral Association (75)**
- (2) International Cemetery & Funeral Association (74)**
- (3) International Order of the Golden Rule (2201)**
- (4) MK Jones & Associates, Inc (9605)**
- (5) National Funeral Directors Association (136)**
- (6) 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). Mr. Andrew Clark seconded the motion, which passed unanimously.

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

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

- (1) Direct Disposer**

- (a) *Johnson, Dean A*
- (2) *Funeral Director and Embalmer – by Endorsement*
 - (a) *Greene, Dwight E*
- (3) *Funeral Director– by Internship and Exam*
 - (a) *Jolly, Nikima N*
 - (b) *Perhach, John L*
 - (c) *Polser, Natalie E*

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

B. Recommended for Approval without Conditions (Criminal History)

- (1) *Funeral Director and Embalmer – by Internship and Exam*
 - (a) *Baldwin, Evans P*

An application was submitted for a Funeral Director by Internship and Examination license on January 27, 2014. 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 and again in June 2013 when Applicant applied for and was granted a Funeral Director Intern license.

The criminal record is as follows:

- On September 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 October 5, 2002 that Applicant told his parents the truth. His father went to see an attorney to obtain advice and representation for Applicant. On October 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 January 4, 2004, in reference to the above described incident, 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.

MOTION: Mr. Keenan Knopke moved to approve the application. Mr. Mueller seconded the motion, which passed unanimously.

6. Application(s) for Internship

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

(1) Funeral Director

(a) Clifton, Irvin W (F077750)

(b) Wilson, Mindy (F063229)

(2) Funeral Director and Embalmer

(a) Haile, Valoria (F077715)

(b) Morris, Brian R (F077911)

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

7. Application(s) for Embalmer Apprenticeship

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

(1) Spilmann, Steven A (F062157)

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

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

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

(1) Allen Funeral Directors LLC d/b/a Allen – Beyer Funeral Home (Key Largo)

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

9. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum G

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

Mr. Knopke questioned whether Restlawn Memorial Park listed is located in Jacksonville.

Mr. Shropshire responded, “Yes sir.”

Mr. Knopke questioned whether the Division anticipates more claims coming through since there is new ownership at Restlawn or whether the new ownership assumed responsibility once they took over.

Mr. Shropshire stated that the new ownership assumed responsibility for all valid, outstanding preneed claims in performing the preneed contracts in kind. The Division has verified that they have offered to perform these contracts in kind but as represented in the original application by the new owner, they did

not agree because it would not be economically viable for them to assume responsibility to the extent of making cash refunds on prior contracts. So, these are two (2) claims in which the Applicants were offered performance in kind, in full of their contract but they declined and demanded refunds.

Mr. Knopke questioned whether the Board should anticipate seeing Restlawn claims in the future.

Mr. Shropshire stated that the Board should anticipate seeing some but not many because as the Division explained to these two (2) claimants, it is in the Division's opinion very much against their economic interest to seek a refund. They had burial rights in those contracts that would cost them thousands of dollars to get burial rights elsewhere but they for some reason felt absolute that they did not want to be at Restlawn because of the way they had been treated by prior owners. There were other claimants who initially wanted to submit claims but the Division explained to them that economically it probably did not at all make sense for them to seek a refund and they ultimately understood and agreed. So there will probably be some claims but not many.

Mr. Knopke questioned the name of the defaulting seller listed where the claimant is Zion Hill Mortuary as the name was cut off.

Mr. Shropshire stated that he would email Mr. Knopke the information as Ms. Christine Moore was not present to answer that question.

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

10. Application(s) for Cinerator Facility

A. Recommended for Approval with Conditions

(1) All Cities Cremation and Funeral Services LLC (North Miami Beach)

An application for a Cinerator Facility was received on January 30, 2014. The application was complete when submitted. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Evelyn Vargas (F045149).

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

MOTION: Mr. Powell 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. Jim Davis seconded the motion, which passed unanimously.

(2) Gendron Funeral & Cremation Services Inc d/b/a Hope Memorial Crematory (Fort Myers)

An application for a Cinerator Facility was received on February 4, 2014. The application was complete when submitted. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Karen Forrest (F045297).

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

Mr. Karl Acuff requested to speak to the Board briefly.

The Chair questioned Mr. Acuff location.

Mr. Acuff stated that he was in Tallahassee, FL.

The Chair stated that he had been advised that this is not the appropriate forum to address the issue. The Board appreciates the concerns communicated by Mr. Acuff to the Division and those concerns will be referred to investigation.

Mr. Acuff stated that he would like to request that the Board table the application until the next meeting or in the alternative to approve the application for Gendron Funeral & Cremation Services without at this time approving the use of the d/b/a.

Ms. Wendy Wiener representing the Applicant requested to address the Board.

Mr. Shropshire stated that he was anticipating that Ms. Wiener was about to get into some factual issues and questioned whether the Chair should not rule perhaps that it is simply not appropriate at this time to hear these matters and that they will be appropriately addressed pursuant to statute and rule. The concern is a possible subsequent claim of prejudice to the Board in having heard some of the evidence or issues related to a matter that subsequently comes before the Board.

Mr. Clark Jennings stated that he discussed this matter with Mr. Shropshire yesterday and what Mr. Shropshire is telling the Board is a reflection of their conclusion. The concerns being expressed to the Division by a party external this particular application should not be taken up at this time for a variety of reasons. One of them of course being as Mr. Shropshire noted that the statements may in fact prejudice the Board should the concerns expressed give rise to an administrative action at some time in the future. Mr. Jennings' advice to the Board would simply be to move on this matter as presented.

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. Ms. Jean Anderson seconded the motion, which passed unanimously.

11. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) All Cities Cremation and Funeral Services LLC (North Miami Beach)

An application for a Funeral Establishment was received on January 30, 2014. The application was complete when submitted. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Evelyn Vargas (F045149).

The establishment is recommended for approval with 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. Davis seconded the motion, which passed unanimously.

(2) Baldwin Brothers Memorial Care Services Inc d/b/a Dove (Orlando)

An application for a Funeral Establishment was received on February 4, 2014. 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 Gary Daugherty (F042923). This funeral establishment is not the qualifying entity for any preneed license.

Criminal History:

Evans P Baldwin criminal history has been presented to the Board in 2010 when he was granted a preneed agent license, at the June 27, 2013 Board meeting when he applied for and was granted a Funeral Director Intern license and again at the July 11, 2013, October 3, 2013 and November 7, 2013 Board meetings when he applied to be a principal of an Establishment. 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 Funeral Establishment application was approved without conditions.

The criminal record for Evans Baldwin consists of one incident, as follows:

- On September 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 October 5, 2002 that Applicant told his parents the truth. His father went to see an attorney to obtain advice and representation for Applicant. On October 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.

The establishment is recommended for approval subject to the condition(s) as follows:

- 1) That the closing on the transaction occur within 60 days of the date of this Board meeting.
- 2) Receipt by the Division within 75 days of this Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred.
- 3) Receipt by the Division within 75 days of this Board meeting, of a copy of the Bill of Sale, executed by all parties, and any and all amendments thereto, also fully executed.
- 4) That the establishments pass an onsite inspection by a member of Division Staff.

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

(3) Trinity Memorial Chapel, Inc (Sanford)

An application for a Funeral Establishment was received on January 16, 2014. The application was incomplete when submitted. All deficient items were received on February 20, 2014. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Benjamin Link (F043512).

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

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

B. Recommended for Approval without Conditions
(1) Forbes Funeral Home Inc (Lake City)

An application for a Funeral Establishment was received on January 30, 2014. The application was complete when submitted. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Douglas Davidson (F044936). The funeral establishment passed its inspection on February 17, 2014.

The establishment is recommended for approval without conditions.

MOTION: Mr. Knopke moved to approve the application. Ms. Vanessa Oliver seconded the motion, which passed unanimously.

12. Application(s) for Monument Establishment Sales Agents

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

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.

13. Application(s) for Removal Service

A. Recommended for Approval with Conditions

(1) First Call Removal LLC (Port Orange)

An application for a Removal Service was received on January 13, 2014. The application was incomplete when submitted. All deficient items were received on February 4, 2014. The fingerprint cards for all principals were returned without criminal history.

497.385: Removal services; refrigeration facilities; centralized embalming facilities. —

(1) REMOVAL SERVICES AND REFRIGERATION SERVICES. —

(g) 2. A change in location shall be promptly reported to the licensing authority pursuant to procedures established by rule. Operations by the Licensee at a new location may not commence until an inspection by the licensing authority of the facilities, pursuant to rules of the licensing authority, has been conducted and passed at the new location.

Rule 69K-24.010: Application for Licensure of Removal Services, Refrigeration Facilities, and Centralized Embalming Facilities.

(3) Any change in ownership or location of a removal service, refrigeration facility, or centralized embalming facility requires re-licensure. Such application for re-licensure must be made within ten (10) days of the change in ownership or location.

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

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

The Chair disclosed his affiliation SCI Funeral Services of Florida Inc and stated it would not affect his ability to render a fair and impartial decision on any issues before the Board today.

14. Application(s) for Change of Ownership (Northstar Funeral Services of Florida LLC)

A. Recommended for Approval with Conditions

(1) Application(s) to Acquire Control of an Existing Cemetery

(a) Northstar Cemetery Services of Florida LLC d/b/a Grace Memorial Gardens and Funeral Home (Hudson)

(b) Northstar Cemetery Services of Florida LLC d/b/a Memorial Park Cemetery (St Petersburg)

(c) Northstar Cemetery Services of Florida LLC d/b/a Sunset Memory Gardens (Thonotosassa)

(d) Northstar Cemetery Services of Florida LLC d/b/a The Gardens (Boca Raton)

(e) Northstar Cemetery Services of Florida LLC d/b/a Woodlawn Memory Gardens (St Petersburg)

Northstar Cemetery Services of Florida, LLC (Northstar), herein submits 5 applications for Change of Control of an Existing Cemetery Company for the above named cemetery properties, and 9

applications for preneed branch locations (please refer to Addendum I), to operate under the Preneed Main License for Northstar (F019194). The cemetery companies and preneed branch locations being acquired are licensed as named at the above specified locations.

The applications were received by the Division on February 3, 2014 and deficiencies were noted on the applications. All items were resolved as of February 18, 2014. A completed background check of all officers revealed no criminal history.

The change of control will be accomplished via an asset purchase agreement (please see attached letter from attorney dated February 4, 2014), wherein Northstar will acquire all of the assets and liabilities for the above named cemetery and preneed locations from SCI Funeral Services of Florida, Inc and DFG Group, LLC. If these applications for change of control are approved, Northstar will operate the following 5 cemetery locations as above specified: Grace Memorial Gardens and Funeral Home (F039502), Memorial Park Cemetery (F077505), Sunset Memory Gardens (F039514), The Gardens (F039423), and Woodlawn Memory Gardens (F077489). Additionally, Northstar is also acquiring a combination of 4 funeral and 5 cemetery preneed branch locations that will operate under Northstar's Preneed Main License #F019194, if approved. The applications for change of ownership of the funeral establishment locations are also being presented at this Board teleconference meeting (please refer to Addendum I).

The care and maintenance trustee reports for CY 2012 are attached. The cemetery reports appear to be in line with the reported gross sales for CY 2012 for the listed properties being acquired. The Applicant's financial statement as of December 31, 2013 reflects the following:

Required Net Worth = \$ 350,000
Reported Net Worth = \$ 63,378,633

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

- 1) That the closing on the transaction to acquire ownership/control 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 in materials provided to the Board for 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 Applicant (new owner) shall assume all existing preneed liabilities of the location(s) being acquired.
- 5) That all representations by the Applicant in the application and related materials provided to the Board or FCCS Division by the Applicant, are deemed material to the Board's action herein.

- 6) 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.

(2) Application(s) for Preneed Branch Office License – Addendum I

The Division recommends approval of the application(s).

(3) Application(s) for Funeral Establishment and Registration as a Training Establishment – Request to Waive Rule

- (a) Northstar Funeral Services of Florida LLC d/b/a Boza & Roel Funeral Home (Tampa)***
- (b) Northstar Funeral Services of Florida LLC d/b/a Grace Memorial Gardens and Funeral Home (Hudson)***
- (c) Northstar Funeral Services of Florida LLC d/b/a Memorial Park Funeral Home and Cemetery (St. Petersburg)***
- (d) Northstar Funeral Services of Florida LLC d/b/a Moss – Feaster Funeral Homes and Cremation Services (Clearwater)***
- (e) Northstar Funeral Services of Florida LLC d/b/a Moss – Feaster Funeral Homes and Cremation Services (Dunedin)***
- (f) Northstar Funeral Services of Florida LLC d/b/a Sunset Funeral Home and Memory Gardens (Thonotosassa)***

Northstar Funeral Services of Florida LLC submitted a Change of Ownership Application for the aforementioned funeral establishment locations.

Two of the 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.

As stated in the letter from Wendy Wiener, dated February 4, 2014, Northstar Funeral Services of Florida 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.

The establishments are recommended for 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, of 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(s) subject to the conditions recommended by the Division. Mr. Jones seconded the motion, which passed unanimously.

Mr. Shropshire stated that the following two (2) funeral establishments being acquired currently as held by SCI are training agencies and they have interns training there. Northstar would like to continue to have those facilities serve as training agencies and would like to, as the rule requires, receive credit for the cases done under SCI ownership so that Northstar would satisfy the requirement to be a training agency. Board legal counsel has pointed out that the two (2) petitions have to be published in the Florida Administrative Register and they have not been published, so the Division will have to publish them. The Division recommends that the petitions be tabled or approved subject to publication and receipt of no adverse comments.

Mr. Jones questioned whether the waivers are for the training establishments.

Mr. Shropshire responded, "Yes sir."

Ms. Wiener representing that Applicant questioned whether it would be appropriate for the Board to approve the petitions subject to the publications because the training agency designation does not actually require Board approval as the Board learns about that information after the fact. It appears that the Board could vote to approve the two (2) petitions subject to the publications such that once the publications were complete and if that happens to occur before closing then the petitions would be in effect and the training agency designations would be in effect at closing.

Mr. Jennings added that he wants to ensure that the Board complies with the different provisions of Ch. 120 and make certain that the two (2) variances are voted on separately and distinctly on the record.

(g) Northstar Funeral Services of Florida LLC d/b/a Grace Memorial Gardens and Funeral Home (Hudson) (Training Establishment)

MOTION: Mr. Knopke moved to approve the application subject to publication in the Florida Administrative Register with receipt of no adverse comments. Mr. Jones seconded the motion, which passed unanimously.

(h) Northstar Funeral Services of Florida LLC d/b/a Moss – Feaster Funeral Homes and Cremation Services (Dunedin) (Training Establishment)

MOTION: Mr. Knopke moved to approve the application subject to publication in the Florida Administrative Register with receipt of no adverse comments. Mr. Hall seconded the motion, which passed unanimously.

Mr. Knopke questioned whether the current interns would receive credit for all of the bodies they have handled assuming there are no adverse comments once the petitions have been noticed.

Mr. Shropshire responded, “Yes sir.”

The Chair requested that Mr. Shropshire explain the implications of not having a training establishment going forward and the way the interns and apprentices may be affected.

Mr. Shropshire stated that the interns have to complete a one (1) year internship and they are somewhere in the middle of that internship at these two (2) training facilities. Pursuant to statute, these interns have to complete their internship within one (1) year. If the training facilities lost their training agency status, the interns that are currently there in the middle of their internship would in effect have to start again somewhere else because they would not be able to complete within a year so that is why there is a request for the training agencies to get credit for the bodies done while SCI owned the establishments.

The Chair thanked Mr. Shropshire for the clarification.

Mr. Jennings thanked the Board for enduring what must appear to be mere technicalities on the variance and waiver applications. The variances and waiver requests filed by Ms. Wiener are text book. They are perfect examples of why the legislature granted this provision of variance and waivers to rules. The only reason we had a hiccup was that we had to notice these requests in the Florida Administrative Register. The purpose for that, of course, is that while in a case like the one presented by Ms. Wiener, it is highly improbable that anyone is going to file an objection, there are times when someone may request a variance or waiver to a rule and the general public may not like that. They may think that the rule needs to be held steadfast and so you have to give them an opportunity to comment.

15. Application(s) for Change of Ownership (Overstreet of Florida LLC)

A. Recommended for Approval with Conditions

(1) Application(s) to Acquire Control of an Existing Cemetery

(a) Overstreet of Florida LLC d/b/a Tallahassee Memory Gardens (Tallahassee)
(2) Application(s) for Transfer of a Preneed License
(a) Overstreet of Florida LLC (Tallahassee)

Overstreet of Florida, LLC (Overstreet), herein submits an application for Change of Control of an Existing Cemetery Company for the above named cemetery property and an Application for Transfer of a Preneed Main License. The cemetery company and preneed Licensee being acquired are licensed as named above under Overstreet of Florida, LLC, formerly known as Kent Care of Florida, LLC, at the above specified locations.

The applications were received by the Division on December 6, 2013 and all deficiencies were resolved as of February 5, 2014. A completed background check of all officers revealed no criminal history. It should be noted that documentation establishes that Art Kimbrough (a principal of Applicant herein) filed for Ch. 7 bankruptcy in 2003. This was a personal bankruptcy action that was discharged on July 2003 by the US Bankruptcy Court, Eastern Division of Missouri. Mr. Kimbrough has provided a notarized statement evidencing the disclosed bankruptcy.

The change of control is an internal change of control and will be accomplished via a stock purchase (please see attached letter from attorney dated December 19, 2013), wherein Art Kimbrough, former President and CEO of Kent Care, LLC, has acquired all of the interests of the former principal owners, (Charles E. Kent, Sr., Ricky L. Kent, and John Phillip Tyler) of Overstreet. If this application for change of control and is approved, Overstreet will continue to operate the following cemetery location, Tallahassee Memory Gardens (License # F039373).

If the application for transfer of the preneed license is approved, Overstreet will continue to operate the preneed Licensee as Overstreet of Florida, LLC (License # F039340) and the above named preneed branch locations: Abbey Funeral Home and Tallahassee Memory Gardens. Abbey Funeral Home will continue to serve as the qualifying establishment for the preneed main Licensee; the change of ownership for the funeral establishment was approved at the January 2, 2014 Board meeting. Applicant will continue to utilize existing pre-approved trust and insurance funding as well as existing preneed funeral agreements.

The care and maintenance trustee reports for CY 2012 are attached. The cemetery reports appear to be in line with the reported gross sales for CY 2012 for the listed properties being acquired.

The Applicant's financial statement as of September 30, 2013 reflects the following:

Required Net Worth = \$ 100,000
Reported Net Worth = \$ 649,007

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

- 1) The Board approval of change of control does not include approval of any development plans. If after approval of the change in control the new controlling person intends to develop the cemetery, the new controlling person shall cause development plans to be submitted to the Board for approval prior to implementing same.

- 2) That closing occurs within 60 days of the date of this Board meeting, and without material change in the terms and conditions of the transaction as described to the Board in this cover sheet and the materials provided to the Board herewith.
- 3) Receipt by the Division within 75 days of this Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred and without material change in the terms and conditions of the transaction as described to the Board in this cover sheet and the materials provided to the Board herewith.
- 4) Receipt by the Division within 75 days of this Board meeting, of a copy of the Stock Purchase Agreement, executed by all parties, and any and all amendments thereto, also fully executed.

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

16. Request for Approval – Procedure for Removal of Cremated Remains

A. Recommended for Approval without Conditions

(1) Space Coast Crematory (Melbourne) (F040883)

The Licensee submitted the Election of Procedures for Removal of Cremated Remains and Post Cremation Processing on January 21, 2014. The Division is recommending approval without conditions.

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

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

A. Recommended for Approval with Conditions

(1) Trust Transfer Request(s)

(a) Don's Funeral Home, Inc d/b/a Wachob-Forest Lawn Cemetery (F039625)

Don's Funeral Home, Inc d/b/a Wachob-Forest Lawn Cemetery (F039625) at the above location, is requesting to transfer the above named cemetery care and maintenance trust fund, currently held at Trustmark to Sabal Trust, administered by Funeral Services Inc (FSI).

If this transfer is approved, Sabal will hold and manage these trust funds under the approved FSI Master Care and Maintenance Trust Agreement.

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

- 1) That Sabal provides a certification statement that as trustee it meets the requirements of Rule 69K-7.015(1) or (2).
- 2) That Sabal provides a certificate stating the dollar amount of trust assets being transferred.
- 3) That Sabal provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust.
- 4) That the effective date of the transfer and all above certifications be provided to the Division within 60 days of the date of this Board Meeting.

MOTION: Mr. Knopke moved to approve the request(s) subject to the conditions recommended by the Division. Mr. Davis seconded the motion, which passed unanimously.

18. Executive Director's Report

A. Restlawn Visit Report (Informational)

(1) This will report regarding my visit on February 11, 2014 to Restlawn Cemetery, at 2600 Ribault Scenic Dr, Jacksonville, Florida, to review progress made in the conditions and operation of the cemetery since the current owner took over in October 2013. I spent approximately 3 hours at the cemetery on February 11, 2014. I visited with Mr. Mark Riposta (the new owner) and his office staff, and made my own walking tour of the cemetery and its facilities.

(2) Background re Restlawn Cemetery.

a) Restlawn Cemetery was opened in approximately 1929, so it has been open approximately 85 years. State regulation of cemeteries did not begin until 1959, so the first 30 years of Restlawn Cemetery's life was spent as an unregulated cemetery. Restlawn Cemetery became a licensed cemetery in approximately 1959.

b) In approximately October 2006 Restlawn Cemetery was sold to Southside Christian Charities, and Restlawn Cemetery became a religious institution cemetery, exempt from state regulation. While owned by Southside Christian Charities, Restlawn Cemetery was managed primarily by Mr. (Pastor) Harold Rollinson. As explained below, Restlawn Cemetery was an unlicensed exempt cemetery in the period October 2006 to December 2013.

c) In or about June 2011 the former owners of Restlawn Cemetery filed a private foreclosure lawsuit in Duval County circuit court, against Southside Christian Charities, to recover possession and ownership of Restlawn Cemetery, alleging failure of Southside Christian Charities to make mortgage payments required under the terms of the sale of the cemetery to Southside Christian Charities. Southside Christian Charities thereafter filed a lawsuit against the former owners. This private litigation was complicated and moved slowly.

d) Sometime in approximately 2012, the former owners of Restlawn Cemetery, who had filed the foreclosure action referenced above, commenced conversations with Mr. Mark Riposta, concerning a potential sale of Restlawn Cemetery to Mr. Riposta if those former owners re-acquired possession and ownership of Restlawn Cemetery. Mr. Riposta is an experienced cemetery operator, and has operated two other licensed cemeteries in Florida. Mr. Riposta had had no involvement whatsoever with Restlawn Cemetery, prior to entering into conversations in 2012 concerning possibly buying Restlawn Cemetery.

e) In the second half of 2013 a settlement in principle of the private lawsuits referred to above was reached by the private parties involved in those lawsuits. Under the settlement Restlawn Cemetery would return to the possession and ownership of the former owners who had sold Restlawn Cemetery to Southside Christian Charities in October 2006.

f) Mr. Riposta intended to operate Restlawn Cemetery as a for-profit cemetery, not as an exempt cemetery. Accordingly, in Sept. 2013, after seeing that the civil lawsuits had reached settlement in principle, Mr. Riposta, through a firm he controls, applied to the Funeral & Cemetery Division for a cemetery license to operate Restlawn Cemetery, subject to his acquiring ownership of the cemetery. Said cemetery license application was tentatively approved by the Board in October 2013, subject to final transfer of ownership to Mr. Riposta. Mr. Riposta took operational control of Restlawn

Cemetery on October 5, 2013 as representative manager for the foreclosing party. Mr. Riposta's ownership was finalized on December 10, 2013. Restlawn Cemetery has been a licensed cemetery again, under Mr. Riposta's ownership, since December 2013.

g) It should be noted that Mr. Riposta had no involvement with Restlawn Cemetery prior to acquiring the cemetery in late 2013. Nevertheless, he has agreed to honor by actual performance any valid preneed contracts issued by prior owners of Restlawn Cemetery.

(3) When I initially arrived at the cemetery on February 11, 2013, I went directly to the cemetery's offices unannounced, and observed Mr. Riposta personally meeting with a customer in one of the meeting rooms, concerning interment arrangements. Mr. Riposta was appropriately attired and appeared to be conducting the meeting in a professional and sensitive manner. After finishing his meeting with that customer, Mr. Riposta conducted me via golf cart on a tour of the cemetery, lasting about 30 minutes, commenting on various aspects of the cemetery, conditions he had found, and progress he has made since acquiring the cemetery approximately two months earlier. After this tour with Mr. Riposta was finished, I spent the remainder of my time at the cemetery going over the grounds and facilities by myself. The weather was good and facilitated my review of the facilities and grounds. I took some photographs, reproduced herein. All photographs herein were taken by myself unless expressly stated otherwise. Monetary cost figures as stated herein are as represented to me by the cemetery owner; the figures he provided appeared reasonable in my experience based on what I saw.

(4) Restlawn Cemetery's administration building, Photo A below, was built in 1940. Since taking over Restlawn Cemetery, Mr. Riposta has renovated the administration building. Old carpet was removed and the floors were tiled in public areas. Chair rail molding and crown molding were installed. Walls were repaired and painted. Ceiling lights were replaced with new recessed lighting in public areas. The water pump serving the bathrooms was replaced because it was taking approximately 10 minutes for the toilet to refill. Electric service was upgraded from 100 amps to 200 amps. AC ducting and control units were replaced. A separate bathroom with toilet for grounds crew was built (separate from visitor bathroom). Approximately \$30,000 was spent in aggregate for the preceding work.

(5) Three new computers were installed and wired in the administration building in a local network, with a new printer/scanner, etc. Approximate cost \$8,000.

(6) The administration building, and especially the public areas of the building, is now in good condition.

Photo A.



(7) The Administration Building has a basement. A sump pump is required because the basement floor is at or below the water table level. Not long after Mr. Riposta took control of the cemetery, the sump pump failed and the cemetery crew found the basement to have approximately one foot of standing water. The sump pump was repaired. The basement was drained and had to be disinfected with bleach due to mold concerns. It is now in use again as a work area for projects not overly sensitive to humidity.

(8) Mr. Riposta advised that after obtaining control of Restlawn Cemetery, he brought additional equipment to the cemetery to enhance operations, but some of the equipment was stolen (2 stainless steel lowering devices, and some hand tools, aggregate value \$3,500, were stolen). Mr. Riposta has therefore expended approximately \$ 58,000 to construct two secure equipment storage rooms at the rear of the administration building. See photos B1 and B2, below (the two areas with unfinished concrete block walls, to the right and left of the existing administration building). These areas appear well planned and constructed and will aid significantly in operation of the cemetery. The finishing of the exterior walls is expected to be accomplished in the near future as warmer weather allows. Mr. Riposta advised that the new construction was permitted and inspected by the Jacksonville Building Dept.

Photo B1.



Photo B2.



(9) Mr. Riposta, in the two months he has owned the cemetery, has made significant repairs and restoration to the main entrance to the cemetery, including main gate, signage, and the fence at the entrance to the cemetery (see photos below). Photos C thru F below show the current appearance of the main entrance gate and fence, after the recent work. The main entrance and front fence are a very significant architectural element in the original design of the cemetery, and their appearance significantly affects how families feel when entering the cemetery. Among additional staff Mr. Riposta has hired, is a gentleman from Tallahassee who is a skilled artisan, and whom Mr. Riposta persuaded to move to Jacksonville. This employee has removed, restored, and reinstalled one of the two main bronze cemetery name plates at the front gate (restoration of the other plate will be accomplished in the next year). The sign showing hours and rules has been cleaned and made fully legible. Several of the fence's balusters (the repetitive upright elements in the fence) were in a damaged condition, and this new employee made casts of an undamaged baluster and from it created and installed several replacement balusters. A steel fabricator repaired the iron gates at a cost of approximately \$1,800. The entire fence, gates, and main entrance have been repainted. The main entrance and fence are now attractive features to the cemetery and the work described in this paragraph is a significant improvement in the cemetery.

Photo C.



Photo D.



Photo E.



Photo F.



(10) When Mr. Riposta took over the cemetery, the palm trees lining the main entrance were unpruned, with dead and low hanging limbs impeding a straight drive down main entrance road to the cemetery administration building. Hearses driving the main entrance road had to weave back and forth to avoid having low hanging palms scrape and damage the top of the hearse. Mr. Riposta hired a professional tree service to prune the palms (Photo G, by Mr. Riposta). Photo H below depicts the main entrance drive as it appeared on my visit. The main entrance drive now provides a pleasing view to families as they initially drive towards the cemetery's administration building. Cost of the trees service was approximately \$6,800.

Photo G.



Photo H.



(11) Trees along the Restlawn Drive side of cemetery were also badly in need of pruning. Low limbs impeded or prevented access to graves that were close to the cemetery boundary in some cases. Mr. Riposta engaged the tree service to prune the trees along that cemetery boundary. The photo below shows the current condition of the trees adjacent to the Lawn Crypt area of the cemetery, where the problem was especially bad because of the raised level of the ground crypts; some of the pruning cuts can be seen on the photo below. Photo I below also shows one of the retaining walls around the lawn crypt area as repaired and painted by Mr. Riposta's crew (it had multiple unsightly cracks in the wall when he took over).

Photo I.



(12) Mr. Riposta has undertaken some road repairs to paved roads in the front half of Restlawn Cemetery. Photo I2 below shows a typically road repair patch installed since Mr. Riposta took over. Generally speaking, the paved roads in the front half of Restlawn Cemetery are in good condition. As discussed later in this memo, Southside Christian Charities removed substantially all the roads in the back of Restlawn Cemetery.

Photo I2



(13) Since taking over Restlawn Cemetery, Mr. Riposta has purchased the following equipment and made the following repairs to existing equipment: purchased two new full tent units, \$4,500 each; purchased four new canvas tent covers for existing tents, at \$1,600 each; had a steel fabricator repair tent frames on existing tents, \$3,200 total; purchased six new complete lowering devices, at approximately \$2,000 each; purchased new hand tools (shovels, rakes, etc.); purchased a used pickup truck for on-premises use, \$2,000; purchased a cemetery "church truck" (cart), for conveying caskets from hearse to grave site, at \$1,800; purchased three golf carts for driving customers, total \$9,500.

(14) Throughout Restlawn Cemetery I noted that recent interments and disinterments were identifiable by white builders sand applied to the area. See photo I3 below. Mr. Riposta advised that he periodically has his grounds crew seed such areas with grass seed, and I saw multiple examples of areas with bright green new grass growth. Therefore, although the white sand areas are not attractive, Mr. Riposta's practice of seeding such areas as a periodic project for his grounds crew appears to me to be a reasonable practice. I also note that I was visiting the cemetery at probably the worst time of the year for growing new grass.

Photo I3.



(15) The large mausoleum building next to the cemetery administration building has multiple crypt and niche cover plates not installed on empty spaces. This is not attractive. Photo J below shows the current appearance of the mausoleum (rear side; front is similar). Mr. Riposta advises, and I confirmed by visual inspection, that many of the crypt cover plates, both installed and un-installed, have missing or non-functional individual cover plate mounting hardware. Consequently, in many instances installed crypt cover plates rest on the cover plate below. This makes it impossible to remove lower crypts cover plates without removing all cover plates above the crypt to which access is needed; removal of so many cover plates can be difficult and in some cases dangerous. Moreover, this is creating weight loads on lower cover plates that they were not designed to bear, and is potentially dangerous. Mr. Riposta has engaged a firm (Mausoleum Contractors of America (Ray Syndell)) specializing in mausoleum construction and repair, to remove all cover plates on the mausoleum, replace/repair cover plate mounting hardware as needed, and reinstall/seal all cover plates. The firm is based in Warner-Robbins, Georgia , and significant scheduling lead time is needed to get one of the firm's two crews to Restlawn Cemetery to do the work. Mr. Riposta advises that he anticipates the work will be done in the next 120 days. The cost will be approximately \$ 40,000. Mr. Riposta advises that he has decided temporarily not to re-install the currently un-installed cover plates, because of the possibility of them being damaged by the lack of proper mounting hardware; it does not seem advisable to take that risk in view of the pending corrective work by the contractor that will substantially eliminate that risk. Although the current appearance of the mausoleum is not attractive, his explanation and reasoning appears reasonable to me.

Photo J.



(16) Mr. Riposta found an area on the west side of the cemetery where prior owners had at some long past time stored many empty grave vaults, probably for future use in preneed contracts sold by those prior cemetery owners. Most licensed cemeteries have a storage area where empty vaults are stored, but rarely this many or in this condition. The reason why these particular vaults were never used is not known, but probably it was because the cemetery, under prior owners, had poor business practices and lost track of the vault inventory the cemetery had on hand. The area as found by Mr. Riposta was thickly overgrown with bamboo, shrubs and weeds (see Photos K and L). The area as found was unsightly and was a breeding ground for mosquitoes and vermin. Mr. Riposta inspected the vaults and found them to be un-usable; they were cracked or broken, and/or stained, and/or filled with stagnant standing water, and it would not be appropriate to pass them off to families as new vaults (a conclusion I certainly share). Mr. Riposta has agreed to provide new vaults to customers with valid preneed contracts for vaults from prior owners. Mr. Riposta's has commenced removal of the overgrowth, followed by removal of the empty vaults, to be followed by re-grading and restoration of the land in that area. These are all empty, unused vaults. The vaults, as they removed, are intentionally broken up by Mr. Riposta's grounds crew, to facilitate disposal. The work in this area has temporarily resulted in an unsightly area of raw, disturbed land, and piles of broken vaults and related fill. Mr. Riposta anticipates that the debris will be removed within 90 days, but the overall restoration work will

take some months longer than that thereafter. The current unsightly condition of this area of the cemetery is acceptable for the six months or so that completion of the work will take, in view of the long term improvement the work will result in.

Photo K.



Photo L.



(17) Roads Converted to Graves. During the period the cemetery was owned by Southside Christian Charities, the cemetery removed substantially all the roads in the back half of the cemetery, and converted the roads to grave spaces, and buried people in those graves. The following Google Earth image M shows, by dashed lines, the roads that were removed during Southside Christian Charities' ownership. I have labeled each removed road segment with a white Alpha letter, for discussion purposes. Note that the Google Earth image M was taken in January 2013, so it was taken approximately one year before Mr. Riposta took ownership of the cemetery.

Image M.

Removed roads indicated by dashed lines.
Removed road segments marked with letters
A thru I, for discussion purposes.



(18) It was not illegal for Southside Christian Charities to remove the roads and convert the land under the roads to grave spaces. There is no prohibition against such practice in the laws and rules applicable to cemeteries. The conversion of roads to grave spaces is not common, but does occur from time to time in cemeteries.

(19) Many, and probably most, cemeteries previously had other uses, such as grazing pastures, agricultural fields, etc., and there is no requirement in law that customers of the cemetery be told of the history of the land making up the cemetery. Accordingly, there is no requirement in law that a family be advised that the grave space they were purchasing was in an area that was formerly a road.

(20) During my visit on February 11, 2014 I made a point to review the graves in the converted roads. The earliest date of death I saw in a grave under a converted road, was in 2008, and this was under a former road in the far west of the back half of the cemetery (road segment G on above aerial image M). The most recent date of death I saw on a grave under a converted road was on October 3, 2013, just days before Mr. Riposta took control of the cemetery; this grave was on road segment A, closest to the administration building on the east side of the cemetery. My impression was that Southside Christian Charities started the conversion process on the most outlying roads and, as those converted roads were filled up with graves, they converted roads ever closer to the middle of the cemetery.

(21) There is nothing inherently disrespectful about burying someone in an area formerly used as a road, as long as the road was entirely removed. My review of Restlawn Cemetery on my February 11,

2014 visit indicated that, on the roads first converted by Southside Christian Charities back in 2008, the road was entirely removed and it is not readily apparent that the graves are under a former road. Photo N below looks down along road segment G, one of the earliest roads converted to graves. The road ran from the approximate center of Photo N, to the green tent in the distance. The fact that the area used to be a road does not "jump out at you" and is really only apparent in that the grave markers in the converted road are at 90 degrees to the adjacent older grave markers.

Photo N.



(22) Photos O1 and O2 below are two photos of road segment A, one of the most recently converted roads. People were being buried in this converted road segment as recently as October 2013, just before Mr. Riposta took over. Some of the surface disturbance shown in the photo may be from authorized disinterments that Mr. Riposta has conducted.

Photo O1.



Photo O2.



(23) Southside Christian Charities also converted some of the grass paths in the rear of the cemetery into additional grave spaces. See Photo P below, in which it is seen that the inserted grave is at 90 degrees to the adjacent older graves. Again, this practice is not illegal.

Photo P.



(24) The conversion of roads to grave spaces is a matter of cemetery management judgment, and requires a balancing of competing factors. Paved roads within a cemetery are typically more expensive to maintain than the same square footage of grave spaces. Therefore, if a cemetery road is truly unneeded, its removal can reduce cemetery upkeep and maintenance costs, and be a good idea, and this is especially true as a cemetery approaches the end of its active life. Also, as a cemetery approaches the end of its life, the conversion of an unneeded paved road, to grave spaces, can extend the active life of the cemetery. On the other hand, the ability of families and funeral hearses to get reasonably close on a paved road to a gravesite is very important.

(25) In this case the new owner, Mr. Riposta, has concluded, and I concur, that the former owner (Southside Christian Charities) erred in judgment as to the extent of the roads removed. The prior owner removed essentially ALL the road in the back half of the cemetery. Mr. Riposta believes (and I concur) that too much was removed. Families with loved ones buried in the back of Restlawn Cemetery must walk a long ways from their car to get to their loved one's grave. Even more important, there are a number of sold but not yet used graves in the back of Restlawn Cemetery. When one of those graves needs to be used due to a death of the grave owner, the hearse cannot get reasonably close to the grave; the hearse must park near the Administration Building and the casket must in some instances be moved by hand several hundred feet to the grave site, through existing graves. This is an awkward and potentially undignified process, with the potential for a terrible accident in which a casket might be dropped. Mr. Riposta has, as an interim measure, purchased a "church truck," which is a specialized and expensive type of cart, with four large, sturdy, well spaced wheels, on which a casket can be placed; the cart has stainless steel rails on each side so that the pall bearers may grip the rails and in

effect move along with the cart from the hearse to the grave site, in a reasonably dignified and safe manner. However, this is not the best long-term solution.

(26) Accordingly, the new owner, Mr. Riposta, has decided to try and restore some of the roads that were converted. Mr. Riposta does not intend to restore all the roads, but just enough so that families and hearses can get reasonably close to graves in the back of Restlawn Cemetery. He intends to restore the road segments indicated as segments **A, B, and D** on the attached Image M, above. I concur with his judgment in this regard.

(27) To accomplish the restoration of the said road segments, Mr. Riposta has undertaken a program by which he contacts the family of the deceased buried in one of the converted road segments, and asks for permission to move the remains to a different grave space in Restlawn Cemetery. The family typically comes out to the cemetery and Mr. Riposta shows them where he would move the deceased to, if the family agrees.

(28) Some families are understandably reluctant to have their loved one moved. Mr. Riposta acknowledges to the family the pain his request is causing them, but he tells them, accurately, that their consent will above all benefit other families in the community who will in the future deal with burial of a loved one in the back of Restlawn Cemetery. So far no family has refused permission to move the remains. He has moved approximately six remains so far, all with consent of the families.

(29) Mr. Riposta has assured me that he does not move any deceased person without permission of the family. He has provided me with illustrative documentation that he has families sign before he moves their loved one. The Division has not received any complaints that Restlawn Cemetery has moved any remains from the converted roads without permission of the family.

(30) Mr. Riposta advises that he anticipates that it will take 2 to 3 years to restore the roads he intends to restore. I find his estimate to be reasonable. Furthermore, there is no legal requirement that Mr. Riposta restore any of the roads in Restlawn Cemetery, so that the Division has no authority to direct any faster road replacement schedule, even if the Division wanted to.

(31) Since acquiring Restlawn Cemetery, Mr. Riposta has been conducting 7-8 interments per week on average. There have been no burials under converted roads since Mr. Riposta took control of the cemetery.

(32) The Rollinson Mausoleum. The manager of Restlawn Cemetery while it was owned by Southside Christian Charities was, as stated above, Mr. (Pastor) Harold Rollinson. While Mr. Rollinson managed the cemetery, he had a private mausoleum unit, for his wife and presumably himself, installed immediately in front of the cemetery administration building. Photos Q and R show the mausoleum unit.

Photo Q.

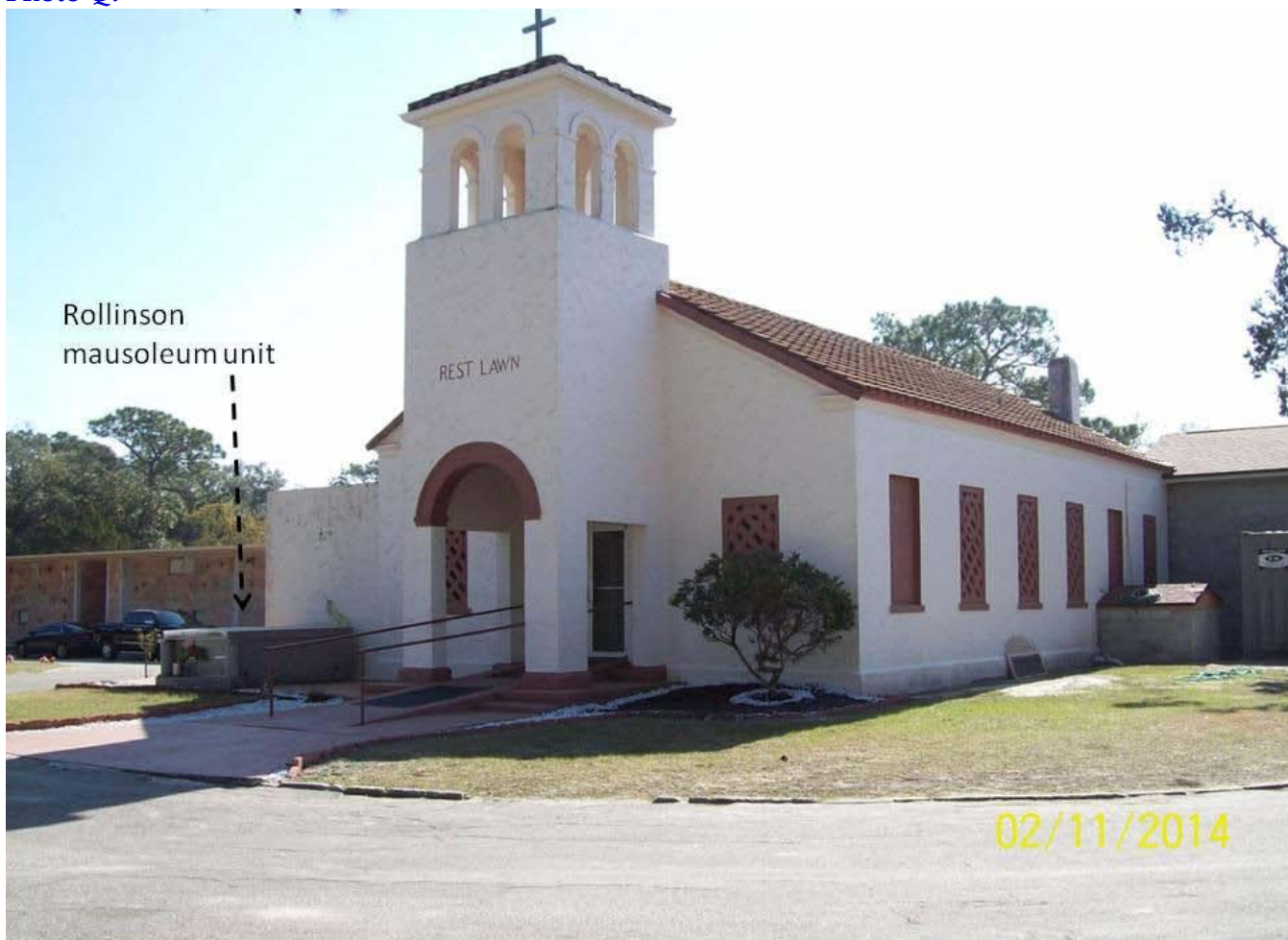


Photo R.



(33) While the mausoleum unit is itself attractive, Mr. Riposta believes the current placement of the said mausoleum unit is not consistent with the architectural design and intended impression of the cemetery's administration building as one approaches the administration building along the main entrance road. I concur on this point. In addition, he fears possible damage to the mausoleum unit when Mr. Riposta undertakes restoration of the exterior of the administration building in the future. Mr. Riposta intends to move the mausoleum unit to a more appropriate place in the cemetery, but there appears to be some resistance by Mr. Rollinson. I have advised Mr. Riposta that in our opinion he will need the approval of a legally authorized person, or a court order, to move the remains in the mausoleum unit.

(34) **CONCLUSION.** My overall conclusion as to the status of Restlawn Cemetery, based on my 2-11-14 visit, is that Mr. Riposta is moving effectively and reasonably to correct problems at Restlawn Cemetery. The problems at Restlawn Cemetery were created over many years, and it will take more than a few months to correct them. I anticipate that it will take 1 to 3 years for Mr. Riposta to address all the significant problems at the cemetery.

The Chair commended Mr. Shropshire for the thorough, detailed report. The report should give Board members some comfort now that this is a regulated cemetery.

The other Board members concurred.

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

Monthly Report of Fine and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 March 6, 2014 Board Meeting
 Date of Report: February 25, 2014

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 late. The licensee paid \$25 on 2/20/2014. The outstanding balance to pay in full is \$225. On 8/27/13 a Notice of Intent to enter Emergency Order of Suspension was issued against the licensee in DFS Case No. 136325-13-FC, for failure to make the required payments.
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.
Global Mortuary	Aug-13	122746-11-FC	\$800 \$7,200	9/19/2012 9 mo pymts	Yes No; See Note A	Monthly payments are late. On 1/30/14 a Notice of Intent to enter Emergency Order of Suspension was issued against the licensee in DFS Case No. 14502-13-FC, for failure to make the required payments.
Work & Son	Dec-13	Multiple cases	\$2,500	3/17/2014	See Note D	According to the terms of the final order, the licensee is required to report monthly to the Division the progress of its efforts to make required corrections.
CFS Funeral Services, Inc. dba Fountains Memorial Park	Dec-13	126252-12-FC	\$3,500	1/17/2014	Yes	
James Moore	Dec-13	130463-12-FC	\$750	1/17/2014	Yes	
Smoore Enterprises, Inc. d/b/a Superior Design Monument Company	Dec-13	130462-12-FC	\$750	1/17/2014	Yes	
Woodlawn Park Cemetery Company dba Woodlawn Park Cemetery South	Dec-13	136638-13-FC	\$500	1/17/2014	Yes	
Affiliated Funeral Service	Feb-14	137272-13-FC	\$1,500		See Note C	
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.						OPM March Bd Mtg DFS March Bd

Mr. Knopke questioned whether there were any updates on Stanley Gunter-Butler or Global Mortuary.

Mr. Anthony Miller stated that Stanley Gunter-Butler is now in compliance. Mr. Gunter-Butler has made the payments and the Division has evidence satisfactory to the Department that the Respondent is now in compliance. Secondly with Global Mortuary, the Notice of Intent to Enter an Emergency Order as noted in the report has been completed. The next step will be an Order of Suspension which is eminent.

The Chair welcomed Ms. Oliver back.

Ms. Oliver thanked the Chair and responded that she was happy to be back.

Ms. Wiener praised and complimented the Board staff as she had many issues on this agenda and they were all just handled super quickly, super efficiently, super effectively and the Board staff just did a fantastic job on everything so thanks to all of them. They continue to do a better job every single month.

The Chair added that the next meeting will be held on April 3rd in Jacksonville.

19. Adjournment

The meeting was adjourned at 10:38 a.m.