

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
September 4, 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, September 4, 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 Ms LaTonya Bryant, 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" or "yo", 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
Vanessa Oliver

Also noted as present:

Lawrence "Larry" Harris, Board Legal Advisor (via phone)
Ellen Simon, Assistant Division Director
LaTonya Bryant, 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. August 7, 2014

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meetings held on August 7, 2014.

MOTION: Mr. Dick Mueller moved to adopt the minutes of the meeting. Mr. Lew Hall 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) International Order of the Golden Rule (2201)

(2) National Funeral Directors Association (136)

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. Jim Davis 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) Funeral Director and Embalmer – by Endorsement

(a) Canada, Jessica

(b) Carmellengo, Glenn P

(c) Sheffield, Eddie L

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

6. Application(s) for Internship

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

(1) Funeral Director and Embalmer

(a) Kippur, Kathryn E (F080232)

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 Registration as a Training Agency

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

(1) SE Funeral Homes of Florida LLC d/b/a Baldwin-Fairchild Funeral Home (Oviedo) (F078968)

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

B. Recommended for Approval with Conditions (Request for Waiver)

(1) Holloway Funeral Home Inc d/b/a Ambassador Mortuary Service (Oldsmar) (F080151)

Holloway Funeral Homes Inc submitted and was approved for a Change of Ownership at the August 7, 2014 Board meeting. Applicant has submitted herein requests (Petition) that the training agency status of this location be continued and has been duly published in the Florida Administrative Register as of August 21, 2014.

The Division is recommending approval subject to the condition that the Petition relating to continuation of training agency status be approved, so that the training agency status of said locations be continued under the new owners, provided there has been no dispute by the public within 30 days of the date waivers were published.

MOTION: Mr. Ken Jones moved to approve the application and the Petition relating to continuation of training agency status be approved, so that the training agency status of said locations be continued under the new owners, provided there has been no dispute by the public within 30 days of the date waivers were published. Ms. Vanessa Oliver seconded the motion, which passed unanimously.

8. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum F

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

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

9. Notification(s) of Change of Location

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

(1) Garfield Family Funeral and Cremation Services Inc (F070355) (Naples)

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

10. Application to Acquire Control of an Existing Cemetery

A. Recommended for Approval without Conditions

(1) D&L Real Estate Investments, LLC d/b/a Faith Memorial Gardens (Ocala)

D&L Real Estate Investments, LLC herein submits an Application for Change of Control of an Existing Cemetery Company for the above named cemetery property from GM-1 Partners LLC. The cemetery company being acquired is Lincoln Gardens Cemetery, Inc located at: 3035 NW Blitchton Rd, Ocala, FL 34475, formerly licensed under number F060702.

S. 497.264, Florida Statutes, provides that "(2) Any person or entity that seeks to purchase or otherwise acquire control of any cemetery licensed under this chapter shall first apply to the licensing authority and obtain approval of such purchase or change in control."

The application was received by the Division on May 2, 2013 and deficiencies were noted on the application. A deficiency letter was sent to the Applicant on May 7, 2013. A final examination was requested by Applicant, which was completed by the Division as of October 3, 2013, and all deficiencies were resolved as of November 21, 2013. A completed background check of all officers revealed no criminal history.

Documentation establishes that O'Donald Clark (a principal of Applicant herein) filed for Ch. 7 bankruptcy in 1998. This was a personal bankruptcy action that was discharged on March 1999 by the US Bankruptcy Court District Court of New Jersey. Mr. Clark has provided a notarized statement and court documentation evidencing the disclosed bankruptcy.

The change of control will be accomplished via an asset purchase, by which D&L Real Estate Investments, LLC will acquire the assets and liabilities for the cemetery from GM-1 Partners, LLC d/b/a Lincoln Gardens Cemetery, Inc. (License number F060702), formerly under Charles K. Gilliam. It should be noted that the sale was completed as of June 2013 (please see attached Sales Agreement), and D&L Real Estate is requesting approval for this change of control. If this Application for a Change of Control is approved, the Applicant principals will be: O'Donald B. Clark, III and Yves-Lande Pierre. The cemetery will operate under the name of D&L Real Estate Investments, LLC doing business as Faith Memorial Gardens, as above noted.

The care and maintenance trustee reports (Sabal Trust Company) for CY 2012 are attached. The cemetery reports appear to be in line with the reported gross sales for CY 2012 for the listed property being acquired.

The FCCS Division has certain outstanding issues with the exiting owners, GM-1 Partners, LLC d/b/a Lincoln Gardens Cemetery, Inc. (License number F060702), regarding certain payments those owners were, in the FCCS Division's opinion, required to make to the care and maintenance trust pursuant to agreements those owner made when they took over the cemetery. The approval of this application should not be understood as a waiver by the FCCS Division or the Board, or as an extinguishment, of any amounts the exiting owners may determined to be liable for in regard to their prior agreements. The Applicant's financial statement as of April 22, 2013 reflects the following:

Required Net Worth = \$ 50,000

Reported Net Worth = \$ 125,631

The Division is recommending approval of the application.

Mr. Keenan Knopke stated that this has been going on since 2013 and questioned what has been the problem or hold up in getting it to the Board level.

Ms. Lashonda Morris stated that there was a request by the proposed owners to have a final exam or audit done by the Department, so that had to be completed first. During that exam, there were some findings that had to be addressed so the Applicant did not want to move forward with the application until all of that was completed. Therefore, they signed a waiver of deemer and now that all of it has been concluded, the Applicant is ready to move forward with the application and completely take over the cemetery and operate it.

Mr. Knopke stated that the sale closed in June 2013. Mr. Knopke questioned who has been operating the cemetery for over a year.

Mr. Shropshire stated that the current owner, GM-1 Partners, has been operating the cemetery.

Mr. Knopke stated that although the sale closed, the old owner has continued to run the cemetery under their old license.

Mr. Shropshire concurred.

Mr. Knopke questioned whether there have been any preneed sales during that time period.

Ms. Morris stated that she would double check, but she did not believe that GM-1 had a preneed license.

Mr. Knopke stated that the distance between the events bothered him.

MOTION: Mr. Knopke moved to approve the application subject to the condition that regarding certain payments GM-1 Partners, LLC d/b/a Lincoln Gardens Cemetery, Inc were, in the FCCS Division's opinion, required to make to the care and maintenance trust pursuant to agreements those owner made when they took over the cemetery. The approval of this application should not be understood as a waiver by the FCCS Division or the Board, or as an extinguishment, of any amounts the exiting owners may determined to be liable for in regard to their prior agreements. Mr. Mueller seconded the motion, which passed unanimously.

11. Related Items – Miami Memorial LLC

A. Recommended for Approval *with* Conditions

(1) Application to Acquire Control of an Existing Cemetery and Preneed Main License

(a) Miami Memorial, LLC d/b/a Flagler Memorial Park (Miami) (CEM)

(b) Miami Memorial, LLC d/b/a Miami Memorial Park (Miami) (CEM)

(c) Miami Memorial, LLC d/b/a Mount Nebo/Miami Memorial Gardens (Miami) (CEM)

(d) Miami Memorial, LLC d/b/a Miami Memorial Park (Miami) (PNL)

Miami Memorial, LLC (Miami Memorial), herein submits 3 applications for Change of Control of an Existing Cemetery Company for the above named cemetery properties and an application for a preneed license. The cemetery companies being acquired are licensed as named at the above specified locations.

The applications were received by the Division on August 20, 2014 and deficiencies were resolved as of August 22, 2014. A completed background check of all officers is currently pending. The change of control will be accomplished via an asset purchase agreement (please see attached letter from attorney dated 8-18-2014), wherein Miami Memorial will acquire all of the assets and liabilities for the above named cemetery and preneed locations from SCI Funeral Services of Florida, Inc (Preneed License #F019227). If these applications for change of control and a preneed main license are approved, Miami Memorial will operate the following 3 cemetery locations as above specified: Flagler Memorial Park (F039498), Miami Memorial Park (F039499), and Mount Nebo/Miami Memorial Gardens (F039406). The cemetery location for Miami Memorial Park at 6200 SW 77th Ave, Miami will serve as the qualifying entity for the preneed main license and Applicant will continue to trust through SunTrust Bank, N.A. and utilize the attached approved preneed funeral agreements. The applications for change of ownership for 4 funeral establishment locations and a cinerator facility are also being presented in connection with this acquisition at this Board teleconference meeting.

The care and maintenance trustee reports for CY 2013 are attached. The cemetery reports appear to be in line with the reported gross sales for CY 2013 for the listed properties being acquired. The Applicant's financial statement as of August 15, 2014 reflects the following:

Required Net Worth = \$ 50,000

Reported Net Worth = \$ 50,000

The Division is recommending approval subject to condition(s) as follows:

- 1) 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.
- 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 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 copy of the Asset Purchase Agreement, executed by all parties, and any and all amendments thereto, also fully executed.
- 4) Applicant will be responsible for fulfillment of all unfulfilled preneed contracts previously sold at any of the establishments or cemeteries being acquired hereunder, or that are otherwise obligations of the establishments or cemeteries being acquired hereunder.

The Chair disclosed his affiliation with SCI Funeral Services of Florida and stated that it would not affect his ability to make fair and impartial decisions on any items presented to the Board today.

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

(2) Cinerator Facility and Funeral Establishment(s)

(a) Miami Memorial LLC d/b/a Homestead Crematory (Homestead) (CIN)

(b) Miami Memorial LLC d/b/a Branam Funeral Home (Homestead) (FUN)

(c) Miami Memorial LLC d/b/a Funeraria Memorial Plan Westchester (Miami) (FUN)

(d) Miami Memorial LLC d/b/a Funeraria San Jose (Hialeah) (FUN)

(e) Miami Memorial LLC d/b/a San Jose Funeral Home (Hialeah) (FUN)

Miami Memorial LLC submitted a Change of Ownership Application for the establishments and facilities listed on Attachment "A" hereto.

As stated in the letter from John Rudolph, dated August 21, 2014, Miami Memorial LLC will assume all existing preneed liabilities of the locations listed.

The Division is recommending approval subject to condition(s) as follows:

- 1) That the establishment(s), under the application(s) herein, passes an onsite inspection by a member of Division Staff.
- 2) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.
- 3) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 4) That the closing on the transaction shall be on terms and conditions as represented to the Board at this Board meeting.
- 5) 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.

- 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.
- 7) 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.
- 8) That all fictitious names be registered with the Division of Corporations and proof of registration be sent to the Division.
- 9) That fingerprints be submitted and returned without a criminal history for all Managers of the LLC.
- 10) Applicant will be responsible for fulfillment of all unfulfilled preneed contracts previously sold at any of the establishments or cemeteries being acquired hereunder, or that are otherwise obligations of the establishments or cemeteries being acquired hereunder.

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

12. Application(s) for Cinerator Facility

A. Recommended for Approval with Conditions

(1) Baldwin Brothers Memorial Care Services Inc (Ocala)

An application for a Cinerator Facility was received on July 28, 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).

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, November 7, 2013 and March 6, 2014 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 recorder Evans Baldwin consists of one incident, as follows:

- 1) On Sept. 25, 2002 Applicant, then age 17, while driving a car at approximately 9 PM in Winter Park, struck a woman on a bicycle that he asserts he never saw, and caused her death. Applicant did not stop at the scene. Applicant asserts he pulled over at gas station a little way further on, and saw people apparently helping the victim, and heard emergency vehicles going

to the scene, and decided to drive home. At home that same night he told his girlfriend that he had struck a bicyclist and he could hear her screaming. The next day, when his step-mother noticed the damage to the car Applicant had been driving, Applicant told her he had fallen out of a tree onto the car and damaged it. It was not until Oct. 5, 2002 that Applicant told his parents the truth. His father went to see an attorney to obtain advice and representation for Applicant. On Oct. 14, 2002 the attorney for Applicant delivered a letter to the highway patrol, revealing Applicant's involvement, which the police were not previously aware of.

- 2) 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 that the establishment pass an onsite inspection by a member of Division Staff.

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

(2) Crystal Drive Services LLC d/b/a Fort Myers Crematory Services (Fort Myers)

The application was withdrawn from the Agenda as additional information has come to the Division's attention which requires further investigation. It is expected to be presented at the October 2nd Board meeting.

(3) Warren Family Funeral Homes Inc d/b/a Newcomer Funeral Home (Longwood)

An application for a Cinerator Facility was submitted on July 28, 2014. The application was complete when submitted. The Funeral Director in Charge will be Benjamin Raymond (F044886). The Bill of Sale was received on August 13, 2014.

The application lists two adverse licensing history actions:

- 1) Ohio: in April 2008 Newcomer Funeral Home, Warren Newcomer and Teresa Hailey were fined collectively \$1500 and recommended to take a two hour sensitivity training in reference to a violation for unprofessional conduct. The Ohio records do not provide much detail regarding this matter. The Applicant explained that one of the establishment's embalmers shaved what she believed to be stubble from a decedent's face, but the family subsequently stated it was the decedent's beard and was apparently very upset.
- 2) Kentucky: In June of 2013 Warren Newcomer was issued a fine of \$5000 for not covering a sign at a proposed location prior to licensure.

The establishment is recommended for approval subject to the condition that the establishment pass an onsite 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.

13. Application(s) for Direct Disposal Establishment

A. Recommended for Approval with Conditions

(1) Affordable Cremation Services Inc (Minneola)

An application for a Direct Disposal Establishment was received on August 1, 2014. The application was complete when submitted. The fingerprint cards for all principals were returned without criminal history. The Funeral Director in Charge will be Micah Lemme (F043569).

The principal, Lynn Arruda does have an adverse licensing history. In June 2013, Ms. Arruda was ordered to pay \$1000 and serve one year probation for engaging in preneed sales without a license and also being listed as a funeral director on multiple contracts. Ms. Arruda paid her fine and successfully completed the probationary period.

The establishment is recommended for approval subject to the condition that the establishment pass an onsite inspection by a member of Division Staff.

MOTION: Mr. Davis 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 with two (2) dissenting votes.

14. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Baldwin Brothers Memorial Care Services Inc (Lady Lake)

An application for a Funeral Establishment was received on July 28, 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 Ryan Cameron (F077573).

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, November 7, 2013 and March 6, 2014 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 recorder Evans Baldwin consists of one incident, as follows:

- 1) On Sept. 25, 2002 Applicant, then age 17, while driving a car at approximately 9 PM in Winter Park, struck a woman on a bicycle that he asserts he never saw, and caused her death. Applicant did not stop at the scene. Applicant asserts he pulled over at gas station a little way further on, and saw people apparently helping the victim, and heard emergency vehicles going to the scene, and decided to drive home. At home that same night he told his girlfriend that he had struck a bicyclist and he could hear her screaming. The next day, when his step-mother noticed the damage to the car Applicant had been driving, Applicant told her he had fallen out of a tree onto the car and damaged it. It was not until Oct. 5, 2002 that Applicant told his parents the truth. His father went to see an attorney to obtain advice and representation for Applicant. On Oct. 14, 2002 the attorney for Applicant delivered a letter to the highway patrol, revealing Applicant's involvement, which the police were not previously aware of.
- 2) 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 that the establishment pass an onsite inspection by a member of Division Staff.

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

(2) Nassau Funeral Home Inc (Callahan)

An application for a Funeral Establishment was submitted on June 26, 2014. The application was incomplete when submitted. All deficient items were returned on July 26, 2014. The Funeral Director in Charge will be Markham McAninch (F044118). This funeral establishment is not the qualifying entity for a preneed Licensee.

The Division is recommending 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 under the application herein passes 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) Southerland Family Funeral Homes Inc (Port St. Joe)

An application for a Funeral Establishment was received on August 12, 2014. The application was complete when submitted. The fingerprint cards for all principals were returned without criminal history. The Funeral Director in Charge will be Marvin Sapp (F043256).

The establishment is recommended for approval subject to the condition that the establishment pass an onsite inspection by a member of Division Staff.

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

15. Application for Monument Establishment Sales Agent
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.

16. 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. Hall seconded the motion, which passed unanimously.

17. Application(s) for Removal Facility
A. Recommended for Approval with Conditions

(1) Slonaker Transportation Service Inc (Trinity)

An application for a Removal Service was received on June 11, 2014. The application was incomplete when submitted. The fingerprint cards for all principals were returned without criminal history.

The establishment is recommended for approval subject to the condition that the establishment pass an onsite 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. Knopke seconded the motion, which passed unanimously.

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

A. Recommended for Approval with Conditions

(1) Trust Transfer Request(s)

(a) Foundation Partners of Florida, LLC d/b/a Hiers-Baxley Funeral Services and d/b/a Kersey Funeral Home (F060727) (Auburndale)

FPG Florida, LLC (FPG), through Justin Wilson of Regions Bank, N.A., seeks approval of certain proposed trust asset transfers, and approval of appointment of a successor trustee, all as more specifically set forth in Mr. Wilson's letter dated August 5, 2014.

Background

On September 6, 2012, this Board approved the acquisition by FPG Florida, LLC d/b/a Foundation Partners of Florida, LLC of the above 2 funeral establishment locations which operate as preneed branches under its preneed main license (F060727). FPG acquired all of the assets and liabilities for the preneed for these locations. The funeral establishments had been selling preneed and operating prior to that FPG acquisition, most recently as branches under the Highland Memorial Park Association, Inc. d/b/a Hiers-Baxley Funeral Services preneed main license (F019225). FPG assumed liability for the outstanding preneed liability for these locations.

Item 1)) Proposed Trust Transfers

FPG seeks approval of transfer of trust assets from FSI/Sabal Trust, to Regions Bank as successor trustee, all as more specifically set forth in the attached letter from Mr. Justin Wilson (VP of Regions bank), dated August 5, 2014, and attachments thereto.

Item 2) Approval of Successor Trustee

FPG seeks approval of appointment of Regions Bank as successor trustee for the multiple trusts identified in the attached letter from Mr. Justin Wilson, dated August 5, 2014 and attachments thereto

The Division is recommending approval subject to the conditions set forth below:

- a) Approval of the proposed trust transfers identified in Item 1 above; and
- b) Approval of the successor trustee in Item 2 above; and

Conditions recommended by FCCS Division:

- 1) That the representations of FPG, through Justin Wilson of Regions Bank (Regions), as set forth in Mr. Wilson's letter dated August 5, 2014, copy attached hereto, be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board meeting, Regions Bank shall provide the FCCS Division (ATTN: LaShonda Morris), with a signed writing specifying:
 - a) Confirming that the transfer of assets has been completed, and the date of the transfer;
 - b) Certifying that Regions Bank 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 Mr. Wilson's letter dated August 5, 2014;
 - c) Stating the dollar amount of trust assets transferred for each trust as identified in "Exhibit A" of Mr. Wilson's attached letter dated August 5, 2014.
 - d) That the Board's executive director, for good cause shown, may extend the compliance time for the above specified conditions, an additional 90 days, and shall report to the Board any such extension granted.

Mr. Clark disclosed his affiliation with Foundation Partners of Florida and stated that it would not affect his ability to render a fair and impartial decision in this matter.

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

*(2) Trust Transfer Request(s) and Trust Agreement(s)
(a) Legacy Funeral Holdings of Florida, LLC (F079526) (Houston)*

Legacy seeks approval of certain proposed trust asset transfers, all as more specifically set forth in Justin Wilson of Regions Bank letter dated 7-16-2014 (copy attached hereto).

Background

On April 3, 2014, this Board approved the acquisition by Legacy of 2 licensed cemetery and 3 funeral establishment locations and an application for a preneed license for Legacy Funeral Holdings of Florida LLC (F079526) Legacy acquired all of the assets and liabilities for the cemetery and preneed for these locations. The funeral establishments and cemeteries had been selling preneed and operating prior to that Legacy acquisition, most recently as branches under the SCI Funeral Services of Florida, Inc. preneed main license (F019227) and as cemetery Licensees under SCI. Legacy assumed all existing preneed liability for these locations.

Item 1) The Proposed New Trust Agreements

Legacy seeks approval of the following two new trust agreements:

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

Attachment 3 hereto is a proposed new preneed trust agreement entitled, “*Legacy Funeral Holdings of Florida, LLC Cemetery Care and Maintenance Trust Agreement.*”

Item 2) Proposed Trust Transfers

Legacy seeks approval of transfer of trust assets from certain existing trusts to different trusts (that is, the trusts that are **Attachments 4, 5, 6, 7, 8, 9, 10, 11, and 12**, 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 Mr. Wilson, dated July 16, 2014.

The Division is recommending approval subject to the conditions set forth below:

- 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.

Conditions recommended by FCCS Division:

- 1) That the representations of Legacy, through Justin Wilson of Regions Bank (Regions), as set forth in Mr. Wilson's letter dated July 16, 2014, be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board meeting, Regions Bank shall provide the FCCS Division (ATTN: LaShonda Morris), with a signed writing specifying:
 - a) Confirming that the transfer of assets has been completed, and the date of the transfer;
 - b) Certifying that Regions Bank 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 Mr. Wilson's letter dated v;
 - c) Stating the dollar amount of trust assets transferred for each trust as identified in the attachments to Mr. Wilson's attached letter dated July 16, 2014.
 - d) That the Board's executive director, for good cause shown, may extend the compliance time for the above specified conditions, an additional 90 days, and shall report to the Board any such extension granted.

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. Davis seconded the motion, which passed unanimously.

19. Executive Director's Report

A. Extension(s) Granted – NorthStar (Informational)

The extension request dated July 28, 2014, was approved by the Division on August 4, 2014.

B. Extension(s) Granted – StoneMor (Informational)

The extension request dated August 13, 2014, was approved by the Division on August 13, 2014.

C. Work & Son, Status Reports (Informational)

Grayed-out sections indicate issue resolved.

SARASOTA MEMORIAL PARK		
Item #	Outstanding issues per C. McMurray 8-21-13 special inspection	Comments
1	<p>Sprinklers. There are approximately 30 sprinkler heads which have been replaced in the cemetery. Cemetery worker Robert Fewox turned on the sprinkler system and tested it. This test showed there is inadequate water pressure to operate more than a few of the sprinklers simultaneously. Mr. Fewox demonstrated five of the new sprinkler heads. Only one of these was functioning properly. According to Mr. Fewox the low water pressure is due to leaks throughout the underground system.</p> <p>In their current status sprinkler coverage is reduced by half. The sprinkler heads which have not been replaced do not function at all.</p>	<p>Sprinklers cover appropriate area. Water pressure takes approximately 20 minutes to build in the lines before sprinklers cover appropriate area.</p> <p>MARCH 2014: The entire cemetery is on one zone; all the lines have to be under pressure to obtain water distance. CW found one crack and repaired 3/5/14.</p> <p>APRIL 2014: See photographs SMP 1.1a CW and SMP 1.3a-1.3c CW</p>
2	<p>Grass. Cemetery manager Teresa Lay explained to the Investigator the cemetery had recently begun a policy of covering all newly dug graves with sod. The investigator observed three recent burials with sod covering them. While there is some improvement with the amount of grass growing in the cemetery, there continue to be some bald areas in the Peace L-3, Devotion M and Peace L-1 gardens.</p> <p>[also, grass in the area of special concern to Complainant Norris]</p>	<p>Licensee initiated seeding with rye grass seed pursuant to the suggestion of BFCCS members during the 12/13 BFCCS meeting.</p> <p>MARCH 2014: See photographs SMP 1.1 CW, SMP 1.2 CW and SMP 1.3 CW.</p> <p>JUNE 2014: An additional 400 pounds of seed has been sown, and there is an every-other-day watering schedule. Although excellent results have been achieved thus far, the rye grass will eventually succumb to the summer heat. The soil conditions at the cemetery are extremely poor, comprised mostly of beach sand and hard clay. (See photographs CW SMP Grass 1-6, attached.) Licensee plans to place more sod around the area of special concern to Complainant Norris. At present, mature sod is not available from the local nurseries, and licensee is scheduled to receive sod within the next few weeks.</p> <p>JULY 2014: Two pallets of sod were placed around complainant's location (see photos CW New Sod 1 & 2, below); additional irrigation lines to be installed for entire section. <u>Note:</u> The complainant's section has been without water of late, because the County's mowing company ran into the meter and has yet to repair it. Once the new irrigation lines are installed, an additional 400 lbs of seed will be ordered.</p>

SARASOTA MEMORIAL PARK		
Item #	Outstanding issues per C. McMurray 8-21-13 special inspection	Comments
		<p>See also, photos below: CW Typical Soil, illustrating soil type found throughout the cemetery, and CW Current Status 1-4, with views of overall improvement.</p> <p>AUGUST 2014: Bahia grass sod has been placed around complainant's location, which, according to landscaper, might have a better chance of flourishing in this area of the cemetery. Additional Bahia sod is on order.</p>

ROYAL PALM NORTH		
Item #	Outstanding issues per K. Schuller 8-23-13 special inspection	Comments
1	Lattice work was put up on one section of the mausoleum but was never finished. (Exhibit 1)	<p>Lattice work was not required by any Consent Order imposed upon Licensee. Licensee will remove sample lattice work and paint area as necessary prior to April Status Report.</p> <p>APRIL 2014: See photographs RPN 1 CW</p>
2	The licensee had a roll out sprinkler but did not have a water supply.	<p>Licensee is exploring options for obtaining sufficient water for area of cemetery that needs regular watering.</p> <p>APRIL 2014: On 3/6/14, Licensee spoke with staff (Linda) of the Pinellas Park Water Department regarding obtaining reclaimed water for the area. Conversation did not result in useful information. On 3/20/14, Licensee spoke to staff (Bobbie), who referred the question to the foreman in charge of reclaimed water for the area. The foreman stated that reclaimed water is not currently available for the area. However, he added that the County is working on alternatives and will contact the Licensee when such option is available.</p>

		<p>JUNE 2014: We have not received any contact from the water department on their activities or alternatives. At the end of May, the grass started to brown a bit; however, with the approaching rainy season, the grass should improve. As stated previously, the cemetery has a very high water table, and water has never been a problem. In the event that drought conditions develop, licensee has a portable sprayer for use in areas requiring additional water.</p> <p>JULY 2014: Rainfall has been sufficient to irrigate park.</p> <p>AUGUST 2014: No change.</p>
3	The cremation niches in upper Devotion were repaired. One niche front was off centered. Another front extended past the corner and had a metal bar behind it. Also one niche front had something lying in the grass in front of it. (Exhibit 3)	<p>These issues have been addressed. The marker, which is stated to be "off centered," was installed prior to Licensee's ownership. Relocation will result in an unsightly blemish on the façade.</p> <p>MARCH 2014: See photographs RPN 3A CW, RPN 3B CW and RPN 3B2 CW</p>

ROYAL PALM NORTH		
Item #	Outstanding issues per K. Schuller 8-23-13 special inspection	Comments
4	The cemetery grounds required mowing and trimming (Exh 4)	<p>Mowing and trimming being conducted.</p> <p>MARCH 2014: See photographs RPN 4.3 CW, RPN 4.4 CW and RPN 4.7 CW.</p>
5	Dirt piles were scattered in the cemetery garden. (Exh. 5)	<p>Dirt piles are being resolved routinely, and result from new interments.</p> <p>MARCH 2014: See photographs RPN 5.6 CW and RPN 5.10 CW.</p>
6	The following damaged grave markers were by the maintenance shed: Sutter, Babikoff, Plank, Wimmer and Norman. (Exhibit 6)	<p>Markers have been installed at interment locations.</p> <p>MAY 2014: Photos of repaired and reinstalled markers for Babikoff (BABIKOFF) and Norman (NORMAN) are attached. Marker for Wimmer was not damaged.</p> <p>JUNE 2014: The Wimmer marker, which was installed several months ago, was refinished by cemetery at no charge to update date on death scroll. See photograph CW Wimmer Marker, attached.</p> <p>AUGUST 2014: Photos of Sutter and Plank markers are forthcoming.</p>
7	The Gethsemane Mausoleum had a missing granite front and an unattached front leaning against the mausoleum. (Exhibit 7)	<p>The subject mausoleum is a private, estate mausoleum actually situated on land which is not owned by the Licensee. The Licensee has made efforts and has been unable to contact the owner. Counsel will send correspondence to the last known address prior to the April Status Report submission.</p> <p>APRIL 2014: See copy of letter to Kenneth Montgomery, attached. [Note: Letter undeliverable, and it was returned 4/9/14. See attached.]</p>

ROYAL PALM NORTH		
Item #	Outstanding issues per K. Schuller 8-23-13 special inspection	Comments
8	The Scharlau and Sweetapple markers were not repaired. (Exhibit 8)	<p>Markers have been repaired.</p> <p>MARCH 2014: See photograph RPN 8C CW regarding Scharlau. Photograph regarding Sweetapple to be provided with April Status Report.</p> <p>APRIL 2014: See photograph RPN 8A CW re repair to and complimentary refinishing of Sweetapple marker</p> <p>MAY 2014: Photos of repaired, installed markers attached (SCHARLAU, SWEETAPPLE)</p>
9	The vault encroachment from space 402 into space 403 in the Garden of Peace II was not resolved.	Licensee has interred few burials in the multiple spaces owned by the family. There is sufficient room for each family member to be buried.
10	The vault encroachment from space 87 into space 86 in the Garden of Tranquility was not resolved. The space is still available for sale.	No encroachment exists.

ROYAL PALM SOUTH		
Item #	Outstanding issues per K. Schuller 8-21-13 special inspection	Comments
1	The damage to the mausoleum roofs was not repaired. Conditions found include missing and leaking roofs, mold and mildew, missing and stained carpet, missing windows and paint on numerous bronze memorials. (Exhibit 1)	<p>Licensee continues to work with contractor.</p> <p>APRIL 2014: Contractor is involved in litigation with one of its subcontractors. Licensee will retain a new contractor to complete work required by the Board and additional refurbishment, not required by the Board.</p> <p>JULY 2014: New counsel retained to finalize contractual obligations with roofer.</p> <p>AUGUST 2014: Pursuant to e-mail to Doug Shropshire dated 7/14/14, Mr. Work has hired a new roofer and anticipates that work on roofs will complete before September 15, 2014.</p>
2	Numerous potholes were found throughout the cemetery roadways. (Exhibit 2)	<p>Licensee has applied approximately 10,000 pounds of asphalt since 12/13 BFCCS meeting. Licensee will continue to apply asphalt.</p> <p>MARCH 2014: See photographs RPS 2.2 CW; RPS 2.5 CW; RPS Pothole Patching CW and RPS Pothole Patching 2 CW.</p> <p>JUNE 2014: An additional 900 pounds of asphalt is on site to be installed. Licensee estimates that another 3,000 pounds will be needed to go over existing patches, which have now been compressed from the initial repair.</p> <p>JULY 2014: Last section to be repaired is in progress, with completion expected before next status report.</p> <p>AUGUST 2014: Patching is nearly complete.</p>
3	Numerous Dead Trees throughout the gardens. (Exhibit 16)	<p>Many dead trees have been removed. Photographs to be provided with June Status Report.</p> <p>JUNE 2014: See photographs CW Tree Removed 1-3, attached, which show areas of tree removal.</p> <p>JULY 2014: See letter from Clearwater Audubon Society (attached) regarding eagle perching trees. Trees will be felled as part of general maintenance rotation.</p>
4	The large concrete foundation between Mausoleum I and II has been covered but is still exposed and not leveled. (Exhibit 4)	<p>Foundation is not protruding above ground; however, Licensee will break up remaining foundation and remove.</p> <p>JUNE 2014: Foundation has been removed. See photographs CW Foundation 1-3, attached.</p>
5	Many gardens were not mowed or trimmed. (Exhibit 5)	<p>Mowing and trimming being conducted.</p> <p>MARCH 2014: See photographs RPS 5 Mow and Trim CW and RPS 5 Mow and Trim 2 CW.</p>
6	The Hoffman bench was removed from the cemetery space. (Exhibit 6)	<p>Bench cannot be repaired. It was removed pursuant to the bylaws. Licensee has attempted to contact the family. Counsel will send correspondence to the family's last known address prior to the April Status Report submission.</p> <p>APRIL 2014: Last known address for any family member is dated 1930 (615 11th</p>
		St. N., City). Licensee is unlikely to make contact with any family member.
7	The drain cover by walkway over pond remains unsecured. (Exhibit 7)	<p>New drain cover obtained by Licensee. Installation will occur prior to April Status Report submission.</p> <p>APRIL 2014: The drain will need to be replaced, which will require a generator and grinder. The drain has been repaired for use in the interim. See photograph RPS 7 CW.</p> <p>MAY 2014: Photo of replaced drain attached (DRAIN REPLACED).</p>
8	The cemetery file for George Beathe did not contain any documentation regarding the encroachment issue or a resolution.	<p>Licensee set two appointments with the next of kin to obtain authorization to adjust the interment. The next of kin failed to keep such appointments.</p>

9	A large opening remains between the walkway and bridge by pond. (Exhibit 9)	This item has been corrected. MARCH 2014: See photograph RPS 9 CW.
10	Cremation niche marble remains broken and loose. (Exhibit 10)	Licensee has measured for replacement portions and will resolve prior to 180 day deadline. MAY 2014: Photos of work in progress attached (NICHES 1 – 10). Licensee has removed all broken or loose marble, for cutting, resizing, cleaning and polishing. Marble will be reattached to level foundation; a few pieces will have to be ordered, and numerous improper placements of the niche faces will have to be removed and redone. (None of the improper placements were made during Licensee's ownership of the cemetery.) JUNE 2014: This work continues. JULY 2014: Additional pieces being delivered; broken pieces have been cleaned, polished and re-cut and will be re-installed before next status report. AUGUST 2014: Repaired pursuant to Consent Order. Additional upgrades to grout are ongoing.
11	The concrete fence post remains broken and leaning in the Temple Beth-El Garden. (Exhibit 11)	Licensee will repair prior to April Status Report submission. APRIL 2014: Licensee states that repairs on the fence were completed 3/21/14.
		MAY 2014: Photo of repaired fence attached (POST FIXED)
12	The Anna Firestein bench was not straightened or repaired. The Jordan Bench was not straightened. The Thomas Drier Bench was straightened but scratches remain in the bench. (Exhibit 12)	Licensee is investigating. JUNE 2014: The benches are all straight and are in good repair. Licensee is investigating the purported scratches on Drier bench. AUGUST 2014: Drier bench has been polished to resolve scratches. See photos, forthcoming.
13	The men's restroom remains out of order. (Exhibit 13)	Licensee has an operational restroom for use by both men and women. Former men's room is now storage. MARCH 2014: See photographs RPS 13 CW and RPS 13 2 CW.
14	Dow Pettis stated all interment authorizations from 2002 through present were removed from the cemetery office by Mr. Work. The cemetery office where cemetery records are stored did not have a functioning air conditioner.	Records were removed for the purpose of preparation of audit and examination matters. Records have been relocated on cemetery property.
15	The cemetery file for Richard Weinberger did contain any documentation regarding a resolution to the inaccurate burial records. Mr. Weinberger's burial location was RPC Jewish Garden, Row E, Space 25 not space 24.	This file has been corrected. Licensee believes Mr. Schuller is aware of the correction.
16	The cemetery file for Julia Howell did not contain any documentation regarding a resolution to the inaccurate burial records. The cemetery file did not contain a contract or interment authorization. Mrs. Howell's burial location was Block 616, Lot 2, Space 4 South not Block 616, Lot 3, Space 4 South.	This file has been corrected. MARCH 2014: See attached copy entitled Howell.

REALIGNMENT PROJECT		
<i>Item#</i>	<i>Outstanding Issue</i>	<i>Comments</i>
1	Realignment of flat markers to be performed by cemeteries	<p>MAY 2014: See before/after photos (ROW 1 & ROW 2 BEFORE & REALIGNED) attached. Also attached are photos of work in progress (ROWS 3 – 9 AS IS).</p> <p>JUNE 2014: This project is ongoing.</p> <p>AUGUST 2014: Project is ongoing. See photos, forthcoming.</p>

SARASOTA MEMORIAL PARK

Re: Item #2

AUGUST 2014: Bahia grass sod has been placed around complainant's location, which, according to landscaper, might have a better chance of flourishing in this area of the cemetery. Additional Bahia sod is on order.



ROYAL PALM NORTH

Re: Item #6

AUGUST 2014: Repaired marker for Plank



ROYAL PALM SOUTH

Re: Item #10

AUGUST 2014: Crenation niche marble has been repaired pursuant to Consent Order. Additional upgrades to grout are ongoing.

[Re-grouted area]



ROYAL PALM SOUTH

Re: Item #12

AUGUST 2014: Drier bench has been polished to resolve scratches.



REALIGNMENT PROJECT

AUGUST 2014: Project is ongoing.



Mr. Knopke stated that Page 3 talked about the roll out sprinkler that did not have water supply, which started back in April where they were working on something but now they are relying upon rain. Mr. Knopke questioned what is going to happen when it starts drying out in the fall and winter months. Mr. Knopke questioned whether there is a plan in place.

Mr. Shropshire questioned whether Ms. Wendy Wiener, representing Work and Son, could have the floor.

The Chair questioned which page Mr. Knopke was referring to.

Ms. Wiener stated that it was Page 4 of 15. Adequate water on the grass at this park has not historically been a problem. There has been a significant problem with appropriate water supply for that roll out irrigation system and with regard to the other irrigation system at the park. In the event of drought conditions, the Licensee is committed to dealing with individual sprinklers and getting the park irrigated as necessary, but this is not the park where water has been a problem. At the present time, the rainfall has been sufficient.

Mr. Knopke stated that he just did not want to see the efforts fall to the side if it gets dry. Mr. Knopke stated that Page 5 of the report deals with the roof. There is a new contract and the report indicates that work would be complete before September 15, 2014. Mr. Knopke questioned whether the date is accurate or just an approximation.

Ms. Wiener stated that at this point it does not look like September 15th is doable. Aaron Duncan, an associate in my office, is currently involved in the litigation associated with the prior contractor who did not pay his supplier and so lien suit was filed. The problem is that that contractor is the one who holds the permit to fix the roof and so they are having to go through additional litigation to free up the permit so that the new roofing contractor can be the one that holds the permit. Everybody is sitting on go and as soon as the litigation moves sufficiently through the process, then at that point we are looking at a couple of weeks worth of work and he has a new contractor lined up. It looks like until we have the problem with the new permitting situation that we were good for September 15th. We just submitted the final status report because the time period of the Consent Order has run and it is addressed therein and so you will see that in next month's Board packet.

Mr. Knopke questioned whether the realignment of the markers and so forth ever get done as addressed in Page 9 of the report.

Ms. Wiener stated that the realignment of the marker project was not contemplated in the six (6) months of the Consent Order but as you can see from the photographs, Mr. Work has been working consistently at getting markers realigned and has made a huge amount of progress on that. The project continues to be ongoing but Mr. Work expects that it will be complete in the not distant future. It is something that they do when they are not doing other things. Mr. Work unfortunately sometimes if he has any luck it is bad luck. Sarasota Memorial Park has been vandalized twice in the last sixty days. Police are involved and there are some other things going on so Mr. Work has had some attention elsewhere but that project is ongoing and he is making solid progress on it all the time.

Mr. Knopke complimented the Division for keeping up with this and also Mr. Work for living up to what he promised to do. Mr. Knopke has taken time to drive through the parks and they actually look very nice.

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

Monthly Report of Fine and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 September 4, 2014 Board Meeting
 Date of Report: August 25, 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 pymnts	YES YES Current	Licensee monthly restitution payments are current.
Affiliated Funeral Service	Feb-14	137272-13-FC	\$1,500	6/2/2014	No	See Note A; when payment in full becomes past due, Division will coordinate with the DFS Legal to enforce payment. On 6/24/14, Division sent file to DFS Legal requesting appropriate action be taken for alleged failure to comply with the Board's order. New case number 156496-14-FC was formed. On August 6, 2014, a Notice of Intent to Enter an Emergency Order of Suspension. The Division of Legal Services will soon file an Order of Suspension as payment has not been made.
Deliria Holmes	Apr-14	133746-01-FC	\$1,666.66 \$250 \$1,666.67 \$1,666.67	4/20/2014 5/15/2014 6/20/2014 8/20/2014	Yes Yes Yes Yes	
Holmes Funeral Directors	Apr-14	133745-13-FC	\$1,666.66 \$250 \$1,666.67 \$1,666.67	4/20/2014 5/15/2014 6/20/2014 8/20/2014	Yes Yes Yes Yes	
Baldwin Brothers Memorial Care Services, Inc.	Apr-14	141482-13-FC	\$500	6/2/2014	Yes	
James Baldwin	Apr-14	141490-13-FC	\$500	6/2/2014	Yes	
Barry Meyers	Apr-14	141496-13-FC	\$1,000	6/2/2014	Yes	
Tri-City Diversified Services, Inc.	Apr-14	141495-13-FC	\$750	6/2/2014	Yes	
David Woodward	Apr-14	141498-13-FC	\$500	6/2/2014	Yes	
Ruth Yeats	Apr-14	141487-13-FC	\$1,000	6/2/2014	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	See Note C		
Richard Alford	Aug-14	Multiple cases	\$2,000	See Note C		
Sumner Granite & Bronze, Inc.	Aug-14	Multiple cases	\$2,000	See Note C		
<p>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.</p>						<p>OK 8-25-14 DOJ sent Bd</p>

E. Cemetery Professionals, Preneed License Renewal

This is follow up provided to the Board by the Division concerning Cemetery Professionals. It is the answer to the Board's question as to whether they wrote any preneed contracts between July 1, 2014 and the date that they were renewed, which was August 7, 2014. Cemetery Professionals wrote two (2) preneed contracts in that timeframe. As you can see, Ms. Rayan knows the ropes and has been before the Board often enough. Ms. Rayan filed a Notice to Request a Hearing and was allowed to continue selling until the Board finally disposed of the renewal issue.

Mr. Mueller questioned whether staff is recommending that the Board not pursue any further action against the Licensee.

Mr. Shropshire responded, "On this issue, yes sir." The Division will be conducting another annual exam on this entity within the next several months. At that time, the Division will test Ms. Rayan's assertion that there were only two (2) contracts written and also further review whether she is complying with the trusting requirements and so forth.

F. Sumner Granite & Bronze

The Division is reporting to the Board on efforts to obtain the photos of the parents' of complainant Mr. LaShore from Sumner Granite & Bronze. As the materials indicate, our examiner, Kurt Schuller, did go there with the police and looked around all he could. The police did not feel they had the power to go into the facility through locked doors and the Division has not been able to ascertain who legally owns title at this point since the titleholder of record is deceased.

The Chair welcomed Ellen Simon on Board and stated that the Board is glad to have her.

Ms. Simon thanked the Chair.

20. Upcoming Meeting(s)

- A. October 2nd (Embassy Suites – Tampa/Brandon)***
- B. November 6th (Teleconference)***
- C. December 4th (Tallahassee)***

21. Adjournment

The meeting was adjourned at 10:36 a.m.