

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES**  
**TELECONFERENCE MEETING**  
**January 8, 2015 - 10:00 A.M.**

**1. Call to Order, Preliminary Remarks and Roll Call**

Mr. Jody Brandenburg, Chair – I would like to call to order the Board of Funeral, Cemetery and Consumer Services' Teleconference meeting. It is January 8, 2015. Mr. Doug Shropshire, will you make the usual prefatory remarks for the record and then call the roll.

Mr. Doug Shropshire - 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, January 8, 2015. The time is approximately 10:00am. This is a public meeting of the Board of Funeral, Cemetery and Consumer Services. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting had been made available to interested persons. The meeting is occurring by Teleconference with some members of the Public here with the Division staff here in the Pepper Building, in Tallahassee, Florida. The call in number has also been made available to the public. Members of the Board are participating by phone. My assistant LaTonya Bryant will take minutes of the meeting, which is being recorded. Board Counsel is also appearing by teleconference.

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

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

**PRESENT (via phone):**

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

**Also noted as present:**

Tom Barnhart, Board Legal Advisor (via phone)  
Ellen Simon, Assistant Division Director  
LaTonya Bryant, Department Staff

Jasmin Richardson, Department Staff  
LaShonda Morris, Department Staff

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

Chair – I want to take this opportunity to recognize our very own Board member Kenneth T. Jones. Effective November 1st, Ken Jones was promoted from State of Florida, Bureau of Vital Statistics’ Deputy State Registrar to State Registrar. Ken has served the State of Florida for 31 years and is recognized throughout the nation for innovative technology, staff development and customer service. Congratulations Ken. We are proud of your accomplishments.

Mr. Ken Jones – Thank you very much. I appreciate that.

Chair – On a sad note, Charles William “Bill” Swain, age 77, died unexpectedly early Christmas morning. He volunteered for many years leading Florida Funeral, Cemetery and Consumer Advocacy and lobbied for consumer issues. Bill was a fixture at our Board meetings. Bill and I addressed various issues and collaborated on several projects. Bill was the consummate advocate for the consumer and led with a passion and fairness that was admired and appreciated. He will be missed.

Mr. Jim Davis – For those who are interested in the funeral service, the memorial service will be this Saturday at First Presbyterian Church at 11:00 A.M. in Tallahassee.

Chair – Thanks Mr. Davis for that additional information.

Mr. Tom Barnhart – This is Tom Barnhart with the Attorney General’s Office and I just want to let you know I am on the phone. I am the new Board counsel. I know I have big shoes to fill with Mr. Harris departing but I look forward to working with the Chair, the Board members, Mr. Shropshire and Staff.

Chair – Thank you for letting us know you are with us and we look forward to working with you very much so. Thank you.

Mr. Barnhart – Thank you.

**2. Action on the Minutes**  
*A. December 4, 2014*

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meetings held on December 4, 2014.

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

**3. Application(s) for Preneed Sales Agent**  
*A. Informational Item (Licenses Issued without Conditions) – Addendum A*

Mr. Shropshire – 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) *Cremation Association of North America (16008)*
    - (2) *Florida Cemetery, Cremation & Funeral Association (75)*
    - (3) *FuneralCE (43)*
    - (4) *National Funeral Directors and Morticians Association, Inc (15608)*
    - (5) *National Funeral Directors Association (136)*

Mr. Shropshire – 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. Mueller moved to approve the application(s). Mr. Lew Hall seconded the motion, which passed unanimously.

5. **Application(s) for Approval as a Continuing Education Provider**
  - A. *Recommended for Approval without Conditions – Addendum C*
    - (1) *C.O.E. Continuing Education (21808)*

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

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

Chair – Again we thank our Continuing Education Committee for the good job that they do in approving courses and Continuing Education Providers. Thank you very much.

6. **Application(s) for Florida Law and Rules Examination**
  - A. *Informational Item (Licenses Issued without Conditions) – Addendum D*
    - (1) *Embalmer – by Endorsement*
      - (a) *Austin, Lex*
    - (2) *Funeral Director – by Endorsement*
      - (a) *Bloomfield, Leslie M*
      - (b) *Horner, Judson N*
    - (3) *Funeral Director - by Internship*
      - (a) *Mashburn, Troy*
    - (4) *Funeral Director and Embalmer - by Endorsement*
      - (a) *Dunn, Mark J*
      - (b) *Thornbery, Andrew P*
    - (5) *Funeral Director and Embalmer - by Internship*
      - (a) *Archer, Kaleb*
      - (b) *Gumbs, Leona P*
      - (c) *Hurt, Nadia A*
      - (d) *Lowther, Emily S*
      - (e) *Lowther, Ryan S*
      - (f) *Miller, Amber M*
      - (g) *Peele III, Kenneth*

Mr. Shropshire – 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 Internship**

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

**(1) Funeral Director**

**(a) Eptstein, Keith A F071433**

**(2) Funeral Director and Embalmer**

**(a) Brown, Delores F081386**

**(b) Johnson, Casey M F081435**

Mr. Shropshire – 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 Embalmer Apprenticeship**

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

**(1) Clymer, Tara L F081385**

**(2) Comas, Rebeca M F081710**

**(3) Gendron, Amanda L F081729**

**(4) Thompson, Scotti B F081709**

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

**9. Application(s) for Registration as a Training Agency**

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

**(1) Arcelays Funeral Services LLC (F077062)**

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

**10. Notification(s) of Change in Location**

**A. Informational Item – Addendum H**

**(1) Lakeside Funeral Home LLC (Greenacres) (F076320)**

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

**11. Consumer Protection Trust Fund Claims**

**A. Recommended for Approval without Conditions – Addendum I**

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

Chair – I want to be sure that all Board members received that email. This was emailed to us after the agenda packet came out and there are quite a number of claims. I know that we were emailed that and I want to make sure that we received it. If you did not receive it let me know and we will make sure we get them to you.

**MOTION:** Mr. Jones moved to approve the claim(s) for the amount indicated on Addendum I entitled “Amount Recommended.” Ms. Anderson seconded the motion, which passed unanimously.

**12. Application(s) for Change of Ownership (Hodges Family Funeral Home LLC)**

**A. Recommended for Approval with Conditions – Collective Items**

**(1) Acquire Control of an Existing Cemetery Company and Application for Transfer of a Preneed License**

Mr. Shropshire – Hodges Family Funeral Home, LLC (Hodges), 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 License. The cemetery company and preneed Licensee being acquired is licensed as named at the above specified location.

The applications were received by the Division on November 6, 2014 and all items were resolved as of December 18, 2014. A completed background check of all officers revealed no criminal history. It should be duly noted that the Applicant answered “Yes” to the question on page 3, under Section 6, Adverse License History wherein a Consent Order was filed by the Department in 2009 against Applicant’s funeral establishment license #F041399, resulting in a fine in the amount of \$1500 + \$250 costs and six (6) months probation. All conditions of the Consent Order were met and completed and there are no further actions noted against the Applicant as of to date.

The change of control will be accomplished via a stock purchase as the result of an internal change of control wherein Randall Bush will relinquish 30% ownership to Lindsey Palmer, with Mr. Bush retaining 60% ownership, and Michael Hodges will continue to retain 10% ownership. If these applications for change of control are approved, Hodges will operate the following cemetery location as above specified: Chapel Hill Gardens and Floral Memory Gardens (F039658), and will continue to operate under the existing Preneed License (F019423), if approved. Additionally, Hodges is also acquiring the funeral and cemetery preneed branch locations that currently operate under Hodge’s Preneed Main License (F019423). The applications for change of ownership of the funeral establishment locations are also being presented at this Board teleconference meeting.

The care and maintenance trustee report for CY 2013 is attached. The cemetery report appears to be in line with the reported gross sales for CY 2013 for the listed property being acquired.

The Applicant’s financial statement as of December 31, 2013 reflects the following:

Outstanding Preneed Contracts	= \$ 8,025,581
Required Net Worth	= \$ 100,000
Reported Net Worth	= \$ 510,381

The Division is recommending 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.
- 5) That the Board approves the Applications for Change of Ownership for the related funeral establishment locations subject to the stated conditions also being presented at this Board meeting.

Chair – Is there anyone on the call representing Hodges Family Funeral Home in the change of ownership.

Ms. Wendy Wiener – Mr. Chairman this is Wendy Wiener and I represent the Licensee.

Chair – Ms. Wiener I just wanted to ask you about some inconsistency. It is minor and perhaps you could help clear it up. Throughout the applications on the Historical Sketch, Bush indicated a 60% ownership Palmer indicated a 40% ownership and Hodges indicated a 10% ownership. That was on their Historical Sketches that they filled out themselves.

Ms. Wiener – That it should be 60%, 30% and 10% per the Board coversheet. I believe Division staff caught that inconsistency at some point and so we did clarify that before the packet went onto the Agenda so I apologize for that but it is 60%, 30% and 10%.

Chair – I just wanted to make sure that the Division was comfortable with that clarification also. Thank you.

Mr. Shropshire – Yes Mr. Chairman, we are.

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

## ***(2) Funeral Establishments and Cinerator Facility***

Mr. Shropshire – Hodges Family Funeral Home LLC submitted a Change of Ownership Application for three (3) Funeral Establishments and a Cinerator Facility. The applications are the result of the proposed transfer of units from two of the existing members, Randall Bush and Michael Hodges, to the three members, Randall Bush, Lindsey Palmer and Michael Hodges.

Hodges Family Funeral Home has also submitted an application for Transfer of a Preneed License. All fingerprint information was returned without criminal history.

Funeral Establishment:

- 1) Hodges Family Funeral Home LLC (F041399) ; FDIC – Michael Hodges (F032282)  
14046 5<sup>th</sup> Street, Dade City, FL 33525
- 2) Hodges Family Funeral Home LLC (F040698) ; FDIC – Randall Bush (F044267)  
11441 US Hwy 301, Dade City, FL 33525
- 3) Hodges Family Funeral Home LLC (F040699); FDIC – Lindsey Palmer (F042218)  
36327 US Hwy 54 West, Zephyrhills, FL 33541

Cinerator Facility:

- 1) Hodges Family Funeral Home LLC (F047498) ; FDIC – Keith Williams (F043185)

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 establishments under the application(s) herein pass 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.

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

**13. Application(s) for Funeral Establishment**

**A. Recommended for Approval with Conditions**

**(1) *Destiny Memorial Chapel LLC (North Lauderdale)***

Mr. Shropshire – An application for a Funeral Establishment was received on December 8, 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 Wilton Brown (F042217). The establishment is recommended for approval subject to the condition that the establishment passes an onsite 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. Ms. Vanessa Oliver seconded the motion, which passed unanimously.

**(2) *Gendron Funeral & Cremation Services Inc (Lehigh Acres)***

Mr. Shropshire – An application for a Funeral Establishment was submitted on December 10, 2014. The application was complete when submitted. The Funeral Director in Charge will be Angela Patterson (F062032). This funeral establishment is not the qualifying entity for a preneed Licensee.

As stated in the letter from Wendy Weiner, dated December 17, 2014, Gendron Funeral & Cremation Services Inc will assume all existing preneed liabilities. All fingerprint information was returned without criminal history.

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 establishments under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.
- 8) That there be receipt by the Division, within 45 days of this Board meeting, proof of Fictitious Name Registration by Applicant with the Florida Department of State.

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

*(3) Lampkins Patterson Cremation Funeral Service Inc (Jacksonville)*

Mr. Shropshire – An application for a Funeral Establishment was received on December 8, 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 Renaldo Lampkins (F043345). The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

Chair – I have a question. Is there anyone representing Lampkins Patterson on the call?

Mr. Renaldo Lampkins – Yes sir, Renaldo Lampkins sir.

Chair – Good Morning, sir.

Mr. Lampkins – Good Morning.

Chair – I noticed that on your application for your refrigeration the facilities are 110 miles away from your establishment.

Mr. Lampkins – Yes sir. We actually have refrigeration that will be put into our facility. Actually, they will start building it tomorrow but we just wanted to cover our basis. We followed the rules and it only said that embalming had to be 75 miles out.



Chair – I just wanted to make sure of your comfort level with being 110 miles away for the refrigeration and for the cremation.

Mr. Lampkins – Yes sir, I am comfortable with it.

Chair – Your refrigeration unit will be completed soon?

Mr. Lampkins – Yes sir. Actually they will start building it tomorrow as we speak.

Chair – Thank you so much. I appreciate it.

Mr. Lampkins – Yes sir. Yes sir.

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

***(4) Peoples Funeral Home LLC (Sanford)***

Mr. Shropshire – An application for a Funeral Establishment was received on November 6, 2014. The application was incomplete when submitted. All deficient items were returned on December 17, 2014. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Karen Peoples (F059371). The establishment is recommended for approval subject to the condition that the establishment passes 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. Clark seconded the motion, which passed unanimously.

***(5) SCI Funeral Services of Florida Inc d/b/a Jewish Direct Funeral Services (Boca Raton)***

Chair – I would like to declare my affiliation with SCI Funeral Services of Florida. That affiliation in no way will affect my ability to make fair and impartial decisions today on any matter coming before the Board.

Mr. Shropshire – An application for a Funeral Establishment was received on December 8, 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 Phillip Weinstein (F020214). The establishment is recommended for approval subject to the condition that the establishment passes 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. Hall seconded the motion, which passed unanimously.

***B. Recommended for Approval without Conditions***

***(1) Eternal Light Funeral Care Inc d/b/a Hebrew Memorial Funeral Services (Sarasota)***

Mr. Shropshire – An application for a Funeral Establishment was received on November 20, 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 Jack Allbaugh (F045004). The establishment passed its inspection on December 16, 2014. The establishment is recommended for approval without conditions.

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

*(2) Guiding Light Funeral Home LLC (West Park)*

Mr. Shropshire – An application for a Funeral Establishment was received on November 10, 2014. The application was incomplete when submitted. All deficient items were returned on December 9, 2014. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Evelyn Vargas (F045149). The establishment passed its inspection on December 11, 2014. The establishment is recommended for approval without conditions.

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

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

*A. Recommended for Approval without Conditions*

*(1) Application(s) for Monument Establishment Retailer License*

*(a) Brandico Granite & Stone, LLC (Callaway)*

Mr. Shropshire – This application is being filed for a new monument establishment retailer license. The application was received on July 21, 2014 and deficiencies were noted. A deficiency letter was sent on July 25, 2014 and the Applicant resolved all deficiencies as of December 11, 2014. If approved, Applicant will utilize the monument retail sales agreement which is also being presented for approval at this meeting. The Division recommends approval without conditions.

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

*(b) Carl Pinkston Monuments, Inc (Williston)*

Mr. Shropshire – This application is being filed for a new monument establishment retailer license. The application was received on October 17, 2014 and deficiencies were noted. A deficiency letter was sent on October 23, 2014 and the Applicant resolved all deficiencies as of December 1, 2014. If approved, Applicant will utilize the monument retail sales agreement which is also being presented for approval at this meeting. The Division recommends approval without conditions.

Mr. Helm – Is anyone from Carl Pinkston on the line?

Mr. Carl Pinkston – Mr. Carl Pinkston speaking from Williston FL.

Chair – Mr. Helm do you have a question?

Mr. Helm – Yes I do. It is nothing and you do not have to tell me if you do not want to but I noticed in your application that you are not going to install. Do you mind telling me how you are going to install?

Mr. Pinkston – My brother in law is O T Davis Monument Co. in Gainesville FL and he call do my installing for me.

Mr. Helm – Thank you very much sir.

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

*(c) Independent Monument Setters, Inc (Palm Coast)*

Mr. Shropshire – This application is being filed for a new monument establishment retailer license. The application was received on November 17, 2014 and no deficiencies were noted. A background check of all officers revealed no criminal history. If approved, Applicant will utilize the monument retail sales agreement which is also being presented for approval at this meeting. The Division recommends approval without conditions.

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

**B. Recommended for Approval with Conditions**

**(1) Monument Retail Sales Agreement**

**(a) Brandico Granite & Stone, LLC (Callaway)**

Mr. Shropshire – Brandico Granite & Stone, LLC submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its monument retailer establishment whose license was just approved.

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

**MOTION:** Mr. Hall 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. Helm seconded the motion, which passed unanimously.

**(b) Carl Pinkston Monuments, Inc (Williston)**

Mr. Shropshire – Carl Pinkston Monuments, Inc. submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its monument retailer establishment whose license was just approved a few minutes ago.

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

**MOTION:** Mr. Helm 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.

**(c) Independent Monument Setters, Inc (Palm Coast)**

Mr. Shropshire – Independent Monument Setters, Inc. submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its monument retailer establishment license was just approved.

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

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

**15. Application(s) for Monument Establishment Sales Agent License**  
*A. Informational Item (Licenses Issued without Conditions) – Addendum J*

Mr. Shropshire – 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 K*

Mr. Shropshire – The Division recommends approval of the application(s).

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

**17. Application(s) for Removal Facility**  
*A. Recommended for Approval without Conditions*  
*(1) Latisha LLC (Jacksonville)*

Mr. Shropshire – An application for a Removal Facility was received on October 22, 2014. The application was incomplete when submitted. All deficient items were returned on November 20, 2014. The fingerprint cards for all principals were returned with no criminal history. The establishment passed its inspection on December 2, 2014. The establishment is recommended for approval without conditions.

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

**18. Contract(s) or Other Related Form(s)**  
*A. Recommended for Approval with Conditions*  
*(1) Request for Trust Transfer*  
*(a) Overstreet of Florida, LLC (F039340 and F078316) (Includes all related funeral, cemetery, and preneed branches) (Tallahassee)*

Mr. Shropshire – Overstreet seeks approval of certain proposed trust asset transfers, all as more specifically set forth in Wendy Wiener, Attorney's letter dated December 2, 2014.

Background

On March 6, 2014, the Board approved the acquisition by Overstreet of a licensed cemetery company, Tallahassee Memory Gardens (Tallahassee) (F078316), and a preneed branch location: Abbey Funeral Home (Marianna), and an application for transfer of a preneed license operating as: Overstreet of Florida LLC d/b/a Tallahassee Memory Gardens (F039340). Overstreet acquired all of the assets and liabilities for both the cemetery and preneed for these locations. (See **Attachment 1** hereto, minutes from the March 6, 2014 Board meeting).

### Proposed Trust Transfers

Overstreet seeks approval of transfer of trust assets from certain existing trusts (that is, the trusts that are under **Attachment 3**, hereto) to the proposed new trust agreements, Regions Bank Master Florida Preneed Funeral Trust Agreement and the Regions Bank Master Florida Cemetery Care and Maintenance Trust Agreement, if approved, (that is, the trusts that are under **Attachment 2**, hereto) wherein Regions Bank, N.A. is or will be trustee, all as more specifically set out in the letter from Mrs. Wiener, dated December 4, 2014 (copy attached hereto).

Subject to the conditions set forth below, the FCCS Division recommends approval of the proposed trust transfers identified above subject to the below stated conditions:

- 1) That the representations of Overstreet, as set forth in Mrs. Wiener's letter dated December 4, 2014, copy attached hereto, be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board meeting Regions provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, stated as following:
  - a) That Regions provides a letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trusts to be transferred to Regions pursuant to Mrs. Wiener's letter dated December 4, 2014.
  - b) A letter from Regions, signed and dated by one of its officers, stating:
    - That Regions provides a certificate stating the dollar amount of trust assets being transferred as identified under **Attachment 3**, as referenced in Mrs. Wiener's attached letter dated December 4, 2014.
    - That Regions provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, under **Attachment 3**, as referenced in Mrs. Wiener's attached letter dated December 4, 2014.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

Chair – On the trust transfer, do you have a ballpark or an approximate dollar amount on that?

Ms. Wiener – I do not have any idea. Whatever money is in the FSI Master Trust will be transferring over to Regions. Those figures are certified to the Division upon completion of the transfer but I do not know what those figures are. I am sorry.

Chair – Thank you.

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

### **19. Executive Director's Report**

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

Monthly Report of Fine and Costs Assessed and Paid  
 Division of Funeral, Cemetery and Consumer Services  
 January 5, 2014 Board Meeting  
 Date of Report: December 22, 2014

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Cemetery Professionals, LLC dba Beaches Memorial Gardens and Cemetery Professionals, LLC dba Beaches Memorial Park	Jun-12	110156-10-FC & 110157-10-FC	\$5,250 \$5,000 38,859.57	9/6/2012 12/7/2012 35 mo pymts	YES YES Current	Licensee monthly restitution payments are current.
Affiliated Funeral Service	Feb-14	137272-13-FC	\$1,500	6/2/2014	No	On September 11, 2014, an Emergency Order of Suspension was entered due to failure to pay fines.
All Points Removal Service	Oct-14	130794-13	\$1,000	11/24/2014	No	
Reddick Funeral Home	Oct-14	151717-14-FC	\$250	11/24/2014	\$905 has been paid	
Jay Monument & Vault a/k/a Jay Monument & Vault Inc.	Oct-14	153256-14-FC	\$5000 and 13 years of renewal fees	11/24/2014	No	
Roderick Stevens	Oct-14	145032-13-FC	\$1000/\$250 /\$250/\$250/ \$250	December 6, 2014/January 6, 2015/February 15, 2015/March 15, 2015/April 15, 2015	\$500 has been paid	
Melvin Jones	Oct-14	151723-14-FC	\$250	11/24/2014	Yes	
Richard Alford	Aug-14	Multiple cases	\$2,000	See Note D	No	
Stones Funeral Home	Oct-14	144432-13-FC	\$1,500	1/25/2015	No	
Janorise Stone	Oct-14	144432-13-FC	\$1,500	1/25/2015	No	
Sumner Granite & Bronze, Inc.	Aug-14	Multiple cases	\$2,000	See Note D	No	
A. When payment in full becomes past due, the FCCS Division works with the DFS Legal Division to enforce payment. B. Once fines and costs are paid in full, licensee kept on this report 3 months, showing Paid in Full, and then dropped off report; also licensee dropped off report after disciplinary action filed due to nonpayment of the fine and costs. C. The Order re this case is still in process, so no Due date is not yet established. D. Due date has not passed, as of the date of this report. E. As of the date of this report, monthly payments were current.						

Mr. Shropshire – This item is the monthly report of fines and costs assessed and paid.

Mr. Helm – Mr. Chairman this is Helm. May I speak?

Chair – Please.

Mr. Helm – Mr. Shropshire, there is one here that particularly bothers me, this Jay Monument and Vault. I know it has not been passed the due date but I wonder are there any agents up that way?

Mr. Shropshire – Refresh my recollection. Where is this located? I do not recall.

Mr. Helm – It is in the panhandle. I cannot remember exactly where it is at. It is over like you are headed to Dothan.

Mr. Shropshire – Well we certainly have Mr. Jim Deason who works out of Tallahassee. What is your concern sir?

Mr. Helm – I would like for someone to see if they are still in business, still operating.

Mr. Shropshire – Yes sir, I will have Mr. Deason or Ms. Kawanzasis Henderson make that determination and get back to you.

Mr. Helm – That will be fine. This is a pretty large fine and they are attempting not to pay it and I am just wondering what's up.

Mr. Shropshire – Well we have our attorney here, by coincidence, who can give us an update on this. Go ahead Ms. Dembicer.

Ms. Melissa Dembicer – She still has contracts. I spoke with her three (3) weeks ago before the holidays and she just barely scrapes by. She is going to try and see if she can put together the money because she does want to continue her business. She did file an appeal so we cannot technically go after the money yet until we find out what happens with the appeal.

Mr. Helm – The Board has not seen this appeal yet, have we?

Ms. Dembicer – No. She just wrote a letter saying she appeals and we had to file it with the Appeals Court. She has a certain amount of time to pay the fee. She told me she is not going to pay the fee because she never meant for it to go to the Appeals Court. She just wanted to appeal to the Board based on hardship. So I told her that until I get the Notice from the Court that there is no appeal or the dismissal of it, we have to stay everything that is going on.

Mr. Helm – What's next?

Mr. Shropshire – So I'm thinking then that we have to wait to hear back from the District Court of Appeal (DCA) and then presumably they will indicate that they are not going to take any action in her favor. At that point in time the fine will not be paid and the next step would normally be to do an Immediate Final Order to cause her to terminate operations. Correct?

Ms. Dembicer – Yes. She does not have a license. She applied for a license. There are a lot of issues. She paid some money towards getting the license and I do not know how that has been resolved or if that is still going on. I think she paid \$900 or some amount, so I figure that could be put towards the amount that she owes but they are not going to give her a license obviously until the fine is paid. So we are just in limbo waiting to see what is happening, if she can come up with the money. She said she would call me in a while, but she was not very clear. She does not make a lot of money and this is a big amount for her.

Mr. Shropshire – Do you have any estimate when the District Court of Appeal will rule on the matter.

Ms. Dembicer – I think it is at the end of this month, January. They will just send us notice that she has not paid so they will dismiss it.

Mr. Shropshire – So that would be the next step Mr. Helm.

Mr. Helm – Well what concerns me is if everyone else is supposed to have a license and she is out there without a license and she is still operating and I am not saying close her down, but she needs to have some kind of agreement with either the Board or the Division on how to work this out if she is going to continue to stay in

business. She needs a license whether it be temporary or whether it be something else. Something needs to be done. She should not be out here still working without a license.

Mr. Shropshire – Yes sir. So after the District Court of Appeal rules that frees us up to pursue an Order to Cease and Desist on the unlicensed conduct that she is engaging in but we cannot go to that step until the DCA rules.

Ms. Ellen Simon – I know that there is a large practice that she has or a large business outside of Florida so her business caters to people outside of Florida so that would still be permitted regardless to what happens in Florida.

Mr. Shropshire – We would have no jurisdiction over the Alabama or Georgia business. That would be the next step Mr. Helm because I agree with you. She has to have a license, but due process requires that we wait to hear from the DCA that they are not going to take up her case and then we can proceed to the Cease and Desist, which she may or may not honor. If she does not the next step would be to seek to enforce the Cease and Desist Order in the circuit courts. I know it is frustrating that it does not go as fast as you like but that is the due process that we have to abide by.

Mr. Helm – Okay. I understand that. What concerns me is that she needs a license so I do not understand why we cannot do something. It is a little frustrating for me so I am sorry. I guess we will just wait to hear.

Mr. Mueller – What about the issue of All Points Removal Service whose due date has passed?

Mr. Shropshire – Ms. Simon, do you have an update on All Points Removal Service.

Ms. Simon – All Points Removal Service's time has passed. It needs to go over to Legal. I am not sure if it has already been sent. I should have put that information down on the report. It will be on next month's report.

Mr. Mueller – Thank you.

Mr. Shropshire – The action would be for the Immediate Final Order to Cease and Desist for failure to pay the fine.

Chair – I want to again congratulate Mr. Jones on his appointment. We are very proud of you and from my experience and anecdotal comments from others you really run a customer-friendly organization that is focused on taking care of your customers and citizens of the State of Florida and others who may contact you so congratulations again Mr. Jones.

Mr. Jones – Thank you very much. I appreciate that.

## **20. Upcoming Meeting(s)**

- A. February 5<sup>th</sup> (Tallahassee)*
- B. March 5<sup>th</sup> (Teleconference)*
- C. April 2<sup>nd</sup> (Embassy Suites Jacksonville Baymeadows)*
- D. April 30<sup>th</sup> (Teleconference)*

Mr. Mueller – Does that mean we do not have a Teleconference on the first Thursday in May.

Chair – No. There are no meetings, teleconference or in person scheduled for May. The next would be a June 4<sup>th</sup> conference call. Ms. Bryant is that correct?



Ms. LaTonya Bryant – Yes.

Mr. Helm – Ken I would just like to take this time in front of everybody to tell you congratulations on a job well done.

Mr. Jones – Thank you sir. I appreciate that. Our goal is to continue to build products that your industry and others can use and we really appreciate the positive feedback. I also will share that with my staff. They are also very appreciative.

Chair – Mr. Barnhart, thank you for being with us. We look forward to working with you in the future.

Mr. Barnhart – You're welcome. I do too.

## **21. Adjournment**

The meeting was adjourned at 10:45 a.m.