

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
September 3, 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 September 3, 2015. Mr. Doug Shropshire, will you make the usual preliminary remarks for the record and then call the roll.

Mr. Doug Shropshire – Yes, Mr. Chairman. My name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, September 3, 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 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. Please do not speak over one another.

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 there is a quorum for the business of the Board.

Chair – Have all Board members received their agenda and the information associated with it in a timely manner?

Board Members – Yes

2. Action on the Minutes

A. August 6, 2015

Chair – Is there a motion?

MOTION: Mr. Ken Jones 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

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) *Aurora Casket Company (129)*
- (2) *DOH Bureau of Vital Statistics (13809)*
- (3) *Education Workers Group (11208)*
- (4) *Florida Cemetery, Cremation & Funeral Association (75)*
- (5) *International Cemetery, Cremation and Funeral Association (22808)*
- (6) *International Order of the Golden Rule (2201)*
- (7) *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. Dick Mueller moved to approve the application(s). Mr. Andrew Clark seconded the motion, which passed unanimously.

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

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

- (1) *Direct Disposer*
 - (a) *Monahan, Maureen F*
- (2) *Funeral Director (Internship and Exam)*
 - (a) *Warden, Belinda J*
- (3) *Funeral Director and Embalmer (Endorsement)*
 - (a) *Burke, Robert B*
- (4) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Dell, Rose C*
 - (b) *Martinez, Jessica*

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.

6. Application(s) for Internship

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

- (1) *Embalmer*
 - (a) *Warden, Belinda J (F078077)*
- (2) *Funeral Director and Embalmer*
 - (a) *McWhite, Elizabeth A (F085991)*

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 Registration as a Training Agency

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

- (1) *Heritage Funeral Home and Cremation Services LLC d/b/a Emerald Shores Cremation Centre (F074099) (Panama City)*
- (2) *Warren Family Funeral Homes Inc d/b/a Newcomer Funeral Home (F080231) (Longwood)*
- (3) *Warren Family Funeral Homes Inc d/b/a Newcomer Funeral Home (F041529) (Orlando)*

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.

B. Request(s) for Petition for Waiver of Rule

(1) Recommended for Approval with Conditions

- (a) *Foundation Partners of Florida Inc d/b/a Hiers-Baxley Funeral Services–Ocala Chapel (F085164) (Ocala)*

Mr. Shropshire – Foundation Partners of Florida LLC submitted and was approved for a Change of Ownership at the April 30, 2015 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 14, 2015.

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

Mr. Clark – I just want to disclose for the record that I have an affiliation with Foundation Partners Group and that affiliation will not affect my ability to render a fair and impartial decision on in any matter coming before the Board at this meeting.

MOTION: Mr. Helm moved to approve the application 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 are continued under the new owners, provided there has been no dispute by the public within 30 days of the date waivers were published. Mr. Jones seconded the motion, which passed unanimously.

- (b) *Foundation Partners of Florida Inc d/b/a Kersey Funeral Home (F085165) (Auburndale)*

Mr. Shropshire – Foundation Partners of Florida LLC submitted and was approved for a Change of Ownership at the April 30, 2015 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 14, 2015.

The Division is recommending approval with the condition that the Petition relating to continuation of training agency status be approved, so that the training agency status of said locations are 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. Hall moved to approve the application 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 are continued under the new owners, provided there has been no dispute by the public within 30 days of the date waivers were published. Ms. Jean Anderson seconded the motion, which passed unanimously.

8. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum F

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

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

9. Application(s) for Cinerator Facility

A. Recommended for Approval with conditions

(1) Peoples Funeral Services Inc d/b/a Prestige Crematory (Jacksonville)

Mr. Shropshire – An application for a Cinerator Facility was submitted on August 5, 2015. The application was complete when submitted. The Funeral Director in Charge will be Robert Peebles (F046019). The fingerprint information was returned without criminal history. The Division is recommending approval subject to the condition that the establishment passes 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 onsite inspection by a member of Division Staff. Mr. Mueller seconded the motion, which passed unanimously.

10. Application(s) for Direct Disposal Establishment

A. Recommended for Approval with conditions

(1) Jack Spangler & Associates LLC d/b/a Spangler Cremation Service (Lakeland)

Mr. Shropshire – An application for a Direct Disposal Establishment was submitted on July 24, 2015. The application was complete when submitted. The Funeral Director in Charge will be John Spangler (F044918). The fingerprint information was returned without criminal history. The Division is recommending approval subject to the condition that the establishment passes 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 onsite inspection by a member of Division Staff. Mr. Jones seconded the motion, which passed unanimously.

11. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Bori & Hora Funeral Home Management Inc d/b/a Good Life Funeral Home & Cremation (Orlando)

Mr. Shropshire – An application for a Funeral Establishment was submitted on July 24, 2015. The application was complete when submitted. The Funeral Director in Charge will be Eduardo Bori (F043878). The fingerprint information was returned without criminal history. The Division is recommending approval subject to the condition that the establishment passes 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 onsite inspection by a member of Division Staff. Mr. Jim Davis seconded the motion, which passed unanimously.

(2) CEJ South Inc d/b/a NWFL Mortuary Services (Pensacola)

Mr. Shropshire – An application for a Funeral Establishment was submitted on August 3, 2015. The application was complete when submitted. The Funeral Director in Charge will be Gregory Klimetz (F046796). The fingerprint information was returned without criminal history. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

Mr. Knopke – Mr. Shropshire, will they be known as NWFL Mortuary Services or will they be called Northwest Florida Mortuary Services, or do you know?

Mr. John Rudolph – This is John Rudolph. I represent them. I believe it is NWFL Mortuary Services, which is what they put on their application.

Mr. Knopke – Thank you, John. I was just curious how they would be answering the telephone.

Mr. Rudolph – I have also been delivered the approved inspection report that was approved on the 1st. I do not know whether Jasmin has gotten it yet.

Chair – Thank you, Mr. Rudolph.

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

(3) Integrity Funeral Home and Cremations Inc (Jacksonville)

Mr. Shropshire – An application for a Funeral Establishment was submitted on July 20, 2015. The application was complete when submitted. The Funeral Director in Charge will be Amanda Weeks (F056362). The fingerprint information was returned without criminal history. The Division is recommending 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 onsite inspection by a member of Division Staff. Ms. Anderson seconded the motion, which passed unanimously.

12. Executive Director’s Report

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

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

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 September 3, 2015 Board Meeting
 Date of Report: August 25, 2015

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 YES	PAID IN FULL
Roy Vance Prestwood Jr.	Jun-15	139087-13-FC and 139091-13-FC	\$750 & \$2,000 respectively	10/10/2015	Note D	
Prestwood Funeral Home	Jun-15	139085-13-FC & 139093-13-FC	\$750 & \$2,000, respectively & Restitution of \$252.34	10/10/2015	Note D	
Ronald Nichols	Jun-15	171416-15	\$2,000	8/8/2015	YES	
International Cremation Society	Jun-15	171407-15	\$3,500	8/8/2015	YES	
Buy and Sell Cemetery	Dec-14	154941-14-FC	\$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50	\$62.50 Initial payment/ First installment payment (paid)	On time	

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	Legal served licensee with a Notice of Intent on issuing an emergency order of suspension. Legal is in the process of issuing a notice of intent to issue a cease and desist order because of the status of the license.
Delvis Rogers	Dec-14	150301-14-FC	\$3,500	January 23, 2015	No	The Intent to Issue Emergency Action has been executed and was served in June. We are awaiting the order of suspension.
John Gallaher	Apr-15	157224-14-FC	\$3,166	7/8/2015		Modition to Modify Final Order to be heard by the Board in October 2015
Ronald Noble	Aug-15	134801-13-FC	\$2,500	8/1/2017	D	
Todd Garfield	Aug-15	161234-14-FC	\$500	9/15/2015	YES	
A. When payment in full becomes past due, the FCCS Division works with the DFS Legal Division to enforce payment. B. Once fines and costs are paid in full, licensee kept on this report 3 months, showing Paid in Full, and then dropped off report; also licensee dropped off report after disciplinary action filed due to nonpayment of the fine and costs. C. The Order re this case is still in process, so no Due date is 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.						
DAS						

13. **Upcoming Meeting(s)**
- A. *October 1st (Fort Myers – Embassy Suites Fort Myers-Estero)*
 - B. *November 5th (Teleconference)*
 - C. *December 3rd (Tallahassee)*

Chair – Mr. Shropshire, is Jasmin Richardson with you on the call?

Mr. Shropshire – Yes, she is here.

Chair – Ms. Richardson, I know that you have processed a lot of applications for renewal of licenses and I just wanted to commend you because I know it is a very, very busy time for you. Do you have anything to report on the process of that?

Ms. Jasmin Richardson – We are still progressing pretty slowly. We are currently about two (2) weeks out so we will be processing them as soon as possible. I may even try to enlist some other people.

Chair – Thank you. We appreciate what you do at this busy time of year.

Mr. Rudolph – I learned today that Vista closed on its sale of the funeral home on August 31 and the funds have been put into trust.

Ms. Wendy Wiener – And the license has been issued.

Chair – I am sure all Board members are happy to hear that. Thank you.

14. **Adjournment**

The meeting was adjourned at 10:16 a.m.