

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES**  
**TELECONFERENCE MEETING**  
**March 2, 2017 - 10:00 A.M.**

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

Mr. Jody Brandenburg, Chair –Welcome to the Board of Funeral, Cemetery and Consumer Services’ Teleconference Meeting, March 2, 2017. Ladies and gentlemen, Mary Schwantes.

Ms. Jean Anderson – Good morning. This is Jean Anderson.

Chair – Hi Jean.

Ms. Anderson – Hey, how are you?

Chair – Good. We haven’t taken roll call yet. I’m introducing Mary Schwantes.

Ms. Mary Schwantes – Good morning, everybody. I’ll keep this brief so that we can proceed with the main topics of the meeting, but I wanted to take a moment just to introduce myself and tell you how very pleased I am to be working with the Division and with the Board. In the two and a half weeks I’ve been at the Division, I’ve seen staff here handle their daily work and special challenges with experience, professionalism and dedication. They have been commended by industry representatives. It’s a great team. I’m very proud to be part of it and very much look forward to meeting the Board members in person at our next meeting in Jacksonville. In the meantime, if I can be of any service to any of you all, please don’t hesitate to give me a call. Thank you, Mr. Chairman. I’m going to turn it back over to you and to Ellie Simon.

Chair – Thank you. Ms. Simon, would you please make the preliminary remarks and do the roll call?

Ms. Ellen Simon – Yes Mr. Chairman. My name is Ellen Simon. I’m Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. Today is March 2, 2017. It is approximately 10:02 A.M. This is a public meeting of the Board of Funeral, Cemetery and Consumer Service. This meeting is held by teleconference and notice of the meeting has been published in the Florida Administrative Register. An agenda for this meeting has been made available to all interested persons. The call-in number and conference ID was placed on the agenda. The Division staff present for this meeting are in the Claude Denson Pepper Building in Tallahassee FL. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared. 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. Additionally, please mute your telephones when you are not speaking to cut down on ambient noises during the meeting. At this time, Mr. Chairman, I would like to call the roll:

Joseph “Jody” Brandenburg, Chairman  
Keenan Knopke, Vice Chair

Chair – Excuse me just a moment. There’s someone who doesn’t have their phone muted and its very interruptive. Go right ahead, please. I’m sorry.

Ms. Simon – Okay. Continuing on the roll:

Jean Anderson  
Francisco “Frank” Bango  
Andrew Clark  
James “Jim” Davis **{ABSENT}**  
Lewis “Lew” Hall  
Powell Helm  
Ken Jones  
Vanessa Oliver

**Also noted as present:**

Mary Schwantes, Executive Director  
Tom Barnhart, Board Legal Advisor (via telephone)  
LaTonya Bryant, Department Staff  
Jasmin Richardson, Department Staff  
Lashonda Morris, Department Staff  
Nicole Singleton, Department Staff

Ms. Simon – Mr. Chairman there is a quorum for the business of the Board.

Chair – Thank you.

**2. Action on the Minutes**  
**A. February 2, 2017**

Chair – Is there a motion?

**MOTION:** Mr. Powell Helm moved to adopt the minutes of the meeting. Ms. Vanessa Oliver seconded the motion, which passed unanimously.

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

Ms. Simon – This is an information item. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

**4. Application(s) for Continuing Education Course Approval**  
**A. Recommended for Approval without Conditions – Addendum B**  
**(1) Florida Cemetery, Cremation & Funeral Association (75)**  
**(2) International Cemetery, Cremation and Funeral Association (22808)**  
**(3) Kates-Boylston Publications (23010)**  
**(4) MK Jones & Associates, Inc. (9605)**  
**(5) National Funeral Directors and Morticians Association (15608)**  
**(6) National Funeral Directors Association (136)**  
**(7) The Dodge Institute for Advanced Mortuary Stu (81)**

Ms. Simon – The courses presented have been reviewed Continuing Education Committee and the Committee, as well as the Division, recommends approval of the applications for the number of hours indicated on Addendum B.

**MOTION:** Mr. Lew Hall moved to approve the applications. Ms. Oliver 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) Manuel, David M**  
**(b) Rojas, Alejandro A**  
**(2) Funeral Director (Internship and Exam)**  
**(a) Eggert, Trina**  
**(3) Funeral Director and Embalmer (Endorsement)**  
**(a) Brown, Matthew C**  
**(b) Frisolone, Peter M**  
**(c) Gatlin Sr, James K**  
**(d) Johnson, Drew T**  
**(e) Martin, Christopher P**

- (f) *Ridener, Daniel C*
- (4) *Funeral Director and Embalmer (Internship and Exam)*
  - (a) *Katerman, Kathy M*
  - (b) *Ware, Amanda M*

Ms. Simon – This is an information item. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

- 6. **Application(s) for Internship**
  - A. *Informational Item (Licenses Issued without Conditions) – Addendum D*
    - (1) *Funeral Director*
      - (a) *Garrison, Lindsey F142375*
      - (b) *Trzyna, James E F065239*
    - (2) *Funeral Director and Embalmer*
      - (a) *Betancourt, Carla P F143985*
      - (b) *Gregory, Christine A F086233*
      - (c) *Kollarnik, Elizabeth N F142502*
      - (d) *Matthews-Leverette, Joshua F086691*
      - (e) *Toker, Richard J F138830*
      - (f) *Van Amburgh, Morgan L F142528*

Ms. Simon – This is an information item. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

- 7. **Application(s) for Change of Location**
  - A. *Informational Item (Licenses issued without Conditions) – Addendum E*
    - (1) *Alavon Direct Cremation Service (DDE) (F041583) (South Daytona)*

Ms. Simon – This is an information item. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

- 8. **Application(s) for Registration as a Training Agency**
  - A. *Informational Item (Licenses issued without Conditions) – Addendum F*
    - (1) *Cooper Funeral Home (Chipley) (F041802)*
    - (2) *Waldon Professional Funeral & Cremation Services (Sanford) (F073727)*

Ms. Simon – This is an information item. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

- 9. **Consumer Protection Trust Fund Claims**
  - A. *Recommended for Approval without Conditions – Addendum G*

Ms. Simon – The CPTF Claims presented have been reviewed by the Division and the Division recommends approval for the monetary amounts indicated.

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

- 10. **Application(s) for Change of Ownership (Foundation Partners of Florida LLC)**
  - A. *Recommended for Approval with Conditions – Collective Coversheet*
    - (1) *Foundation Partners of Florida LLC d/b/a Steele’s Family Funeral Services (Winter Haven)*
      - (a) *Application(s) for Cinerator Facility*
      - (b) *Application(s) for Funeral Establishment*

Ms. Simon – Foundation Partners of Florida LLC, a limited liability company, seeks approval for the following applications for a change of ownership: a funeral establishment (F041348) and a Cinerator facility (F041501), The fingerprints for the principals were returned without criminal history. More specifically, the entities that are being acquired is as follows:

- 1) Steele’s Family’ Funeral Services, a licensed funeral establishment, license # F041348, physical address: 207 Burns Lane, Winter Haven, FL 33884
- 2) Steele’s Family Funeral Services, a licensed Cinerator facility, License #F041501, physical address: 207 Burns Lane, Winter Haven, FL 33884

The Division is recommending approval subject to the following conditions:

- 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 substantially on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant’s attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board’s action herein.
- 6) That the establishment(s) under the application(s) herein 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.

Chair – Mr. Clark?

Mr. Clark – Mr. Chairman?

Chair – Yes, Mr. Clark?

Mr. Clark – I just want to state that I have an affiliation with the individuals listed in Items 10. A. and 10. B. and I will recuse myself from any discussion in this matter.

Chair – Thank you, Mr. Clark.

**MOTION:** Mr. Ken Jones moved to approve the applications subject to the conditions recommended by the Division. Mr. Hall seconded the motion.

***B. Recommended for Approval with Conditions***  
***(1) Application(s) for Preneed Branch License – Addendum H***

Ms. Simon – The Division recommends that the applicant(s) provided on Addendum H be approved for the preneed branches applied for.

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

**11. Application(s) for Cinerator Facility**

***A. Recommended for Approval with Conditions***  
***(1) Cooks & Cooper Funeral Home Inc. D/B/A Madison County Crematory (Madison)***

Ms. Simon – An application for a Cinerator Facility was received on January 11, 2017. The application was complete when submitted. The Funeral Director in Charge will be Bennie Thomas (F044027). All fingerprint cards have been returned with no criminal history. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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

**12. Application(s) for Direct Disposal Establishment**

**A. Recommended for Approval with Conditions**

- (1) Mullins Memorial Funeral Home & Cremation Service Inc. D/B/A Cremation Center of Southwest Florida (Fort Myers)**

Ms. Simon – An application for a Direct Disposal Establishment was received on January 25, 2017. The application was incomplete when submitted. All deficient information was received on February 13, 2017. The Funeral Director in Charge will be Jacqueline Bell (F024367). All fingerprint cards have been returned with no criminal history. Mullins Memorial Funeral Home & Cremation Service Inc. and one of its principals, Shannon Mullins has adverse licensing history. The Consent Orders for both were provided to the Board. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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

Ms. Simon – I would request that everybody that is on call that is not speaking, please put your phones on mute, as the ambient noise is a distraction when it comes to the rest of the meeting.

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

**A. Recommended for Approval with Conditions**

- (1) Sarah L Carter's Funeral Home Inc. (Jacksonville)**

Ms. Simon – An application for a Funeral Establishment was received on January 20, 2017. The application was incomplete when submitted. All deficient information was received on February 1, 2017. The Funeral Director in Charge will be Joseph Mims (F038259). All fingerprint cards have been returned with no criminal history. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

Chair – Excuse me. There's someone...excuse me, there's a gentleman talking and we can hear it clearly and it certainly does interrupt these proceedings. Would you be sure that you're either not talking or please mute your phone? Right there! Excuse me? Sir, that's speaking now? There's a lady and a gentleman speaking. Please mute your phone. I guess we'll proceed. Is there a motion?

**MOTION:** Mr. Jones 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.

- (2) Whatley Funeral Services LLC (Port St Joe)**

Ms. Simon – An application for a Funeral Establishment was received on August 9, 2016. The application was incomplete when submitted. All deficient information was received on January 27, 2017. The Funeral Director in Charge will be Casey Whatley (F138194). All fingerprint cards have been returned with no 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.

Chair – Mr. Whatley, were you on the phone earlier? I thought I heard someone mention that.

Ms. Casey Whatley – Yes sir. This is Casey Whatley here.

Chair – Pardon me. Pardon me. On this call, there was a lady just laughing very loudly. It appeared to be a lady. Can you please mute your phone? Would you be kind enough to mute your phone, sir? The person that was talking then and the lady laughing. It's very, very disruptive to this meeting. Well, the motion did carry. Congratulations Whatley.

Ms. Whatley – Thank you. Thank you very much.

**14. Application(s) for Preneed Main License**

**A. Recommended for Approval with Conditions**

**(1) Arcelays Funeral Services LLC (Opa-Locka)**

Ms. Simon – The Department received the application on January 26, 2017 and deficiencies were noted on the application. All deficiencies were resolved as of February 10, 2017. The principal and owner of the LLC will be: Andres J. Arcelay. A completed background check was returned with criminal history. Mr. Arcelay disclosed that he pled guilty to felony charges of armed battery, sexual assault, and false imprisonment in 1997. As a result, he was sentenced to 2 years of community control, 5 years of probation and counseling. Mr. Arcelay has also provided court documentation and all sanctions and penalties have been completed and satisfied.

Documentation also establishes that Andres Arcelay (principal and owner of applicant herein) filed for Ch. 7 bankruptcy in 2010. This was a personal bankruptcy action that was granted as of August 2010 by the Southern District Court of Florida. Mr. Arcelay has provided a notarized statement and court documentation evidencing the disclosed bankruptcy. Applicant obtained its qualifying funeral establishment license as of December 2013. If approved, Applicant will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (Sabal Trust Company) and pre-arranged funeral agreement. The Applicant's financial statements as of September 30, 2016 reflect the following:

Outstanding Preneed Contracts = \$	0
Required Net Worth = \$	10,000
Reported Net Worth = \$	129,684

The Division is recommending approval subject to the condition that the Board accepts and approves the terms and conditions of the Settlement Stipulation for Consent Order entered into by Applicant for 24-months' probation, also presented at this Board teleconference meeting.

Chair – Does anyone have a suggestion on how to quiet those people down or to mute?

Mr. Hall – If we disconnect and call back, does that eliminate it?

Chair – That might be a solution, but I don't want to do it unless I absolutely have to, Mr. Hall.

Mr. Jones – Mr. Chairman, this is Mr. Jones. Ellen can you mute the line let us do \*6 to dial back in?

Ms. Simon – It's unfortunate, but I think if we were to call back in, this individual would still be on the line.

Mr. Jones – I was asking if you could mute the line and then we activate using \*6 to speak?

Ms. Simon – Ms. Bryant, are we able to do that?

Ms. LaTonya Bryant – No.

Ms. Wendy Wiener – Hold on. Jasmin thinks she knows who's on the line and she is going to try and reach them.

Chair – Thank you. So, where are we with Arcelays? Was there a motion or was there any discussion?

Ms. Simon – I don't believe there has been a motion yet.

Chair – Is there a motion?

**MOTION:** Mr. Jones moved to approve the application subject to the condition that the Board accepts and approves the terms and conditions of the Settlement Stipulation for Consent Order entered into by Applicant for 24-months' probation, also presented at this Board teleconference meeting. Mr. Helm seconded the motion, which passed unanimously.

- 15. Application(s) for Refrigeration Facility**  
**A. Recommended for Approval with Conditions**  
**(1) North Central Florida Removal Service LLC (Lake City)**

Ms. Simon – An application for a Refrigeration Facility was received on January 24, 2017. The application was incomplete when submitted. All deficient information was received on February 13, 2017. All fingerprint cards have been returned with no criminal history. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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

Mr. Joseph Chancy – Mr. Chairman?

Chair – Yes?

Mr. Chancy – My name is Joseph Chancy with North Central Florida Removal Service. I'm also retired from the Florida Highway Patrol and I really appreciate your approval on this matter. I will help our service tremendously. Thank you very much.

Chair – Well, congratulations and good luck to you, sir.

Mr. Chancy – Thank you. I appreciate it.

- 16. Application(s) for Removal Facility**  
**A. Recommended for Approval with Conditions**  
**(1) BK's Removals LLC (Royal Palm Beach)**

Ms. Simon – An application for a Removal Service was received on February 1, 2017. The application was complete when submitted. All fingerprint cards have been returned with no criminal history. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

**MOTION:** Ms. Anderson moved to approve the application subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

Ms. Coney – Jasmin reached them. Yay, Jasmin.

Ms. Anderson – Thank you, Jasmin.

Chair – Excuse me. There's a motion made to approve subject to passing an onsite inspection. Is there a second?

Mr. Hall – Second.

Chair – The motion has been made and seconded for approval subject to the condition. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? The motion carries. Thank you.

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

**A. Recommended for Approval without Conditions**

**(1) Pre-Construction Performance Bond(s)**

**(a) SE Combined Services of Florida, LLC d/b/a Caballero Rivero Woodlawn South (F077498) (Miami)**

Ms. Simon – SCI intends to construct a new mausoleum at its Caballero Rivero Woodlawn South (F077498) location, in Miami. Pursuant to s. 497.272, Fla. Statutes, typically, a pre-construction trust must be put in place if sales are going to occur prior to completion. However, s. 497.272(8) provides that in lieu of the pre-construction trust fund, the cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator. The licensee has submitted for approval a performance bond, in lieu of a pre-construction trust. The mausoleum project, and the bond, is summarized as follows:

Project: 876 Crypt Mausoleum – 876 single crypts, 90 niches

Bond Amount: \$1,800,817.20

Bond Number: K09572223

Surety Company: Westchester Fire Insurance Company

Cemetery agrees to complete said construction approximately 270 calendar days from commencement date and in accordance with the construction agreement dated April 29, 2016, with Mausoleum Constructors of America, Inc. The Division recommends approval of the performance bond.

Chair – This is Jody Brandenburg and I want to declare my affiliation with SCI Funeral Services of Florida and this affiliation will in no way affect my ability to make fair and impartial decisions on this issue and anything coming before the Board today. Thank you.

**MOTION:** Mr. Helm moved to approve the performance bond. Mr. Hall seconded the motion, which passed unanimously.

**B. Recommended for Approval with Conditions**

**(1) Preneed Sales Agreement(s)**

**(a) Premier Funeral Plans LLC D/B/A Anderson-McQueen Funeral Homes (F038703) (St. Petersburg)**

Ms. Simon – Premier submits the attached preneed sales agreement form for approval: Prearranged Funeral Contract (FPFT-AMCQ-rev2017). If the form is approved, it is to be used for the sale of trust-funded preneed contracts by this preneed licensee and its related preneed branches. The Division is recommending approval subject to the condition that two full sized print-ready copies of each contract are received by the Department within 60 days of this Board meeting.

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

**18. Executive Director's Report**

**A. Rulemaking Cleanup Project (Action)**

**(1) Rule 69K-1.001 Forms**

Ms. Simon – This has been going on for the last three (3) years or so that we've been cleaning up rules within the Division and within the Department in general. You have, within your package, the forms that are being updated in Rule 69K-1.001. You'll have noticed in your package that half of these items are the actual forms, as presented to JAPC. Half of them are the marked up forms so that you can see the changes. The Division recommends approval of these changes.

Chair – Is there a motion?

**MOTION:** Mr. Jones moved to approve the changes as presented by the Division. Mr. Hall seconded the motion, which passed unanimously.

**(2) Rule Chapter 69K-5**



Ms. Simon – In keeping on with the rule’s project, there have been some changes that we are recommending for approval in 69K-5. They are primarily procedural in nature, as duplicative language has been deleted and form number changes have been made. Furthermore, in addressing the cleanup project, hyperlinks have been added to reference forms back to 69K-1.001. The Division recommends that the Board approve these changes.

Mr. Jones – Mr. Chair, I have one question, if I may. This is Mr. Jones.

Chair – Mr. Jones, go right ahead.

Mr. Jones – Hey Ellen, just looking at these, as far as like 69K-5.011 and just going through, did these go through the Rules Committee or is this just the first time? If you could just kind of give me an update, I’d appreciate it.

Ms. Simon – This has not actually gone through the Rules Committee. As I said, these are changes that are primarily procedural in nature and they have been made in order to comply with the law required per these rules. This is not something that has gone through the Committee due to the context.

Mr. Jones – Thank you.

Ms. Wiener – Ms. Simon?

Ms. Simon – Yes?

Ms. Wiener – This is Wendy Wiener. I just noted in Rule 69K-5.0016 “Preneed License; Financial Requirements” that there is a proposed change to say “the financial statements must be prepared using statutory accounting” and striking “in accordance with generally accepted accounting principles (GAAP).” There is no statutory accounting in Chapter 497. That’s an insurance licensee thing. We, being this industry, require that our preneed financials be according to GAAP so I don’t think that’s a good one.

Ms. Simon – I understand the concerns with that. That was the type of language, like you said, that’s been used throughout the insurance code and we thought that could be applied to our area, as well.

Ms. Wiener – That would be, Ellen, such a significant departure from the way preneed licensees keep their financials now. They keep them by GAAP and the statutory accounting contemplated in Chapter 625 of the Insurance Code is so specific to insurance. It would not be putting a square peg in a round hole. It would be absolutely insane and since we don’t have a concept of statutory accounting in Chapter 497, I would strongly recommend against approving that particular change.

Ms. Simon – Based on Ms. Wiener’s comments, what I would suggest we do is we table the area only as it pertains to 69K-5.0016. As I look at that particular subsection again, I would request that the Board still recommend approval of the changes to the rest of the package.

**MOTION:** Mr. Hall moved to table the area only as it pertains to 69K-5.0016 and approve the changes to the rest of the package. Mr. Jones seconded the motion, which passed unanimously.

Chair – Thank you, Ms. Wiener.

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

Ms. Simon – This is an informational item as to the payment of disciplinary fines and costs. If there are no questions?

Monthly Report of Fines and Costs Assessed and Paid  
 Division of Funeral, Cemetery and Consumer Services  
 March 2, 2017 Board Meeting  
 Date of Report February 20, 2017

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
John W. Hammon III	Feb-17	198972-16-FC	\$1,000		Note D	
Hammon Funeral Home, Inc.	Feb-17	198968-16-FC	\$1,500		Note D	
Ana Alicia Logan	Dec-16	183122-16-FC	\$1,000	1/8/2017	Paid in Full	
StoneMor Florida Subsidiary LLC D/B/A Atlantis Cremation and Volusia Crematory	Dec-16	173610-15-FC	\$1,500	1/8/2017	Paid in Full	
Damon Baker	Dec-16	196641-16-FC	\$2,500	3/8/2017	Note D	Discussions taking place between the OGC and the Division.
Derryck Richardson	Dec-16	197853-16-FC	\$1,000	1/8/2017	Paid in Full	
Cremations of Greater Tampa Bay	Dec-16	192741-16-FC	\$2,000	1/9/2017	Paid in Full	
Gregory Dunphy	Dec-16	196605-16-FC	\$2,500	1/11/2017	Not current	Forwarding to Legal to take action
Michelle Jones	Dec-16	183130-16-FC	\$1,000	1/8/2017	Paid in Full	
Richardson's Family Funeral Care, Inc	Dec-16	197852-16-FC	\$1,000	1/8/2017	Paid in Full	
Gerald Ross	Dec-16	196644-16-FC	\$2,500	1/8/2017	Paid in Full	
RJ Gainous Funeral Home, Inc.	Dec-16	196621-16-FC	\$2,500	1/8/2017	Paid in Full	
Ty Lohman	Dec-16	173624-15-FC	\$1,000	1/8/2017	Paid in Full	
Stevens Brothers Funeral Home	Dec-16	166499-15-FC	\$1,750	1/8/2017	Paid in Full	
Thomas J. Cohen	Dec-16	192750-16-FC	\$1,000	1/8/2017	Paid in Full	
Ross Family Mortuary	Dec-16	196632-16-FC	\$1,000	1/8/2017	Payment due by 2/15/17 not	
Auxiliadora Funeraria Nacional	Dec-16	175615-15-FC	\$4,000	1/8/2017	Paid in Full	
Cremations of Greater Tampa Bay	16-Dec	192741-16-FC	\$2,000	1/8/2017	Paid in Full	
Clarence P. Wilson Junior	Jun-16	169221-15-FC	\$1,500	10/9/2017	Paid in Full	
Affordable Monument Company	Jun-16	184198-15-FC	\$1,000	Monthly payments of \$83	Payment due by 2/15/17 not paid	Will be forwarded to the OGC for further administrative action.
Patricia Narciso	Jun-16	184202-15-FC	\$1,000	Monthly payments of \$83	Payment due by 2/15/17 not paid	Will be forwarded to the OGC for further administrative action.
Clifford N. Robinson d/b/a CN Robinson Memorial	Jun-16	178019-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Clifford Nathaniel Robinson	Jun-16	178002-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Ronald Noble	Aug-15	134801-13-FC	\$2,500	8/1/2017	Note D	
James West	Feb-16	165110-14-FC & 165112-14-FC	\$2,500	3/14/2016	Note A	License surrendered
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.						

**C. Request for 60-Day Extension - Chambery Family Funeral Home and Cremations (Palm Coast) (Action)**  
**ITEM ADDED TO THE AGENDA**

Ms. Simon – Board members, subsequent to the addition being placed in the package, we received an indication from the applicant that they should be able to have their inspection by the end of this month and as a result we would request that the Board extend this matter for forty-five (45) days.

Chair – Ms. Simon, when you said ready for the inspection, would that be the Division inspection or the local inspection?

Ms. Simon – Mr. Chairman, I was speaking of the Division inspection. In terms of the time delay, that would be up to the Board. I suspect that forty (40) days would be more than enough time, however, however the Board chooses to deal with this matter.

Mr. Knopke – Mr. Chairman? Mr. Knopke.

Chair – Mr. Knopke, let me ask one more question first, please. Ms. Simon, you indicated that the applicant would be ready for inspection by the Division on what date?

Ms. Simon – The applicant indicated that he would be ready for inspection by the end of this month.

Chair – Thank you. Mr. Knopke?

Mr. Knopke – Yes sir. Thank you. First of all, Board members, I want to apologize to you all for bringing this issue up before. It seemed like it would go away quickly, but it's kind of grown a life of its own. A quick question for Ms. Simon. When you say the end of this month, that means the end of March, correct?

Ms. Simon – Yes sir.

Mr. Knopke – Okay. That's all my questions. Thank you.

Chair – Thank you. Any other questions or comments? Is Mr. Chambery on the call? Board, what's your pleasure?

**MOTION:** Mr. Jones moved to approve with conditions.

Chair – And Mr. Jones, for clarification, is that the 60-day extension?

Mr. Jones – Yes sir.

Chair – There's a motion made. Motion is made and dies for a lack of a second. Any other consideration?

Mr. Helm – Mr. Chairman, this is Helm.

Chair – Mr. Helm?

Mr. Helm – Is counsel on the line?

Chair – Mr. Barnhart?

Mr. Tom Barnhart – I'm here. Tom Barnhart.

Mr. Helm – Mr. Barnhart, personally I think this has gone on long enough. I think we should make a motion to deny. That doesn't penalize him. All he'd have to do is reapply. Is that correct?

Mr. Barnhart – If he couldn't comply with the extension, which I guess he couldn't, then yes I think he'd have to start it all over again I believe.

Ms. Wiener – Well, and then, this is Wendy Wiener, and then he would have a denial forever on his regulatory record. So, if you were inclined to require him to deny you might inquire first if he would be willing to withdraw his application rather than to accept a denial.

Mr. Helm – Well how would I put that in the form of a motion, Mr. Barnhart?

Mr. Barnhart – It's totally up to you. You don't have to allow him to withdraw, but if he's on the line you could see if he wants to withdraw his application.

Mr. Helm – Well he's not on the line.

Chair – I previously asked if he was on the line.

Ms. Simon – The way I would suggest you do that, if you wanted to see if he would withdraw the application, the way we would do that is we would table this for another thirty (30) days and on the April agenda we could deal with this matter. Either he could have withdrawn his application by then or we could do the Board’s pleasure at that point.

Mr. Barnhart – When does the extension that he has expire?

Ms. Simon – The thirty-day extension was granted on February 2<sup>nd</sup>.

Mr. Barnhart – Okay, so he’d be at the very end of that extension right now, right? Or I guess maybe a day or two extra because of the short month of February.

Ms. Simon – Yes sir.

Mr. Knopke – Mr. Chairman? This is Mr. Knopke.

Chair – Yes, Mr. Knopke?

**MOTION:** Mr. Knopke moved to grant a fifteen (15) day extension to Mr. Chambery.

Mr. Hall – Question, Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – Then he is able to withdraw during that fifteen (15) day period. Is that correct, if he chooses?

Mr. Knopke – That’s my intent, Mr. Hall.

Mr. Hall – Okay. Yes, I’ll second it.

Chair – There’s a motion made for a fifteen (15) day extension from the previous date of extension granted and it’s been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? Motion carries.

Mr. Helm – Mr. Chair, I have a question.

Chair – The vote has been taken and now there’s a question from whom?

Mr. Helm – Mr. Helm or Helm or however you want to say it.

Chair – Powell?

Mr. Helm – Are you ready?

Chair – Yes sir.

Mr. Helm – Is the staff going to notify him of the intent that he should withdraw if he’s not going to meet the fifteen (15) days?

Ms. Simon – Yes sir.

Mr. Helm – Okay. That’s all the questions I had.

Chair – Thank you for that assurance. Thank you for that question, Mr. Helm.

Ms. Simon – I’m sorry, Mr. Chairman. A vote has been taken on that, yes?

Chair – Yes there was a vote taken. Yes.

**19. Chairman's Report (Verbal)**

Chair – I really don’t have anything other than our next meeting is in Jacksonville and that date is April 13<sup>th</sup>. I look forward to having everyone there. That’s all I have.

Ms. Simon – Thank you, Mr. Chairman.

**20. Office of Attorney General’s Report**  
**A. Attorney General’s Rules Report (Informational)**

Ms. Simon – Mr. Barnhart?

Mr. Barnhart – Good morning. This is Tom Barnhart. As you see, Board members, there are two (2) rules that are currently in process. The Embalmer Apprentice Program is something we’re going to be discussing in just a couple of minutes. 69K-1.005 is the rule that has the change of ownership language in it and that’s set for a public hearing and Ms. Simon I believe that’s set for 1pm the date of the next meeting. Correct?

Ms. Simon – Yes sir.

Mr. Barnhart – Okay. So Board members please plan to stay for that public hearing that’s going to start around 1 o’clock if not at 1 o’clock. So I just wanted you to be prepared for that. If there are no questions about that, we can proceed to the Embalmer Apprentice Rule.

**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES RULES REPORT  
 FEBRUARY 2017**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-7.0012	Care and Maintenance Trust Fund Withdrawals	04/07/2016	4/12/2016	4/22/2016	RN 6/20/2016 JAPC Ltr 7/7/2016 NOC 8/12/2016 NOC 09/08/2016	10/07/16	10/27/16
69K-27.001	Embalmer Apprentice Program	06/30/2016	05/24/2016	5/31/2016	RN 10/12/2016 JAPC letter 11/03/2016 JAPC response letter 01/03/2017 Filing date TOLLED 01/03/2017 JAPC response letter 01/03/2017 JAPC response letter 01/20/2017		
69K-1.005	License Application Procedures	10/13/2016	09/08/2016	09/09/2016	RN 11/02/2016 Notice of Change/Withdrawal / Public hearing submitted to FAR 01/17/2017 for 04/13/17 hearing date		
69K-16.0001	State Examination for Funeral Industry Professionals	12/01/2016	10/13/2016	10/27/2016	RN 12/19/2016 Notice of Correction 01/12/2017 Filed for adoption 01/18/2017	01/18/2017	02/07/2017

**B. Application for Embalmer Apprentice License Form DFS-N1-1755 (Action)**

Mr. Barnhart – If you look at your materials, the first thing you want to look at is the six (6) page application form for Embalmer Apprentice License. I saw a couple of things I’d like to change, with your permission. On page 4, in the second block, under Section 12. (b), I just wanted to insert the word “a” so that it would read “under the direct supervision of a Florida licensed embalmer...” And then page 5, at the top, the “s” at the end of “questions” should be deleted because it

refers to the question immediately preceding. So, if you are in agreement, if you could approve this form with those two (2) minor changes I just discussed.

**MOTION:** Chair moved to approve the form with the two (2) minor changes discussed. Mr. Hall seconded the motion, which passed unanimously.

Mr. Barnhart – Thank you, Board members.

**C. *Application to Extend Embalmer Apprenticeship Form DFS-N1-1733 (Action)***

Mr. Barnhart – That’s a two-page form and I don’t have any proposed changes to that form. If there are no questions, I’d like you to approve that form, as well.

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

**D. *27.001 Embalmer Apprentice Program - Notice of Change Rule Text (Action)***

Mr. Barnhart – My paralegal sent this in while I was out of town and I was looking through it yesterday and I wanted to make a couple of suggested changes to it, very minor. If you see there, in paragraph (1), we were going to change the \$50 to \$55. My proposal is to add the hyphen and then put five after fifty (fifty-five). Then going down to paragraph (5), JAPC was not liking the word “assure” so I proposed the word “verify” and I think they’re comfortable with that in (5). If you look at (6), after going over this with Ms. Simon, I believe the consensus was to eliminate that subsection because JAPC was having problems with a couple of things in that section so the proposal there is to eliminate (6) and the next page, (7) will become the new (6). So, those are the changes I’ve proposed to what you’re looking at on your material, this Notice of Change Rule Text. If you have any question, I’ll be glad to talk about that. If not, if you could approve that Notice of Change Rule Text, we will submit that and then have it published in the FAR.

Chair – Is there a motion to approve the Notice of Change Rule Text?

Mr. Knopke – Mr. Chairman, this is Mr. Knopke. I’ll make the motion, but just as a sidebar comment, unless there’s a time period that we’re required to act on stuff like this, I’d prefer to see it brought up at the in-person meeting rather than a conference call. Just a comment.

Ms. Simon – Yes sir.

**MOTION:** Mr. Knopke moved to approve the Notice of Change Rule Text with the minor changes discussed. Mr. Hall seconded the motion, which passed unanimously.

**21. *Upcoming Meeting(s)***

- A. *April 13<sup>th</sup> (Jacksonville)***
- B. *May 18<sup>th</sup> (Teleconference)***
- C. *June 29<sup>th</sup> (Tallahassee)***
- D. *July 13<sup>th</sup> (Teleconference)***
- E. *August 3<sup>rd</sup> (Altamonte Springs)***
- F. *September 7<sup>th</sup> (Teleconference)***
- G. *October 5<sup>th</sup> (Tampa)***
- H. *November 2<sup>nd</sup> (Teleconference)***
- I. *December 7<sup>th</sup> (Tallahassee)***

**22. *Adjournment***

Ms. Simon – Mr. Chairman, I believe that concludes the Attorney General’s report and it concludes the agenda for today’s meeting.

Chair – Thank you. Welcome, Mary Schwantes. Thank you for addressing us today. Board members, anything for the good of the cause? Well thank you all, again. I continue to appreciate you work and efforts and getting things done. So, that's what it's all about.

The meeting was adjourned at 10:46 a.m.