

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
June 29, 2017 - 10:00 A.M.
Department of Financial Services
2020 Capital Circle SE, Alexander Bldg #230
Tallahassee, FL 32301

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

Mr. Jody Brandenburg, Chair –Welcome to the Board of Funeral, Cemetery, and Consumer Services’ June 29, 2017 meeting, in Tallahassee FL Ms. Ellen Simon, will you give your opening remarks, please and do the roll call?

Ms. Ellen Simon – Yes, Mr. Chairman. My name is Ellen Simon. I am Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. Today is June 29, 2017 and it is approximately 10:02am. 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 has been made available to interested persons and extra copies are in the front of the meeting room. This meeting is occurring in Tallahassee FL. Ms. LaTonya Bryant is recording this 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’s Chairman, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. At this time, I’ll take the roll.

Chair – Please do.

Ms. Simon:

Joseph “Jody” Brandenburg, Chair
Keenan Knopke, Vice Chair
Jean Anderson
Francisco “Frank” Bango
Andrew Clark {**ABSENT**}
James “Jim” Davis {**ABSENT**}
Lewis “Lew” Hall
Powell Helm
Ken Jones
Vanessa Oliver

Also noted as present:

Mary Schwantes, Director
Tom Barnhart, Board Legal Advisor
James “Jim” Bossart, Department Counsel
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Nicole Singleton, Department Staff
LaShonda Morris, 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. May 18, 2017

Chair – The first item on our agenda is the action on the minutes from May 18, 2017.

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

3. Disciplinary Proceedings:

A. Material Facts Not Disputed (Section 120.57(2) Hearings)

(1) Probable Cause Panel A

(a) Memories Funeral Home, LLC: Case No. 183136-15-FC; Division No. ATN-25701 (F082848)

Ms. Simon – Mr. Bossart will be presenting for the Department.

Mr. Jim Bossart – May I proceed, Mr. Chairman?

Chair – Please, Mr. Bossart.

Mr. Bossart – Good morning. My name is Jim Bossart and I represent the Department of Financial Services in this matter, in the case of Memories Funeral Home, LLC, Case No. 183136-15-FC. This matter has been scheduled for an informal hearing to consider the attached Motion for Determination of Waiver and for Final Order by Hearing Not Involving a Disputed Issue of Material Fact and the facts are such:

On or about October 27, 2016, the Department filed a five-count Administrative Complaint alleging that Memories Funeral Home, LLC ("Respondent"), a licensed funeral establishment holding license no. F082848, aided or assisted an unlicensed employee to practice funeral directing without required licensure; failed to have written procedures for handling complaints; failed to have a place of business consisting of at least 1250 square feet; failed to display the current licenses of each funeral director and embalmer employed at the establishment; failed to have readily available, upon demand, for public inspection, its latest inspection report; and failed to have a full-time funeral director in charge from on or about October 1, 2015, until on or about February 1, 2016.

The Administrative Complaint was served on Respondent via U.S.P.S. certified mail, return receipt requested, at its address of record and at the home address of its owner, Mr. Floyd Benton. Service could not be made at Respondent's address of record. Respondent, through Mr. Benton, received the Administrative Complaint by certified mail on October 29, 2016. However, service to Mr. Benton was possibly defective because of the lack of a legible signature. Personal Service was then attempted on Mr. Benton between January 26, 2017 and February 20, 2017. This attempt at Personal Service was unsuccessful. The process server's affidavit of non-service is contained as an unmarked exhibit in the Board packet. Service by publication was subsequently undertaken. Service on the Respondent by publication of the Administrative Complaint was perfected on April 5, 2017. The affidavit of publication is contained as an unmarked exhibit in the Board packet. Included within the Administrative Complaint was a Notice of Rights informing him that the failure to respond in writing within twenty-one (21) days of receipt of the Notice would constitute a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint and an order of suspension or revocation by the Board would be entered against him, and an Election of Proceeding form.

The Department did not receive an Election of Proceeding form or any other written response from Respondent within the allotted twenty-one (21) days following receipt of the Administrative Complaint, or at any time thereafter. Respondent's failure to file a response constitutes a *de Jure* waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint. Therefore, the Department requests the Chairman of the Board to entertain a motion finding that Respondent was served with an Administrative Complaint containing a Notice of Rights and an Election of Proceeding form, that it failed to respond within twenty-one (21) days of receipt of the Administrative Complaint, and has, therefore, waived its right to request a proceeding involving disputed issues of material fact in this matter. A copy of this memo, along with a copy of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact, has been provided to Respondent.

MOTION: Mr. Keenan Knopke moved to find that the Respondent waived its right to request a proceeding in the matters alleged in the Administrative Complaint. Mr. Hall seconded the motion, which passed unanimously.

Mr. Bossart – Now that the Board has determined that the Respondent has waived its right to request a proceeding in this matter, the Department believes that it is appropriate for the Chairman to entertain a motion adopting the allegations of the facts as set forth in the Administrative Complaint.

MOTION: Mr. Knopke moved to adopt the Findings of Fact as set forth in the Administrative Complaint. Mr. Hall seconded the motion, which passed unanimously.

Mr. Bossart – The Department now contends that the Board's Findings of Fact support a finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. It is appropriate for the Chairman to entertain a motion finding the Respondent in violation of the Florida Statutes as charged in the Administrative Complaint.

MOTION: Mr. Powell Helm moved to adopt the Conclusions of Law as set forth in the Administrative Complaint. Mr. Hall seconded the motion, which passed unanimously.

Mr. Bossart – I don't believe that the Respondent or representative is here today.

Chair – I'd like to call for Mr. Benton. Is Mr. Benton or his representative here? Hearing no response.

Mr. Bossart – Thank you, sir. The Department will offer into evidence the investigative report with exhibits, which have been previously furnished to the Board, to establish a prima facie case for the violations alleged in the Administrative Complaint.

Ms. Simon – Mr. Chairman?

Chair – Yes?

Ms. Simon – This was a case that went to Probable Cause B and Ms. Anderson served on that Panel. I just wanted to clarify the record for that.

Chair – Thank you. Ms. Anderson?

Ms. Jean Anderson – That's correct. I'm recusing myself.

Chair – Thank you. I saw you get my attention earlier, but I didn't recognize you, so this is retroactive.

Mr. Bossart – Is it all right to proceed?

Chair – Yes.

Mr. Bossart – As a recommended penalty, the Department feels, in this case, that the most serious charge is Count V, the Respondent's failure of a full-time FDIC, in violation of s. 497.380(7), F.S. Not only was there no FDIC from October 1, 2015 to

February 1, 2016, there hasn't been an FDIC at this establishment since up to the present day. Therefore, in that case and combined with the fact that Mr. Benton didn't appear today, the Department feels that a revocation would be appropriate in this matter.

Chair – Mr. Barnhart?

Mr. Tom Barnhart – In my review of the penalties listed for these violations, I found that revocation was not included in the penalties that you could impose unless you counted aggravating conditions. Without aggravating conditions, I determined that the most you could order against the license is the fine, cost, and a suspension until they're compliant. So to fine revocation, I believe you'd have to cite aggravating conditions and cite which conditions that would apply to under your rule.

Chair – Thank you. Ms. Simon?

Ms. Simon – Mr. Chairman, if the Board is inclined to not cite aggravating factors, I request that, for the purposes of this suspension, that the Respondent be required to appear before the Board before the suspension is lifted and demonstrate to the Board that he now has a funeral director in charge. I would also like to state that the Respondent's license is expired at this time. Their funeral establishment is expired.

Mr. Bossart – It expired December of last year.

Ms. Simon – However, all that being said, if the Board would find aggravating factors, revocation may be more warranted.

Chair – Mr. Jones?

Mr. Jones – That's what I was going to ask. The establishment license is expired. The facility has not operated since when, that we're aware of, as the Department?

Ms. Simon – Mr. Chairman?

Chair – Please.

Ms. Simon – I'm not sure when they've operated last. I called the numbers yesterday that were listed as of record and I got no response when I called.

Mr. Jones – When's the last time an inspector's been by there to determine if they were operating or not? Do you know?

Ms. Simon – I'm not sure when the last inspection took place.

Mr. Jones – Those are mitigating factors, in my opinion, that's the reason I'm asking.

Chair – Thank you. Mr. Barnhart, would the frequency of violations be aggravating factors in determining revocation?

Mr. Barnhart – Well based upon your rule, the number of complaints filed against the licensee could be considered as aggravating factors or mitigating factors depending upon the situation. The ones I was looking at was in subsection (2) of your rule 30.001, F. A. C.: danger to the public; length of time since date of violations; number of complaints filed against the licensee; length of time licensee has practiced; the actual damage, physical or otherwise, caused by the violation; the deterrent effect of the penalty imposed; the effect of the penalty upon the licensee's livelihood; any efforts for rehabilitation; the actual knowledge of the licensee pertaining to the violation; attempts by licensee to correct or stop violations or refusal by licensee to correct or stop violations; related violations against a license in another state including findings of guilt or innocence, penalties imposed and penalties served; actual negligence of the licensee pertaining to any violation; penalties imposed for related offenses under subsections (1) through (5); and any other mitigating or aggravating circumstances.

Chair – Thank you.

Mr. Knopke – Mr. Chairman?

Chair – Yes, Mr. Knopke?

Mr. Knopke – I would make a motion for revocation based upon Mr. Benton’s failure to appear, failure to accept the mail, operating at least six (6) months without a licensed FDIC, failure to renew his license to operate, as well as failure to respond to the Department’s repeated requests for a response.

Ms. Simon – Mr. Chairman?

Chair – Yes?

Ms. Simon – After looking at the last inspection that attempted to be conducted at the end of last year, there is an indication that our inspector spoke with a representative of the establishment at the end of October and the representative stated that the establishment is closed and no longer in business.

Mr. Jones – I second the motion.

Chair – The motion has been made and it’s seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? And that motion carries.

Mr. Bossart – Thank you.

Chair – Thank you.

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

Ms. Simon – This item is informational only. Pursuant to s. 497.466, F.S., the applicants have been issued their licenses and appointments as preneed sales agents.

B. Recommended for Approval with Conditions (Criminal History)
(1) McCurry, Shannon Denise (Appointing Entity: SCI Funeral Services of Florida, LLC)

Ms. Simon – On May 10, 2017, the applicant submitted an application for licensure as a preneed sales agent, and no deficiencies were noted on the application. Thus, Ms. McCurry’s temporary preneed sales agent license was issued. While no criminal history was reported on her original application, her criminal background check later revealed that she did indeed have reportable history. Upon request, Ms. McCurry provided the Division with a certified copy of her final disposition regarding her DUI, with no written explanation for the criminal conviction.

On or about October 2, 2012, Ms. McCurry pled guilty to DUI in Washington County, Tennessee, and her sentence included 12 months’ probation, 14 days in jail, suspension of her driver’s license for 1 year. and payment of court cost & fines in the amount of \$385.00, which occurred in Washington County, Tennessee. Ms. McCurry has several references and the support of SCI Funeral Services of Florida. However, when SCI was originally asked to provide an explanation of her criminal charge, SCI provided that no criminal history was included on her original application for employment with the company.

The Department’s assessment is that if issued a preneed sales agent license, Ms. McCurry would not pose an unreasonable risk to the members of the public who might deal with her in preneed transactions provided that she adheres to the stipulation agreement she entered into on June 15, 2017. The Department recommends approval subject to the terms & conditions of the executed stipulation for licensure which specifies that the licensee be on 12 full months of probation, along with a \$1,000 fine.

Chair – Thank you. Shannon McCurry? Shannon McCurry? Hearing no response.

Mr. Knopke – Mr. Chairman? I have a question.

Chair – Yes?

Mr. Knopke – If the party in question did their time, paid their price and the Department feels they wouldn't be a danger to the public, then why are we putting them on probation for 12 months with a fine of \$1000 when they haven't done anything wrong?

Ms. Simon – Mr. Chairman, if I may respond?

Chair – Please.

Ms. Simon – The reason for the Division's recommendation is based upon the fact that we did not receive any reportable criminal history from the applicant. It was only discovered during a background check.

Mr. Knopke – Okay. Thank you.

Chair – Good question, good response. Thank you. At this time, I'd like to disclose my affiliation with SCI Funeral Services of Florida, Inc., and that affiliation will in no way affect my ability to make fair and unbiased decisions on this case or any case coming before the Board today.

MOTION: Mr. Jones moved to approve the application subject to the terms & conditions of the executed stipulation for licensure which specifies that the licensee be on 12 full months of probation, along with a \$1,000 fine. Mr. Hall seconded the motion, which passed unanimously.

(2) Milunec, Thomas John (Appointing Entity: Carriage Florida Holdings, Inc.)

Ms. Simon – On February 28, 2017, the applicant submitted an application for licensure as preneed sales agent, no deficiencies were noted on the application and his temporary preneed sales agent license was issued. However, during the review of Mr. Milunec's background check, it was revealed that he in fact does have a reportable criminal infraction. Upon request, Mr. Milunec disclosed his background and cooperated with the Division's staff, to wit:

- On or about September 9, 2013, Mr. Milunec pled guilty, in Broward County, Florida, to DUI Blood Alcohol Above 0.20, and his sentence included DUI School Level II, 12 months of probation, license suspended for 2 yrs., 30 days immobilization statewide, 100 hours community services, Interlock Device for 3 yrs., weekly counseling, random breath/urine analysis at defendant's expense, 2 AA/NA meetings(s) per week, no alcohol or intoxicants while on probation, and court cost & fines in the amount of \$2,321.00.

Mr. Milunec has several strong references. Mr. Milunec has the support of Carriage Services, Inc. supervisor in Florida, Mr. Kim Borselli, who is very much aware of his past record and do not feel this offence will in any way affect his ability to serve as a preneed advisor. The Department assessment is that if issued a preneed sales agent license, Mr. Milunec would not pose an unreasonable risk to the members of the public who might deal with him in preneed transactions providing that he adheres to the stipulation agreement he enter into on May 17, 2017. The Department recommends approval subject to the terms & conditions of the executed stipulation for licensure which specifies that the licensee be on 12 full months of probation, which includes the stipulation agreement restrictions.

Ms. Oliver – Mr. Chairman?

Chair – Ms. Oliver?

Ms. Oliver – Just to clarify, Ms. Simon, the reason for that recommendation is also that the applicant did not report that criminal history on the application?

Ms. Simon – That is what I am looking for right now.

Ms. Oliver – Thank you.

Ms. Simon – Actually, no. He did report it, Ms. Oliver.

Ms. Oliver – Oh, okay.

Mr. Knopke – Mr. Chairman?

Chair – Yes?

Mr. Knopke – I have a question or comment. Ms. Simon, help me get through this, or if there is a way to do it. On page 10 of your electronic version, under the conditions, they are, I'm going to start with: (e) Respondent will not drive a vehicle during the course of conducting preneed sales activity; the Respondent is not permitted to drive a vehicle to a client or potential client's home or office; and (f) Respondent will not drive a vehicle with clients or potential clients in the vehicle. The real killer here, no pun intended, is he. How is this person going to make a living, as a preneed counselor, if he has to go anywhere to make a sale? I think it's either an oversight on his/her part and maybe the Department's as well, because I don't see where he's going to be successful. There's no way he can be successful, in my mind.

Ms. Simon – May I respond, Mr. Chairman?

Chair – Please.

Ms. Simon – The Division was concerned about this case due to the conviction, being that the applicant was driving with over a 0.20 and there's some question about his previous history when he has been issued DUI School Level II, along with the other criminal ramifications and that was our concern. Our concern as a Division was that the applicant's clientele not be in a car with him because of that history.

Mr. Knopke – May I respond?

Chair – Please.

Mr. Knopke – Is it our responsibility, if his employer is willing to sign on for it, that he/she is a good person and they're comfortable with this, is it our job to be the driving police here. We're not going to get sued if he goes out and does something. Hopefully he does not. The money is there for the company that he's working for. That's who's going to get sued. He's going to get sued, not us. I struggle with us going so far out and trying to police people under the assumption that they're going to continue to be bad or do other stuff, and in this case, I don't see a possibility that this person is going to be successful at all in his chosen livelihood based upon these restrictions.

Chair – Ms. Oliver?

Ms. Oliver – Yes, thank you, Mr. Chair. I will say that in his letter he states that the next three (3) years he has to drive with an alcohol breath detector, and that was September 11, 2014. So he's still at this point driving with a breath detector for another couple of months. I will say, in our industry, if we have an employee with a spotty driving history, usually our insurance is the one who kind of makes the decision as to whether or not that particular individual be insured and that sort of affects whether or not they are able to be a driver in our line of work, if that helps.

Chair – Thank you. Ms. Simon?

Ms. Simon – Mr. Chairman any suggested overreach, I don't believe it was overreach, but the Board can disagree. It was just to protect the consumer, based upon his previous history.

Chair – Mr. Hall?

Mr. Hall – I totally respect the Division’s position, being the victim of a drunken driver myself, I certainly respect it. My question is does the State have any restrictions on him under those same conditions? I mean does DOT or HSMV have any restrictions like this on his driver’s license? Do we have the ability to do it, Mr. Barnhart, if we wanted to?

Mr. Barnhart – Well, any time you have a stipulation that the person agrees to do something or not do something, I think it’s up to them, but whether it’s overreaching or not, it could be.

Mr. Hall – But those same type restrictions aren’t on him with the State on his driver’s license?

Chair – Ms. Simon?

Ms. Simon – Mr. Hall, the criminal jurisdiction is limited to a period of time. Of course that limitation is five (5) years. In terms of this court’s decisions, the court in this case only gave twelve (12) months of probation, which is typical for this type of offense. I’d also like to state that, while this may not be a factor in your decision, it does not appear as if the applicant is here and if the Settlement Stipulation were altered, I believe that no matter whether it was modified to increase or decrease, it would not be able to be put in place today.

Mr. Knopke – Mr. Chairman?

Chair – Yes?

Mr. Knopke – May I ask if we have a deemer issue here?

Ms. Simon – The application was submitted on February 28th.

Mr. Knopke – So we’re either at a deemer issue or we’ve passed it.

Ms. Simon – We’re at a deemer issue.

Mr. Knopke – Do we know how close to that we are?

Ms. Simon – I wouldn’t feel comfortable going to the next month. However, if the Board decides to go with other terms, we can always ask, as a Division, for the applicant to respond to us as to whether he accepts that counter proposal within the next thirty (30) days and if he does and the Board gives the Division that discretion we can then move forward on his application.

Chair – Mr. Barnhart?

Mr. Barnhart – As a practical matter, if you take away a provision of the stipulation, which is in his favor, I don’t think there would be any problem with him agreeing to it. He has agreed to the way it is now and if you wish you could accept the stipulation with that change and ask him to respond within thirty (30) days, if he agrees to it, then it would be accepted. I don’t think you would need to postpone this for any reason.

Chair – Ms. Wiener?

Ms. Wendy Wiener – Mr. Chairman, I’m regulatory counsel for Heritage. I did not work on this particular matter for them, but I believe I would be able to reach someone on the phone to get acceptance or discussion of the amended changes, if that’s something the Board’s interested in.

Chair – Did you have a motion?

MOTION: Mr. Knopke moved to approve the application subject to the terms & conditions of the executed stipulation for licensure which specifies that the licensee be on 12 full months of probation, but exclude the restrictions (5)(e) and (5)(f) under Use of License Employment. Ms. Vanessa Oliver seconded the motion, which passed unanimously.

Ms. Wiener – I'll try and initiate communication with them right now and before the meeting has concluded bring an answer back to you. If not, then we can go to the fall back that Mr. Barnhart and Ms. Simon described.

Chair – Please let us know. (5)(e) and (5)(f) were excluded.

Ms. Wiener – Thank you.

Chair – Thank you.

Mr. Knopke – Thank you.

(3) *Rappaport, Matthew (Appointing Entity: SCI Funeral Services of Florida, LLC)*

Ms. Simon – On April 28, 2017, the applicant submitted an application for licensure as a preneed sales agent. Due to the criminal history identified in the application, no temporary preneed sales agent license was issued. It was determined that in March 2016, the applicant was convicted for possession of marijuana, a misdemeanor. Adjudication for that crime was withheld. The disposition of the criminal matter was in Broward County. Mr. Rappaport has several references and the support of SCI Funeral Services of Florida. The Department's assessment is, that if issued a preneed sales agent license, Mr. Rappaport would not pose an unreasonable risk to the members of the public who might deal with him in preneed transactions, provided that he adheres to the stipulation agreement he enter into on June 15, 2017. The Department recommends approval subject to the terms & conditions of the executed stipulation for licensure which specifies that the licensee be on 12 full months of probation, along with the stated restrictions during his time on probation.

Chair – Thank you. Do we have that same language in here about the driving?

Ms. Simon – I don't think so, sir. No, it is not.

Chair – Okay. Board?

MOTION: Mr. Hall moved to approve the application subject to the terms & conditions of the executed stipulation for licensure which specifies that the licensee be on 12 full months of probation, along with the stated restrictions during his time on probation. Ms. Oliver seconded the motion, which passed unanimously.

Chair – I'd like to take a look then, concerning Mr. Knopke's point on driving. I'd like to take a look at Shannon McCurry and what are the conditions on that, please? Does it include not driving? If so, I want to revisit it.

Mr. Knopke – I don't believe it did.

Chair – No? Thank you. Mr. Knopke, that was a very good catch and a very good point. Thank you for that.

Mr. Knopke – Thank you, Mr. Chair. I'll add a comment to that. With all respect to the Department for doing what they believe is right, I think that's the appropriate thing to do and I commend them for that, but I would also say that people that sign stip with the Board/Department should read them. The companies that support them has got to read them, too, to see what's really there. I guess in this case I was just up late one night bored and couldn't go to sleep so started reading a lot of this stuff and I got down on a preneed agent who can't drive a car and can't go to somebody's home. How do you be successful out there? Thank you.

Chair – Thank you for that.

5. **Application(s) for Continuing Education Course Approval**
 - A. **Recommended for Approval without Conditions – Addendum B**
 - (1) **Cremation Association of North America #16008**
 - (2) **Education Workers Group #11208**
 - (3) **Florida Morticians Association #23208**

- (4) *Funeral Service Academy #23408*
- (5) *Graystone Associates, Inc. #25008*
- (6) *International Cemetery, Cremation, and Funeral Association #122808*
- (7) *National Funeral Directors and Morticians Association, Inc. #15608*
- (8) *National Funeral Directors Association #136*
- (9) *SCI Management - Dignity University #99*
- (10) *TRS Enterprises #71*

Ms. Simon – These courses have been reviewed by the CE Committee and the Continuing Education Committee, as well as the Division, recommends approval of the applications for the number of hours indicated. Please make note of the additional item.

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

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

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

- (1) *Direct Disposer*
 - (a) *Brizendine, Tara*
 - (b) *Cooper, Jason D*
 - (c) *Jones, Jessica M*
- (2) *Funeral Director– by Internship and Exam*
 - (a) *Glowacke, Michelle M*
 - (b) *Miller, Rene S*
 - (c) *Valles Calderon, Stephanie*
 - (d) *Zutten, Heather A*
- (3) *Funeral Director and Embalmer – by Endorsement*
 - (a) *Burnham, Justin K*
 - (b) *Crum, Jason D*
 - (c) *McDevitt, Deborah*
 - (d) *Rodriguez, Vimary*
- (4) *Funeral Director and Embalmer – by Internship and Exam*
 - (a) *Duran, Jonathan*
 - (b) *Sanders, Michael J*
 - (c) *Skillman, Bethany*
 - (d) *Zamora, Alejandra E*

Ms. Simon – This item is informational only. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved these items.

7. Application(s) for Internship

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

- (1) *Funeral Director*
 - (a) *Grant, Henry G (F169651)*
 - (b) *Kabboord, Rachel T (F165041)*
 - (c) *Loyless, Brittini S (F174335)*
- (2) *Funeral Director and Embalmer*
 - (a) *Batts, Cynthia N (F170608)*
 - (b) *Eugene, David (F168362)*
 - (c) *Moore, Cheyenne M (F174336)*
 - (d) *Smith, Erica S (F165297)*

Ms. Simon – This item is informational only. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved these items.

8. **Application(s) for Embalmer Apprenticeship**

- A. **Informational Item (Licenses Issued without Conditions) – Addendum E**
(1) *Boyles, Elizabeth M (F165042)*
(2) *Fitzgerald, Eric S (F168889)*
(3) *Hewitt Jr, Alan J (F168301)*

Ms. Simon – This item is informational only. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved these items.

- B. **Recommended for Approval without Conditions (Adverse Licensing History)**
(1) *Riley, William K*

Ms. Simon – The applicant submitted an application to become an Embalmer Apprentice on March 24, 2017. The application was incomplete when submitted. All deficient items were returned on May 3, 2017. The applicant submitted a fingerprint card with was returned with no criminal history; however, there was adverse licensing history reported. In 2013 Mr. Riley voluntarily relinquished his Law Enforcement License. The Division is recommending approval without conditions.

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

- C. **Recommended for Denial (Criminal History)**
(1) *Brown, Jerard J*

Ms. Simon – The applicant submitted an application to become an Embalmer Apprentice on March 22, 2017. The application was incomplete when submitted. All deficient items were returned on May 10, 2017. A completed background check revealed that the applicant has pending criminal actions in Clinch County, Georgia. The applicant has been indicted on six counts of Child Molestation and six counts of Sexual Battery Against a Child Under 16. Discussions with the District Attorney’s office for Clinch County revealed that the criminal matter is next scheduled for the Superior Court for the County of Clinch in October 2017. The Division recommends denial.

MOTION: Mr. Jones moved to deny the application. Mr. Hall seconded the motion.

Mr. Barnhart – Mr. Chairman?

Chair – Yes, Mr. Barnhart?

Mr. Barnhart – I would suggest that you cite in your motion s. 497.141(5)(b), F.S., which allows the Board to deny an application if there’s a pending investigation or prosecution taking place.

Mr. Jones – I agree. Please include that provision.

Chair – Is that for the second also?

Mr. Hall – Yes.

Chair – Mr. Knopke?

Mr. Knopke – I was going to ask if we have something that supported doing it since he hasn’t been convicted.

Chair – Very good. Thank you. So we have a motion and a second. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? And that motion carries.

9. **Application(s) for Registration as a Training Agency**
A. **Informational Item (Licenses Issued without Conditions) – Addendum F**
(1) **Brandon Cremation and Funeral Services Inc. (F061189) (Brandon)**

Ms. Simon – This item is informational only. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved these items.

ITEM REVISITED

- C. **Recommended for Denial (Criminal History)**
(1) **Brown, Jerard J**

Chair – If we could go back to Mr. Jerard Brown’s case. Is Mr. Brown here?

Mr. Barnhart – He raised his hand.

Chair – Mr. Brown? Mr. Brown, would you care to address the Board or answer questions?

Mr. Jerard Brown – Yes.

Chair – Please come forward. I’ll remind the Board that we’re going back to 8. C. (1). Mr. Brown, it is customary that we swear in those that are speaking before the Board.

Ms. Simon – Please raise your right hand, sir. Do you swear to tell the truth, the whole truth and nothing but the truth?

Mr. Brown – Yes ma’am.

Chair – Mr. Brown, go right ahead.

Mr. Brown – Yes. In October 2014, I was arrested for child molestation, which I did not commit. My two (2) cousins, the children of my cousin, Pastor Oliver. I’ve gone to court two (2) or three (3) times already. Really, they don’t have a case because there’s no evidence. Honestly, I really don’t know why my cousins filed those allegations, but I have letters of recommendation from different pastors and my funeral director. Everyone that’s in Homerville and my family, they all know what kind of person I am. I am not a child molester. The court doesn’t have any evidence. The prosecutor tried to make me plead guilty to something I know I didn’t do, so I wasn’t going to plead guilty to anything I know I didn’t do. The public defender tried to make me plead guilty to some charges and I told them no, I’m not going to plead guilty to something I didn’t do and they know I didn’t do it. My career was to be in law enforcement, a police officer, but after I started working in the funeral home back in 2013, with Eric Brown and Son Funeral Home in Jasper FL, that actually changed my career. I got interested in becoming a funeral director and embalmer and I like the funeral industry. So I’m requesting you reconsider letting me get my apprentice license. I’m leaving it up to you all.

Chair – Thank you. Mr. Brown, if I may counsel you that according to the information we have, that the criminal matter is next scheduled for court October 2017. Depending upon the outcome of your court case, you would certainly be able to reapply for an apprenticeship, at that time. Am I giving correct counsel on that?

Mr. Barnhart – Right.

Chair – After your court date in October 2017, you’d be able to and we wish you well, but depending upon that outcome of the court case, if it comes back in your favor, that would give a lot of comfort to this Board knowing that court case was resolved. Ms. Simon?

Ms. Simon – Because the Board has already voted and has reopened this matter, you do have an opportunity to withdraw your application so that you would not have a denial on your record. However, if you choose to go forward, that is up to the Board’s pleasure and the Board may accept that if you decide to take that option.

Chair – Do you fully understand what she’s explaining to you?

Mr. Brown – Not really.

Chair – If we reopen, you have an opportunity to withdraw your application and not have a denial on your history. Right now, as it stands, you have applied for a license and that application has been denied. So, as it stands right now before us, you do have a denial on your licensing history.

Mr. Barnhart – So if we reopen the case and vacated the ...

Chair – Not saying that will happen.

Mr. Barnhart – If you want to withdraw your application to avoid being denied on your licensing history, as such. The posture that the Board is in now is regardless of when you said, they need to know what the outcome of these charges are, so they’re giving you an opportunity to withdraw your application and perhaps if that was discussed, would you want the Board to consider you withdrawing your application?

Mr. Brown – Yes, I can do that. Yes, sir.

Mr. Barnhart – Okay. Do you want to reopen the case?

Mr. Hall – Question? With the denial in place, Mr. Barnhart, it doesn’t prevent him, if the case goes through, from coming back and reapplying anyway, correct? Any of his criminal history is going to be listed on that anyway as it comes through, correct?

Mr. Barnhart – He wouldn’t have to see he’s been denied before for a license.

Mr. Knopke – And if he’s not convicted, there would be no criminal history to come through.

Chair – Board, what is your pleasure?

MOTION: Mr. Helm moved to reconsider the case. Mr. Knopke seconded the motion, which passed unanimously.

Chair – As it stands right now, you have an application for an embalmer apprentice before this Board. We voted to reconsider, which opens it back up.

Mr. Barnhart – Do you wish to withdraw your application at this point?

Mr. Brown – Yes.

Mr. Barnhart – Okay, I think we can move to reconsider and move to vacate the vote.

Chair – Is there a motion to vacate the vote?

MOTION: Mr. Helm moved to vacate the vote. Mr. Knopke seconded the motion, which passed unanimously.

Chair – Come back to us after your October court date and I think you’ll receive the good will of this Board and do the right thing.

Mr. Helm – Mr. Brown, do you understand this day didn’t happen?

Mr. Brown – Yes.

Mr. Knopke – Mr. Chair, I have a question for Ms. Simon. Will he have to reapply and submit a new application when he does come back?

Ms. Simon – Ms. Richardson?

Ms. Jasmin Richardson – I would posture that he does not need a new application. We will table this one and once he submits the information from that...

Mr. Barnhart – Instead of withdrawing, I think he should move to continue and waive the deemer.

Ms. Richardson – Right.

Mr. Barnhart – Because if he withdraws, then there's no application pending. Would you want to continue your case and waive the deemer, which means the Board doesn't have to act upon your application within ninety (90) days and then you could keep your application active?

Chair – I don't have a pulse for the Board, but we can keep it just the way it is.

Mr. Knopke – Unless it creates a real issue in the working for the Department, we may waive the deemer clause and let it sit there.

Chair – Thank you.

Mr. Barnhart – So let's do a motion to continue this case and have him waive the deemer.

Chair – He withdrew it.

Mr. Barnhart – I think that he wants to continue, doesn't he?

Mr. Knopke – Once it was offered, I think that was where he was going.

Mr. Barnhart – I figured he wants to continue his application. Is that okay with the Department?

Ms. Simon – Yes.

Mr. Barnhart – So instead of withdrawing, he wants to keep his application active so we need a motion to move to continue. Sir, did you waive your deemer up here?

Mr. Brown – Yes.

Mr. Barnhart – Okay, we need to move to continue this case on the basis that Mr. Brown waived his deemer.

MOTION: Mr. Knopke moved to continue this case on the basis that Mr. Brown waived his deemer. Mr. Bango seconded the motion, which passed unanimously.

Mr. Barnhart – Sorry about the confusion.

10. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum G

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

Chair – Just a comment, it seems to me that those are the lowest number of claims and the lowest dollar amounts we've seen in years.

MOTION: Mr. Hall moved to approve all the claim(s), for the monetary amounts indicated. Ms. Anderson seconded the motion, which passed unanimously.

- 11. Application(s) for Cinerator Facility**
A. Recommended for Approval without Conditions (Criminal History)
(1) Arcelays Funeral Services LLC (Opa-Locka)

Ms. Simon – An application for a Cinerator Facility was received on April 4, 2017. The application was complete when submitted. The Funeral Director in Charge will be Andres Arcelay (F044288). The establishment passed its inspection on April 26, 2017. A completed background check revealed that the principal for the applicant had a criminal history, to-wit:

- The principal and owner of the LLC will be Andres J. Arcelay. 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. This criminal history was seen at the March 2017, Board meeting when the applicant applied, and was approved with conditions, for a Preneed Main License.

The establishment is recommended for approval without conditions.

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

- 12. Application(s) for Funeral Establishment**
A. Recommended for Approval with Conditions
(1) AMLOSGI LLC d/b/a A.C. Marchbank Family Funeral Home (Deltona)

Ms. Simon – An application for a Funeral Establishment was received on May 19, 2017. The application was incomplete when submitted. Deficient items were returned on June 14, 2017. The Funeral Director in Charge will be Clifford Marchbank (F044288). All fingerprint cards were returned with no criminal history. 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. Jones moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Mr. Bango seconded the motion, which passed unanimously.

- 13. Application(s) for Monument Establishment Retailer License and Retail Sales Agreement**
A. Recommended for Approval without Conditions (Monument Establishment Retailer License)
(1) South Florida Monument LLC (Riviera Beach)

Ms. Simon – The application was received on April 26, 2017, and all deficiencies were resolved as of June 13, 2017. A completed background check revealed no criminal history. This application is being filed by Bryan D. Jones and Nikki W. Jones, for a new monument establishment retailer license, and if approved, will operate as at the above specified location. Subsequently to preparing the agenda, the applicant indicates there was a question regarding the address for the business. It appeared that the address for the business was in a residential area and the response from the applicant is that the business office entrance that is South Florida Monument will be conducting business out of 421 Australian Avenue in Riviera Beach. Their home office entrance is located at 1233 W 6th Street. The business office is separate from the home office. The business office backs up and is connected to Glenwood Memorial Cemetery. All business that will be done by South Florida Monument will be carried out of the business office and not the home office. The applicant submitted to the Division photos of both offices as well as completed local zoning forms. I don't know if the applicant is here.

Chair – Is there anyone from South Florida Monument here? Anyone representing South Florida Monument?

Ms. Wiener – I am, Wendy Wiener.

Chair – Are you here to....

Ms. Wiener – Only to answer questions.

Ms. Simon – At this time, the Division recommends that the Board approve the application for monument establishment retailer license.

Chair – Ms. Wiener has indicated that she's only here to answer questions. Would you like to address the Board?

Mr. Don Ray – Don Ray with the Florida Monument Builders Association. I'm a little confused on the explanation in terms of the revised information we have. The business office is not a house, but it's a business office that the Division is recommending to the Board as a qualifying monument establishment facility. Is that what I understand?

Ms. Simon – What I am saying is that the applicant provided on their application address with a home office. However, the business office will be operated out of the facility that is attached to a cemetery and we have pictures taken of the actual business and pictures taken of the mapping as to where the business office is as in conjunction to the cemetery and that is what the Division is recommending.

Mr. Ray – Mr. Chairman?

Chair – Mr. Ray?

Mr. Ray – So as I understand, it's attached to the cemetery?

Ms. Simon – The business office, there are two (2) different offices of the licensee, apparently. The office that originally was listed on the application is a home office; however, they operate business out of the cemetery area.

Mr. Ray – Okay so, Mr. Chairman again and the Board members, first of all the information that's on the agenda recommended to all of you for approval is something that I just happened to catch last Friday. Both of the addresses on the application that's sworn to be truthful and accurate and factual are two (2) addresses. Both of those addresses are residential addresses. They do not, in my opinion, qualify as a monument establishment facility. You have new information this morning. We assume that it is correct, from the applicant, that they're now saying that they have a business address that's connected with a cemetery. I would just point to you the definition of a monument establishment means a facility that operates independently of a cemetery or funeral establishment. So, my question to the Board is what comfort level do you have this morning that what you're hearing that this is independent of the cemetery, because Ms. Simon has inferred that it is not independent of the cemetery.

Ms. Wiener – I can address that.

Chair – Just one moment. Let us digest that for a moment. Ms. Simon?

Ms. Simon – Well, I can only say that in response, the Division is not contending that it is part of a cemetery and it operating with the cemetery. It appears that it abuts the cemetery and it operates independently, but perhaps Ms. Wiener has additional information.

Ms. Wiener – Absolutely, and in fact we were...

Chair – Just one moment.

Ms. Wiener – I'm sorry. I thought Ellie called on me.

Chair – Mr. Barnhart, the definition that was read to us, are you comfortable with that as it was read to us?

Mr. Barnhart – The definition provided to me in a letter is slightly different from what was in the letter I think, the definition in the statute. For some reason, I can't find the paper that I had. I don't think the specific purpose was in there. The word facility was in there but I don't recall seeing specific purpose. If you give me just a minute. "A facility that operates independently of a cemetery or funeral establishment and that offers to sell monuments or monument services to the public for placement in the cemetery." So the word facility is in there but specific purpose, I did not see it in the definition. Whatever that means.

Chair – Thank you. Ms. Wiener?

Ms. Wiener – Thank you. So we were in contact with the Division with regard to this application before we filed it in the past because this seller is actually related to the cemetery, Glenwood. But, we've been told that it has long been the Board's position that if a cemetery or funeral establishment is operating a monument establishment business with a name other than used at the cemetery that it needs to be a separate license and so therefore we did apply for the separate license, at the direction of the Division. So, it is a business operated in conjunction with the cemetery, but it is using a different name. I think you'll find much precedent for this across the State, in fact.

Chair – Is it common ownership?

Ms. Wiener – Yes. And as I said, I have many clients that have funeral establishments or cemeteries, but they operate a – Affordable Monuments or Blah Blah Blah Memorials and Monuments – separate businesses but are affiliated with a funeral establishment, but because it's under a separate name and a separate entity, it is a separate license we're told.

Chair – They're licensed separately?

Ms. Wiener – Correct and so that's what this application is for.

Chair – Thank you. Mr. Ray?

Mr. Ray – Mr. Chairman, so for clarification, just because it's a separate application, in my opinion, it doesn't clear the hurdle. I'd like to introduce, as evidence, and I believe Mr. Barnhart eluded to it, in 2010, if I may, just pass that around, in 2010 Mr. Shropshire had a very similar situation where the applicant was in a residential setting and that application was pulled from the Board agenda with the stated purpose that the monument establishment facility, in Mr. Shropshire's opinion, did not meet the definition. So the key word here to focus on this morning is facility. Having a business office to operate a monument establishment is much more than just having a business office. You've got to have a facility. For example, if you simply at the definition section of 497, you will note that in eleven (11) different places, under definition, the statute uses the word facility. So the facility means something. It doesn't mean a business office. For example, a centralized embalming facility means a facility. A cinerator means a facility. A direct disposal establishment means a facility. For embalming purposes, the embalmer has to work in a funeral establishment or an embalming facility. I'll continue. Monument establishment means a facility. Refrigeration facility means a facility.

Mr. Barnhart – Mr. Ray?

Mr. Ray – We all know...

Mr. Barnhart – Can I interrupt you for a minute?

Mr. Ray – When we see these items, we all know what they are because we recognize them as funeral homes, cinerator facilities, etc. A home office or a business office in the back of a house does not meet the definition of a monument establishment.

Mr. Barnhart – It seems to me that the applicant has amended its application to show that the facility that you're referring to is on Australian Avenue in Riviera Beach. Isn't that what he's basically done?

Mr. Ray – That's what I understand, but...

Mr. Barnhart – So you're saying that's not a facility?

Mr. Ray – Well, I'm confused with what I've heard because it sounds like that there's an office. So does that office meet the definition of a facility, as Mr. Shropshire pointed out?

Mr. Chair – The question is does the amended application with a monument facility meet the standard of what a monument establishment is?

Ms. Wiener – This is a retailer as opposed to a monument builder, so perhaps that should be kept in mind as well.

Chair – Let me ask, if we approve this, and Mr. Ray, I want you to be a part of this, if we approve this subject to inspection by the Division to assure that this meets the qualifications of a facility, how would you feel about that, Board and Mr. Ray?

Mr. Knopke – Mr. Chairman?

Chair – Mr. Ray?

Mr. Ray – Can I comment after I've heard some input from the Board members?

Chair – Yes.

Mr. Ray – Thank you, much.

Mr. Knopke – Mr. Chairman, the statute, s. 497.552, F.S. states what the required facilities are. So, if we have an inspection and the required facilities are there, then it gets licensed. If it doesn't, it doesn't.

Chair – Thank you. Mr. Ray?

Mr. Ray – And so my question to the Board is just kind of general. What is your opinion of a monument establishment facility knowing, as we all know, the range of activities that normally occur at a monument establishment facility is far more than just a business office? That's my point. Regardless of where it's located. So you're now going to lower, if your interpretation now, and like Mr. Shropshire in 2010, we created some historical precedents, I would suggest to you, if this location is just a business office and none of the other normal activities occur that tells the public that this is a monument facility, then you just really changed, I would suggest to you, the intent of what's in the statute. That's my point.

Chair – The application was amended to have a facility that you're describing and that everyone else understands as a facility. They can have a business office in Houston TX, but the facility is a different facility, is a monument facility. Ms. Simon?

Ms. Simon – I would just like to say that Mr. Shropshire's memo is inapplicable to this because we're talking about a facility with a corrected application, the address is that of a facility where business is operated. It happens to be on the property or abutting a cemetery, so I don't believe the memo is relevant in this respect.

Chair – Mr. Knopke?

Mr. Knopke – I would make a motion to approve the application subject to an inspection by Department staff and verification of the following from s. 497.552: (1) It shall include an office for the conduct of its business including the reception of customers; (2) It shall include a display area in which is displayed a selection of monuments, markers, and related products for inspection by customers prior to sale; (3) Its office and display area shall normally be open to the public weekdays during normal business hours; (4) It shall have facilities on site for inscribing monuments and equipment to deliver and install markers and monuments; and (5) It shall comply with any local government zoning regulations and may not be located on tax-exempt property. If it meets all that, then it can be licensed.

Chair – Mr. Hall?

Mr. Hall – Ms. Wiener, can you verify that they meet that criteria? Are they going to be doing all those things at that location?

Ms. Wiener – I assume so. I've never been to the property. I will say this would otherwise simply not even be licensed, if in fact the cemetery couldn't sell its monuments under a separate name. The only reason for this licensure is because the Division directed that in this circumstance, it was appropriate for there to be a separate license because the public is being interacted with in a different name. And so, yes, I believe they will certainly meet all of the criteria just as the cemetery wants to be able to sell monuments.

Chair – Thank you. Mr. Ray?

Mr. Ray – Mr. Chairman, I appreciate the motion from Mr. Keenan Knopke, but I've got to correct the record. Those conditions apply only to applicants for a monument builder, not for a monument retailer. This application is for a monument retailer. So Mr. Chairman, back to your original suggestion, I'll agree with your original suggestion. My point and my point all along has been merely having a business office to have retail sales or whatever does not fit what everybody knows and understands what the real term facility means of a monument establishment facility and there lies the problem, because as you and I and as this Board has approved some eighty-something monument establishment applications, I don't know of any one of them that doesn't have a physical presence that has display of merchandise out front, a sales office location for sandblasting, for the storage of chemicals that the EPA has the authority to investigate. Those are the bona fide components of a monument establishment facility and if this Board reduces that definition to an office, you're making a great disservice to everybody else and to the public, that understands when they drive down the road, and they see a funeral home and they see a monument establishment, they know what it is from the street.

Chair – That's why the motion is for inspecting it to make sure that all those are available, and Mr. Knopke is going to amend his motion, I feel, to include those items in a monument retail license facility, rather than a monument builder.

Mr. Knopke – I don't know that we can do that, based on the statutory language that says what a monument – I'll go back to it. It says, it's required facilities for monument establishment. That's what I read, and if we change it to something else, we're changing the statute and I don't think you can.

Mr. Helm – Mr. Chairman?

Chair – Please.

Mr. Helm – Ms. Wiener, you made a statement that the people are the same people, cemetery and...

Ms. Wiener – They are affiliated entities. This entire process was because they wanted to sell monuments under a name other than Glenwood Cemetery, and so that engendered this entire scenario to occur. As I said, I have other clients, I have since learned, that operate funeral establishments and cemeteries, and where they have corporate entities that...

Mr. Helm – Whoa. Funeral homes and cemeteries, I don't care about that. We're talking about monuments right now.

Ms. Wiener – Okay.

Mr. Helm – So funeral homes and monuments or funeral homes and cemeteries? Do you understand what I'm saying?

Ms. Wiener – I have funeral home clients and cemetery clients who operate monument establishments, but because they are independent name wise, the Division requires that there be a separate application and a separate license.

Chair – Mr. Helm, you have the floor.

Mr. Helm – Yes, I'm still trying to – this is a little bit unusual and I don't know...

Ms. Wiener – If the cemetery had been able to...

Mr. Helm – I understand what you're saying, so I'm trying to see if – is that piece of property in the cemetery's name?

Ms. Wiener – I don't know the answer to that question, but you could rent a location.

Mr. Helm – I know that. This is a little unique so that's why I'm trying to get through this. They're affiliated with the cemetery, somewhat. In other words, they're going to be the people selling all the stuff in the cemetery.

Ms. Wiener – I believe that the gentleman on the application is the general manager at the cemetery. Yes, that is indicated in your application packet. And if in fact, when we inquired of the Division, if in fact the answer had been the cemetery entity can have a fictitious name, South Florida Monuments, and can sell through the cemetery, then that would have been the end of that and there would not even be an application before you, but we were instructed that because there is a different name being utilized, for the sale of the monuments, other than Glenwood Cemetery, that we were required to apply for a monument establishment retailers license, and that is what is before you.

Mr. Helm – Okay.

Chair – Mr. Helm, any other questions?

Mr. Helm – No.

Chair – Mr. Ray, one last thing?

Mr. Ray – Thank you for your time and patience, Mr. Chairman. I believe Ms. Simon mentioned to me yesterday that she had a photo of the applicant's structure that I believe is on the cemetery property, I may not be correct on that, so I would ask Mr. Knopke to consider amending his motion to let's find out where the physical labor is being performed for the sale of these memorials, etc. Is that related to the location of the office on Australia Avenue or is that activity being performed out of a structure that's on the cemetery property? That would be the key to finding difference here. In other words, is the applicant simply trying to pull a sleight of hand to say we now have an office location, therefore we qualify as a facility. If the physical work and the showing of monuments and material and stuff for retail sale is not connected to that office address, then that does not qualify as a monument establishment. Thank you.

Ms. Wiener – I absolutely...

Chair – Just a moment, please. Mr. Hall?

Mr. Hall – I think his concern about it being at the residence, zoning is not going to allow them to blast markers and set markers at the original place. I think the first address is out, it's been amended to this location, so to me the option is either get it inspected like Mr. Knopke said and if it passes you're good, if not they have to reconsider how they want to title it. They may have to reconsider that.

Ms. Wiener – Of course.

MOTION: Mr. Knopke moved to approve the application subject to an inspection by Department staff and verification of the following from s. 497.552: (1) It shall include an office for the conduct of its business including the reception of customers; (2) It shall include a display area in which is displayed a selection of monuments, markers, and related products for inspection by customers prior to sale; (3) Its office and display area shall normally be open to the public weekdays during normal business hours; (4) It shall have facilities on site for inscribing monuments and equipment to deliver and install markers and monuments; and (5) It shall comply with any local government zoning regulations and may not be located on tax-exempt property. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you.

Ms. Wiener – Thank you very much. For the record, no effort at slight of hand, as I have very clearly described. No effort at slight of hand. Taking direction from the Division, as to this license application.

B. Recommended for Approval with Conditions (Monument Establishment Retailer Sales Agreement)
(1) South Florida Monument LLC (Riviera Beach)

Ms. Simon – South Florida Monuments 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 the monument retailer establishment which application is also being presented at this Board meeting. The Division is recommending approval subject to the condition that the Department receives two full-sized, print-ready copies, within 60 days of this Board meeting.

Chair – Mr. Helm, did you have a chance to review that?

Mr. Helm – Yes I did.

Chair – Does it meet the criteria, sir?

MOTION: Mr. Helm moved to approve the agreement subject to the condition that the Department receives two full-sized, print-ready copies, within 60 days of this Board meeting. Ms. Anderson seconded the motion, which passed unanimously.

Mr. Hall – Does that need to be contingent upon that inspection? It wouldn't be necessary if that inspection is not passed.

Mr. Knopke – If they fail the inspection...

Ms. Simon – They just won't be using it.

Mr. Hall – Okay.

Ms. Simon – If they fail the inspection, the entity would come back before the Board and we'll decide at another time.

14. Application(s) for Monument Establishment Sales Agent

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

Ms. Simon – This item is informational only. Pursuant to s. 497.554, F.S., the Division has previously approved these items.

Mr. Helm – Just an educational thing. If they pass the inspection, South Florida Monument, they don't have a sales agent?

Ms. Lashonda Morris – If I may? This is Lashonda Morris, with the Division. Mr. Jones has submitted an application for the monument establishment sales agent. However, it's not been approved, contingent upon his retailer application.

Mr. Helm – That's an informational item, too, right?

Ms. Morris – It will be in the future, but it's not being presented today.

Mr. Helm – So the Division can issue those licenses?

Ms. Morris – Yes sir.

Mr. Helm – Okay. Thank you.

Chair – Thank you for that clarification.

15. Application(s) for Preneed Main License

A. Recommended for Approval with Conditions

(1) Gillaspie Funeral Services, LLC d/b/a Altman-Long Funeral Home (DeBary)

Ms. Simon – The Department received the application on March 17, 2017 and deficiencies were noted on the application. All deficiencies were resolved as of June 15, 2017. The principal and owner of the LLC will be: Jonathan P. Gillaspie. A completed background check of all officers revealed no criminal history. Applicant obtained its qualifying funeral establishment license (F130962) as of December 2016. If approved, Applicant will sell trust-funded preneed through Independent Funeral Directors of Florida (IFDF) and use their approved pre-arranged funeral agreement form(s).

Documentation establishes that Jonathan P. Gillaspie (sole member of LLC and owner of applicant herein) filed for Ch. 7 bankruptcy in 2013. This was a personal bankruptcy action that was granted as of July 2013 by the Middle District Court of Florida. Mr. Gillaspie has provided a notarized statement and court documentation evidencing the disclosed bankruptcy along with a letter of good standing from a financial institution. The Applicant’s financial statements as of December 31, 2016 reflect the following:

Outstanding Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	67,607

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 the Applicant for 24 months’ probation, also presented at this Board meeting.

Chair – Board?

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 the Applicant for 24 months’ probation. Mr. Knopke seconded the motion, which passed unanimously.

B. Recommended for Approval without Conditions
(1) Cremation Care Providers of Central Florida, LLC (Kissimmee)

Ms. Simon – The Department received the application on May 18, 2017 and all items resolved as of May 25, 2017. The current members of the LLC are: Randall C. Deppen, Terry L. Roberts, Michael K. Russell, and Robert D. Russell (majority holder). A completed background check of all officers revealed no criminal history. Applicant obtained its current qualifying direct disposal establishment license (#F163616) as of May 2017. If approved, Applicant will sell trust-funded preneed through ClearPoint Federal Bank & Trust and use its approved pre-arranged funeral agreement form(s). The Applicant’s financial statements as of April 30, 2017 reflects the following:

Outstanding Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	18,255

The Division is recommending approval.

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

(2) McAlpin Funeral Home, Inc. d/b/a Lanier-Andler Funeral Home (Sneads)

Ms. Simon – The Department received the application on May 9, 2017 and no deficiencies were noted on the application. The sole principal and owner of the corporation will be: Laura D. McAlpin. A completed background check of all officers revealed no criminal history. Applicant obtained its current qualifying funeral establishment license (#F170609) as of June 2017. If approved, Applicant will sell trust-funded preneed through Funeral Services, Inc. (FSI) (Live Oak Banking Company) and utilize its approved pre-arranged funeral agreement form(s). The Applicant’s financial statements as of April 30, 2017 reflect the following:

Outstanding Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	11,060

The Division is recommending approval.

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

(3) Whatley Funeral Services LLC (Port St Joe)

Ms. Simon – The Department received the application on April 21, 2017 and all items were resolved as of May 15, 2017. The sole principal and owner of the LLC will be: Casey Whatley. A completed background check of all officers revealed no criminal history. Applicant obtained its current qualifying funeral establishment license (#F147786) as of March 2017. If approved, Applicant will sell trust-funded preneed through Funeral Services, Inc. (FSI) (Live Oak Banking Company) and utilize its approved pre-arranged funeral agreement. The Applicant’s financial statements as of December 31, 2016 reflect the following:

Outstanding Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	42,110

The Division is recommending approval.

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

16. Application(s) for Preneed Branch License
A. Recommended for Approval without Conditions – Addendum I

Ms. Simon – All the applications were completed without reportable criminal or disciplinary history. The records indicate that the applicants qualify for branch licensure. The Division is recommending approval.

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

Ms. Simon – It was during the April Board meeting, I referenced the retail installment sellers license, which is regulated by Chapter 520, F.S. It appears that any business offering any type of deferred payment needs to be licensed under Chapter 520. Those who are not licensed and offering finance plans to their clientele may be subject to disciplinary action by the Office of Financial Regulation. Please keep this in mind when conducting your business.

Mr. Knopke – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Knopke – These look like they could take a few minutes. Can we take a ten (10) minute break before we start item 17?

Chair – Of course. We’ll take a ten (10) minute break. I have 11:20, so we’ll come back at 11:30.

*****BREAK*****

UPDATE ON PREVIOUS ITEM

(2) Milunec, Thomas John (Appointing Entity: Carriage Florida Holdings, Inc.)

Chair – Counsel has some information on an issue that came before us before with the change in the stipulation and whether or not the licensee agreed upon that or not.

Ms. Wiener – Thank you. We were able to reach Mr. Milunec and he does agree to those changes. Thank you very much.

Chair – Thank you for reading that into the record. I appreciate that.

17. **Application(s) for Preneed License Renewals**

A. Recommended for Approval without Conditions – Addendum J

Ms. Simon – The Division recommends approval of the renewals effective July 1, 2017, as the applicant(s) meet the minimum net worth requirement and there is no material adverse information.

MOTION: Mr. Hall moved to approve the application(s). Mr. Helm seconded the motion, which passed unanimously.

Chair – Mr. Knopke?

Mr. Knopke – Ms. Simon, do we, or Ms. Schwantes, do we need to disclose our affiliations as we may be on that list?

Ms. Simon – No.

Chair – Thank you.

B. Recommended for Approval with Conditions

(1) Archer Funeral Home Inc. (F038720) (Lake Butler)

Ms. Simon – Licensee's current renewal application package was received, on or about, March 31, 2017. However, the submission was incomplete due to the following: Forms R1, R3A, R3B and R4 were not submitted to the Division. Licensee has not submitted the required fee(s) for renewal as to be determined by the filing of its Form R1. A Deficiency Notice was mailed to licensee advising of the above deficiencies. As of June 16, 2017, the date this cover sheet was prepared, the FCCS Division has not received any response to the deficiency notice.

The FCCS Division recommends that the Board approve renewal subject to conditions, and adopt the findings of fact and conclusions of law set forth herein: Licensee has failed to complete the renewal application. The application for renewal is granted, but the renewed license is suspended effective upon renewal, and shall remain suspended until the licensee satisfies the following conditions:

- 1) The licensee provides the Division the required Forms R1, R3A, R3B and R4 of the application package, properly completed.
- 2) The licensee submits the required fees for renewal and applicable late fees as determined by the Division upon receipt of the Forms R3A and R3B to the Division.

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

(2) Bevis Colonial Funeral Home Inc. (F038715) (Tallahassee)

Ms. Simon – Licensee's fiscal year ended on December 31, 2016, and its financial statements were due to be filed with Division by no later than April 1, 2017. The financial statements were received, by the Division, on May 26, 2017, and were thus 55 days late, which at \$50 per day indicates a late fee due of \$500. Licensee's annual PNL renewal statement (R3 and R3B) were due to be filed with Division by no later than April 1, 2017. The forms were received, by the Division on April 27, 2017, and were thus 26 days late, which at \$50 per day indicates a late due of \$200.

The FCCS Division recommends that the Board approve renewal subject to conditions, and adopt the findings of fact and conclusions of law set forth herein: Licensee was late in filing materials required to be filed in connection with renewal of preneed license, and late fees are therefore due from licensee; see section 497.453(5)(e), Fla. Statutes, and rule 69K-5.0026(2), FAC. Licensee's fiscal year ended on December 31, 2016, and its financial statements were due to be filed with Division by no later than April 1, 2017. The Division received the financial statements on May 26, 2017, and were thus 55 days late, which at \$50 per day indicates a late fee due of \$500. Licensee's annual PNL renewal statement (R3 and R3B) were due to be filed with Division by no later than April 1, 2017. The Division received the forms on April 27, 2017, and were thus 26 days late, which at \$50 per day indicates a late fee due of \$200.

The Division further recommends that the application for renewal be granted, subject to payment of a \$700 late renewal filing fee; the renewed license is suspended, but the imposition of the suspension is stayed for 60 days from the renewal date. If the late fee is paid by said 60th day, the suspension imposed shall not take effect. If the suspension imposed takes effect, it shall continue in force until such time as the licensee pays the late fee. Subsequent to the time of the application being submitted to the Board and the agenda being prepared, the applicant has paid their \$700 late renewal fee and as a result, we recommend approval without conditions.

Chair – And I believe we were provided a copy of that while we were on break. Mr. Jones?

Mr. Jones – That’s the question I meant to ask. There was like three (3) these where we said x number of days at \$50, but is the cap fee \$500?

Ms. Simon – For specific types of fees.

Mr. Jones – Thank you. I just wanted to clarify.

Chair – Mr. Knopke?

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

(3) *Boynton Memorial Chapel Ltd (F019300) (Boynton Beach)*

Ms. Simon – Licensee reports a negative net worth of \$(912,249). Licensee reports total preneed contracts outstanding of \$1,399,360. The required minimum net worth for renewal is \$100,000. Licensee reports a current ratio of 1.2 to 1. The net worth deficiency has decreased since last year. The FCCS Division recommends that the Board approve renewal subject to said condition(s):

- 1) That the Board extends the stated conditions of the existing personal guarantee of the licensee's preneed obligations executed and dated July 18, 2012; and
- 2) That the Board accepts the attached current Statement of Personal Assets and Liabilities by the Licensee’s principal, Stormet Norem, and their agreement to voluntarily trust 100% by the entity.

Mr. Hall – Question, please?

Chair – Mr. Hall?

Mr. Hall – On the personal financial, I noticed it was dated in 2015. Should we not have a current personal financial on that with that guarantee?

Mr. John Rudolph – I’m representing Boynton. That is a continuing guarantee. He would have to release it.

Mr. Hall – You mean the guarantee, but the financials need to be updated.

Mr. Rudolph – He does update his financials, doesn’t he?

Mr. Hall – The one that we have shows 2015. I understand the guarantee continues. My page 6 shows year of 2015. That’s what mine is showing. We can make that contingent upon them giving an updated report to Ms. Simon.

Ms. Morris – I just wanted to point out that on the signature page, of the personal financials, he date-signed it as of March 14, 2017.

Mr. Hall – My concern is not when he signed it but it says income for the year of 2015, sources of income for the year 2015. My opinion is he needs to continually provide that updated financial to her with that guarantee.

Chair – Mr. Hall wants something more current than 2015, I believe.

Mr. Rudolph – Where does it say that?

Mr. Hall – Right here on page 6.

Mr. Jones – Page 11, of our packet, is a 2016 balance sheet.

Mr. Knopke – There may be more than one in here.

Mr. Rudolph – Yes, I think they have all of them in there.

Chair – Did we resolve the personal statement attached and such? What year is that?

Mr. Rudolph – 2017.

Mr. Hall – I don't find it, but if they say they think it's in there, as long as the Division will assure us that they'll go back and check to see that they have it, I'll accept that.

Chair – Can you tell us where that statement is?

Ms. Morris – I'm sorry? What was the question?

Ms. Simon – Where that 2017 statement is.

Ms. Morris – I'm looking at page 1 of where the personal financial statement starts, in Section C., and it says Statement of Financial Condition as of 2/8/2017. So, I'm thinking that it's more than...

Mr. Jones – That's the personal?

Ms. Morris – Yes sir. It states that it is the condition as of 2017.

Mr. Hall – Do you know what number that's on or what page that is on?

Ms. Morris – I'm not sure of the electronic version.

Chair – Page 5.

Ms. Simon – Page 5?

Ms. Morris – It's page 1 of the personal financial statement.

Mr. Knopke – Yes, page 5.

Chair – On the electronic.

Mr. Hall – On page 5 where it says 2/8/17 in the blue shaded print?

Ms. Morris – Yes, sir.

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

(4) Cedar Bay Enterprises LLC (F038700) (Jacksonville)

Ms. Simon – Licensee reports a stated net worth of \$80,819. Licensee reports total preneed contracts outstanding of \$811,755. The required minimum net worth for renewal is \$100,000. Licensee reports a current ratio of 2.9 to 1. The FCCS Division recommends that the Board approve renewal subject to the condition that the Board accepts the personal guarantee of the licensee's preneed obligations and attached current Statement of Personal Assets and Liabilities, executed by the Licensee's principal, Jack A. Blackburn.

Since the time that the agenda has been prepared, the Division received a revised R2A and R2B, which were handed out to the Board during the break moving up the net worth and a letter of explanation from the CPA dated, June 26, 2017. As a result, the Division recommends approval without conditions.

Mr. Knopke – Are there any late fees?

Ms. Simon – No sir.

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

(5) Corey-Kerlin Funeral Home PA (F038706) (Jacksonville)

Ms. Simon – Licensee reports a negative net worth of \$(51,597). Licensee reports total preneed contracts outstanding of \$5,554,777. The required minimum net worth for renewal is \$100,000. Licensee reports a current ratio of 9.1 to 1. The FCCS Division recommends that the Board approve renewal subject to said condition(s):

- 1) That the Board extends the stated conditions of the existing personal guarantees of the licensee's preneed obligations executed by Licensee's principals, Jerry Nackashi, Mark Pittman, and Robert Wood, dated August 7, 2015; and
- 2) That the Board accepts the attached current Statement of Personal Assets and Liabilities executed by the Licensee's principals, Jerry Nackashi, and Mark Pittman, and Robert Wood, and agreement to continue to voluntarily trust 100% or utilize insurance-funding by the entity within thirty (30) days of the Board meeting.

However, it is further recommended that if the renewed license is suspended, the imposition of the suspension be stayed for 30 days. If the licensee has satisfied these two (2) conditions by the 30th day, the suspension imposed should not take effect. If the suspension imposed takes effect, it shall continue in force until such time that the licensee provides the requested documentation.

Mr. Knopke – I assume they have been notified of these conditions, or will be, Ms. Simon?

Ms. Simon – Yes sir.

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

(6) DeGusipe Funeral Home LLC (F053087) (Maitland)

Ms. Simon – Licensee's fiscal year ended on December 31, 2016, and its financial statements were due to be filed with Division by not later than April 1, 2017. The Division received the financial statements on May 25, 2017, and were thus 54 days late, which at \$50 per day indicates a late fee due of \$500. Therefore, the total amount of late fees due is \$500. The FCCS Division recommends that the Board approve renewal subject to conditions, and adopt the findings of fact and conclusions of law set forth herein:

Licensee was late in filing materials (preneed license renewal application, and/or financial statements; see factual findings herein), required to be filed in connection with renewal of preneed license, and late fees are therefore due from licensee; see section 497.453(5)(e), Fla. Statutes, and rule 69K-5.0026(2), FAC. Licensee's fiscal year ended on December 31, 2016, and its financial statements were due to be filed with Division by not later than April 1, 2017. The Division received the financial statements on May 25, 2017, and were thus 54 days late, which at \$50 per day indicates a late fee due of \$500.

It is recommended that the application for renewal be granted, subject to payment of a \$500 late renewal filing fee; the renewed license be suspended, but the imposition of the suspension be stayed for 60 days from the renewal date. It is further

recommended that if the late fee is paid by said 60th day, the suspension imposed shall not take effect. If the suspension imposed takes effect, it shall continue in force until the licensee pays the late fee.

Mr. Knopke – Question?

Chair – Mr. Knopke?

Mr. Knopke – Why sixty (60) days and not thirty (30) days?

Ms. Morris – To allow them more time to pay the fee.

MOTION: Mr. Knopke moved to approve the application subject to the conditions recommended by the Division with the imposition of extension being changed from sixty (60) days to thirty (30) days. Mr. Hall seconded the motion, which passed unanimously.

(7) Florida Family Cremations Inc. (F085031) (Clearwater)

Ms. Simon – Licensee reports a negative net worth of \$(66,935). Licensee reports total preneed contracts outstanding of \$30,214. The required minimum net worth for renewal is \$10,000. Licensee reports a current ratio of .2 to 1. Licensee was initially issued their preneed license as of October 2015. The FCCS Division recommends that the Board approve renewal subject to said condition(s):

- 1) That the Board approve the stated conditions of the personal guarantee of the licensee's preneed obligations executed by Licensee's principals, Thomas S. Heyward III, and David T. Menneke, dated May 23, 2016; and
- 2) That the Board accepts the attached current Statement of Personal Assets and Liabilities executed by the Licensee's principals, Thomas S. Heyward III and David T. Menneke, and their agreement to voluntarily trust 100% by the entity.

Chair – Board, do you need more time to review it?

Mr. Knopke – Mr. Chairman, my concern is that the net worth is getting worse, not getting better. There are several like that coming up in the packet that have that same issue.

MOTION: Mr. Knopke moved to approve the application subject to the conditions recommended by the Division. Mr. Jones seconded the motion, which passed with one (1) dissenting vote.

(8) Hodges Family Funeral Home LLC (F019423) (Dade City)

Ms. Simon – The FCCS Division received the Licensee's current renewal application package on or about April 24, 2017 after the April 1, 2017 deadline. However, the submission did not include the R2A and R2B financial statements and Licensee did not complete the Form R4. On May 17, 2017 the FCCS Division mailed a Deficiency Notice to licensee, advising of the above deficiencies. License's form R3B shows \$12,134,680 in outstanding preneed contracts, therefore the required net worth for renewal is \$100,000. The licensee has not yet documented that licensee meets the net worth requirement for renewal. As of June 16, 2017, the date this cover sheet is prepared, the FCCS Division has not received any response to said deficiency notice. The FCCS Division recommends that the Board approve renewal subject to conditions, and adopt the findings of fact and conclusions of law set forth herein:

Licensee has filed an incomplete renewal application (see above cited deficiencies). Licensee has failed to timely provide the Division or the Board, in connection with licensee's application for renewal, forms R2A, R2B, and completed R4. Said materials were due to be filed with Division by not later than April 1, 2017. The missing materials are at least 24 or more days late, which at \$50 per day indicates a late fee is due. The Board has capped late fees at \$1,000. See s. 497.453(5)(e), FS, and rule 69K-5.0026(2), FAC. Licensee has failed to demonstrate that licensee meets the required net worth for renewal.

The recommendation is that the application for renewal be granted, but that the renewed license is suspended effective upon renewal, and shall remain suspended until the licensee satisfies the following conditions:

- 1) The licensee provides the Division a balance sheet (form R2A) and income statement (R2B) as required by the renewal application.

- 2) The licensee provides the Division the required form R4 of the application package, properly completed.
- 3) Licensee demonstrates that licensee meets the minimum net worth requirement for renewal.
- 4) The licensee pays to the Division any required late fees in the amount as determined by the Division based upon the number of days late of the Forms R2A and R2B once received by the Division, as required by ss. 497.453(5)(e), FS, and rule 69K-5.0026(2), FAC. These late fines will range from \$700 to \$1,000.

Since the time that the agenda was prepared, the Division has received the R2A, R2B and revised R4. I believe that was handed out to you. Ms. Morris, has the Division received the late fee or is that still assessed?

Ms. Morris – That has not been paid.

Ms. Simon – The Division recommends approval of the renewal, but that the renewed license is suspended effective upon renewal, and shall remain suspended until the licensee demonstrates that licensee meets the minimum net worth requirement for renewal and pays the \$700 late fee.

Ms. Morris – Just to clarify, they have met their net worth.

Ms. Simon – The Division recommends approval of the renewal, but that the renewed license is suspended effective upon renewal, until such time as the \$700 late fee is paid.

Ms. Wiener – The suspension would take place after thirty (30) days if they don't pay, like the other ones?

Chair – Shall remain suspended until licensee satisfies the following conditions?

Ms. Simon – But that would be fine, the thirty (30) days. The Division would recommend that they have thirty (30) days to pay that late fee and before the suspension is actually imposed.

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

(9) Jack Spangler and Associates (F086407) (Lakeland)

Ms. Simon – Licensee reports a net worth of \$2,819. Licensee reports total preneed contracts outstanding of \$11,285. The required minimum net worth for renewal is \$10,000. Licensee reports a current ratio of 1.6 to 1. Licensee was initially issued their preneed license as of November 2015. The FCCS Division recommends that the Board approve renewal subject to said condition(s):

- 1) That the Board approve the stated conditions of the personal guarantee of the licensee's preneed obligations executed by Licensee's principal, John F. Spangler, Jr. dated May 10, 2017; and
- 2) That the Board accepts the attached current Statement of Personal Assets and Liabilities executed by the Licensee's principal, John F. Spangler, Jr. dated May 10, 2017 and agreement to voluntarily sell insurance-funded preneed contracts by the entity.

Mr. Knopke – Is this the first year that we've gotten the personal guarantee, Ms. Simon? It looks like last year it wasn't needed. Never mind. I take back my question. I figured it out.

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

(10) Kim-Ken Developments Inc. (F019400) (Orlando)

Ms. Simon – The FCCS Division received the Licensee's current renewal application package on or about April 4, 2017. However, the submission was incomplete due to the following: Forms R3A, R3B and R4 were not completed and Forms R2A and R2B financial statements contained errors. A Deficiency Notice was mailed to licensee advising of the above deficiencies. License's form R2A reports a liability of \$2,112,735 in outstanding preneed contracts, therefore, the required net worth is

\$100,000. The licensee has not yet documented that it meets the net worth requirement for renewal. As of June 16, 2017, the date this cover sheet is prepared, the FCCS Division has not received any response to said deficiency notice. The FCCS Division recommends that the Board approve renewal subject to conditions, and adopt the findings of fact and conclusions of law set forth herein:

Licensee has failed to complete the renewal application and demonstrate that licensee meets the required net worth for renewal.

The Division recommends that the application for renewal is granted, but the renewed license is suspended effective upon renewal, and shall remain suspended until the licensee satisfies the following conditions:

- 1) The licensee provides the Division the required Forms R3A, R3B and R4 of the application package, properly completed.
- 2) That the licensee demonstrates that licensee meets the minimum net worth requirement for renewal.

Again, the Division recommends that a suspension be imposed, but the suspension be stayed for thirty (30) days, until these conditions are met.

Mr. Knopke – Would that also include fines?

Ms. Simon – No sir.

Mr. Knopke – Should there be fines, since they didn't do it on time like others?

Chair – It was an error. It was an error and they were notified of the deficiencies.

Ms. Morris – If I may? They submitted the required forms. It's just they didn't complete them. They left them blank. They didn't complete them fully.

Mr. Knopke – Everybody, please don't take this as being sarcastic. So if you send in your forms blank or partially filled out, then you don't get penalized for being late?

Ms. Morris – It's considered a deficiency. They were notified that it was a deficiency.

Mr. Knopke – That's fine.

Ms. Morris – Sorry.

Mr. Knopke – Don't be sorry. I just have to understand it.

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

(11) Nature Coast Services LLC (F048578) (Perry)

Ms. Simon – Licensee's fiscal year ended on December 31, 2016, and its financial statements were due to be filed with Division by not later than April 1, 2017. The Division received the financial statements on May 4, 2017, and were thus 33 days late, which at \$50 per day indicates a late fee due of \$500. Licensee's annual PNL renewal statement (R3 and R3B) were due to be filed with Division by not later than April 1, 2017. The Division received the forms on April 21, 2017, and were thus 20 days late, which at \$50 per day indicates a late fee due of \$200. Therefore, the total amount of late fees due is \$700. The FCCS Division recommends that the Board approve renewal subject to conditions, and adopt the findings of fact and conclusions of law set forth herein:

- Licensee was late in filing materials (preneed license renewal application, and/or financial statements; see factual findings herein), required to be filed in connection with renewal of preneed license, and late fees are therefore due from licensee; see section 497.453(5)(e), Fla. Statutes, and rule 69K-5.0026(2), FAC.
- Licensee's annual preneed license (COA) application renewal statement (R3A, R3B) were due to be filed with Division

by not later than April 1, 2017. The Division received the forms on April 21, 2017, and were thus 20 days late, which at \$50 per day indicates a late fee due of \$ 200.

- Licensee's fiscal year ended on December 31, 2016, and its financial statements were due to be filed with Division by not later than April 1, 2017. The Division received the financial statements on May 4, 2017, and were thus 33 days late, which at \$50 per day indicates a late fee due of \$500.

Since the time that the agenda was prepared, the Division has received the \$700 late fee. As a result, the Division recommends approval without conditions.

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

(12) Rubin Memorial Chapel Ltd (F038687) (Boynton Beach)

Ms. Simon – Licensee reports a stated net worth of \$28,813. Licensee reports total preneed contracts outstanding of \$7,266,760. The required minimum net worth for renewal is \$100,000. Licensee reports a current ratio of 5.6 to 1. The FCCS Division recommends that the Board approve renewal subject to conditions, and adopt the findings of fact and conclusions of law set forth herein:

Licensee has demonstrated a stated net worth of \$28,813. Licensee reports total outstanding preneed contracts of \$7,266,760. The required net worth for renewal, pursuant to ss. 497.453(2) (b) and (5), Fla. Statutes, and rule 69K-5.0016, Fla. Administrative Code, is \$ 100,000.

The Division recommends that the license shall be renewed subject to said condition(s):

- 1) That the Board approves the stated conditions of the personal guarantee of the licensee's preneed obligations executed by Joseph Rubin, principal of Licensee, dated May 25, 2016; and
- 2) That the Board accepts the attached current Statement of Personal Assets and Liabilities executed by the Licensee's principal, Joseph Rubin, dated June 14, 2017.

Chair – You noted before that the net worth of others continues to decline.

Mr. Knopke – I was waiting to see if anyone else said something. I'll continue Mr. Chairman. I have a real problem with this one. We've gone from in 2014 \$628k of net worth down to currently \$28k worth of net worth.

Mr. Hall – Well it got better since last year. That was the only thing.

Mr. Knopke – He's got over \$7 million in outstanding contracts.

Chair – The personal guarantee, then that becomes the problem.

Mr. Hall – Ms. Simon, are we able to somehow table this until you get the personal financials since we are as concerned about this one as you are. Are we able to do something like that?

Ms. Simon – My only concern is that if we table it, the license will become invalid, as of July 1st. That would be my concern.

Mr. Knopke – So our option would be to either approve it or deny it? Is that right?

Ms. Simon – Approve with conditions.

Mr. Knopke – Approve with conditions or deny?

Ms. Simon – Yes.

Mr. Helm – Can we add the condition that Mr. Hall wants?

Mr. Hall – Well, the personal financials are showing \$4 million net, on page 5 of 23.

Chair – Well, he certainly meets the conditions for a personal guarantee.

Mr. Hall – Certainly has reason for concern. I agree with Mr. Knopke, but I think he meets the criteria of what we approved the other one for, so to be consistent, I think we have to move to approve.

Mr. Jones – As we move forward with personal guarantees, is that something that the Division wants to look at? Some of these just go the personal guarantee and it continues to degradate, so what is an option? Will they look at it and make a recommendation or someway to try and turn it around to some degree?

Chair – The concern is the net worth continues to decline.

Mr. Jones – And I think they know we'll do the personal guarantee, so that may be a trend we want to look at.

Ms. Simon – There are a list of options in the statute, I believe, that are alternatives. However, in the past, what we have required is based on previous Board meetings, we've required the personal guarantee and a statement of assets and liabilities. If the Board chooses to do something else regarding the statement of finances...

Mr. Hall – Does the Division have concern when you look at a business' income statement and there's a loss? Do you have as much concern there as we do these financials, too? If we're showing a loss, the company's losing money. What's your thoughts there?

Ms. Simon – Mr. Hall, to be honest with you, each time I see it I have a question. It's obvious that there is some issue there, however, in the past and to be consistent, this is what the Board has chosen to do.

Mr. Hall – Yes. It seems like the path has been for many years for us to get the personal guarantee, etc., and require them to do 100% trusting and insurance to protect them, but some of them, you see, like you said, they can provide this but the company is bleeding red.

Chair – Has there ever been a failure where we have had to act upon the personal guarantee?

Mr. Hall – I don't know that we have.

Mr. Knopke – Some of these, in the past, have been treasury stock issues.

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

Chair – Good discussion.

(13) Strong and Jones Funeral Home Inc. (F019310) (Tallahassee)

Ms. Simon – Licensee reported a NEGATIVE net worth of \$(83,859), against a minimum net worth of \$100,000. Licensee was renewed subject to the conditions: submission of a statement of assets and liabilities and personal guarantee of preneed licensee's obligations by principals Linn A. Griffin and Darrell L. Lawrence, and agreement to voluntarily trust 100% by the entity. Licensee reports a stated net worth of \$(50,982). Licensee reports total preneed contracts outstanding of \$3,185,831. The required minimum net worth for renewal is \$100,000. Licensee reports a current ratio of .3 to 1. The net worth deficiency has decreased since last year. The FCCS Division recommends that the Board approve renewal subject to conditions, and adopt the findings of fact and conclusions of law set forth herein:

Licensee has demonstrated a stated net worth of \$(50,982). Licensee reports total outstanding preneed contracts of \$3,185,831. The required net worth for renewal, pursuant to ss. 497.453(2) (b) and (5), Fla. Statutes, and rule 69K-5.0016, Fla. Administrative Code, is \$ 100,000.

The Division recommends that the license shall be renewed subject to said condition(s):

- 1) That the Board approves the stated conditions of the personal guarantees of the licensee's preneed obligations executed by Licensee's principals, Linn A. Griffin and Darrell L. Lawrence, dated June 17, 2015; and
- 2) That the Board accepts the attached current Statement of Personal Assets and Liabilities executed by the Licensee's principals, Linn A. Griffin and Darrell L. Lawrence, and agreement to voluntarily trust 100% by the entity.

However, the Division recommends that the license be suspended, but imposition of the suspension is stayed for thirty (30) days from the renewal date. If the licensee has satisfied the stated conditions by the 30th day, the Division recommends that the suspension imposed should not take effect.

MOTION: The Chairman moved to approve the application subject to the conditions recommended by the Division. Mr. Knopke seconded the motion, which passed with one (1) dissenting vote.

(14) T J Beggs Jr & Sons Inc. (F019262) (Perry)

Ms. Simon – Licensee reports a stated net worth of \$56,408. Licensee reports total preneed contracts outstanding of \$1,625,141. The required minimum net worth for renewal is \$100,000. Licensee reports a current ratio of 13.4 to 1. The FCCS Division recommends that the Board approve renewal subject to conditions, and adopt the findings of fact and conclusions of law set forth herein:

Licensee has demonstrated a stated net worth of \$56,408. Licensee reports total outstanding preneed contracts of \$1,625,141. The required net worth for renewal, pursuant to ss. 497.453(2) (b) and (5), Fla. Statutes, and rule 69K-5.0016, Fla. Administrative Code, is \$ 100,000.

The Division recommends that the license be suspended, but that imposition of the suspension be stayed for thirty (30) days from the renewal date. If the licensee has satisfied the stated conditions by the 30th day, the Division recommends that the suspension imposed should not take effect.

The Division further recommends that the license be renewed subject to said condition(s):

That the Board accepts the personal guarantee of the licensee's preneed obligations and attached current Statement of Personal Assets and Liabilities, executed by the Licensee's principal, Ashley P. Beggs.

Mr. Helm – Mr. Chairman?

Chair – Mr. Helm?

Mr. Helm – Ms. Simon, you said thirty (30) days from something and this says thirty (30) days from this Board meeting.

Ms. Simon – We're recommending that the imposition of this suspension be stayed for thirty (30) days and that the applicant actually provide the documentation within thirty (30) days of the Board meeting.

Mr. Helm – Okay.

MOTION: Mr. Knopke moved to approve the application subject to the conditions recommended by the Division. Mr. Jones seconded the motion, which passed with one (1) dissenting vote.

(15) Troxelcorp Enterprises Inc. (F038723) (Cocoa)

Ms. Simon – Licensee reports a stated net worth of \$53,027. Licensee reports total preneed contracts outstanding of \$919,978. The required minimum net worth for renewal is \$100,000. Licensee reports a current ratio of 0 to 1. The net worth deficiency has decreased since last year. The FCCS Division recommends that the Board approve renewal subject to conditions, and adopt the findings of fact and conclusions of law set forth herein:

Licensee has demonstrated a stated net worth of \$53,027. Licensee reports total outstanding preneed contracts of \$919,978. The required net worth for renewal, pursuant to ss. 497.453(2) (b) and (5), Fla. Statutes, and rule 69K-5.0016, Fla. Administrative Code, is \$ 100,000.

The Division recommends that the license shall be renewed subject to said condition(s):

That the Board accepts the personal guarantee of the licensee's preneed obligations and attached current Statement of Personal Assets and Liabilities, executed by the Licensee's principal, Cary K. Troxel, and agreement to voluntarily trust 100% by the entity.

The personal financial statement was received, by the Division, on June 19th.

Mr. Knopke – Is that what's just been handed out?

Ms. Simon – Yes sir.

Mr. Knopke – Thank you.

Chair – Take your time going through that, if you need.

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

(16) Westside Funeral Home Inc. (F040644) (Palmetto)

Ms. Simon – Licensee reports \$142,195 total gross sales for outstanding contracts for CYE 2016, therefore, the minimum net worth required is \$20,000. Licensee was initially issued their preneed license in 2015. However, Licensee failed to file its preneed financial statements (R2A and R2B) completely fill out the Form R4, Item 2(d) Total Net Worth Amount. The forms (R2A and R2B) were due by no later than April 1, 2017.

Since the time that the agenda was prepared, on June 20th, the Division received the revised forms R3B, R4, R2A and R2B, and we received the \$500 late fee. Therefore, the Division recommends approval.

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

C. Recommended for Consideration

(1) Faith Chapel Funeral Services LLC (F019273) (Cantonment)

Ms. Simon – Licensee reports a stated net worth of \$16,903 on the balance sheet dated December 31, 2016. Subsequently, Licensee filed an updated balance sheet and income statement dated April 25, 2017 with a reported net worth of \$209,838. Licensee reports total preneed contracts outstanding of \$9,827,384. The required minimum net worth for renewal is \$100,000.

Licensee is requesting consideration before the Board due to Licensee demonstrating that it meets the net worth requirement based upon the updated financials as of April 25, 2017. All required documentation has been provided.

Chair – Are you here to answer questions?

Ms. Wiener – Sure, or to make an argument as to why this licensee should be renewed without conditions.

Chair – Board?

Mr. Hall – Ms. Wiener, in the report or something, I'm trying to find where I had it, but I think the CPA commented that due to the fact that the property was more appealing to the general public, which is not reflected on the financial statement, his building is pretty, but that doesn't help his financial statement. I'm confused on that line, the very last page, page 4 of 34. And I understand him going over in the building process, but...it's on page 4 of 34 from the CPA.

Ms. Wiener – I think she's just commenting there. The situation was that in December of last year, they were engaged in a capital improvement project, so their net worth had dipped momentarily. By January, it was actually back to where it was supposed to be. I believe she says that. Originally, just because of the procedures of the Board, this was sent out to the applicant for a personal guarantee, but because this applicant meets the net worth requirements now by more than double of

what is required, I would argue that no conditions should be placed on the applicant's license. If the applicant were to come before you today for a new license to be issued, you would certainly grant it. So I'm just here to advocate for that.

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

D. Non-Renewing Preneed Licensees (Not Renewing as of June 30, 2017) – Addendum K

Ms. Simon – This is a list of Licensees who are not renewing their license, so this is an informational item. The licensees have either affirmatively told the Division that they are not renewing their preneed license or they have not returned the renewal application or responded to a follow up letter by the Division. The only exception is CEP Investment, Inc., which is listed as number 3 on your addendum. CEP Investment, Inc. is late filing their renewal this year due to an illness and hospitalization of the owner. His CPA submitted forms R2A, R2B and R4, as of yesterday and the owner is sending his R3A, R3B forms to the Division to be received tomorrow. His preneed renewal is to be considered at the next available Board meeting.

Chair – Thank you.

Mr. Knopke – Mr. Chairman?

Chair – Yes?

Mr. Knopke – Quick question. Ms. Simon, is it safe to assume, that most of these firms have either been sold or closed?

Ms. Simon – That's what I would assume. I know that we've reached out to them with letters...

Ms. Morris – But they're not continuing to sell preneed.

Mr. Knopke – Okay. But they still have outstanding contracts that they have to honor?

Ms. Morris – Yes.

Mr. Knopke – Okay.

Ms. Morris – Many of them who returned R5s indicated that they're going to fulfill them or assign them.

Mr. Helm – Mr. Chairman, please?

Chair – Mr. Helm?

Mr. Helm – I know we just went through the preneed stuff. I spoke with Ms. Simon yesterday. I know the Division doesn't have the capability or the manpower to check everything, but I think anytime we put a suspension on someone, somehow what we can check, randomly or whatever, should be done on those suspensions, so that they're not selling during the suspension period. I think it would be a note to put down for the inspectors.

Chair – Historically, we have discussed that at Board meetings before. I don't know that there was ever a resolution other than upon the next regularly scheduled inspection. Mr. Hall?

Mr. Hall – Ms. Simon, very few of these under Addendum B, some were just late filings and fines, but the other ones that are giving up personal guarantees and such, some gave us their financials up front, and you stated some will be sent in the next thirty (30) days. Can we require them, when they know they're on this list, to just do that so it's provided to the Board?

Ms. Simon – If I understand your question correctly, if they don't provide it, their suspension will take effect, and they won't be able to sell preneed.

Mr. Hall – Do you think they would go ahead and get it to us ahead of time if they knew that, like the others, maybe?

Ms. Simon – I believe we’ve already discussed it with them and we’re hopeful that they will be sending it. If not, they know that the preneed license will not be renewed.

Mr. Hall – One other question I have, and the attorneys can probably answer it better. Is a 401k, a pension plan protected if they’re using that for assets? Are they protected or are we able to go after those, on a personal guarantee?

Mr. Barnhart – Generally, I don’t think you can go after them, but if they’ve pledged it specifically in the personal guarantee, I think that would be a different ball game.

Mr. Hall – Okay. Thank you.

Chair – Any other questions on these?

Mr. Hall – No sir. Thank you.

Chair – I want to commend Lashonda Morris, again. I know that this time of year you’re really swamped with processing all of these applications. Again, admirable job. I’m sure the Division appreciates that and I think the Board appreciates it too. Thank you very much.

18. Application(s) for Removal Service

A. Recommended for Approval with Conditions

(1) P&S Removal Services Inc. (Minoman)

Ms. Simon – An application for a Removal Facility was received on May 22, 2017. The application was complete when submitted. All fingerprint cards were returned with no criminal history. The establishment is recommended for approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

MOTION: Ms. Oliver 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.

B. Recommended for Approval without Conditions

(1) Aden and Talons Services of Florida Inc. (Trinity)

Ms. Simon – An application for a Removal Service was received on May 18, 2017. The application was complete when submitted. Fingerprints for all principals have been returned with no criminal history. The removal facility passed its inspection on June 14, 2017. The Division is recommending approval without conditions.

MOTION: Ms. Oliver moved to approve the application. Mr. Hall seconded the motion.

(2) Jamoll L Thomas D/B/A Exodus Removal Service (Jacksonville)

Ms. Simon – An application for a Removal Facility was received on April 21, 2017. The application was incomplete when submitted. Deficient items were returned on May 8, 2017. All fingerprint cards were returned with no criminal history. The removal facility passed its inspection on May 17, 2017. The facility is recommended for approval without conditions.

MOTION: Mr. Helm moved to approve the application. Ms. Oliver seconded the motion.

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

A. Recommended for Approval with Conditions

(1) Preneed Sales Agreement(s)

(a) Cooperative Funeral Fund Inc. (Madison, CT)

Ms. Simon – CFFI submits cemetery preneed sales agreement forms and attached addendum for approval: Cemetery Preneed Merchandise and Services Agreement (FLCemServcMerchAgrmt20170427), Schedule A Cemetery Statement of Interment

Rights, Merchandise, and Services, and an Addendum to Cemetery Service and Merchandise Agreement (CemServcMerchAddentoIrrv20140103). If the forms are approved, they are to be used for the sale of trust-funded cemetery preneed contracts by various preneed licensees and their related preneed branches. The Division is recommending approval subject to the condition that the Department receives two full sized print-ready copies of each contract within 60 days of this Board meeting.

MOTION: Mr. Jones moved to approve the agreements 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. Knopke seconded the motion, which passed unanimously.

(b) Investors Heritage Life Insurance Company (Frankfort, KY)

Ms. Simon – Investors Heritage Life Insurance Company (IHLIC) submits the attached preneed sales agreement forms for approval: Guaranteed Insurance Funded Statement of Funeral Goods and Services (SFGS-FL(G) LIC received approval to offer insurance products from the Florida Office of Insurance Regulation as of March 1980 (please see attached). If these preneed sales agreement form is approved, it is to be used for the sale of insurance-funded preneed contracts by various licensed preneed main establishments and its related preneed branches. The Division is recommending approval subject to the condition that the Department receives two full sized print-ready copies of each contract within 60 days of this Board meeting.

MOTION: Mr. Jones moved to approve the agreements 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. Helm seconded the motion, which passed unanimously.

(2) Request(s) for Trust Transfer(s)

(a) FPG Florida, LLC d/b/a Sun City Center Funeral Home (F060727) (Sun City Center)

Ms. Simon – FPG seeks approval to transfer its preneed funeral trust account FROM: SunTrust Bank (SunTrust) TO: ClearPoint Federal Bank & Trust (ClearPoint), as more specifically set forth in Wendy Wiener’s letter dated May 26, 2017. If approved, ClearPoint will operate under the approved ClearPoint Florida Alternative Preneed Master Trust Agreement for this trust account.

The Division is recommending approval subject to the conditions as follows:

- 1) That the representations of FPG, through its attorney, Wendy Wiener, as set forth in her letter dated May 26, 2017 be deemed material to the Board’s decisions herein.
- 2) That within 90 days of this Board Meeting ClearPoint provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, stated as following:
 - a) That ClearPoint 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 ClearPoint pursuant to Ms. Wiener’s letter dated May 26, 2017.
 - b) A letter from ClearPoint, signed and dated by one of its officers, stating:
 - That ClearPoint provides a certificate stating the dollar amount of trust assets being transferred as identified in Ms. Wiener’s attached letter dated May 26, 2017.
 - That ClearPoint provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, stating separately for each trust, the dollar amount of the trust assets received, as referenced in Ms. Wiener’s attached letter dated May 26, 2017.
- 3) That the Board’s executive director, for good cause shown, may extend the compliance time for the above specified conditions, an additional 90 days, with a report to the Board regarding any extension granted.

MOTION: Mr. Jones moved to approve the trust transfer subject to the conditions recommended by the Division. Mr. Hall seconded the motion, which passed unanimously.

(b) Rick Gooding Funeral Home Chiefland, LLC (F090155) (Chiefland)

Ms. Simon – Rick Gooding Funeral Home Chiefland, LLC seeks approval to transfer the existing preneed funeral trust account FROM: Regions Bank TO: Live Oak Banking Company (Live Oak), as more specifically set forth in Justin Wilson’s letter dated May 30, 2017, and attachments to that letter. Live Oak is or will be the successor trustee and will operate under the approved Independent Funeral Directors of Florida, Inc. Master Trust Fund (dated 12/14/93) for this trust account.

The Division is recommending approval subject to the conditions as follows:

- 1) That the representations of Live Oak, through its representative, Justin Wilson, as set forth in the attached letter dated May 30, 2017 be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Live Oak is to provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, which are to include the following:
 - a) That Live Oak 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 Live Oak pursuant to Mr. Wilson’s letter dated May 30, 2017.
 - b) A letter from Live Oak, signed and dated by one of its officers, stating:
 - That Live Oak provided a certificate stating the dollar amount of trust assets being transferred as identified in Mr. Wilson’s attached letter dated May 30, 2017.
 - That Live Oak provided acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, stating separately for each trust, the dollar amount of the trust assets received, as referenced in Mr. Wilson’s letter dated May 30, 2017.
- 3) That the Board’s executive director, for good cause shown, may extend the compliance time for the above specified conditions, an additional 90 days, with a report to the Board regarding any extension granted.

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

B. Recommended for Approval without Conditions

(1) Pre-Construction Master Trust Agreement (Draw Schedule)

(a) Fred Hunter Memorial Services, Inc. d/b/a Fred Hunter (F039597) (Hollywood)

Ms. Simon – The licensee has submitted for approval a Pre-Construction Master Trust Agreement. If approved, this trust agreement will be used in conjunction with the attached pre-construction draw schedule for the future construction of mausoleum(s) at the above licensed cemetery location. Fred Hunter will use the attached Master Pre-Construction Trust Agreement, established by Regions Bank, and is requesting approval of the attached draw schedule. This request is for approval of the draw schedule only in relation to the approved Fred Hunter Memorial Services, Inc. Master Pre-Construction Trust Agreement. Compliance with other State and Federal regulations is the responsibility of the Licensee.

MOTION: Mr. Knopke moved to approve the Pre-Construction Master Trust Agreement (draw schedule). Ms. Oliver seconded the motion, which passed unanimously.

C. Informational Item

(1) Appointment of Successor Trustee

(a) Treasured Memories FL LLC d/b/a Treasured Memories (F085058) (New Port Richey)

Ms. Simon – Treasured Memories FL LLC has designated a successor trustee to transfer its preneed funeral trust account FROM: SunTrust Bank TO: WesBanco Bank, Inc. as more specifically set forth in Wendy Wiener’s attached letter dated June 12, 2017. WesBanco is an FDIC bank holding company established in 1870 located at: 1 Bank Plaza, Wheeling, WV 26003. WesBanco is or will be the successor trustee and will continue to operate under the existing trust agreement for these trust accounts.

Chair – Thank you.

20. Designation of Cemetery General Manager

A. Informational Item

(1) Heartwood Preserve Conservation Cemetery, LLC (F094889) (Trinity)

Ms. Simon – Heartwood hereby submits a Curriculum Vitae of Diana Sayegh who has been designated as the new General Manager of Heartwood Preserve Conservation Cemetery. Ms. Sayegh will replace Lisa S. Sommers, the former designated general manager of the cemetery who was appointed when the cemetery first obtained its license.

Mr. Chair – Thank you.

- 21. Request(s) to Appear Before the Board**
A. Recommended for Approval with Conditions
(1) Concurrent Intern
(a) Groden, Jason (F091192)

Ms. Simon – Is Mr. Groden here? Please step forward. Mr. Groden’s Concurrent Internship license was issued on June 7, 2016 and expired on June 7, 2017. On October 1, 2016, he stated he separated from Riverside Gordon Memorial Chapel (F041551) and sought other employment. TM Ralph Plantation Funeral Home hired him on March 7, 2017. Mr. Groden was without supervision for 5 months and has only completed 7 months of the internship. He is requesting an extension for the time he missed due to a hardship. A letter from his current employer is included.

The Division is recommending approval of Mr. Groden’s most current application for a concurrent internship license. This recommendation is made with the condition that he submit the application fee of \$205 and that his internship be extended for only a five-month period once the Division receives the payment.

Mr. Knopke – Question?

Chair – Just one second. Yes, sir?

Mr. Helm – When did the Division come up with the \$205?

Ms. Simon – That is the cost for the application fee, for a concurrent intern.

Mr. Helm – So, he’s reapplying?

Ms. Simon – Yes sir.

Mr. Helm – Oh, I didn’t see it as reapplying. I thought it was an extension.

Chair – Mr. Groden, do you want to answer questions?

Mr. Jason Groden – Any questions you have, please.

Chair – Do you want to address the Board or answer questions?

Mr. Groden – I’d be happy to answer any questions anyone may have.

Chair – Okay, just in case, we’ll swear you in.

Mr. Groden – Yes.

Ms. Simon – Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?

Mr. Groden – I do.

Chair – Any questions or comments? Mr. Hall?

Mr. Hall – Are you nervous at all, Mr. Groden?

Mr. Groden – A little bit.

Mr. Hall – Mr. Ralph just wanted me to ask you.

Mr. Groden – Sr. or Tommy?

Mr. Hall – Tommy, so you can get him on the way back. He had a list of questions he wanted me to ask you, but I didn't.

Mr. Groden – I had a feeling he was going to do something. I feel less nervous now.

Chair – Do you understand exactly what happened and the ramifications of it?

Mr. Groden – Yes sir.

Chair – What was your reason?

Mr. Groden – There was some miscommunication on my part and when I separated I didn't ask quite enough questions about what I needed to do from that point onward. Unfortunately, by the time I was with the Ralphs and was able to ask the questions, it was essentially too late.

Chair – Your lifeline is the Division and the right questions can be asked to get the right answers.

Ms. Richardson – As for the Division, I did speak to Mr. Groden. We did speak but he did not ask those questions. However, upon getting the information I did tell him what was needed, but I did speak with his former supervisor also and she spoke highly of him and stated there were some personal issues as to why they were separating. It was not work related. I think there was just miscommunication, so at the time, he did not know what he needed or how much time he needed in order to find a new location.

Chair – Thank you. Is there a motion?

MOTION: Mr. Hall moved to approve the application subject to the condition that Mr. Groden submits the application fee of \$205 and that his internship be extended for only a five-month period once the Division receives the payment. Mr. Bango seconded the motion, which passed unanimously.

Chair – Good luck.

Mr. Groden – Thank you, sir.

B. Recommended for Approval without Conditions

(1) Funeral Director Intern

(a) Cornish, Cathleen (F086469)

Ms. Simon – Ms. Cornish is requesting that her internship be terminated (F086469). Her internship has lasted for more than twelve months at Frank Donald Terry Jr d/b/a All Veterans – All Families Funerals & Cremations (F072611). She has been working at this location since April 14, 2016; however, in August 2016, the Board voted to have her internship extension approved. Due to the legal requirements associated with an internship extension, the extension was issued with a new expiration date of September 15, 2017. Ms. Cornish has been successful in doing the following: she has completed the Funeral Service Arts Certificate Program; she has taken and passed the Florida State Board Examination; and she has taken and passed the Florida Law and Rules examination.

Ms. Cornish is requesting that her internship be terminated in order for her application for Funeral Director licensure to be approved. Otherwise, even though her internship has lasted for over a year, she will still need to wait until September 2017 for licensure.

The Division is recommending that the applicant's internship be terminated in order for her to be licensed as a Funeral Director post haste.

Chair – I noted earlier that Cathleen Cornish was here. Do you want to address the Board? We must swear you in then.

Ms. Cathleen Cornish -Absolutely. Thank you.

Ms. Simon – Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?

Ms. Cornish – Yes I do. Thank you. I just want to say thank you to the Board. I understand that statutes and laws cannot be written to cover every particular situation and mine was a little bit different, but because Key Largo in September did not work out for me as a hardship and that was very apparent in about three (3) weeks. I did complete an entire internship with All Veterans – All Families in Sarasota, including an extra little internship. I also want to say to the Board that you have an exceptional and stellar employee with Jasmin Richardson and I appreciate very much the direction that she gave all of us as we go through this process. So, thank you, Board, very much.

Board – Thank you.

Chair – Is there a motion?

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

Mr. Helm – I have an educational question for me, please. If she holds an internship, she can't apply for a license?

Ms. Simon – The internship license was set to expire at a date in the future. While her internship is still going on she is unable to get her funeral director license.

Mr. Helm – That's what I'm saying. If she holds the license, even if she's completed everything, she can't apply for license until...I understand now.

Ms. Simon – Correct.

Ms. Richardson – She can apply; she just cannot be licensed until the internship has been completed.

Mr. Helm – Okay.

Ms. Richardson – So she has submitted an application, taken, and passed all of her examinations, but she cannot be issued her license until all of the requirements are met.

Chair – Thank you.

22. Executive Director's Report

A. Operational Report (Verbal)

Ms. Simon – The Division Director, Ms. Schwantes.

Ms. Mary Schwantes – Yes, thank you. I will try to keep the report brief, again this month, but there are a couple of things that I do want to cover. One, I want to give an update on the rulemaking workshops. As you all know, I think most everybody here has been involved in these, we opened 69K-30, F.A.C., three (3) rules out of that chapter. We had a Rulemaking Workshop on June 6th. It was extremely well attended. The deadline for submitting written comments after that workshop was June 16th. That was followed up with responses received from the industry. There was significant interest from the industry as demonstrated both in the written comments and also in comments made at the three (3) recent association meetings, which we also attended. So, written comments, general objections to the increased fines, we received fifty-four (54) of those. They were pretty much all the same in language, and then we received thirteen (13) more detailed objections. Those

are public record. If you all have interest in receiving a copy, send in a public information request and we'll be happy to get those to you. The information was presented, in some form, regarding the Rulemaking Workshop and the process, to the three (3) recent association meetings, and again we went through this yesterday. There was a meeting of the Rules Committee. Again, a very well turnout, very large turnout for that. A lot of interest. I just want to say on behalf of the Division and the Department that we appreciate the interest and the participation of the Committee members and of the industry representatives who have donated so much time to this, spent so much time on this, and we look forward to continued workshops and Rules Committee meetings on these issues.

As far as Division news goes, I have spoken about our information technology needs in the past and have indicated that there is a business analysis ongoing regarding those needs. What happens is the information technology specialists come in, they talk with us about all of our processes, look at all the systems we have in place currently, and they will make a recommendation to us based on their discussions and their review on what they believe our information technology needs will be. It's called a business analysis. I'm sure you all are familiar with those. We expect that to be completed probably in another couple of months. So it is an ongoing process, a few more months before we have any substantive information on that to report.

We are wrapping up fiscal year end responsibilities for the Department and for the Division. I want to give a great, huge thanks again, I know they've already gotten it, but to LaTonya Bryant, Jasmin Richardson, and Lashonda Morris, in particular, and also of course to Ellen Simon for their work in getting ready for this Board meeting, which is the largest Board meeting of the year and for all of the work that they do throughout the year, particularly during these last several months with the online renewals and some of the other responsibilities that come up. It's a lot of work and a lot of preparation goes into all of this and it's particularly heroine when you add to that fiscal year end responsibilities that come due too, so I really do appreciate them.

Finally, I want to tell you a little bit about what we have coming up in the future. We will be having a strategic planning session for Division managers within the next few weeks. And I say this, and I mean this in sincerity, we would appreciate if there are Board members or industry representatives who have ideas, suggestions, any comments they would like to make for goals or areas that we should focus on over the next five (5) years, please send your comments to me by email or get in touch with me. They will all be considered at our planning session. Again, I invite all of that.

Chair – Is there a date on submitting suggestions?

Ms. Schwantes – I don't have a date yet, but we're planning for towards the end of July. Say the third week of July. We've not scheduled the date yet.

Chair – Thank you.

Ms. Schwantes – Thank you. That concludes my report.

B. Rulemaking Cleanup Project

Ms. Simon – The Office of the General Counsel is continuing with their review of rules and what must be corrected. I do not believe the changes are substantive, however Board approval is necessary to move forward in the rulemaking.

Chair – Is there a motion?

MOTION: Mr. Jones moved for approval. Mr. Knopke seconded the motion, which passed unanimously.

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

Ms. Simon – This item is informational only. Are there any questions?

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 June 29, 2017 Board Meeting
 Date of Report: June 16, 2017

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Hunter James West	Apr-17	197862-16-FC	\$1,000	6/9/2017	Note D	Discussions taking place between the OGC and the Division.
Damon Baker	Dec-16	196641-16-FC	\$2,500	3/8/2017	Note D	
Affordable Monument Company	Jun-16	184198-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Patricia Narciso	Jun-16	184202-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Clifford N. Robinson d/b/a CN Robinson Memorials	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.						

23. Mr. Chairman's Report (Oral)

Chair – The Rules Committee convened yesterday, as Ms. Schwantes mentioned, and I'd like to recognize Ken Jones and Bill Williams for the work they put into this and will continue to put in. Thank you very much. With that, I'd like to call on Ken Jones, who is the State Registrar, Bureau of Vital Statistics, of course a member of this Board, and sits on the Medical Examiner's Commission. Ken has some news and some updates for us, please.

Mr. Jones -Thank you. Just a couple of updates. The Department of Health, this past session, received HB 101, HB 103 that was approved and signed by the Governor. This is a grieving families act. What this bill does and the reason I'm explaining it to you is it creates a certificate a non-viable birth. Currently, within statutes, if a fetal demise occurs, as you are aware, twenty (20) weeks or greater, we fill out a fetal death certificate. This bill here addresses a fetal demise from week ten (10) to week nineteen (19) and it acts in law that a non-viable birth is an unintended, spontaneous fetal demise. So what this bill does is it allows a parent or parents that have a fetal demise between ten (10) and nineteen (19) weeks to request from their health care practitioner, and health care is addressed in this as Chapters 464 and 467, F.S., which is nursing and midwifery. So, they can request that a certificate be completed. This is effective Saturday, and I sent an email out to funeral directors, so you may have already seen it, letting you know this really does not impact the funeral industry, but I wanted to touch on it. So if you have a client mention the grievance family act or non-viable birth, you can assist them. You can refer them to our office. We'll be glad to address questions. You can also advise them to go back to the facility or if it was a nurse or a nursing facility or midwifery facility to go back there and they will be able to help them fill this out. What we do is we'll put a certificate on file. There's no stats or anything collected on the certificate, and what it is, it allows the parents to be able to get a certificate of non-viable birth that states that they had a fetal demise, called a certificate of non-viable birth within that timeframe. It has on there that this not proof of a certificate of a live birth, but it's something the parents can have. So I wanted to make you aware of that. This also does not impact medical examiners and we've already addressed that with them and will be sending that out. So, if you're talking to your medical examiners, or you as the funeral industry, I just wanted to bring it up. Any questions, feel free to call me or my office. We kick it off Saturday, and there could be a lot of questions. We're there to support you with any questions you may get from clients. Any questions? The second thing I wanted to bring up is I'm close to signing a contract to move forward with redesigning our EDRS system. That system will be a full web-based system. We'll get rid of the Citrix. We'll truly make it where you can use mobile devices, you can do a lot of other things. The reason I'm bringing this up is Mr. Brandenburg and others sat on our original committee when we put this together. I don't have that committee any longer, but what I'm actually opening up and I mentioned it yesterday, and Mr. Knopke said he was going to

stay up all night, and I see he is still up thinking about it. He already started giving me about ten (10) suggestions. What I'm asking for is if you have something you would like to see let me know. If it's something that will help you within your business, within the funeral industry, and if we're able to do it, as you know, I will make every effort to do that. It's your system, so that's the reason I'm putting it out there. I'm asking for suggestions. I can't say I can do them all, but if it's something we can do and it's for the betterment of the industry, we will do that. Thank you very much.

Chair – I've said it before and I'll say it again, Ken Jones heading Vital Statistics is one of the most consumer friendly bureaus in all of the State of Florida, and helpful beyond belief. Thank you for that, Ken.

24. Office of Attorney General's Report (Oral)

Ms. Simon – The next item on the agenda is the Office of Attorney General's Report.

Mr. Barnhart – Just to give you an update on rules reports, you may have heard that we had the disciplinary rules opened up for discussion. Something that may be on your radar for the next couple of months is inspection criteria for funeral establishments, 69K-21.003. We're going to be looking at that in the next few months.

25. Administrative Report

The information was provided on the Agenda.

26. Disciplinary Report

The information was provided on the Agenda.

27. Upcoming Meeting(s)

- A. July 13th (Teleconference)
- B. August 3rd (Embassy Suites by Hilton Orlando North -Altamonte Springs)
- C. September 7th (Teleconference)
- D. October 5th (DoubleTree by Hilton Tampa Airport Westshore)
- E. November 2nd (Teleconference)
- F. December 7th (Tallahassee)

28. Adjournment

Chair – Good of the cause? Anything good happening? Thank you all for being here.

The meeting was adjourned at 12:35 p.m.