

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES**  
**TELECONFERENCE MEETING**  
**July 13, 2017 - 10:00 A.M.**

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

Mr. Jody Brandenburg, Chair –Good morning everyone. Welcome to the Board of Funeral, Cemetery, and Consumer Services’. It’s July 13, 2017. I want to call this meeting to order. Ms. Ellen Simon, would you please make your preliminary remarks and do the roll call?

Ms. Ellen Simon – Yes Mr. Chairman. My name is Ellen Simon. I’m the Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. Today is July 13, 2017 and it is 10:02 A.M. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Service. This meeting is occurring by teleconference. Notice of this meeting has been published in the Florida Administrative Register. An agenda for this meeting has been made available to all interested persons. The call in number was placed on the agenda. The Board’s staff are present for this meeting in the Claude Denson Pepper Building, in Tallahassee, along with Board counsel. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared. Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. At this time, Mr. Chairman, I will call the roll:

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

**Also noted as present:**

- Mary Schwantes, Executive Director
- Tom Barnhart, Board Legal Advisor
- LaTonya Bryant, Department Staff
- Jasmin Richardson, Department Staff
- Christine Moore, Department Staff

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

Mr. Chair – Thank you.

\*\*\*\*\***ITEM TAKEN OUT OF ORDER**\*\*\*\*\*

**13. Executive Director’s Report**  
**A. Operational Report (Verbal)**

Chair – I’d like to take the privilege of moving on our agenda, Item #13, and take that up next, please. Item #13 is the Executive Director’s Report.

Ms. Mary Schwantes – Thank you, Mr. Chair. This is Mary Schwantes. I appreciate being able to discuss a few items out of order from the Executive Director’s Report today. I will be needing to leave as soon as I finish this report for an appointment and will leave the rest of the meeting up to the Board, of course, and Ellie will finish up with the licensing issues. So, as for the

Operational Report, from the Executive Director's Report, I wanted to talk about the Board appointment process. The terms of five (5) members of the Board, including our Chair and Vice Chair expire on September 30, 2017, and many of you have been asking if we are accepting Board applications yet. The answer is, almost. As a reminder, applications are reviewed by the CFO. The CFO nominates three (3) candidates, for each vacancy, and presents those nominations to the Governor, for his review. The Governor then selects from the three (3) candidates and appoints a new member to the Board, or reappoints a member, as necessary. The last appointment process took place in 2015. Since that time, the Board application process for the Governor's Office has changed. They have implemented an online application for personal information such as social security numbers and such, and that process is...

Ms. Simon – If all of those on the phone can be sure to put their phones on mute so as not to disrupt the conversation. Thank you.

Ms. Schwantes – Okay. So the Governor's online application process is really for the Board appointment processes which are totally within his control. Since the CFO has a special role in this appointment process, there needs to be extra coordination between the Governor's Office and the CFO's Office on this. For our Board, it is critical that applications be submitted and reviewed first by the CFO.

Chair – Excuse me! There is someone talking right now and you're interrupting the process. We can hear you. Would you please mute your telephone? I'm sorry for interrupting you, Ms. Schwantes.

Ms. Schwantes – Thank you, sir. So, for our Board, it's critical that the applications be submitted and reviewed first by the CFO. There are ongoing discussions now with the Governor's Office regarding the appointment process for this Board. As I said, it's an unusual Board because the CFO and the Governor are involved. Although matters are not yet finalized, it looks like filing applications is going to need to be a two-step process, with some information filed directly with the Division for the CFO's review, some information filed directly online with the Governor's Appointment Office, and then a coordination between the two (2) offices on the ultimately review. That is not finalized yet. That just looks like that's the way it probably is going. We expect to finalize the process and have information on the application process published and emailed within the next few days. Please note, if any of you have already submitted online applications with the Governor's Office, you are still going to need to complete and file additional information with the Division, for the CFO's review before your application is considered complete. If you've not yet submitted anything, thank you. Please wait until the appropriate process is announced. As indicated, we're going to send emails out of the Board distribution lists, to the association offices, and will publish information on the website. We really are working hard on this effort and hoping to have final answers from the Governor's office in the very near future. Any questions on that? Okay.

The next update is just on the rulemaking issues. The next Rules Committee meeting is scheduled for the afternoon following our next Board meeting, in August. So, the Rules Committee meeting will take place on Thursday, August 3<sup>rd</sup>, at 1pm, at Embassy Suites by Hilton Orlando North, which is the same location for that Board meeting, in Altamonte Springs FL. Notes have not yet been typed up from the last Rules Committee meeting, but should be sent to Committee members and otherwise made available next week. Are there any questions about that?

**13. Executive Director's Report**  
**B. Delegation of Authority (Verbal)**

My final items has to do with delegation of authority. It's come to my attention that as Executive Director, I need to have a written delegation of authority from the Chair and from the Board, in order to sign documents on behalf of the Board, including Final Orders. This has traditionally been signed by the Executive Director. It makes it easier in that the Orders are prepared here in Tallahassee and I'm here in Tallahassee and can sign them. Doug Shropshire apparently had one of these delegations of signatory authority. We are needing to get one for me, as well. So, our Department's legal staff is working on the document itself. However, for today's meeting, we would like for the Board to authorize the Chair to execute the delegation of signatory authority, which would authorize me as Executive Director, to sign any Orders and other documents on behalf of the Board, as approved by the Board during Board meetings. It needs to be effective as of February 2<sup>nd</sup>, which was the date I was appointed Division Director by the CFO, and would need to ratify all Orders and other documents that I have signed on the Board's behalf, since February 2<sup>nd</sup>, to date.

Chair – Is there a motion to that effect?

**MOTION:** Mr. Lew Hall moved to approve the delegation of signatory authority, which is effective as of February 2<sup>nd</sup> and would authorize Mary Schwantes, as Executive Director, to sign any Orders and other documents on behalf of the Board, as approved by the Board during Board meetings, and would ratify all Orders and other documents that Ms. Schwantes has signed on the Board's behalf, since February 2<sup>nd</sup>, to date. Mr. Ken Jones seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you, sir. We should have the final document ready for your signature, again, probably next week. So, we'll get that to you as soon as possible. That was all that I needed to report for this. I appreciate again taking these items out of order and would like to turn it back over to the regular order of things.

Chair – Thank you.

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

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

**3. Application(s) for Continuing Education Course Approval**  
**A. Recommended for Approval without Conditions – Addendum B**  
**(1) APEX Continuing Education Solutions (4201)**  
**(2) Elite CME (113)**  
**(3) National Funeral Directors Association (136)**

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

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

**4. Application(s) for Approval as a Continuing Education Provider**  
**A. Recommended for Approval without Conditions – Addendum C**  
**(1) Academy of Graduate Embalmers of Georgia (30008)**

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

**MOTION:** Ms. Jean Anderson moved to approve the applications. Mr. Hall seconded the motion, which passed unanimously.

**5. Application(s) for Florida Law and Rules Examination**  
**A. Informational Item (Licenses Issued without Conditions) – Addendum D**  
**(1) Funeral Director– by Internship and Exam**  
**(a) Gross, Steven E**  
**(2) Funeral Director and Embalmer – by Endorsement**  
**(a) Strickler, Christopher A**  
**(3) Funeral Director and Embalmer – by Internship and Exam**  
**(a) Schauss, Chelsi E**

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

**6. Application(s) for Internship**  
**A. Informational Item (Licenses Issued without Conditions) – Addendum E**  
**(1) Funeral Director and Embalmer**

- (a) *Sixto, Dania E F176766*
- (b) *Spangler, Shane F078041*
- (c) *Wells, Brandy K F176753*
- (d) *Wright, Marcus L F176324*

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 Embalmer Apprenticeship**
  - A. **Informational Item (Licenses issued without Conditions) – Addendum F**
    - (1) *Pogue, Garret R F179671*

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

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

Ms. Simon – Due to some miscalculations on Addendum G, adjustments are required to be made, as to two (2) claims, and one (1) claim needs to be withdrawn before voting on by the Board:

- CPTF Claim 1268 – There was a claim submitted in the amount of \$1,495. While FSI does have funds available in trust, the correct amount in trust is \$633.67, not \$973. 67, as previously indicated. After the adjustments, the necessary adjustments, the total claimable amount is \$856.56.
- CPTF Claim 1284 – While the claim submitted was for \$6,995, there are no funds available in trust. Therefore, the \$633.67 indicated to be available in trust was misrepresented. After adjustments, based upon the trust funds, the total claimable amount is \$6,995.
- CPTF Claim 1279 – There was a claim submitted in the amount of \$1,300. However, there’s currently issues that we are looking into and until the matter is resolved, we are pulling that claim.

Therefore, the total amount of the CPTF Claims for this month is modified to \$30,183.63, with Ralph Isley’s total claimable amount changing to \$856.56, Terry Day’s total claimable amount changing to \$6,995 and with Margaretea Kirkman’s claim being removed. As a result, the Division recommends approval for the monetary amounts listed in Addendum G, with the amendments as indicated.

**MOTION:** Mr. Keenan Knopke moved to approve the claim(s) for the amount indicated on the Addendum G, with the amendments as indicated. Mr. Hall seconded the motion, which passed unanimously.

- 9. **Application(s) for Cinerator Facility**
  - A. **Recommended for Approval with Conditions**
    - (1) *River City Crematory Inc. (Jacksonville)*

Ms. Simon – An application for a Cinerator Facility was received on June 6, 2017. The application was complete when submitted. A background check of the principal for the facility revealed no relevant criminal history. The Funeral Director in Charge will be Thomas Carver (F045429). The Division is recommending approval subject to the condition that the cinerator facility passes an onsite inspection by a member of Division Staff.

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

- 10. **Application(s) for Funeral Establishment**
  - A. **Recommended for Approval with Conditions**
    - (1) *McGan Cremation Service LLC (Inverness)*

Ms. Simon – An application for a Funeral Establishment was received on June 19, 2017. The application was complete when submitted. The Funeral Director in Charge will be Sean McGan (F020006). A background check of the principals revealed no relevant criminal history. This establishment is currently a Direct Disposal Establishment (F067874), and they are intending to convert the business into a Funeral Establishment if the application for licensure is approved. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

**(2) Paradise Funeral Home LLC (Oakland Park)**

Ms. Simon – An application for a Funeral Establishment was received on April 19, 2017. The application was incomplete when submitted. All deficient items were returned on June 16, 2017. The Funeral Director in Charge will be Rocco Petrucci (F022549). A background check of the principals for the establishment revealed no relevant criminal history. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

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

**A. Recommended for Approval without Conditions**

**(1) Affinity Direct Cremation Service, LLC (Brandon)**

Ms. Simon – The Department received the application on June 16, 2017, and no deficiencies were noted on the application. The sole member and owner of the LLC will be Tommy C. Wagner. A completed background check of all officers revealed no criminal history. Applicant obtained its current qualifying direct disposal establishment license (#F040178) as of April 2005. If approved, Applicant will sell trust-funded preneed through Funeral Services, Inc. (FSI) (Live Oak Banking Company) and utilize FSI's approved pre-arranged funeral agreement form(s). 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 = \$	51,725

The Division is recommending approval.

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

**12. Application(s) for Removal Facility**

**A. Recommended for Approval with Conditions**

**(1) Packplus Inc. d/b/a Josmar Medical Staffing (North Miami Beach)**

Ms. Simon – An application for a Removal Facility was received on June 9, 2017. The application was complete when submitted. A background check of the principal for the business revealed no relevant criminal history. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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

**(2) Thompson-Waterstreet Inc. (Panama City)**

Ms. Simon – An application for a Removal Facility was received on May 30, 2017. The application was incomplete when submitted. All deficient items were returned on June 28, 2017. A background check of the principals for the business revealed

no relevant criminal history. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

**MOTION:** Mr. Helm moved to approve the application subject to the conditions 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) Latisha LLC (Middleburg)**

Ms. Simon – An application for a Removal Service was received on June 13, 2017. The application was complete when submitted. A background check of the principal for the business revealed no relevant criminal history. The removal facility passed an inspection on June 8, 2017, during an annual inspection of the current license (F082012), and was informed they would need to submit an application to be relicensed due to a change in location. The Division is recommending approval.


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

**13. Executive Director’s Report**

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

Ms. Simon – This is an informational item as to the payment of disciplinary fines and costs. If without questions?

Monthly Report of Fines and Costs Assessed and Paid  
Division of Funeral, Cemetery and Consumer Services  
July 13, 2017 Board Meeting  
Date of Report: July 5, 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	
Damon Baker	Dec-16	196641-16-FC	\$2,500	3/8/2017	Note D	Discussions taking place between the OGC and the Division.
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	
Jeannette Royal	Jun-16	164613-14-FC	\$5,000	12-Jan-16	Note D	
Ronald Noble	Aug-15	134801-13-FC	\$2,500	8/1/2017	Paid in Full	
<p>A. When payment in full becomes past due, the FCCS Division works with the DFS Legal Division to enforce payment.            B. Once fines and costs are paid in full, licensee kept on this report 3 months, showing Paid in Full, and then dropped off report; also licensee dropped off report after disciplinary action filed due to nonpayment of the fine and costs.            C. The Order re this case is still in process, so no Due date is not yet established.            D. Due date has not passed, as of the date of this report.            E. As of the date of this report, monthly payments were current.</p>						

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

Chair – The next meeting is August 3<sup>rd</sup>, in Altamonte Springs, with a Rules Committee meeting after that, scheduled for 1p.

**15. Office of Attorney General's Report (Verbal)**

Mr. Barnhart – I don't have anything.

**16. Upcoming Meeting(s)**

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

**17. Adjournment**

Chair – Board members, any comments? Anything for the good of the cause? Otherwise, have a great day.

The meeting was adjourned at 10:23 a.m.