

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES**  
**December 6, 2018 - 10:00 A.M.**  
**Embassy Suites by Hilton Jacksonville Baymeadows**  
**9300 Baymeadows Road**  
**Jacksonville FL 32256**

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

Mr. Jody Brandenburg, Chair – Good morning, everyone. My name is Jody Brandenburg, and thank you for attending the Board of Funeral, Cemetery, and Consumer Services'. It's December 6, 2018. We're in Jacksonville FL, and I wanted to call this meeting to order. Ms. Simon, would you make your preliminary remarks and do the roll call, please?

Ms. Ellen Simon – Yes, Mr. Chairman. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is December 6, 2018, and it is approximately 10:00 a.m. 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. This meeting is taking place in Jacksonville FL, at the Embassy Suites in Baymeadows. An agenda for this meeting has been made available to interested persons, and extra copies are located in the meeting room. 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 {**ABSENT**}  
Powell Helm {**ABSENT**}  
Ken Jones  
Darrin Williams

**Also noted as present:**

Mary Schwantes, Executive Director  
Tom Barnhart, Board Legal Advisor  
Marshawn Griffin, Department Counsel  
LaTonya Bryant, Department Staff  
Jasmin Richardson, Department Staff

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

Chair – Thank you.

Ms. Simon – May I continue?

Chair – Please do.

Ms. Simon – Mr. Chairman, we have a request from Ronald T. Giddens to address the Board. Mr. Giddens was on the Board of Funeral Directors and Embalmers, under the Department of Business and Professional Regulation, for twelve (12) years and president of that Board for seven (7) years. Mr. Chairman, does he have permission to address the Board.

Chair – Yes.

Ms. Simon – Mr. Giddens?

Ronald T. Giddens – Thank you for letting me come up and present something to my friend I’ve known for a number of years. Jody, I would like for you to stand up, if you don’t mind. Ladies and gentlemen, for welcoming you all to this meeting today, I’d like to thank you all for inviting and letting me come. Jody, I want to give you something that is in my hand, and this was presented to me not quite twenty (20) years ago, but it’s been a long time. I want to present this gavel to you. It was presented to me a number of years ago. It’s got your name on it. Would you like to have it?

Chair – What a treasure. Thank you so much. I appreciate it. Mr. Giddens has been my friend, my mentor, my colleague, for at least forty (40) years and I still look to Mr. Giddens to be the shining light in virtually every direction I take.

Mr. Giddens – Thank you, Jody.

Chair – Thank you sir.

Mr. Giddens – Thank you, and I appreciate you letting me come do this for you. It was presented to me a number years ago.

Chair – I’ll cherish it.

Mr. Giddens – I kept it and I said I think Jody needs it now.

Chair – Thank you.

Mr. Giddens – Thank you, ladies and gentlemen.

{Applause}

Chair – I’d like to recognize Robert Dean of FSCJ College of Funeral Services and the students that are with him today. Would you like to address the group?

Robert Dean – Good morning, Mr. Chair. Good morning, Board members. We would like to thank you for coming to Jacksonville this year. We missed the April meeting. Well it was in April, but it’s now in December. We definitely look forward to attending the meetings every year. It is a learning opportunity for our students. I would like to wish each and every one of you a happy holiday season and welcome to Jacksonville again. Thank you.

Chair – Please remain standing a moment. I want to recognize these students as the future of the funeral profession. You will go into the workforce and remember everything that you’ve learned, but most of all, remember to be the most important thing for all of us. No matter how busy you are, no matter what you have to do, you have to focus and find time for that client family. That client family that you’re helping is the most important thing that we do every day. So, continue to focus on the client family and you’ll be successful. Thank you so much for being the future.

Mr. Dean – Thank you.

## **2. Action on the Minutes**

Chair – The next item on the agenda is the action on the minutes of the meetings. Let’s take the October 4, 2018 meeting first.

### **A. October 4, 2018**

**MOTION:** Mr. Ken Jones moved to adopt the minutes of the meeting. Mr. Darrin Williams seconded the motion, which passed unanimously.

### **B. November 1, 2018**

Chair – Now the November 1, 2018 meeting?

**MOTION:** Mr. Keenan Knopke moved to adopt the minutes of the meeting. Mr. Andrew Clark seconded the motion, which passed unanimously.

Chair – Ms. Simon?

**3. Old Business**

**A. Application for Preneed Sales Agent**

**(1) Recommended for Denial**

**(a) Hoff, Shayla E.**

Ms. Simon – Is Ms. Hoff here? An application for preneed sales agent licensure was received by the Division on or about March 23, 2018. The application was considered by the Board of Funeral, Cemetery, and Consumer Services (“Board”) on April 5, 2018. The Division recommended denial of the application, based primarily on the fact that the Applicant, in June of 2017, entered a plea on nolo contendere in criminal court to the charge of Child Neglect Without Great Bodily Harm, a third-degree felony. The Board voted to deny the application, and a Notice of Intent to Deny was filed on April 26, 2018.

The applicant appealed the Board’s denial, and the matter was sent to the Division of Administrative Hearings. On September 19, 2018, a Recommended Order was filed by an Administrative Law Judge. This Order recommended that the Board enter a Final Order denying the Applicant’s application for licensure as a preneed sales agent. The Division is recommending that the Board follow the recommendation of the Administrative Law Judge and deny the application.

Chair – Is Shayla Hoff here? Ms. Hoff? Hearing no response. Board?

**MOTION:** Mr. Knopke moved to adopt the Findings of Fact and Conclusions of Law in the Recommended Order and enter a Final Order denying the Applicant’s application for licensure as a preneed sales agent, as recommended by the Administrative Law Judge. Mr. Williams seconded the motion, which passed unanimously.

**B. Application to Acquire Control of an Existing Cemetery Company**

**(1) Recommended for Approval without Conditions**

**(a) Serenity Gardens, Inc. of Santa Rosa (F039549) (Milton)**

Ms. Simon – This Application to Acquire Control of an Existing Cemetery license was presented at the December 7, 2017 Board meeting and the application was withdrawn as indicated in the minutes from the Board package from the December 7<sup>th</sup> meeting. Subsequently, Applicant has submitted a new application along with all required documentation in compliance with s. 497.264, F.S. The application was received by the Division on November 7, 2018. A completed background check of all officers revealed no criminal history. The proposed current principal and officers will be Linda D. Stone and Dana J. Stone. The change of control application is being filed as a result the recent death of Doyle Winston Culpepper, wherein all of Mr. Culpepper’s assets were transferred to his surviving spouse, Katie Lou Culpepper via Mr. Culpepper’s will. Mrs. Culpepper has been medically diagnosed with dementia and her four (4) daughters were named as power-of-attorney: Linda D. Stone, Lisa M. Turner, Leta F. DeMarcus, and Carrie Linzy Blalock. Mrs. Linda D. Stone has been acting as successor and President of the cemetery company to operate and manage the cemetery along with her husband, Dana J. Stone, who has been acting as general manager. This change of control was not initially reported to the Division.

The cemetery company corporation was first incorporated somewhere around the 1950’s. Per the original Articles of Incorporation filed in 1965, the owners of the corporation were listed as Dr. Donald G. Parmer, Claude B. Bryant, and Emily H Ashley. In 1966, the cemetery was foreclosed upon by the Santa Rosa Bank, owned by Mr. Albert Golden. Around 1987 Mr. Golden sold the Santa Rosa Bank and donated 85% of the cemetery stock ownership to the Heritage Chapel, Inc, formerly known as Church of the Living God, with the remaining shares held by Ms. Katie Lou (Golden) Culpepper, his daughter and her husband, Doyle Culpepper. Mr. Culpepper served as president, and Mrs. Culpepper served as Vice President/Secretary along with Dana Stone and their daughter, Linda (Culpepper) Stone. Mrs. Stone then took over as President of the cemetery around 2013. This change of ownership was never reported to the Division.

In November 2016, Mr. Culpepper passed away and all assets were transferred to Mrs. Katie L. Culpepper, who currently suffers from dementia and has assigned power of attorney to her 4 (four) daughters: Linda (Culpepper) Stone, Lisa M. Turner, Leta DeMarcus, and Carrie L. Blalock. That being said, the affidavits provided in your Board packets are from Mrs. Stone’s

siblings indicate relinquishment of any interests that may be held by her siblings relating to the cemetery and assignment to Mr. and Mrs. Stone to assume the role as the sole successors and owners of the cemetery.

The care and maintenance trustee report for CY 2016 is included in your Board packets. The cemetery report appears to be in line with the reported gross sales for CY 2016 for the listed property being acquired. Pursuant to ss. 497.264 (2) (m), F.S. and based upon all the documentation provided, this acquisition qualifies as an external change of control. The Division is hereby recommending approval of this application without conditions.

Chair – Thank you. Ms. Daughton, welcome.

Maureen Daughton – Thank you, Mr. Chair, members of the Board. May I proceed, briefly?

Chair – Please do.

Ms. Daughton – My name is Maureen Daughton. I am here with Linda and Dana Stone. Linda is the president of Serenity Gardens Inc. of Santa Rosa. Her husband, Dana Stone, is the manager. This cemetery is in Milton FL. Mr. Chair, we are here to answer any questions. It is a very lengthy history. It's a family history surrounding this cemetery, so we're here to answer any questions that the Board may have this morning.

Chair – Any questions or a motion?

Mr. Knopke – A couple of questions.

Chair – Mr. Knopke?

Mr. Knopke – Good morning.

Ms. Daughton – Good morning.

Mr. Knopke – If I read the package correctly, Mr. and Mrs. Stone have actually been running the cemetery since 2006, 2007 or 2008? Is that about right?

Unidentified person – 2008.

Mr. Knopke – So you all have actually been making the decisions and running the company for Mr. and Mrs. Culpepper and the other siblings?

Ms. Daughton – May I respond?

Chair – Please.

Ms. Daughton – Mr. Stone has been in the manager position since approximately 2008. As Mrs. Stone's parents, who were running the cemetery, her dad passed away in 2016. Her mom has been incapacitated for some time. She became the president in 2013 so that there could be an easier transition, but Mr. Stone has been in that role since 2008 and Mrs. Stone, as the president, since 2013.

Mr. Knopke – Okay. Thank you. The other question I've got, I'll direct it to the Department. You may want to respond. Do they have a preneed license or are they just a cemetery business that sells lots and markers and stuff like that?

Ms. Simon – Mr. Knopke, I believe they do not have a preneed license.

Ms. Daughton – May I respond?

Chair – Counsel?

Ms. Daughton – That is correct. They do not have a preneed license.

Chair – Is there anything else?

Mr. Knopke – Nothing. Thank you.

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

Chair – Congratulations.

Ms. Daughton – Thank you very much and Merry Christmas. Happy Holidays.

**C. Application for Funeral Establishment**  
**(1) Recommended for Approval without Conditions**  
**(a) The Life Celebration Center LLC (Tampa)**

Ms. Simon – Is anyone here from The Life Celebration Center? Please step forward. An application for a Funeral Establishment was received on September 19, 2018. The application was complete when submitted. The Funeral Director in Charge will be Ursala Staten (F044269). A background check of the principals revealed no relevant criminal history. The establishment passed its inspection on October 24, 2018.

The application was presented to the Board at the November agenda; however, it was tabled to be brought back at a future meeting amid questions about the ownership of the establishment. In order to respond to the questions raised at that Board meeting, the Board had asked that the Division determine the relationship Dwayne Matt has with the facility. It has been determined that Dwayne Matt is the husband of the individual who filed the application and is also listed as a contact for the facility. It has been advertised that Mr. Matt will be a funeral director for the facility and the funeral director in charge will be Ursala Staten, who's home and preferred mailing address is in Tallahassee FL. The establishment is recommended for approval without conditions.

Chair – Good morning. Did you want to address the Board or are you just here to answer questions the Board may have.

Immaculate Matt – Good morning, Board member, Mr. Chairman, everyone. We're just here to answer any questions that you have, sir.

Chair – Thank you. Board? Is there a motion?

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

Chair – Congratulations.

Ms. Matt – Thank you so very much. Happy Holidays.

**D. Disciplinary Proceeding (Settlement Stipulation)**  
**(1) Probable Cause Panel B**  
**(a) Renaldo Lampkins: Case No. 200645-16-FC; Division No. ATN-27324 (F043345)**

Ms. Simon – This case will be presented by Mr. Griffin, from the Office of the General Counsel. Mr. Griffin?

Marshawn Griffin – This is a resubmission from the October 4, 2018, Board meeting. Mr. Renaldo Lampkins (Respondent) is a funeral director and embalmer licensed under Chapter 497, F.S., license number F043345. Respondent was the owner and funeral director in charge (FDIC) of Lampkins Patterson Cremation Services, Inc., a former licensed funeral establishment, license number F082115, doing business in Jacksonville FL (funeral establishment). The funeral establishment has, of this date, closed down and relinquished its license to the Department.

On or about April 27, 2016, Respondent, as FDIC of the funeral establishment, entered into a contract for funeral services with Rebecca Harp of Jacksonville FL, whose son, Jonah Golden, had been murdered. The contract price for the funeral was \$10,790. Rebecca Harp stated that she paid \$2,500 to the Respondent in cash as a down payment. There is no file documentary evidence i.e. checks, receipts etc., that this payment was made. There was an assignment of benefits on a life insurance policy that the deceased owned. Pursuant to the assignment, Respondent received \$10,000 from the insurer on May 17, 2016. After receiving \$10,000 in payment, Respondent urged Rebecca Harp to apply to the Florida State Bureau of Victim Compensation for an award under Chapter 960, F.S. to defray the funeral costs. Chapter 960 concerns compensation to crime victims. Rebecca Harp applied for compensation.

On May 27, 2016, Respondent represented to the Bureau of Victim Compensation that he had not received any payment on the Harp contract and that there was an unpaid balance of \$10,000 on the contract. This was despite the previously mentioned payments that the Respondent received. Under Chapter 960, F.S., payment is to be granted on "an actual need basis" and is to be considered a payment of last resort only and is subject to be reduced by the amount of any other payments the recipient receives. The Bureau of Victim Compensation paid Respondent \$7500, the maximum amount allowed by statute. Respondent paid over to Rebecca Harp the sum of \$6,710.00 received from the Bureau of Victim Compensation, retaining \$790.00 as payment due on the contract.

Based upon the foregoing, by receiving a total of \$16,710 in payment on the contract, the contract price of which was \$10,790, the Respondent has received funds that he was not entitled to and refused without reasonable justification to honor the funeral contract. As such, he violated ss. 497.152(1)(a), 497.152(1)(b), 497.152(9)(f), and 497.152(13)(a), F.S.

A Settlement Stipulation was offered to Mr. Lampkins and presented at the October 4, 2018 Board meeting. The Board rejected that proposed Settlement Stipulation. The original stipulation was an administrative fine of \$4000, payable in two (2) equal monthly installments of \$2000 each, with a one-year probation period. The Board recommended that it would accept terms of an administrative fine of \$4000. The fine shall be payable in two (2) equal monthly installments of \$2000 each. Failure to pay the \$4000 administrative fine shall constitute a violation of the Consent Order and shall result in the immediate suspension of Respondent's license, pursuant to s. 497.153(5)(c), F.S., until such time as Respondent comes into compliance, including payment of the fine. In addition, as required by the Board, Respondent's license shall also be placed on probation for a period of two (2) years and he shall not serve as an FDIC during the probation period. This stipulation is subject to the usual terms and conditions, per Rule 69K-30.001(3), F.A.C., as well as the terms and conditions attached to the stipulation as Exhibit A. The Department recommends that the Board approve this Settlement Stipulation.

Chair – Thank you, Mr. Griffin.

Ms. Anderson – Mr. Chairman, I served on Probable Cause Panel B and I'm recusing myself from this case.

Chair – Thank you, Ms. Anderson. Board, are there any questions, comments, or a motion?

**MOTION:** Mr. Knopke moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$4000, payable in two (2) equal monthly installments of \$2000 each. Mr. Clark seconded the motion, which passed unanimously.

**E. Preneed License Renewal(s)**

**(1) Recommended for Renewal without Conditions**

**(a) McIntee Holdings, LLC d/b/a Kalis-McIntee Funeral & Cremation Center (F019193) (Wilton Manors)**

Ms. Simon – Is anyone here that represents them?

Wendy Wiener – Good morning. Wendy Wiener, representing the applicant.

Ms. Simon – Good morning. Board members, this matter has been before you on two (2) previous occasions. At the last meeting, the Board asked for further documentation to substantiate net worth. On November 16, 2018, the Division received revised financial statements and an appraisal of real property owned by the licensee demonstrating that the alternative for minimum net worth requirement has been satisfied. Licensee has provided all documentation for renewal, and requests consideration for renewal of its preneed license. The Division is recommending approval of the application for renewal.

Chair – So, there's an attached revised statement of financial condition and an appraisal of real property. Did you want to address the Board or are you here to answer questions?

Ms. Wiener – Simply here to answer questions, along with Bill Williams, FSI.

Chair – Is there a motion?

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

Ms. Wiener – Thank you.

Bill Williams – Thank you.

*(2) Recommended for Renewal with Conditions  
(a) Southern Funeral and Cremation Services Inc d/b/a Southern Funeral Care (F038694) (Riverview)*

Ms. Simon – Is someone here representing that entity?

Chair – Good morning, Ms. Hood.

Ms. Michele Hood – Good morning.

Ms. Simon – Board members, this matter has also been on the agenda on two (2) previous occasions. At the last occasion, the Board asked for additional documentation to substantiate an alternative to net worth or to substantiate the net worth. On November 13, 2018, the Division received revised financial statements from the licensee demonstrating that the required minimum net worth has been met. Licensee has provided all documentation for renewal, and requests consideration for renewal of its preneed license.

The Division is not expressing an opinion at this time, regarding the revised financials presented by the Licensee dated as of October 31, 2018. It is unclear as to what revisions to the previous financials dated as of December 31, 2017 are being made as represented on the current financials dated as of October 31, 2018. Furthermore, there is no letter from the CPA included to provide a further explanation of such revisions as indicated by the Licensee. In view of this, the Division defers to the Board, and if the Board is inclined to approve renewal of this preneed license, the Division concurs and recommends that the Licensee also agree to trust at 100%.

Chair – Any questions? Are you here to answer questions?

Ms. Hood – I'm here to answer questions.

Chair – Thank you.

Mr. Knopke – Mr. Chair?

Chair – Mr. Knopke?

Mr. Knopke – Is there any specific reason why Mark Vargo from Southern is not here today?

Ms. Hood – Yes sir. He is....

Ms. Simon – If you could raise your right hand to be sworn in. Do you swear to tell the truth, the whole truth and nothing but the truth?

Ms. Hood – I do.

Ms. Simon – Please state your name for the record.

Ms. Hood – Michele Hood.

Ms. Simon – Ms. Hood, please answer Mr. Knopke's question.

Ms. Hood – Mr. Vargo sends his apologies. He was not able to make it today. They are both busy in the funeral home today working with families and he was unable to get away from the business. He did ask me to stand in for him and represent him if there are any questions. I've reviewed the supplemental information that he has provided. He did not provide any changes or updates to his December 31, 2017 financials. What he provided was an updated financial as of October 31<sup>st</sup> showing that he does meet the financial net worth requirements for licensure.

Mr. Knopke – The financials for preneed renewal are for a specific period of time, and not your interim statement. Is that correct? If I'm understanding what you're telling us, he didn't change anything from what he originally submitted.

Ms. Hood – Correct.

Mr. Knopke – He has submitted a ten-month statement for this calendar year.

Ms. Hood – Correct.

Mr. Knopke – In lieu of what the statute calls for.

Ms. Hood – As he explained during the first meeting that he was present, the financial statements that were provided were prepared internally, but the net worth requirement did not meet the statutory obligation at that time, because the CPA had taken some accelerated depreciation. So, depreciation was the only issue causing his financials not to meet the statutory requirement. He is trusting 100%. He would continue to trust 100% or write insurance, as the Board may request, but at this time, he does meet the financial net worth requirements for licensure. The CPA, because they were not engaged to provide financial statements for him, has given him no opinion regarding the financial statements that he's provided.

Mr. Knopke – I guess my concern is that we're kind of going out of the bounds that have been placed and that we use historically to approve financials.

Ms. Hood – Are we, Mr. Knopke? The stipulation that he will trust 100% and continue to do so. I'm just trying to understand exactly what it is that...

Mr. Knopke – My concern, Michele, is that we're opening a door here for others. Let's say you don't meet it on July 1<sup>st</sup>, well you go back and you have a good month, or you create a new financial statement, not from a third party but internally, that says you do and then say you're going to trust 100% and then we approve it. Mr. Vargo, I've known for years, entrusting and I know that if he says he's going to do something he does it. My concern is a precedent we're setting for others that we as a Board, or we as an individual may not know that may run astray from that and say I do trust 100% until I get caught, then I've only been trusting 70% or 50%, and we've kind of cracked the door. That's my concern because then it's hard to shut that door or get that money back.

Ms. Hood – I would submit, Mr. Knopke, that he's already given the Board an additional alternative to meeting the net worth requirement, which is the stipulation that he would trust 100%, and I know that in many cases we have done that. So, I don't know that that is outside of the bounds of what we've already done. Even disregarding the financial statements that he's provided, as of December 31<sup>st</sup>, he was trusting and will continue to stipulate that he will trust 100% on these preneed contracts. So, that was the additional requirement that the Board offers, according to rule, that he may offer and the Board may accept, for him to continue licensure. I don't believe that's a departure from what we've done previously.

Mr. Knopke – Okay. Thank you.

Chair – Any other questions? Motion?



**MOTION:** Mr. Jones moved to approve the application for renewal subject to the condition that the Licensee continues to trust 100%. Mr. Clark seconded the motion, which passed with one (1) dissenting vote.

Chair – At this time, I have a request from Mr. Knopke to address the Board and the attendees here.

Mr. Knopke – This has nothing to do with Old Business. This past week, as we know, President Bush passed away and that ceremony continues today and will be finalized and completed. I wanted to take a moment today to compliment SCI, and the SCI Ceremonial Team, because for those that don't know, they have run that funeral, along with lots of egos and lots of different agencies in the government. And what they've done and do for these types of funerals, all over the county, is make everyone in this room look very good. They handle it with dignity and professionalism. If there are blips in the road, you don't see it. They are not there. They are invisible. You may see Dignity on the coach, both the first coach and the second coach, just in case. All the way down to everything there. I wanted to congratulate Jody, the entire Dignity team that's here today, and I'd also ask Jody if he would express that back to corporate that we're acknowledging the company for a wonderful job representing our industry. Thank you.

Chair – Thank you. I'll certainly do that.

{Applause}

Chair – We're very proud of our SCI Dignity Memorial Ceremonial Team that's made up of team members from all over the country in very much different levels of our company. So, there on a beacon call. When they get a call, and they're part of the team, they must respond to that city within six (6) hours, no matter where they are in the Continental United States. So, thank you. It's a prestigious achievement and everybody should be proud. Thank you.

#### 4. **Disciplinary Proceedings:**

##### **A. Settlement Stipulations**

**(1) Related Items (Division No. ATN-27172) (Probable Cause Panel A)**

**(a) Don Alan Moore: Case No. 196720-16-FC; Division No. ATN-27172 (F043723)**

Ms. Simon – Again, presenting for the Office of the General Counsel, Mr. Griffin.

Mr. Griffin – Don Alan Moore (Respondent) is a funeral director and embalmer, licensed under Chapter 497, F.S., license number F043723. Respondent is the funeral director in charge and owner of D. Alan Moore Licensed Funeral Director (funeral establishment), a funeral establishment licensed under Chapter 497, F.S., license number F049909, and doing business as a funeral establishment in Ellenton FL.

The Department filed an 86-count complaint against Respondent alleging the funeral establishment knowingly engaged in preneed sales; guaranteed the price of goods and services at a future date; failed to sign an at-need contract; and failed to clearly mark casket prices, in violation of ss. 497.152(5)(a), 497.152(11)(a), 497.152(11)(d), and 497.152(12)(f), F.S. Respondent, as the funeral director in charge, per s. 497.380(7), F.S., is responsible for these violations.

Respondent has entered into a proposed stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine of \$3750, \$250 in costs, and undergo a one-year period of probation. The Department recommends that the Board approve this Settlement Stipulation.

Chair – Ms. Wiener?

Ms. Wiener – Simply here to answer any questions.

Chair – Thank you.

Mr. Knopke – Mr. Chairman, I'll recuse myself. I was on Probable Cause Panel A.

Chair – So noted. Thank you, Mr. Knopke. Board?

**MOTION:** Mr. Jones moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$3750, \$250 in costs, and undergo a one-year period of probation. Mr. Bango seconded the motion, which passed unanimously.

Mr. Knopke – Mr. Chair, may I interrupt Ms. Simon?

Chair – Yes.

Mr. Knopke – May I request that we go back to Old Business, just for a moment, for an unlisted item? For an item that's not on the agenda that I have a question about, that is old business?

Chair – Yes.

Mr. Knopke – Ms. Simon, and Ms. Wiener can you stay there please, because it was directed to one of your clients. At the last in person meeting, I had a couple of questions about the Archdiocese of St. Petersburg Cemetery and requested additional information be provided. Ms. Simon, did we receive the requested information?

Ms. Simon – We have not received that information; however, Ms. Wiener can speak more to that.

Mr. Knopke – Okay.

Ms. Wiener – We have been in correspondence a bit with the Division, but you have not received the document that we are waiting for. So, I am told by Mr. Mai, the person interacting with the Zoning Authorities in the relevant community, he has affirmatively stated in writing several times that the zoning is in place, but in order for us to have the piece of paper that we feel that the Division will want before they issue the license, the Zoning Board has to meet again. So, they are going back to get the official piece of paper and as soon as that is presented, we will provide it to the Division. And of course, until such time as that occurs, because the approval was conditional, the license will not be issued.

Mr. Knopke – Thank you. I was just wondering where we were.

Ms. Wiener – Absolutely. Thank you.

Chair – Thank you.

***(b) D Alan Moore Licensed Funeral Director: Case No. 196721-16-FC; Division No. ATN-27172 (F049909)***

Ms. Simon – Again, presenting for the Office of the General Counsel, Mr. Griffin.

Mr. Griffin – D. Alan Moore Licensed Funeral Director (Respondent) is a Florida limited liability corporation, licensed under Chapter 497, F.S., license number F049909, and doing business as a funeral establishment in Palmetto FL. Don Alan Moore is the funeral director in charge and owner of Respondent.

The Department filed an 86-count complaint against Respondent alleging the funeral establishment knowingly engaged in preneed sales; guaranteed the price of goods and services at a future date; failed to sign an at-need contract; and failed to clearly mark casket prices, in violation of ss. 497.152(5)(a), 497.152(11)(a), 497.152(11)(d), and 497.152(12)(f), F.S.

Respondent has entered into a proposed stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine of \$3750, \$250 in costs, and undergo a one-year period of probation. The Department recommends that the Board approve this Settlement Stipulation.

Chair – Just here to answer questions?

Ms. Wiener – Indeed.

Chair – Board?

**MOTION:** Mr. Clark moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$3750, \$250 in costs, and undergo a one-year period of probation. Mr. Jones seconded the motion, which passed unanimously.

Ms. Wiener – Thank you.

***B. Material Facts Not Disputed (Section 120.57(2) Hearings)***

***(1) Related Items (Division No. ATN-30248) (Probable Cause Panel B)***

***(a) Elijah E Bell: Case No. 222792-18-FC; Division No. ATN-30248 (F045417)***

Ms. Simon – Again, Mr. Griffin is representing the Office of the General Counsel. Mr. Griffin?

Mr. Griffin – Elijah Bell (Respondent) is the funeral director in charge of Elijah Bell’s Funeral Services LLC, a licensed funeral establishment, license number (F047494), located in Lauderdale Lakes FL. On August 23, 2018, an Administrative Complaint was filed against Respondent alleging Respondent failed to timely file death records in violation of ss. 497.382.008(1) and 497.152(4)(h), F.S. On or about August 27, 2018, the Department served Respondent with the Administrative Complaint by certified mail. Included with the Administrative Complaint was a Notice of Rights informing Respondent that the failure to respond in writing within twenty-one (21) days of receipt of the Administrative Complaint 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 Respondent. The Respondent did not file an Election of Proceeding form or response of pleading until September 19, 2018.

Respondent does not dispute any of the factual allegations contained in the Administrative Complaint and has requested a proceeding to be conducted in accordance with s. 120.57(2), F.S., and s. 497.153(4)(b), F.S. Respondent has indicated the desire to submit a written statement and documentary evidence to the Board in lieu of attending the hearing. A copy of this memo, along with a copy of a Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact and Notice of Documentation have been sent by US Mail to Respondent. At this time, the Department believes it's appropriate for the Chair to entertain a motion adopting the allegation of the facts as set forth in the Administrative Complaint.

Ms. Anderson – Mr. Chairman, I served on Probable Cause Panel B and I’m recusing myself from this case.

Chair – Thank you. So noted, Ms. Anderson.

Mr. Jones – Mr. Chair, if I may recuse myself, as my Department’s the one that filed the original Order.

Chair – So noted.

Mr. Jones – If we have a quorum.

Ms. Simon – We do not. Mr. Jones, are you able to be unbiased when it comes to rendering a decision in this matter?

Mr. Jones – I am.

Chair – Thank you, Mr. Jones. Thank you, Ms. Simon.

Ms. Simon – Is Mr. Bell here? Is Mr. Bell present?

Chair – Is there a motion?

**MOTION:** Mr. Knopke moved to adopt the allegation of the facts as set forth in the Administrative Complaint. Mr. Clark seconded the motion, which passed unanimously.

Mr. Griffin – The Department contends that the Board's finding of fact supports the finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. It is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

Chair –Motion?

**MOTION:** Mr. Knopke moved to find Respondent in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Williams seconded the motion, which passed unanimously.

Mr. Griffin – Department also offers into evidence the investigative report with exhibits, a copy of which has been previously furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. The Department recommends that Respondent's license be placed on probation and subject to a fine.

Chair – Is that the Department's recommendation?

Mr. Griffin – Yes.

Ms. Simon – The Department's recommendation may not be on your documentation; however, I believe that Mr. Griffin just indicated that the Department's recommendation is for a fine and some period of probation. I'm not sure of the amount of the fine.

Mr. Griffin – I believe the Department would request a \$2000 administrative fine and a period of twelve (12) months of probation.

Chair – That's before us. Is there a motion?

**MOTION:** Mr. Knopke moved to accept the Department's recommendation, requiring the Respondent to pay an administrative fine of \$2000, and undergo a two-year period of probation. Mr. Bango seconded the motion, which passed unanimously.

Mr. Tom Barnhart – Board, what time do you want to give for the payment of the fine?

Chair – The usual thirty (30) days?

Mr. Knopke – The usual thirty (30) day time period, no monthly payments.

**(b) *Elijah Bell's Funeral Services, LLC: Case No.: 222794-18-FC; Division No. ATN-30248 (F047494)***

Ms. Simon – Again, presenting for the Office of the General Counsel, Mr. Griffin.

Mr. Griffin – Elijah Bell's Funeral Services, LLC (Respondent), at all times relevant is a Florida corporation doing business licensed under Chapter 497, F.S., and under the same names as a funeral establishment, license number F047494, in Lauderdale Lakes FL. On August 23, 2018, an Administrative Complaint was filed against Respondent alleging Respondent failed to timely file death records in violation of ss. 497.382.008(1) and 497.152(4)(h), F.S. On or about August 27, 2018, the Department served Respondent with the Administrative Complaint by certified mail. Included with the Administrative Complaint was a Notice of Rights informing Respondent that the failure to respond in writing within twenty-one (21) days of receipt of the Administrative Complaint 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 Respondent. The Respondent did not file an Election of Proceeding form or response of pleading until September 19, 2018.

Respondent does not dispute any of the factual allegations contained in the Administrative Complaint and has requested a proceeding to be conducted in accordance with s. 120.57(2), F.S., and s. 497.153(4)(b), F.S. Respondent has indicated the desire to submit a written statement and documentary evidence to the Board in lieu of attending the hearing. A copy of this memo, along with a copy of a Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact and Notice of Documentation have been sent by US Mail to Respondent. At this time, the Department believes it's appropriate for the Chair to entertain a motion adopting the allegation of the facts as set forth in the Administrative Complaint.

**MOTION:** Mr. Knopke moved to adopt the allegation of the facts as set forth in the Administrative Complaint. Mr. Bango seconded the motion, which passed unanimously.

Mr. Griffin – The Department contends that the Board's finding of fact supports the finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. It is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

Chair – Motion?

**MOTION:** Mr. Williams moved to find Respondent in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Clark seconded the motion, which passed unanimously.

Mr. Griffin – Department also offers into evidence the investigative report with exhibits, a copy of which has been previously furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. The Department recommends that the Board impose a \$2000 administrative fine and a twenty-four (24)-month period of probation.

Ms. Simon – Just to make sure, is anybody here that represents Elijah Bell's Funeral Services?

Chair – Hearing no response. Thank you. Board?

**MOTION:** Mr. Knopke moved to accept the Department's recommendation, requiring the Respondent to pay an administrative fine of \$2000, and undergo a twenty-four (24)-month period of probation. Mr. Williams seconded the motion, which passed unanimously.

Ms. Simon – Mr. Chairman, as indicated before, is there a time period to pay the fine?

Chair – Thirty (30) days.

Mr. Knopke – And no monthly payments.

***(2) Andrew J. Johnson: Case No. 206299-17-FC; Division No. ATN-28121 (F046892) (Probable Cause Panel B)***

Ms. Simon – If Mr. Johnson is here, please come forward. Again, Mr. Griffin is representing the Office of the General Counsel in this matter.

Mr. Griffin – Andrew J. Johnson (Respondent) is licensed under Chapter 497, F.S., was a funeral director and embalmer, license number F046892, in Ft. Myers FL. Respondent's license expired on August 31, 2015. On June 28, 2017, an Administrative Complaint was filed against Respondent alleging Respondent entered a plea to a crime related to the practice or his ability to practice funeral directing and embalming. On August 4, 2017, the Department served Respondent with the Administrative Complaint, by certified mail. On or about August 17, 2017, Respondent timely filed and submitted an Election of Proceeding alleging that there were disputed issues of material fact and requested a s. 120.57(1), F.S., Hearing Involving Material Facts in Dispute.

On August 17, 2017, the Department determined that although Respondent requested a s. 120.57(1), F.S., Hearing, he failed to meet the requirements for a formal administrative hearing and referred the matter for a s. 120.57(2), F.S., Hearing Not Involving Disputed Issues of Material Facts. On or about January 17, 2018, the Respondent and the Department held the above referenced matter in abeyance during the pendency of Respondent's appeal in his criminal case. On or about August 6, 2018, Respondent's conviction was affirmed and thus there is no need to continue to hold the matter in abeyance.

Based on the fact that the Respondent has failed to allege a material dispute, the Department believes it's appropriate at this time for the Chair to entertain a motion adopting the allegation of the facts as set forth in the Administrative Complaint.

Ms. Anderson – Mr. Chairman, I served on Probable Cause Panel B and I'm recusing myself from this case.

Chair – Thank you. So, noted, Ms. Anderson.

**MOTION:** Mr. Jones moved to adopt the allegation of the facts as set forth in the Administrative Complaint. Mr. Knopke seconded the motion, which passed unanimously.

Mr. Griffin – Department also offers into evidence the investigative report with exhibits, a copy of which has been previously furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. At this time the Department contends that the Board's finding of fact supports the finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. It is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

Chair – Is there a motion to that effect?

**MOTION:** Mr. Jones moved to find Respondent in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Knopke seconded the motion, which passed unanimously.

Mr. Griffin – At this time, the Department recommends that Respondent's eligibility for licensure be revoked.

Chair – Any questions? Comments? Motion?

**MOTION:** Mr. Jones moved to revoke Respondent's license. Mr. Williams seconded the motion, which passed unanimously.

*(3) Reddick Funeral Home: Case No. 212723-17-FC; Division No. ATN-28685 (F040168) (Probable Cause Panel B)*

Ms. Simon – Again, presenting for the Office of the General Counsel, Mr. Griffin.

Mr. Griffin – Reddick Funeral Home (Respondent), at all times relevant, was a Florida corporation doing business licensed under Chapter 497, F.S., and under the same name as a funeral establishment, license number F040168 in Clewiston FL. On September 19, 2018, the Department filed an Administrative Complaint against Respondent. The Administrative Complaint alleged that the Respondent failed to maintain its qualification for licensure by failing to conduct business at a specified street address or location consisting of at least 1250 contiguous interior square feet. The Administrative Complaint was served on Respondent by certified mail on September 21, 2018, at its Pompano Beach mailing address and on September 25, 2018, at its Clewiston mailing address. Included with the Administrative Complaint was a Notice of Rights informing Respondent that the failure to respond in writing within twenty-one (21) days of receipt of the Administrative Complaint 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 Respondent.

The Department did not receive an Election of Proceeding form or any other written response from Respondent within the twenty-one (21)-day period following the date of service, i.e. on or before October 12, 2018, for the Pompano Beach address and October 16, 2018, for the Clewiston address, or for any date thereafter. This fact is attested to by the Affidavits executed by the Division Director, Mary Schwantes, and the Agency Clerk, Julie Jones.

Respondent's failure to file a response constitutes a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint. Therefore, the Department requests the Chairman of the to entertain a motion finding that Respondent was served with the Administrative Complaint by certified mail containing a Notice of Rights and an Election of Proceeding form, that it failed to respond within the allotted twenty-one (21)-day period, and has therefore waived its right to request a proceeding involving disputed issues of material fact in this matter.

Ms. Anderson – Mr. Chairman, I served on Probable Cause Panel B and I'm recusing myself from this case.

Chair – Thank you. So, noted, Ms. Anderson. Is there a motion?

**MOTION:** Mr. Knopke moved to find that Respondent was served with the Administrative Complaint by certified mail containing a Notice of Rights and an Election of Proceeding form, that it failed to respond within the allotted twenty-one (21)-day period, and has therefore waived its right to request a proceeding involving disputed issues of material fact in this matter. Mr. Jones seconded the motion, which passed unanimously.

Mr. Griffin – Now that the Board has determined that the Respondent has waived its right to request a proceeding in this matter, the Department believes it's appropriate at this time for the Chair to entertain a motion adopting the allegation of the facts as set forth in the Administrative Complaint.

**MOTION:** Mr. Jones moved to adopt the allegation of the facts as set forth in the Administrative Complaint. Mr. Clark seconded the motion, which passed unanimously.

Mr. Griffin – The Department contends that the Board's finding of fact supports the finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. It is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

**MOTION:** Mr. Knopke moved to find Respondent in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Clark seconded the motion, which passed unanimously.

Mr. Griffin – Department also offers into evidence the investigative report with exhibits, a copy of which has been previously furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. The Department recommends that Respondent's license should be revoked.

Mr. Knopke – Question, Mr. Chair?

Chair – Mr. Knopke?

Mr. Knopke – Is that for both facilities?

Mr. Griffin – It's only one facility. It has two (2) different addresses.

Mr. Knopke – Okay.

Mr. Barnhart – Is there any way they can fix the situation? Is this the only thing that they've had in the past? No prior discipline?

Mr. Griffin – I do not believe so, but I think basically what we have going on in this case is essentially they've abandoned the premises that they were operating at. So, the Department would assert that because they've essentially shut down their operation without doing the appropriate winddown that revocation of its licensure is appropriate.

Mr. Barnhart – Thank you.

**MOTION:** Mr. Jones moved to revoke Respondent's license. Mr. Knopke seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Griffin.

Mr. Griffin – Thank you.

## **5. 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 without Conditions (Criminal History)***

#### ***(1) Walker, Samantha A. (Appointing Entity: Carriage Florida Holdings Inc.)***

Ms. Simon – Is Ms. Walker here today? Please step forward. On October 1, 2018, the applicant applied 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 December 2015, the applicant was convicted of possession of cannabis (less than 20 grams)



and possession of drug paraphernalia, both misdemeanors. In September 2016, the disposition of the criminal matter went before the County Circuit Court of the 18<sup>th</sup> Judicial Circuit in Brevard County, Florida to which Ms. Walker pled guilty, and was ordered to submit to DNA testing, was placed on supervised probation for a period of 12 months and required to pay court costs and fees.

As of to date, Ms. Walker has completed all conditions of her probation and any required treatments or programs, and has paid all court fines and costs. There are no other criminal or disciplinary matters to note regarding this Applicant. The Division recommends approval of this application without conditions.

Chair – Ms. Walker did you want to address the Board, or are you here just to answer questions?

Ms. Samantha Walker – I’m here for questions.

Chair – Thank you.

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

Chair – Good luck, Ms. Walker.

Ms. Walker – Thank you. Merry Christmas.

#### 6. **Application(s) for Continuing Education Course Approval**

##### A. **Recommended for Approval without Conditions – Addendum B**

- (1) *Elite CME, Inc. (113)*
- (2) *FuneralCE (43)*
- (3) *International Cemetery, Cremation and Funeral Association (22808)*
- (4) *International Order of the Golden Rule (2201)*
- (5) *Kates-Boylston Publications (29810)*
- (6) *Matthews International (30408)*
- (7) *National Funeral Directors Association (136)*

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the courses presented have been reviewed by the CE Committee and the Committee, as well as the Division, recommends approval of the applications for the number of hours indicated.

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

#### 7. **Application(s) for Florida Law and Rules Examination**

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

- (1) *Funeral Director (Internship and Exam)*
  - (a) *Wong, Jessica*
- (2) *Funeral Director and Embalmer (Endorsement)*
  - (a) *Johnson, LaMario I*
  - (b) *Veras, Brian S III*
- (3) *Funeral Director and Embalmer (Internship and Exam)*
  - (a) *Alderman-Hunter, Michella L*
  - (b) *Arteaga, Anderson*
  - (c) *Fialho, Joao P*
  - (d) *Jimenez, Cassandra*
  - (e) *Johnson, Alexandria M*

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



8. **Application(s) for Internship**

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

- (1) **Funeral Director**
  - (a) *Jones, Andrew J (F322043)*
  - (b) *Palmer, Amy (F322063)*
- (2) **Funeral Director and Embalmer**
  - (a) *Gamboa, Brianna A (F157266)*

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

B. **Recommended for Approval without Conditions (Criminal History)**

- (1) **Funeral Director and Embalmer**
  - (a) *England, Heather A*

Ms. Simon – Is Ms. England present? Hearing no response. An application for an Embalmer Apprenticeship was received by the Division on November 15, 2018. The application was complete when submitted. A background check revealed relevant criminal history, to wit in May 2016, Ms. England pled no contest to misdemeanor Reckless Driving and Public Intoxication. She was sentenced to 12 months of probation for each charge to be served consecutively. She was also fined \$1,500 and ordered to serve 30 days community service. Ms. England submitted and withdrew an Embalmer Apprentice Application in August 2018 and it was to appear before the Board on November and she mistakenly answered no to the criminal history question. She has since answered yes and provided the criminal history information. The Division is recommending approval without conditions.

Chair – Let the record reflect that this is for a Concurrent Intern license. Is there a motion?

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

9. **Application(s) for Embalmer Apprentice**

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

- (1) *Daniel, Noah C (F322040)*
- (2) *Munoz, Cheryl (F322045)*
- (3) *Rodriguez, Sylvia (F322042)*
- (4) *Santana, Conie E (F319782)*
- (5) *Taylor, Jeremy (F322046)*

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

B. **Recommended for Approval without Conditions (Criminal History)**

- (1) *Ingram, Clarenca*

Ms. Simon – Is Ms. Ingram here today? Please step forward. An application for an Embalmer Apprentice license was received by the Division on August 17, 2018. The application was incomplete when submitted. The application was deemed complete on November 13, 2018. A background check revealed relevant criminal history, to wit in May 2014, Ms. Ingram was found guilty of Petit Theft and placed on probation for six months and ordered to pay costs and fines of \$331. The Division is recommending approval without conditions.

Chair – Ms. Ingram are you here to address the Board, or to answer questions the Board might have?

Ms. Clarenca Ingram – Just to answer questions.

Chair – Thank you. Board?

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

Chair – Good luck to you.

Ms. Ingram – Thank you.

10. **Application(s) for Registration as a Training Facility**  
A. **Informational Item (Licenses Issued without Conditions) – Addendum F**  
(1) **Family Funeral Home & Cremation Services LLC (F083557) (Crawfordville)**

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

11. **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 so indicated.

**MOTION:** Mr. Clark moved to approve all the claim(s), for the monetary amounts indicated. Mr. Williams seconded the motion, which passed unanimously.

12. **Application(s) for Funeral Establishment**  
A. **Recommended for Approval with Conditions**  
(1) **Eden Funeral Services LLC (Pompano Beach)**

Ms. Simon – Is there anyone here that represents that establishment? An application for a Funeral Establishment license due to a change of ownership was received by the Division on October 26, 2018. The sole owner, Rory Epstein, of the current establishment license number F052853, passed away and ownership was transferred to his wife, Cheryl Epstein. The application was complete when received. The Funeral Director in Charge will be Lawrence Schuval (F024258). This funeral establishment is the qualifying entity for a preneed license and the new owner agrees to honor any unfulfilled contracts under the current license. The Division recommends approval subject to the condition that the establishment pass an onsite inspection by a member of Division staff.

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

- (2) **Johnson's Memorial Chapel Inc. (Boynton Beach)**

Ms. Simon – Is there anyone here that represents that establishment?

Unidentified person – Yes.

Ms. Simon – Please step forward. An application for a Funeral Establishment license due to a change of ownership was received by the Division on October 26, 2018. The application was complete when received. The Funeral Director in Charge will be Darryl Johnson (F043609). A background check of the principals revealed a relevant criminal history for its principal Darryl Johnson. This funeral establishment is not the qualifying entity for a preneed license. In March 1999, Mr. Johnson pled guilty to Grand Theft and was placed on 24 months of probation with the first six (6) months of probation on Community Control. The Division recommends approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully executed Bill of Sale, Asset Purchase Agreement, or other document

by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.

- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment passes an inspection by a member of Division Staff.

Chair – You are Mr.?

Darryl Johnson – Mr. Darryl Johnson.

Chair – Thank you. Did you want to address the Board or are you here to answer questions?

Mr. Johnson – I'm here to answer questions, Mr. Chairman.

Chair – Thank you. Board.

Ms. Anderson – Mr. Chair?

Chair – Yes ma'am?

Ms. Anderson – I'd like to ask Mr. Johnson a question, please.

Chair – Let's swear in Mr. Johnson.

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

Mr. Johnson – Yes, I do.

Ms. Simon – Please state your name for the record.

Mr. Johnson – Darryl L. Johnson.

Chair – Ms. Anderson?

Ms. Anderson – Well I noted that you did not include any type of explanation in your application as to the charge of grand theft. Would you give us some details?

Mr. Johnson – Okay. The charge was back in 1998. I was supervising some youth and they ended up doing things they were not supposed to. Since I was the oldest, I was charged with it, at the age of twenty-seven (27), and now that I'm older, I've had a change of doing everything I used to do when I was younger. Now, I'm here as a changed person. I've been on my job for now for twenty-one (21) years. I've had no problems or anything like that. I've been licensed since '05. I've been a registered voter since '01. I've been an FDIC since 2006.

Ms. Anderson – How old were you at the time?

Mr. Johnson – Twenty-seven (27).

Ms. Anderson – Twenty-seven (27)?

Mr. Johnson – And now I'm forty-seven (47). I didn't want to state it, but now I'm forty-seven (47).

Chair – And that was in Palm Beach County?

Mr. Johnson – Yes sir.

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

Chair – Good luck, Mr. Johnson.

Mr. Johnson – Thank you and have a Merry Christmas.

**(3) Jones Funeral Home LLC (Sarasota)**

Ms. Simon – Is there a representative here for that entity today? Hearing no response. An application for a Funeral Establishment license due to a change of ownership was received by the Division on October 5, 2018. The application was incomplete when received. The application was deemed complete on October 25, 2018. The Funeral Director in Charge will be Carlos Jones (F046432). A background check of the principals revealed no relevant criminal history. This funeral establishment is not the qualifying entity for a preneed license. The Division recommends approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully executed Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment passes an inspection by a member of Division Staff.

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

**(4) Patterson Cremation and Funeral Service Inc. (Jacksonville)**

Ms. Simon – Is there a representative here for that entity today?

Unidentified person – Yes.

Ms. Simon – Please step forward. An application for a Funeral Establishment was received on October 16, 2018. The application was incomplete when submitted. The application was deemed complete on November 8, 2018. The Funeral Director in Charge will be Valerie Glover (F082761). A background check of the principals revealed no relevant criminal history.

Board members, this is an application for a new funeral establishment. Previously, there was another funeral establishment at the same address. That establishment was called Lampkins Patterson Funeral Home, and it was closed within the last couple of months. The corporation owning the funeral establishment is led by the same Mr. Patterson that was previously involved. The previous establishment had a preneed license. We would request that as a condition for the funeral establishment licensure that the new funeral establishment be required to fulfill any outstanding preneed contracts of Lampkins Patterson Funeral Home, license number F021115, previously located at the same address and another condition that the establishment pass an onsite inspection by a member of Division staff.

Chair – Thank you. Good morning, Mr. Patterson.

Mr. Patterson – Good morning.

Chair – Would you swear Mr. Patterson in?

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

Mr. Patterson – Yes, I do.

Ms. Simon – Please state your name for the record.

Mr. Patterson – My name is Darryl Keith Patterson.

Chair – Mr. Patterson, do you want to address the Board or are you just here to answer questions?

Mr. Patterson – Here to answer any questions.

Chair – The advertising that’s currently being done for Lampkins Patterson. What do you plan to do about that? The billboard, the facility sign, we’ll call it, it still says Lampkins Patterson.

Mr. Patterson – The billboard will be changed. As far as the advertisement, it should have stopped in June, because the facility closed. I’m not aware of any advertisements that are going on, but I will find out so that we can stop them.

Chair – The facility sign that still says Lampkins Patterson?

Mr. Patterson – That will be changed to just Patterson.

Chair – When will that be changed?

Mr. Patterson – As soon as we get the approval, we will get that Board changed. We’ve already entered into a contract with the company to do that.

Chair – Was there any consideration of paying any of the debts for Lampkins Patterson? Is there any consideration of paying those debts?

Mr. Patterson – I’m not aware of any debt, except for the ones that Mr. Lampkins himself incurred, and he’s responsible for those.

Ms. Simon – Mr. Chairman?

Chair – Yes?

Ms. Simon – Based on your questions, if we could add, as a condition for licensure, that the signage on the property be changed within a month, if the application is approved.

Mr. Patterson – Yes. Yes. Yes. I hesitate, because the company...well, we’ll try to twist their arm to get it done.

Ms. Simon – Thank you, sir.

Chair – I saw you nodding your head that you agree to honor any preneed contracts that were Lampkins Patterson.

Mr. Patterson – Yes. The families have already received their funds, their returns, but if they were to come back and want us to fulfill the services and products, we will do that.

Chair – Thank you. Are you licensed?

Mr. Patterson – No, I am not.

Chair – Are you working towards licensure?

Mr. Patterson – Yes, I've inquired to get my license.

Chair – Thank you.

Ms. Simon – Just one question, just to make sure. If there are any outstanding preneed contracts, I don't know if there are any because all the refunds may have been made, but if there are any outstanding preneed contracts, one of the conditions for licensure would be fulfilling them. I believe you've already agreed to that. I just want to make sure.

Mr. Patterson – Yes, we will do that.

Mr. Clark – Mr. Chairman? To the Division, how will we verify that the billboard has been changed? Would he notify the Division?

Ms. Simon – We can. We can ask that a photo of the new signage be forwarded to the Division within a month.

Mr. Patterson – Yes.

Mr. Clark – Thank you.

Chair – Thank you, Mr. Clark. Ms. Schwantes?

Ms. Mary Schwantes – If I may, we can also look at that on the inspection.

Chair – Thank you. That would be a part of the onsite inspection. Any other questions?

Mr. Jones – Mr. Patterson, you said you had already entered into a contract for the signs?

Mr. Patterson – Yes, we had gotten some pricing for that and yes.

Mr. Jones – You're a little hesitant. Do you feel that thirty (30) days is sufficient?

Mr. Patterson – The company that did the original sign, when I spoke with them, he told me that they're about six (6) to eight (8) weeks out on completing jobs, so that's why I hesitated.

Mr. Jones – The reason I was asking is if there is a contract and it goes beyond the thirty (30) days, is that a problem for the Division? Or if we have a copy of the contract showing that it is in process?

Ms. Simon – Or we can make it two (2) months.

Chair – I don't think the Board wants it two (2) months. He agreed to thirty (30) days.

Mr. Jones – I'm just asking. If it's after thirty (30) days and there's an issue then what?

Ms. Simon – I'm not sure what you're asking, Mr. Jones.

Mr. Jones – That's alright. Leave it at the thirty (30) days. I just wanted to make sure it was sufficient.

**MOTION:** Mr. Knopke moved to approve the application subject to the condition that the new funeral establishment be required to fulfill any outstanding preneed contracts of Lampkins Patterson Funeral Home (F021115); that the establishment

passes an onsite inspection by a member of Division Staff; and changing the signage within thirty (30) days and if it's not done in thirty (30) days, contact the Division in writing to request another thirty (30) day extension. That gets you in that six (6) to eight (8) week time period. Assuming all of that is acceptable to Ms. Simon.

Ms. Simon – The concern I have is not necessarily the new signage. It is removing the signage that you currently have on the funeral establishment. I'm not sure about the Board members, but that would be my concern.

Mr. Patterson – There were two (2) signs on the building. That's already corrected. The building no longer says Lampkins Patterson. It just says Patterson Cremation and Funeral Services. So that's already done.

Chair – Thank you.

Mr. Patterson – There's a big billboard. They may not be aware of it, but Mr. Chairman is. There's a billboard out front separate from the building. We'll get that changed.

Chair – Thank you. There's a motion made and is there a second?

Mr. Williams – Second.

Chair – It's been seconded and all those in favor, aye?

Board members – Aye.

Chair – And any opposed? The motion carries. Do we need to readdress the motion?

Ms. Simon – Well, Mr. Knopke was asking in part of the motion that the Division, if there is a need for an extension that there would be a request submitted and the Division may respond to it.

Mr. Knopke – He can just submit it to the Division. Yes, that was the motion.

Ms. Simon – Okay.

Chair – That's the way it was understood. And that motion carries. Good luck to you.

Mr. Patterson – Thank you.

**13. Application(s) for Preneed Main License**  
**A. Recommended for Approval *without* Conditions**  
**(1) Flagler Family Funeral Home, Inc. (Bunnell)**

Ms. Simon – Is there a representative of that entity here today? Hearing no response. The Department received the application on November 8, 2018 and all items were completed as of November 19, 2018. The principal and sole owner of the corporation is Marvin A. Sheets, and a completed background check of all principals was returned to the Division without criminal history. Applicant's qualifying funeral establishment license (License # F13060) located at the above address was approved at the August 2, 2018 Board meeting, and issued as of October 8, 2018. If this application for preneed license is approved, Applicant will sell trust-funded preneed through Funeral Services Inc (Live Oak Banking Company), and utilize its approved pre-arranged funeral agreement form(s). The Division recommends approval without conditions.

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

**14. Application(s) for Preneed Branch License**  
**A. Recommended for Approval *without* Conditions – Addendum H**

Ms. Simon – Pursuant to s. 497.453, F. S., the applicants listed have applied for a preneed branch license. All Division records indicate that the applicants qualify for branch licensure. The Division is recommending approval.

Mr. Clark – Mr. Chairman?

Chair – Mr. Clark?

Mr. Clark – I'd like to state my affiliation FPG of Florida and I will not vote in this matter.

Chair – Thank you. Is there a motion?

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

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

**A. Recommended for Approval with Conditions**

**(1) Marvin Graham Transport & Removal Service LLC (Brooker)**

Ms. Simon – Is there a representative of that entity here today? Hearing no response. An application for a Removal Service was received on October 29, 2018. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition that the removal service pass an onsite inspection by a member of Division staff.

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

**(2) Mount Pleasant Removal Services LLC (Mulberry)**

Ms. Simon – Is there a representative of that entity here today? Hearing no response. An application for a Removal Service was received on October 24, 2018. The application was incomplete when submitted. The application was deemed complete on November 14, 2018. A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition that the removal service pass an onsite inspection by a member of Division staff.

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

**B. Recommended for Approval without Conditions**

**(1) Jerry Russler d/b/a Firstcal (Riverview)**

Ms. Simon – Is there a representative of that entity here today? Hearing no response. An application for a Removal Service was received on October 24, 2018. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The establishment passed its inspection on November 13, 2018. The Division is recommending approval without conditions.

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

**(2) Lifefleet Southeast Inc. (Tampa)**

Ms. Simon – Is there a representative of that entity here today? Hearing no response. An application for a Removal Service was received on February 16, 2018. The application was incomplete when submitted. The application was deemed complete on October 23, 2018. A background check of the principals revealed no relevant criminal history. The establishment passed its inspection on November 6, 2018. Division is recommending approval without conditions.

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

Mr. Knopke – Mr. Chairman, can I ask Mr. Clark a question about the preneed branch license for Sunnyside Cemetery? It was on the addendum that we approved. Is that Foundation Partners' Sunnyside?



Mr. Clark – Correct.

Mr. Knopke – It's not located in Altamonte Springs, is it?

Mr. Clark – No it isn't.

Mr. Knopke – It's in St. Petersburg?

Mr. Clark – That right.

Mr. Knopke – Okay. I'm just correcting what's in the packet.

Chair – Thank you for correcting that.

**16. Application(s) to Organize a New Cemetery Company**

**A. Recommended for Approval with Conditions**

**(1) Queen of Angels Catholic Cemetery Inc. (Winter Park)**

Ms. Simon – The application was received by the Division on October 19, 2018 and no deficiencies were noted on the application. A completed background check of all owners revealed no criminal history. This application is being filed by Queen of Angels, a corporation, for development of a cemetery to do business at the specified location to be comprised of approximately 49 acres. The corporation will be controlled by the Catholic Cemeteries of Central Florida Holdings, Inc. (100% owner of Applicant), and the principals of the corporation will be: David Branson, Derk Schudde, Lawrence Maziarz, Jr, and Annabelle McGannon.

As outlined in the proposed business plan, development of the cemetery is to be for traditional ground burials and an expandable columbarium which may contain approximately 34,000 single-depth casket burial spaces, and approximately 2,500-3,000 built-in cremation niches, respectively. Much of the sales are expected to be generated from traditional burials with cremation niches comprising the remainder of sales. If this Application to Organize a New Cemetery Company is approved, the applicant will operate under the name: Queen of Angels Catholic Cemetery, Inc., as above noted.

Documentation establishes that principal David Branson disclosed that he filed for Chapter 11 Bankruptcy in 1990. Mr. Branson's Chapter 11 bankruptcy was granted and discharged as of 1995, by the Southern District Court of Florida. A notarized statement evidencing the disclosed bankruptcy has been provided. This was a personal bankruptcy action that occurred more than 10 years ago, and has been discharged with all debts having been fully satisfied.

An application for a license for a new cemetery is processed in two separate phases. In Phase 1, the Board seeks to determine if the applicant meets the statutory criteria from s. 497.263(2) Florida Statutes. This application is before this Board for the Phase 1 determination. If the Board determines that the above quoted Phase 1 statutory criteria are met, the FCCS Division will notify the applicant to that effect, and the applicant then has 12 months to come back before the Board and demonstrate that it has by then complied with the statutory criteria, set forth in section 497.263(3), F.S.

The Division recommends that the Board finds that the statutory criteria for Phase 1 of the Application to Organize a New Cemetery Company have been met. It is expected that Applicant will appear in person before the Board after the completion of Phase 2 of the application.

The required steps for Phase 2 are as follows:

- 1) That applicant establish a care and maintenance trust fund containing not less than \$50,000, certified by a trust company operating pursuant to Chapter 660, F.S., a state or national bank holding trust powers, or a savings and loan association holding trust powers, pursuant to a Board approved trust agreement.
- 2) Receipt by the Division an opinion or certification from a Florida title company or a letter signed by applicant's attorney, certifying that the Applicant holds unencumbered fee simple title to all land as described to the Board in the materials provided to the Board herewith.

- 3) Receipt by the Division from Applicant or Applicant's attorney of evidence of approval of local zoning authorities, if approval is required. If no approval is required, Applicant may provide evidence of approval from residents adjacent to the proposed cemetery location.
- 4) That Applicant provides to the Division satisfactory evidence that it has fully developed at least 2 acres for use as burial space, and such development includes a roadway(s) to the developed section(s) within the first 12 months of operation.
- 5) That Applicant provides notification to the Division of the designated general manager of the cemetery who has 3 years of cemetery management experience, and the ability to operate a cemetery.
- 6) Receipt by the Division from Applicant's attorney, a written and signed attestation that the cemetery land identified in the application has been recorded in the public records of real estate in the county in which the cemetery land is located. Such notice must be clearly printed in at least 10-point type on the face of the deed or in a separate document containing a description of the property, the following language: *"The property described herein shall not be sold, conveyed, leased, mortgaged, or encumbered without the prior written approval of the Department of Financial Services, as provided in Chapter 497, Florida Statutes."*

Mr. Clark – Mr. Chair?

Chair – Yes?

Mr. Clark – I'd just like to state for the record my affiliation with Larry Maziarz, but that affiliation will not prohibit me from rendering a fair and impartial decision in this matter.

Chair – Thank you, Mr. Clark. Ms. Wiener?

Ms. Wiener – Good morning. Wendy Wiener. I represent Queen of Angels Catholic Cemetery, Inc., the applicant before you today. I will pass it off momentarily to these gentlemen to answer any questions, as they arise. I did, however, want to just make one correction to the record. On page 2 of your Board packet, at the top, it relates to a bankruptcy that was disclosed by Mr. Branson. That was not a personal bankruptcy. He was Vice President of a corporate entity that filed bankruptcy. I believe Ms. Morris understood that. She and I discussed it. I think maybe she just left the word "not" out of the Board packet where it says, "this was a personal bankruptcy action." It was not.

Chair – Thank you for that correction.

Ms. Wiener – And with that, we are here to answer any questions you may have.

Ms. Simon – Anticipating questions, if you could both raise your right hands and be sworn in. Do you swear to tell the truth, the whole truth and nothing but the truth?

David Branson – I do.

Lawrence Sloane – I do.

Ms. Simon – Please state both of your names for the record.

Mr. Branson – David Branson.

Mr. Sloane – Lawrence Sloan.

Chair – Thank you. Any questions? Mr. Knopke?

Mr. Knopke – Good morning.

Mr. Branson – Good morning.

Mr. Sloane – Good morning, sir.

Mr. Knopke – Understanding that you are applying for licensure. You’re going to be a traditional licensed cemetery in Florida where the Department can examine you and do all that good stuff, come check on you, and at times become your next best friend. You all understand that?

Mr. Branson – Expected and welcomed.

Mr. Knopke – I’ve listed some questions. As you can tell, I have lots of little questions. I’ll go through my questions. It’s a great application. It looks good, but I have a couple of concerns as well. On page 46 of the electronic version, and this question is for the Department. The balance sheet dated October 12<sup>th</sup>, are you comfortable with no cash?

Mr. Branson – Of Annabelle McGannon?

Mr. Knopke – It says, “Catholic Cemeteries of Central Florida Holdings, Inc., Balance Sheet, As of October 12, 2018.” “Cash” there’s nothing there.

Mr. Branson – Oh yeah.

Mr. Knopke – If the Department’s comfortable, then I’m comfortable. I’m just asking them.

Ms. Schwantes – The fact that this is Phase I only, we would be comfortable going forward.

Chair – Ok. Go right ahead.

Mr. Knopke – Next question is on electronic page 63, Seminole County Amended and Restated Development Order.

Ms. Wiener – We’re there.

Mr. Knopke – And I’m going to ask you to turn to page 64 to hear what I’m questioning. You stated the number of acreage that is being dedicated to this. In reading through the Order, which noted it’s not the final one but the one in the packet, it lists out what can be under certain things. Under Cemetery Expansion, clearly state on page 64, it says 75,000 sq. ft. So, I took and divided to find out how many acres that is, and I think there’s 4,280 sq. ft. an acre.

Unidentified person – [Inaudible]

Mr. Knopke – 43,000? That even gets worse. That margins out to about 17 – 17.5 acres.

Unidentified person – [Inaudible]

Mr. Knopke – Would it?

Unidentified person – [Inaudible]

Mr. Knopke – No, you’re right. Very good. That’s why I’m not an accountant. I guess I’ll pass on the question other than I was looking for zoning in here somewhere in this thing that says how many acres can be a cemetery. Is all your 40+ acres that you’re dedicating all approved for cemetery or is it part of that master development that you’re talking about here? Because I see stuff here for Assisted Living Facility, Convenience/Retail, and it’s all a part of this Order.

Ms. Wiener – Go to page 76, Mr. Knopke.

Mr. Knopke – Thank you.

Ms. Wiener – In your Board packet it’s a little difficult to read just because of the way that it is copied there.

Mr. Knopke – You said 76?

Ms. Wiener – Yes, it's a map.

Mr. Branson – It's a map that accompanies the modified Development Order by Seminole County.

Mr. Knopke – Ok.

Mr. Branson – In fact, the following page may be a little clearer.

Ms. Wiener – Page 77 might be somewhat clearer.

Chair – Ms. Simon has a comment. Just a moment.

Ms. Simon – For the record, whenever an individual speaks, I believe the record has Ms. Wiener down, but if the others would please state your names.

Mr. Branson – David Branson.

Ms. Wiener – Page 77.

Mr. Knopke – I'm there.

Mr. Branson – Do you see that as a map?

Mr. Knopke – Yes, I do.

Mr. Branson – And the layout of the property on the right side of the page?

Mr. Knopke – I see where it says cemetery.

Mr. Branson – Right. So, within this Development Order, as the Seminole County was giving what could occur in the zones of real estate, the area of Cemetery and then the area of Spiritual Center, those are properties to the direct north of the cemetery, nested in with The Preserve. The cemetery area being so identified in that boundary drawn dates back to this 2010 modified Development Order.

Mr. Knopke – Ok.

Mr. Branson – It is Seminole County's acceptance and recognition that that tract so labeled in this Development Order is approved for cemetery use.

Mr. Knopke – And that's about how many acres?

Mr. Branson – At this time of this map it was approximately fifty (50) acres.

Mr. Knopke – And that includes up through the Spiritual Center as well?

Mr. Branson – No, no. It's just that area.

Mr. Knopke – Ok.

Mr. Branson – You see there's sort of a bold line?

Mr. Knopke – Yes.

Mr. Branson – The cemetery track has some texture to the map section. The Spiritual Center is clearer, in texture, on the differentiation. So that Spiritual Center runs to the north of the cemetery. That is not of the cemetery.

Mr. Knopke – Ok. I'm assuming then that the long narrow finger going south...

Mr. Branson – Going south to Howell Branch Road.

Mr. Knopke - ...is the entry road?

Mr. Branson – It is not.

Mr. Knopke – Ok. Glad I asked.

Mr. Branson – Elsewhere in your packet you will find, within the Business Plan, a drawing of a new entry to be created or constructed from Dyke (sp) Road, which is on the eastern border of this particular map. That would become a common entry to the Cemetery and the Spiritual Center.

Mr. Knopke – And that's where you reference an easement or access?

Mr. Branson – Access. That's correct.

Mr. Knopke – Ok. On page 83, electronic.

Ms. Wiener – Number 2, Organization?

Mr. Knopke – Yes. And this was from Mr. Sloane's report. I was trying to figure out here who owns what. Queen of Angels Catholic Cemetery, Inc. was organized in March 2011 and change its corporate name in 2018.

Mr. Sloane – Larry Sloane speaking. The structure is the Roman Catholic Diocese of Orlando originally owned the property and owns the Spiritual Center. They formed the holding company, which is Central Florida Cemeteries, and then under that, because it's anticipated there may be other cemeteries within the nine (9) counties of the Diocese, they formed a separate corporation for the initial cemetery.

Mr. Branson – Catholic Cemeteries of Central Florida Holdings, Inc., has its genesis in 2010, which was the era of the modified Development Order. The year following, it was a previous name that we changed to Queen of Angels, to be the designated operating company of the cemetery and owner of the real estate when it's formed.

Mr. Knopke – Ok.

Mr. Branson – So it's taken us from 2010 to current year to arrive at this point.

Mr. Knopke – Does the Diocese still own...

Mr. Branson – The Catholic Cemeteries of Central Florida Holdings, Inc., is a corporation whose sole member is the Bishop of the Diocese of Orlando. It also has an independent board, but the owner or sole member of that corporation is the Bishop of the Diocese of Orlando.

Mr. Knopke – Ok. Thank you. Over on page 89 of the Business Plan.

Chair – That's electronic 89?

Mr. Knopke – Electronic 89.

Ms. Wiener – Stars with 4. Proposed Phase 1 Site Plan?

Mr. Knopke – Yes.

Ms. Wiener – Ok.

Mr. Knopke – It talks about that scenic drive we addressed a moment ago, but it also talks, in paragraph 3, “Stretching to the right of the entry is the main portions of this Phase of the cemetery. The area will principally include two fields of previously installed single depth lawn crypts for full-body ground burials...” Are there any single or double depth graves being developed in Phase 1 at all?

Mr. Branson – All the burial spaces or casket of burial will contain a single depth vault, or liner would be the appropriate term. We refer to them as lawn crypts, but essentially they’ll be pre-installed, as we phase the cemetery.

Mr. Knopke – So from the consuming public side, or your clients, they will not have the opportunity, at least in the beginning, to select a different style vault or acquire that from their funeral home. Is that correct?

Mr. Branson – That’s correct.

Mr. Knopke – Ok. That concerns me a little bit. Especially when you’re looking for some of those funeral homes to refer business to you and that’s an opportunity that they might enjoy making that sale, but that’s fine.

Mr. Branson – If I might, from a business point of view, the Diocese is in this as a charitable organization serving its parish family. One of the things we want to do is encourage traditional burial and so we’re looking at having it affordable and having the single-depth liner pre-installed, we can control that cost.

Mr. Knopke – Ok. Let’s jump on over to, I guess my last question will be, page 101.

Ms. Wiener – Number 6. Proposed Fee Schedule and Cemetery Prices?

Mr. Knopke – Yes. My concern here, under Installation Fees, it says, “All memorials must be installed by employees of the cemetery.” Am I to assume that the cemetery will not allow a monument company to install a memorial that’s purchased elsewhere?

Mr. Branson – They can deliver it, but we’ll actually install it.

Mr. Knopke – And they’ll pay you to do that,

Mr. Branson – Yes.

Mr. Knopke – As opposed to paying their monument company to do that that will do it for less?

Mr. Branson – That’s our current plan to have all the memorials installed by cemetery employees.

Mr. Knopke – Ms. Simon, does that violate anything in Florida Statutes?

Ms. Simon – I’m not sure. Can you respond again, one more time?

Mr. Branson – Yes. We’re suggesting that all memorials delivered to the cemetery, whether it’s sold by an outside dealer or by the cemetery, would be installed by employees of the cemetery.

Chair – Required to be installed by employees of the cemetery.

Mr. Branson – Correct.

Chair – And a charge from the cemetery.

Mr. Branson – Correct.

Ms. Simon – I’m not sure. I might need to do some research, but I’m not sure that that would be appropriate, under 497. Ms. Wiener?

Ms. Wiener – Ellie, I'm like you. I don't know the answer to the precise question, and I hadn't anticipated that, but we will find out and if in fact it is for reason unlawful to require same, then a modification will be made.

Mr. Knopke – I would ask that you look both on the federal level as well as the state level. There was a lawsuit many years ago, out on the West Coast.

Mr. Sloane – Mr. Knopke, you and I know each other for a long time, and I'm from Albany NY. Most of my clients are in the north and they own union cemeteries and this is customary to put in my proformas. It's a minor thing, so we're glad to take it out.

Mr. Knopke – Our monument Board member is not here today and I'm pretty confident Mr. Helm would have found that. As much as anything, I think you're going to be very successful. I'd hate to see you get off on the wrong foot. That's all my questions, Mr. Chair.

Chair – Thank you.

Ms. Simon – On the record, Mr. Sloane had indicated he would take that out of the agreement, so that requirement regarding monuments would not be in there.

Mr. Knopke – If we as cemetery operators were allowed to do that in Florida, we would all be doing that. We are not allowed to do that.

Chair – Any other questions or comments?

Mr. Jones – So, for clarification, it is being stricken from the proposal, correct?

Ms. Simon – The issue regarding the monuments. Mr. Sloane has indicated he will be striking that from the proposal.

Mr. Sloane – From the Business Plan. Correct.

Ms. Simon – Yes.

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

Chair – Ms. Wiener?

Ms. Wiener – Nothing further from me.

Chair – Thank you. Board, any other questions or comments? What's your pleasure?

**MOTION:** Mr. Knopke moved to approve Phase 1 with the amendment to the Business Plan. Mr. Jones seconded the motion.

Ms. Wiener – Let me just clarify for a moment. I think the concern is in the statute, under s. 497.278, F.S., that the cemetery company may not charge a fee for the installation. I will revisit with the clients to make sure that we are all on the same page as to whether in fact there would be an additional fee required. I think you could require that installations be made by the cemetery company, but you could not charge a fee for same.

Chair – Thank you. We have a motion that the Board finds that the statutory criteria for Phase 1 of the Application to Organize a New Cemetery Company have been met, and it has been seconded. Was that correct on your motion and second?

Mr. Jones – Correct.

Chair – All those in favor, aye?

Board members – Aye.

Chair – And any opposed? That motion carries.

Mr. Sloane – Thank you very much.

Ms. Wiener – Thank you.

Mr. Branson – Thank you.

\*\*\*\*\*BREAK\*\*\*\*\*

17. **Collective Application(s) – Foundation Partners of Florida LLC**

A. **Recommended for Approval with Conditions**

(1) **Cinerator Facility**

(a) **Foundation Partners of Florida LLC d/b/a Bay to Bay Crematory (Tampa)**

(2) **Funeral Establishments**

(a) **Foundation Partners of Florida LLC d/b/a Florida Mortuary Funeral & Cremation Services (Tampa)**

(b) **Foundation Partners of Florida LLC d/b/a Loyless Funeral Home (Land O’ Lakes)**

(c) **Foundation Partners of Florida LLC d/b/a Loyless Funeral Home (Tampa)**

Ms. Simon – Foundation Partners of Florida LLC (FPG), a limited liability company, seeks approval of the following applications for a change of ownership: a cinerator facility and three (3) funeral establishments. The applications are being submitted due to a change of ownership wherein FPG, is acquiring the establishments listed below. A completed background check of the principal(s) for the business revealed no relevant criminal history. More specifically, the entities that are being acquired is as follows:

- 1) Loyless Funeral Homes LLC d/b/a Bay to Bay Crematory, a cinerator facility, license #F040833, 4601 N Nebraska Ave, Tampa, FL 33603
- 2) Loyless Funeral Homes LLC d/b/a Florida Mortuary Funeral & Cremation Services, a licensed funeral establishment, license #F040835, physical address: 4601 N Nebraska Ave, Tampa, FL 33603
- 3) Loyless Funeral Homes LLC d/b/a Loyless Funeral Home, a licensed funeral establishment, license #F040834, physical address: 5310 Land O Lakes Blvd, Land O Lakes, FL 34639
- 4) Loyless Funeral Homes LLC d/b/a Loyless Funeral Home, a licensed funeral establishment, license #F075751, physical address: 19651 Bruce B Downs Blvd Ste E2, Tampa, FL 33647

Enclosed, within your Board packets, are the separate applications regarding the above listed properties Applicant is acquiring all preneed assets and liabilities for these locations and is assuming responsibility for any outstanding preneed contracts that have previously been issued by or for fulfillment at the above referenced locations. The Division recommends approval of the applications referenced above, subject to the following conditions:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant’s attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully executed Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board’s action herein.
- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.



Chair – Mr. Clark?

Mr. Clark – Thank you, Mr. Chairman. I'd like to state again for the record my affiliation with FPG of Florida. I will recuse myself for this vote, but make myself available to any questions the Board may have.

Chair – Thank you, Mr. Clark. So noted. Ms. Wiener, are you here to answer questions?

Ms. Wiener – I am.

Chair – Board members, any questions?

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

Chair – That includes all of the licensees listed in the packet.

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

**A. Recommended for Approval with Conditions**

**(1) Monument Establishment Retail Sales Agreement(s)**

**(a) Nefesh Monuments Inc (F227573) (Atlantis)**

Ms. Simon – Nefesh Monuments Inc. submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its licensed monument builder establishment. The Division recommends approval subject to the condition that two full-sized print-ready copies are received by the Division within 60 days of this Board meeting.

Chair – Mr. Knopke?

Mr. Knopke – Ms. Simon, can a monument establishment take in cash advance items? Can they collect cash for cash advance?

Ms. Wiener – Yes.

Mr. Knopke – Do they have to have a trust for it?

Ms. Wiener – They do and they do. They participate in the FSI Master Trust. They are a preneed licensee and as such they are permitted to sell cash advance items and trust them appropriately.

Mr. Knopke – Very good. Thank you.

Chair – Ms. Wiener, are you here to answer questions or would you like to address the Board?

Ms. Wiener – I'm here to answer questions, Mr. Chairman.

Chair – Thank you. Board?

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

**(2) Preneed Sales Agreement(s)**

**(a) SCI Funeral Services of Florida LLC (F019227) (Altamonte Springs)**

Ms. Simon – SCI Funeral Services of Florida, LLC (SCI) submits the attached preneed sales agreement forms for approval: National Cremation & Burial Society Preneed Funeral Agreement (Form NCBS-FL-999-PN), National Cremation Society Preneed Funeral Agreement (Form NCS-FL-999-PN), Neptune Society Preneed Funeral Agreement (Form NEP-FL-999-PN),

and the Woodlawn Memorial Park & Funeral Home Sales or Retail Installment Contract (Form 604-FL). If these preneed sales agreement forms are approved, they are to be used for the sale of trust-funded preneed by SCI and its related preneed branches. The Division recommends approval subject to the condition that two full-sized print-ready copies of each contract are received by the Division within 60 days of this Board meeting.

Chair – I'd like to declare my affiliation with SCI Funeral Services of Florida, LLC, and that affiliation will in no way affect my ability to make a fair and impartial decision on this case before the Board, or anything coming before the Board today. Ms. Coney, do you want to address the Board or are you just here to answer questions?

Lisa Coney – Yes and yes.

Ms. Simon – Do you swear to tell the truth, the whole truth and nothing but the truth?

Ms. Coney – Yes ma'am.

Ms. Simon – Please state your name for the record.

Ms. Coney – Lisa Coney, SCI-Dignity Memorial. I'm here to answer any questions, but also to point out that the Woodlawn Memorial Park contract was intended to show how the name would appear. It is a cemetery contract for all affiliated cemeteries in Florida, and not solely for Woodlawn.

Chair – Thank you. Questions?

**MOTION:** Mr. Knopke 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. Clark seconded the motion, which passed unanimously.

Chair – Thank you, Ms. Coney.

Ms. Coney – Thank you. Merry Christmas.

Mr. Knopke – Mr. Chairman, just a quick question before Ms. Coney leaves.

Chair – Ms. Coney?

Mr. Knopke – It's directed to Ms. Simon. On the two (2) copies that they're going to provide you, do you want them to provide for each of those cemeteries, all over Florida, the one that has the correct cemetery name at the top or just a generic? How you all do this stuff, I don't know.

Ms. Coney – I can tell you how we normally do it. We just provide the sample with a blank and then identify the number of locations or the scope of locations that that blank would apply to.

Chair – Thank you.

**(3) *Trust Transfer Request(s)***

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

Ms. Simon – Treasured Memories FL LLC (Treasured Memories), through its Attorney, seeks approval of a request to transfer its trust account, all as more specifically set forth in Attorney's correspondence dated October 16, 2018. This is a request for transfer by Treasured Memories to transfer its preneed trust funds from ClearPoint Federal Bank & Trust to WesBanco Bank, Inc. If approved, all related preneed funds formerly held under the ClearPoint Florida Preneed Master Trust Agreement will operate under the approved Treasured Memories Master Preneed Funeral Trust Agreement for Florida. The Division recommends approval subject to the following conditions:

- 1) That the representations of Treasured Memories, through its Attorney, as set forth in Attorney's correspondence dated October 16, 2018, be deemed material to the Board's decisions herein.

- 2) That within 90 days of this Board Meeting WesBanco provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
  - 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 trust to be transferred pursuant to Attorney’s letter dated October 16, 2018.
  - A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified under Exhibit B, Attachment 1 as referenced in Attorney’s attached letter dated October 16, 2018.
  - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified under Exhibit B, Attachment 1, as referenced in Attorney’s attached letter dated October 16, 2018.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

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

***B. Informational Item Only***

***(1) Appointment of Successor Trustee***

***(a) Pershing Industries Inc d/b/a Vista Memorial Gardens (F039523) (Miami Lakes)***

Ms. Simon – Pershing Industries, Inc. d/b/a Vista Memorial Gardens has designated a successor trustee to transfer its merchandise, preneed and preconstruction trust funds to a successor trustee, Coral Gables Trust Company. Coral Gables is or will be the successor trustee and will continue to operate under the existing trust agreement for these trust accounts. Subsequent to the Board meeting, I did receive a request from Vista relating to this request and they did indeed request that this trust transfer take place.

Chair – Thank you. Do we vote on it?

Ms. Simon – I don’t believe so because I believe that only written notice needs to be made to the Department.

Chair – Thank you.

**19. *Petition(s) for Waiver of Rule***

***A. Recommended for Approval without Conditions***

***(1) Concurrent Intern***

***(a) Brown, Delores (F081386)***

Ms. Simon – Ms. Delores Brown submitted an application for a Concurrent Intern License on October 16, 2014 and was subsequently issued a license on November 21, 2014. Ms. Brown did not complete her internship and is requesting a waiver of the Rules 69K-18.002 and 69K-18.003, F.A.C. She has also submitted a new application along with the applicable fees to complete a second internship. The Division is recommending approval of the petition and approval of the application for concurrent intern license.

Chair – Mr. Barnhart?

Mr. Tom Barnhart – Yes, I wanted to take a moment to provide you with the standard in s. 120.542, F.S. Subsection 2 says, “Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, “substantial hardship” means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, “principles of fairness” are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.” That’s the standard you should use when you review this petition.

Chair – Thank you. Ms. Wiener?

Ms. Wiener – I’m simply here to answer any questions. This is a petition not unlike other petitions we have submitted in other similar type of circumstances.

Chair – Board, is there a motion or discussion?

**MOTION:** Ms. Anderson moved to approve the petition and approval of the application for concurrent intern license. Mr. Clark seconded the motion, which passed unanimously.

Ms. Wiener – Thank you.

Chair – Thank you, Ms. Wiener.

**20. Executive Director’s Report**

**A. Operational Report**

**B. Review of Financial Statements (Verbal)**

Ms. Simon – At this time, I will turn the meeting over to Ms. Schwantes, our Division Director, for the Operational Report.

Ms. Schwantes – Thank you. Mr. Chair?

Chair – Please.

Ms. Schwantes – Thank you. Last month, I reported on the Division’s emergency operation efforts both before and after Hurricane Michael. As you may recall, before the storm, the Division sent pre-hurricane notices to over 400 licensees in the 35 counties impacted by the Governor’s Emergency Order relating to the storm. The notice was sent to funeral, direct disposer, refrigeration, and cinerator licensees and essentially provided information regarding emergency refrigeration issues and the filing of death certificates. Following the storm, we called approximately 150 of these licensees in the Panhandle and Big Bend areas which were most impacted by the storm. Within the first two (2) weeks following the storm, Department and Division investigative staff additionally visited those establishments in Panama City, Port St. Joe, and other areas which were particularly hard hit. So, we had eyes on these facilities as quickly as possible following the hurricane and we continue to monitor these matters closely.

The majority of the licensees in these areas, especially Panama City, incurred significant damage. The Division has been closely monitoring these areas since the storm, watching the progress of repairs to the impacted establishments and also seeking input on how we can better our services to the licensees and also collecting information that would be helpful to the Board and to other agencies. Our focus has been on establishments in six (6) counties: Jackson, Calhoun, Liberty, Franklin, Bay, and Gulf counties. After an onsite review of thirty-three (33) establishments in these counties, the Division has determined that only nine (9) will require additional follow-up at this time. Seven (7) of the nine (9) are currently non-operational pending extensive repairs and, of course, will require an inspection onsite prior to reopening.

The bottom line and the takeaway to get out of all of this is out of the 400+ licensees initially contacted, only nine (9) have issues, which will continue to require follow-up from the Division, as regulator. I’m not making light of the damages that any of these entities have suffered. However, I believe the main points to take away from these efforts and the damages that we have seen are the incredible amount of coordination between the licensees in assisting each other with refrigeration and other issues following the hurricane and even now we see that going on. And also, the feedback that we are receiving from the licensees on these subsequent onsite visits is going to be extremely helpful, not only for us, but if we get together with the Department of Health or other agencies and follow-up with what went right, what went wrong so that we can always improve our service to the licensees and to the communities.

Also, another follow-up on something that the Board ruled on in November. The Board ruled to permit an extended deadline for renewals for five (5) license types that were impacted by the hurricane. With the Board’s approval at November’s meeting, the renewal deadline was extended for funeral establishments, refrigeration, removal, cinerator, and centralized embalming facilities from November 30<sup>th</sup> to Thursday, February 28<sup>th</sup>. That only applies to these types of licenses in the 35 counties which were part of the Governor’s Emergency Order. The Division sent notices regarding the extension of deadline only to those who had not yet paid to inform them of the extension. We have adjusted our systems. Should any questions come up, as a

reminder, this is a one-time extension, based on this emergency. This does not, of course, change the renewal deadline for their next renewal. That will go back to November 30<sup>th</sup> as normal.

I want to give you a little update on Legislative Workshops.

Chair – May I interrupt you for that part of your report. It really makes me proud to be a member of this Board and to see the Division take a proactive approach that you've taken. It's so effective and out in front of everything and I hear such good comments of this and I just wanted you to know how pleased I am at the Division. I know that the CFO is probably aware of it, but I want to make sure that the CFO receives the full support on this because I know that he too would be proud of the Division.

Ms. Schwantes – Thank you. We very much appreciate those comments and actually, like I indicated, look forward to working with the other agencies in trying to improve response times and also be a part of the First Response Team, if you will, so that the funeral homes and the industry itself is bumped up. I think it's a lot easier, in smaller communities. So, that's something to work on. I very much appreciate your comments.

Char – Thank you.

Ms. Schwantes – The 4<sup>th</sup> and final public workshop for the Post-Legislation 2019 took place in Tampa last Wednesday, November 28, 2018<sup>th</sup>. Again, we received valuable input, both before and after the meeting, which will be considered as the Department prepares its proposed legislative package. We still encourage you to submit proposed language for any statutory changes in which you are interested. Any such submissions or additional inquiries regarding proposed legislation should be sent to my attention.

I'd like to talk about a group of current licensees. This has to do with Work & Son. We have received many inquiries and complaints regarding the three (3) cemeteries owned by Work & Son, known as Royal Palm North (St. Petersburg), Royal Palm South (St. Petersburg) and Sarasota Memorial Park (Sarasota). The Division is closely monitoring the ongoing situation regarding these cemeteries and has taken administrative action on a number of the complaints. Now is not the time to go into detail on any of the administrative actions regarding these properties or to discuss any matters which are not of public record. However, due to publicity surrounding the cemeteries and the nature of some of the inquiries, we wanted to provide the Board with a summary of the status on certain Work & Sons issues. I would like to ask Department Counsel, Marshawn Griffin, to provide this summary as part of this Executive Director Report.

Mr. Griffin – The Division has eight (8) cases that are currently pending involving Work & Son. Three (3) of the cases relate to allegations concerning payments to Work & Son's Care and Maintenance Trust Account. The other five (5) cases are related to issues involving the care and maintenance of the cemetery properties. All eight (8) cases were presented to the October Probable Cause Panel, and probable cause was found for all eight (8) cases. The Division anticipates filing the administrative complaints on these eight (8) cases before the end of the year.

There's three (3) different issues. First off is the cases pending before the Division. The second is the dissolution of marriage case and it's a fact. Cliff Work and his wife, Keri Work, are currently in a dissolution of marriage proceeding in Hillsborough County. To the extent that the businesses arguably include any marital assets, the three (3) Work & Son cemeteries, as well as related entities, are also involved in the proceedings. As Ms. Schwantes indicated, the Division is very closely monitoring this proceeding.

Keri Work petitioned the court to appoint a receiver to manage Work & Son during the pendency of the divorce proceeding. The Department filed a Motion to Intervene in the dissolution of marriage proceeding, based on concerns about the effect that the appointment of a receiver would have on the Care & Maintenance Trust Accounts and compliance with Chapter 497, Florida Statutes. On October 29, 2018, the court in the dissolution of marriage proceeding held a hearing on the Department's Motion and on Keri Work's Petition for Receiver. The court denied the Department's Motion to Intervene and verbally granted Keri Work's Petition for Receiver. The court specifically noted that the receiver would be required to comply with Chapter 497, Florida Statutes, during his management of the Work & Son businesses. However, a written order regarding receivership has not yet been entered in that proceeding, because there's now a third set of issues, in which Cliff Work has filed a Petition for Bankruptcy.

On November 18, 2018, Cliff Work filed Petitions for Chapter 11 (Federal) Bankruptcy in the United States Bankruptcy Court for the Middle District of Florida, on all six (6) Work & Son businesses, including the three (3) cemeteries. These matters were subsequently consolidated into one bankruptcy case. The petitions for bankruptcy have initiated an automatic stay of the proceedings in the divorce proceeding pursuant to 11 USC 362(a). However, the Department can proceed with its administrative action because we are subject to an exemption based on exercisable police power as a regulatory authority. So, the Department has filed a Notice of Appearance in the bankruptcy case and will continue to closely monitor this matter as well. Are there any questions?

Chair – Thank you for your report.

Mr. Griffin – Yes sir.

Ms. Schwantes – May I?

Chair – Please do.

Ms. Schwantes – Again, there are matters that are going to come before the Board, at some point. Now is not the time to talk about details or ask about details on any of that, but we don't want you to be shocked at this. We don't want you to be shocked when things hit the press or if there are any other inquiries, so that's why we bring this summary to your attention. This has obviously been going on for a while.

Chair – Would you be kind enough to send out to the Board members again the person to respond to from the CFO's Office in case of media inquiries? We probably wouldn't want to make a statement on it. Please make sure that we do have that person's name and contact information in case we receive inquiries.

Ms. Schwantes – I'd be glad to. I will send that out this week. Also, as a reminder, this is also on the Department's website. Basically you ask them to contact the Department's Press Office, but I will send you the immediate contact information.

Board members – Thank you.

Ms. Schwantes – Thank you all.

Ms. Coney – Just a question before we continue. We operate in that same market and serve a lot of Work & Son's families in providing funerals and taking those funerals into the three (3) cemeteries that you mentioned. In some of these open cases, many of the complainants are trying to contact us quite regularly. So, if you're in communication with these complainants, I wonder if it would be appropriate for the Division to advise them that when there's open complaints that it's appropriate to speak with you or to speak with their counsel, but perhaps not to really engage outside funeral homes and cemeteries and entities in building their case, because it's really an uncomfortable position for a funeral director to be in. We have several complainants that have contacted us multiple time. We're kind of a disinterested third-party just trying to serve those families, but if you're in regular communication and this is something that you're monitoring closely, perhaps you could help the rest of the industry in that area by directing their efforts to the appropriate authorities that are monitoring those cases.

Ms. Schwantes – I think I follow a good bit of what you were asking. If you are contacted by anyone that has complaints regarding Work & Son, I would as always encourage people with complaints about any of our licensees to contact the Division. Regardless of what you've heard here today about what's already going on, we still need to know about what issues are out there.

Ms. Coney – I think I'm more talking about complaints that are probably under investigation and those complainants using firms in that area to try to further their efforts against Mr. Work's properties. I know in at least one, there's been a court case filed as well. We're in the position of saying please don't call us about your court case. We're not involved unless we're under subpoena. Just to advise the consumers that are involved in these things that you are the appropriate resource to discuss that, because I don't think it benefits them, or the industry as a whole, for it to happen in that rumor realm. I definitely don't want our key personnel in that market that are serving those families to be in the uncomfortable position of providing any information on Cliff Work. That's not our business. Does that make sense?

Chair – Yes. I think it’s incumbent upon you to communicate that to the people there and perhaps give them the person that should be contacted for further information or releases.

Ms. Coney – Yes, sir. We have and will continue to and actually we’ve directed inquiries to Ms. Simon, as the person who would normally handle that kind of thing. That hasn’t stopped the flow of concern there. It would seem to be that the consumer concerns are not...they’re still coming to us. So, just if there’s any communication with the consumers that you’re working with in these open cases, if we could direct them back to you, I think that would be great for the whole market.

Ms. Schwantes – Thank you. Going back to the financial statements. They are listed as a separate item on the agenda. However, they are meant for discussion as part of the Operation Report, and were sent out last week in advance of the meeting. You should have four (4) statements. Additional copies are available in the back of the room, if needed. I’m going to change the scope a little bit of what I intended to do with this. Do any of you have questions regarding any of these financial statements? If they’re looking good, I’m glad.

Mr. Knopke – In all honesty, I did not look at them.

Ms. Schwantes – Ok, that’s fair enough.

Mr. Jones – If I may. I went through them, and just from memory, there was the one, as far as projections for revenue or fees to the Department. It was going down. My only question was, your projection of decreased fees or license fees was based on what?

Ms. Schwantes – Ok, let’s go through these. I won’t take up a lot of time.

Mr. Jones – That’s the only question I really had because I noticed the decrease and I was wondering why.

Ms. Schwantes – I’ll keep it short. The format presented on all four (4) is basically the same as that presented last year. We spent hours, if you recall last year, with our budget and accounting people trying to come up with a business format rather than the very detailed and legislatively technical budget terms and such that were used. So, if you take a look at the income first, this would be the document that says, “Regulatory Trust Fund Balance Sheet.” This shows actual information for fiscal years 2014-2018, with projected information through fiscal year 2018-2019

- Main points:
  - You will note the ending balance swings up and down, in part as a result of the swing in licensing fee income – some licenses only renew every other year so income reflects this swing
  - Projected end of year balance FY 2018-2019 is about \$4.97 million
  - Primary purpose of this balance sheet is to provide detail information on the income/revenues and show the impact on the overall ending balance in the Regulatory Trust Fund. Detail regarding the expenditures will be shown on the budget document.
  - Revenues:
    - Preneed fees roughly consistent over the years, generally around \$700k
    - Other fees and licensing fees swing back and forth between years as previously explained
    - Interest earnings are relatively small
  - We have tried to provide a general description of items in areas where we use a term which may not be a common term – i.e. “state refunds” (in the non-operating category) are refunds to licensees on overpayments, etc.

Ms. Schwantes – Questions? Moving on to the “Preneed Funeral Contract Consumer Protection Trust Fund (CPTF).” This shows historical information on the CPTF from 7/1/2009 – 6/30/2018.

- Main points:
  - Total balance 2017-18: \$8.84 million; slightly higher than the prior year
  - Revenues
    - Preneed fees (\$1 per contract) fairly consistent over the years. If you disregard the high year of \$193k received in 2013-2014, the income from fees has averaged about \$109k
    - Preneed fees have not shown great growth over the years with exception of 2013-2014 (I don’t have explanation for that)

- Bulk of revenue comes from interest earnings, which have varied significantly over the years
- Total revenue through these years consistently exceeded \$250k.
- Expenditures
  - Claim payments:
    - Historically generally between \$55 - \$85 per year – at least until the last few years
    - Re the high claim payments in five years shown on this report – footnotes on bottom of page show the failures/closings/or revocations which impacted the claims payments in those years. Most recent impact of course is primarily beaches memorial garden in 2016-2017.
    - Last year’s claim payments exceeded \$197k. For budgeting purposes, our spending authority from this trust fund is \$200,000 per year; as a result of the increased claims over the past few years, we will be requesting an increase in spending authority from this account
- Bottom line: income coming in historically sufficient to cover claims expenses. Buildup in trust funds probably more result of interest over the years.

Ms. Schwantes – Questions?

Chair – This current one was predominantly Beaches.

Ms. Schwantes – Still predominantly Beaches. There are a few others, but still predominantly Beaches.

Mr. Knopke – And you’re not receiving any for Work & Son yet, but I would suspect at some point you will.

Ms. Schwantes – Correct. I don’t necessarily want to forecast that future, but clearly we are aware of a lot of activity involving {inaudible}.

Mr. Jones – Is \$200,000 going to be sufficient?

Ms. Schwantes – No, we’re going to increase it. It’s \$200,000 right now.

Mr. Jones – I understand, but how much are you going up?

Ms. Schwantes – That hasn’t been decided.

Mr. Jones – Ok. Just curious.

Ms. Schwantes – Budget folks are looking at that. I want to go to \$300,000, but I’m not sure.

Mr. Jones – And that was going to be my question. Are you looking at \$100,000 in anticipation of what was just mentioned?

Ms. Schwantes – No, we are not considering...

Mr. Jones – Okay.

Ms. Schwantes – I’m going to take Work & Son out of that equation right now. This is just based on what we’ve been spending historically over the last couple of years and to ensure that we would have enough spending authority for the funds. Funds are there, but the spending authority requires additional approval...

Mr. Jones – And I won’t get into it. You have \$300,000 for a reason and I was just asking.

Ms. Schwantes – It’s based at \$200,000 right now. Was I asking for \$300,000 more?

Mr. Jones – No, you were going to bump it \$100,000. I was just curious.

Ms. Schwantes – I just want to make sure there’s enough. It’s a preliminary conversation.



Mr. Jones – You answered my question. I'm fine.

Ms. Schwantes – Mr. Williams?

Bill Williams – May I ask a general question?

Chair – Please.

Mr. B. Williams – The preneed fees, under Revenues, is that the dollars that we are charging per contract?

Ms. Schwantes – Yes.

Mr. B. Williams – So we have \$1 going to CPTF and \$6 going to Regulatory Trust Fund?

Ms. Schwantes – That's correct.

Mr. B. Williams – Ok.

Ms. Schwantes – As far as income goes on the statements.

Mr. B. Williams – And the interest earnings are coming in on these trusts are extremely low. Well you have no control over that, I'm assuming. Right?

Ms. Schwantes – We have absolutely no control over the interest earnings on this fund. As with all funds, it is consolidated and managed as a whole through the State's accounts and investments {inaudible}.

Mr. B. Williams – Thank you.

Ms. Schwantes – You're welcome. The next sheet is our budget, "FCCS Budget Fiscal Years 2016-2017/ 2017-2018/ 2018-2019." This is the only sheet presented that's a little bit of a different format and that's because I wanted to be sure that we were able to give all of the information regarding 2018-2019, but keep the information provided in last year's financials so that you have it to compare to.

- Main points:
  - Provides detail on the operating and non-operating aspects of our Division budget over this timeframe. Actual information is provided for FY 2016-2017 and FY 2017-2018. Projected information presented for FY 2018-2019, with actual expenditures provided through October 31, 2018.
  - Start with basic explanation of terminology and process. Operating budget is that which the Division has some control over. We submit our proposed budget to our agency budget office during the summer of the year before it would go into effect. So, last summer, we presented the proposed budget for FY 2019-2020. That budget will be reviewed during the upcoming legislative session, and hopefully approved.
  - Non-operating budget: these primarily involve cost allocations to our Division for support provided by the Department – primarily information technology, legal and administration. The Division has no control or say in how such items are allocated – that is performed on an agency basis, as approved by the CFO.
  - Process: each year, the legislature approves our operating budget in the General Appropriation Act. For example, you will see that the amount approved for 2017-2018 (look immediately under subtitle for that year) was about \$2,286,308. During the year, that amount may be adjusted by combined efforts of our budget office and legislative staff/committees. For 2017-2018, the final adjusted appropriation was the same – somewhat unusual.
  - Again, we have tried to add in explanations on items/terminology that may not be commonly used
  - Look at 2017-2018
    - Operating category
      - Adjusted appropriation was about \$2.29 million
      - Actual expenditures \$2.05 million (partly a result of vacancies)
      - Balance – under budget by \$239k
    - Non-operating category

- Appropriation \$1.2 million
- Actual expenditures \$926k
- Balance – under budget by \$287k
- Bottom line both operating and non-operating came in under budget by \$526k – which is a greater amount underbudget than the prior year
- Look at 2018-2019
  - Much tighter overall projected budget (we continue to fill vacancies and to incur more travel expenses – public workshops, expanded locations for Board meetings, increased travel on inspections and investigations, etc.). I'm very pleased to say that we have filled all but one of our vacancies. We now, as of Monday, have two (2) new employees starting and that will fill our exam team. So we hope to get back up to speed on some of the exams again and those vacancies have been in place for quite a while.
  - Still anticipate coming in under budget at end of year but it will be much tighter.

Ms. Schwantes – Any questions? One more to look at. This one is a little different than last years as well. This is projection for the next three (3) years. It is titled, “Projected Regulatory Trust Fund Balances.” Last year this information was presented with an illustration of proposed legislation on the CPTF – since that legislation did not pass, that illustration was removed from this table.

- Main points:
  - This shows the current structure - we have assumed absolutely no changes to information technology (which is an untenable assumption) and no additional staffing or infrastructure changes. **Status quo.** You will see that overall the Division costs still significantly impact the RTF balance – overall decreasing the balance roughly \$200k each year over the course of the years going forward. Again, this assumes no changes, no new services offered, and no new information technology system (not possible)
  - The table clearly illustrates that status quo is not a long-term funding solution and the industry will need to consider other options as the years progress.

However, still important for you all to see the impact of time, etc., on the Regulatory Trust Fund. It is important that the industry and Board members understand that we annually dip into the Regulatory Trust Fund balance for our operating and non-operating budget. We have no choice in the matter, and that over time, as you will see, the balance of the Regulatory Trust Fund decreases significantly. This is without any change. This is status quo, with no changes to the information technology systems. We have not had any movement on the \$1.2 million that we were allocated. There's nothing happening on that. We do not have spending authority on that. The system that we just recently upgraded, which was not coming out of the Regulatory Trust Fund, was close to \$700k and that was the PNRS. So, to get the improvements to the systems that are needed, to get improvements to the licensees and to improve our services to vendors as well, money is going to be needed. We cannot emphasize that enough. It may not be this year, but particularly as a Board, we need to continue to look at future yeas and consider options.

Chair – Who authorizes spending authority?

Ms. Schwantes – It's done through Legislative Committee, and which one, I'd have to research that information as to who is involved. With regards to the \$1.2 million, there were significant questions that came back from the Committee as to how that money would be spent. We did an analysis on this and they have specifically answered questions of the money that may be allotted as our spending authority would decrease {inaudible}. Honestly, I don't think that's been on the top priority at this point.

Mr. Jones – There's not enough budget authority within the Division or the Department to cover any of that?

Ms. Schwantes – There is not.

Mr. Jones – No one stamp that we can even try to capture?

Ms. Schwantes – There is not.

Mr. Jones – Money lapses when?

Ms. Schwantes – The end of this fiscal year.

Mr. Jones – We're just basically done then.

Ms. Schwantes – By the time you are provided funds, then you still have to go through the contract process in order to get to the point where you're even given the services, and then the services take a lot too. So at this point I don't foresee it.

Chair – I'm sure they're not going down in a crisis over the period of time.

Ms. Schwantes – No. So, the Department is looking at an overall department-wide, enterprise approach on improving the systems to the extent that we'd piggyback on with other divisions. Obviously, there's considerations in there too, but it doesn't take away the responsibility for the licensees to provide sufficient fees for the regulation.

Mr. Jones – Does it take legislative authority to pull from the trust fund? What is required? Do you have a set amount you can pull or is that a budget amendment or budget issue or legislative request?

Ms. Schwantes – We have spending authority on every trust fund. Even with the Consumer Protection Trust Fund, we have limits on our spending authority from year to year. I do not know {inaudible} for the Regulatory Trust Fund. But given the circumstances, even if you have some spending authority, if there's anything extraordinary, you have to go back to the Committee and the Committee is going to look at this and say you have enough funds to carry on your normal activities through the next number of years so we're dropping X percent, whatever their guidelines are. Questions? We're glad that you all are seeing these and that we're able to present them in a format that you like. If you have any other questions after this meeting, let me know.

All of the 2019 Board meetings have been noticed and are additionally posted on our website. The next Board meeting will be a telephonic Board meeting on Thursday, January 3, 2019. The next in-person Board meeting will take place in Tallahassee, FL, on February 7, 2019. That concludes the Operation Report, Mr. Chair.

Mr. Jones – One last question, if I may, Mr. Chair?

Chair – Go ahead.

Mr. Jones – Do you all have a strategic plan as far as what you would like to do? What you would like to accomplish, as far as the industry, system wise? What you would like to automate that the Board could push through the Department to help the industry?

Ms. Schwantes – We do have a strategic plan. It has a lot of different items on it other than just what needs to be changed in regards to information technology. However, our Information Technology Division and the Department's Administration are fully aware, and I do not want anyone to leave this room with the idea that we are not fully supported by either Administration, the CFO's Office, or IT. They have been pushing this considerably. I really do think it's just a matter of time, and addressing possible additional questions from the Legislature, the Legislative Committee.

Mr. Jones – Because whatever you do you want to do in-house and not by a cots package. You want to develop in house with your people or have you pursued a COTS...

Ms. Schwantes – The initial evaluations were done with IT. We certainly are not putting all of this together ourselves. It was indicating that to do a lot of the in-house, they'd be hiring consultants and adding to their staff, and that would be the faster way to go, economically.

Mr. Jones – Thank you.

Mr. Clark – Is there much opportunity to collaborate with other divisions that regulate different industries? Are they having similar issues?

Ms. Schwantes – Within the Department, as an example, there’s a Division of Agents and Agency Services. Some of what they do, because they regulate licensees, is similar and they do have some similar structures. We actually share one of the infrastructure systems with them. There are also similarities deep down and enthralled in some of the others. So as the Department develops this enterprise approach, they’re looking at having more consistency between divisions as to the systems that are used. Then we’ll be part of that, but that’s years off. That’s last estimated to be at least five (5) to seven (7) years.

Mr. Clark – I was just wondering.

Ms. Simon – I would assume that there are many boards that are similar to ours that are doing this. We are lucky to have the systems we have now, but everybody knows that we’re not...

Mr. Clark – I’m interested in the collaboration piece of you being able to speak to other directors and share best practices, if there are any band-aids between now and a permanent fix.

Ms. Schwantes – There are a lot of band-aids.

Mr. Clark – Thank you.

Ms. Schwantes – That ends my report, Mr. Chair. Thank you all for your interest.

Chair – Thank you. Ms. Simon?

**C. Report Payment of Disciplinary Fines and Costs**

Ms. Simon – This is the report of the payment of disciplinary fines and costs. That is informational-only.

Monthly Report of Fines and Costs Assessed and Paid  
 Division of Funeral, Cemetery and Consumer Services  
 December 6, 2018 Board Meeting  
 Date of Report: November 26, 2018

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Right Choice Cremations-Florida LLC, D/B/A Right Choice	Oct-18	219708-18-FC	\$1,750	11/22/2018	B	Paid in full
Danielle Daugherty	Oct-18	219670-18-FC	\$1,750	11/22/2018	B	Paid in full
Signature Memorial Funeral & Cremation Services, LLC.	1-Aug-18	195915-16-FC; 198401-16-FC; 204671-17-FC	\$3,500	24-Sep-18	B	Paid in full
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.						

Chair – All paid in full.

Ms. Simon – The best position to be in.

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

Chair – No report.

**22. Public Comments (Verbal)**

Ms. Simon – Are there any public comments that have not been previously expressed? Hearing none.

### 23. Office of Attorney General's Report

#### A. Attorney General's Rules Report

Mr. Barnhart – Thank you. I'll try to make this very quick. First of all, what I want to do is we have these rules listed on the agenda and I want to go briefly through each one. Apparently, in some cases you'll see "is" instead of "are." You'll see the word "or" and "is" and then you'll see "and" and "are." But, if I could get your permission to make these consistent, we'll come up with exact language which the Veterans Bill includes. I think the meaning is the same whether you say "or" and "is" or if you say "and" and "are." It's all inclusive so it's all going to mean the same, but I just want you to know that I will make them consistent and we'll get that done. First of all, we have these nine (9) rules, and what I want to do is make sure you're comfortable with the language. If you have any questions about the language, we can discuss that. Secondly, we're going to talk about the SERC Checklists. As you might recall from doing other rules, the questions are: Does the rule have an adverse impact on small business; or Is the rule likely to directly or indirectly increase regulatory cost in excess of \$200,000 in the first year or \$1 million in the first five (5) years? I've looked at these rules and they're all related to the Veterans Rule we've discussed previously. I don't think they have any impact at all, except in the sense that there will be some revenue decrease to the Department because of the exemption provided by the Legislature. So, on each rule, at the end I'll ask if the Board wants to adopt the SERC Checklist and then we can go on to the next. And then at the end, for the nine (9) rules, if you recall there's a question which has nothing to do with anything except rules that are related to discipline. And that is, do the Board members want to consider this potential violation to be a notice of noncompliance as the first enforcement action? My recommendation is if the rule does not relate to discipline that you answer no for each of those, and we'll do that at the end.

Chair – Do we have to take each rule individually or can we vote on them as a group?

Mr. Barnhart – Essentially, yes. Then at the end, but I'm going to let all of you vote on the notice of noncompliance together.

Chair – Thank you.

Mr. Barnhart – I'll skip the rules report, unless you want to go line by line. Are we good with that? Okay.

**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES RULES REPORT  
DECEMBER 2018**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-1.003	Miscellaneous Fees; Name Changes and Duplicate Licenses		6/11/2018	6/19/2018 Vol. 44/119			
69K-1.004	Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions		6/11/2018	6/19/2018 Vol. 44/119			
69K-1.005	Licensure Application Procedures		6/11/2018	6/19/2018 Vol. 44/119			
69K-5.002	Application for Preneed License		6/11/2018	6/19/2018 Vol. 44/119			
69K-5.0021	Application for Preneed Branch Office License		6/11/2018	6/19/2018 Vol. 44/119			
69K-5.003	Application for Preneed Sales Agent License and Appointment		6/11/2018	6/19/2018 Vol. 44/119			
69K-5.012	Application and Renewal Procedures for Broker of Burial Rights License		6/11/2018	6/19/2018 Vol. 44/119			
69K-5.0016	Preneed License; Financial Requirements	05/03/2018	5/14/2018  7/10/2018 (Notice of Change)	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/20/2018 JAPC letter rec'd 7/10/2018 JAPC response 7/11/2018 Notice of Correction-Vol. 44/134 7/18/2018 Notice of Change – Vol. 44/139	8/16/2018	9/05/2018
69K-7.009	Reporting Requirements for Preneed Licensees Filing an Initial Application to Utilize a Letter of Credit or Surety Bond in Lieu of Maintaining a Trust Fund	05/03/2018	5/15/2018  8/2/2018 (Notice of Withdrawal)	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/21/2018 JAPC letter rec'd 7/16/2018 JAPC response 8/10/2018 Notice of Withdrawal – Vol. 44/156	Rule Withdrawn	
69K-7.0095	Preneed Trust fund; financial reports	05/03/2018	5/14/2018  8/2/2018 (Notice of Withdrawal)	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/20/2018 JAPC letter rec'd 7/16/2018 JAPC response 8/10/2018 Notice of Withdrawal – Vol. 44/156	Rule Withdrawn	

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-7.010	Reporting Requirements for Preneed Licensees Utilizing a Surety Bond or Letter of Credit in Lieu of Maintaining a Trust Fund	05/03/2018	5/15/2018	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/21/2018 JAPC letter rec'd 7/16/2018 JAPC response 8/14/2018 Notice of Correction – Vol. 44/158	8/20/2018	9/9/2018
69K-7.011	Criteria for Filing a Letter of Credit in Lieu of Maintaining a Trust Fund	05/03/2018 (voted to repeal)	5/14/2018		05/22/2018 - Vol. 44/100 6/6/2018 JAPC letter rec'd 6/11/2018 JAPC response 6/12/2018 Notice of Correction-Vol. 44/114	6/27/18	7/17/2018
69K-7.012	Criteria for Filing a Surety Bond in Lieu of Maintaining a Trust Fund	05/03/2018	5/15/2018  8/2/2018 (Notice of Withdrawal)	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/21/2018 JAPC letter rec'd 7/16/2018 JAPC response 8/10/2018 Notice of Withdrawal – Vol. 44/156	Rule Withdrawn	
69K-7.0125	Alternative Form of Security for Permanent Outer Burial Receptacle Manufacturers	05/03/2018	5/15/2018  8/2/2018 (Notice of Withdrawal)	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/21/2018 JAPC letter rec'd 7/16/2018 JAPC response 8/10/2018 Notice of Withdrawal – Vol. 44/156	Rule Withdrawn	
69K-7.017	Trust Fund Deposits; Funeral and Burial Services and Merchandise Preneed Contract Payments	05/03/2018	5/15/2018	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/21/2018 JAPC letter rec'd 7/16/2018 JAPC response 8/14/2018 Notice of Correction – Vol. 44/158	8/20/2018	9/9/2018

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-10.003	Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund	05/03/2018	5/14/2018 7/27/2018 (Notice of Change) 8/2/2018 (Notice of Change)	5/23/2018 Vol. 44/101	6/7/2018 – Vol. 44/111 6/20/2018 JAPC letter rec'd 7/16/2018 JAPC response 7/24/2018 Notice of Correction-Vol. 44/143 8/3/2018 Notice of Change-Vol. 44/151	8/31/2018	9/20/2018
69K-11.001	Disciplinary Guidelines and Penalties for Cemeteries, Preneed Sales, and Monument Establishments	10/4/2018 (voted to repeal)	10/19/2018 (RN)		10/29/2018 - Vol. 44/211 11/13/2018-JAPC letter rec'd 11/15/2018-Notice of Correction-Vol. 44/223 11/19/2018-JAPC response		
69K-11.002	Minor Violations and Notice of Non-Compliance for Cemeteries, Preneed Sales, and Monument Establishments	10/4/2018 (voted to repeal)	10/19/2018 (RN)		10/29/2018 - Vol. 44/211 11/13/2018-JAPC letter rec'd 11/15/2018-Notice of Correction-Vol. 44/223 11/19/2018-JAPC response		
69K-11.003	Citations for Cemeteries, Preneed Sales, and Monument Establishments	10/4/2018 (voted to repeal)	10/19/2018 (RN)		10/29/2018 - Vol. 44/211 11/13/2018-JAPC letter rec'd 11/15/2018-Notice of Correction-Vol. 44/223 11/19/2018-JAPC response		
69K-17.002	Application Fees; Licensure by Endorsement for Embalmers and Funeral Directors		6/11/2018 (RD)	6/19/2018 Vol. 44/119			
69K-17.003	Fees	10/4/2018	6/11/2018 (RD) 10/19/2018 (RN)	6/19/2018 Vol. 44/119	10/29/2018 - Vol. 44/211 11/13/2018-JAPC letter rec'd 11/19/2018-JAPC response		

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-17.0030	Direct Disposer/Establishment; Fees		6/11/2018 (RD)	6/19/2018 Vol. 44/119			
69K-18.001	Embalmer Intern Training Program		6/11/2018	6/19/2018 Vol. 44/119			
69K-18.002	Funeral Director Intern Training Program		6/11/2018	6/19/2018 Vol. 44/119			
69K-18.003	Concurrent Internships		6/11/2018	6/19/2018 Vol. 44/119			
69K-25.001	Licensure by Endorsement; Embalmers		6/11/2018	6/19/2018 Vol. 44/119			
69K-25.002	Licensure by Endorsement; Funeral Directors		6/11/2018	6/19/2018 Vol. 44/119			
69K-25.0025	Licensure by Military Experience; Funeral Directors, Embalmers, and Direct Disposers; Licensure Renewals of Spouses of Armed Forces Members	10/4/2018	10/19/2018	10/29/2018 Vol. 44/211	11/14/2018 – Vol. 44/222		
69K-25.003	Licensure as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Practice Limitations; Expiration		6/11/2018	6/19/2018 Vol. 44/119			
69K-27.001	Embalmer Apprentice Program		6/11/2018	6/19/2018 Vol. 44/119			

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-30.001	Disciplinary Guidelines and Penalties for Funeral Directors and Establishments, Embalmers, Removal Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities	04/05/2018	03/24/2017 (RD) 04/06/2018 (RN) 07/05/2018 (Notice of Change) 08/02/2018 (Notice of Change)	04/14/2017 Vol. 43/73	4/16/2018 – Vol. 44/74 5/4/2018 JAPC letter rec'd 5/16/2018 JAPC response 05/25/2018 Notice of Correction – Vol. 44/102 7/3/2018 JAPC response 7/10/2018 JAPC letter rec'd 7/12/2018 Notice of Correction – Vol. 44/135 7/12/2018 Notice of Change – Vol. 44/135 7/12/2018 JAPC response 8/13/2018 Notice of Change – Vol. 44/157	9/11/2018	1/1/2019
69K-30.0021	Minor Violations and Notice of Noncompliance for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities	10/4/2018 (voted to repeal)	03/24/2017 (RD) 10/19/2018 (RN)	04/14/2017	10/29/2018 - Vol. 44/211		
69K-30.003	Citations for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities (30.003)	10/4/2018 (voted to repeal)	03/24/2017 (RD) 10/19/2018 (RN)	04/14/2017	10/29/2018 - Vol. 44/211		

**B. Proposed Rule 69K-1.003, F.A.C.**

Mr. Barnhart – If you are comfortable with the proposed changes, I would ask that the Board make a motion to accept the language.

**MOTION:** Mr. Knopke moved to accept the language in Rule 69K-1.003. Mr. Jones seconded the motion, which passed unanimously.

**C. Proposed Rule 69K-1.004, F.A.C.**

Mr. Barnhart – This is being proposed for repeal. You might remember that this is a real short provision regarding a rule that you already had in place. These provisions in the rule were transferred to the end of Rule 25.0025, F.A.C., just so we could try to get those provisions in one rule instead of having two separate rules. This is now subsection 4 that you already approved at the previous meeting. I would ask that the Board make a motion to repeal the rule.

**MOTION:** Mr. Knopke moved to repeal Rule 69K-1.004. Mr. Jones seconded the motion, which passed unanimously.

**D. Proposed Rule 69K-17.002, F.A.C.**

Mr. Barnhart – This is part of the Veterans Bill. If you are comfortable with the proposed changes, I would ask that the Board make a motion to accept the language.

**MOTION:** Mr. Knopke moved to approve the language in Rule 69K-17.002. Mr. Jones seconded the motion, which passed unanimously.

**E. Proposed Rule 69K-17.0030, F.A.C.**

Mr. Barnhart – If you are comfortable with the proposed changes, I would ask that the Board make a motion to accept the language.



**MOTION:** Mr. Knopke moved to approve the language in Rule 69K-17.0030. Mr. Bango seconded the motion, which passed unanimously.

***F. Proposed Rule 69K-18.001, F.A.C.***

Mr. Barnhart – If you are comfortable with the proposed changes, I would ask that the Board make a motion to accept the language.

**MOTION:** Mr. Knopke moved to approve the language in Rule 69K-18.001. Mr. Bango seconded the motion, which passed unanimously.

***G. Proposed Rule 69K-18.002, F.A.C.***

Mr. Barnhart – If you are comfortable with the proposed changes, I would ask that the Board make a motion to accept the language.

**MOTION:** Mr. Williams moved to approve the language in Rule 69K-18.002. Mr. Clark seconded the motion, which passed unanimously.

***H. Proposed Rule 69K-18.003, F.A.C.***

Mr. Barnhart – If you are comfortable with the proposed changes, I would ask that the Board make a motion to accept the language.

**MOTION:** Mr. Jones moved to approve the language in Rule 69K-18.003. Mr. Bango seconded the motion, which passed unanimously.

***I. Proposed Rule 69K-25.003, F.A.C.***

Mr. Barnhart – If you are comfortable with the proposed changes, I would ask that the Board make a motion to accept the language.

**MOTION:** Mr. Knopke moved to approve the language in Rule 69K-25.003. Mr. Bango seconded the motion, which passed unanimously.

***J. Proposed Rule 69K-27.001, F.A.C.***

Mr. Barnhart – If you are comfortable with the proposed changes, I would ask that the Board make a motion to accept the language.

**MOTION:** Mr. Knopke moved to approve the language in Rule 69K-27.001, F.A.C. Mr. Bango seconded the motion, which passed unanimously.

***K. SERC Checklist Rule 69K-1.003, F.A.C.***

Mr. Barnhart – Do you wish to adopt the SERC Checklist for this rule indicating that no SERC is required?

**MOTION:** Mr. Clark moved to adopt the SERC Checklist for Rule 69K-1.003, F.A.C. Mr. Knopke seconded the motion, which passed unanimously.

***L. SERC Checklist Rule 69K-1.004, F.A.C.***

Mr. Barnhart – Do you wish to adopt the SERC Checklist for this rule indicating that no SERC is required?

**MOTION:** Mr. Jones moved to adopt the SERC Checklist for Rule 69K-1.004, F.A.C. Mr. Bango seconded the motion, which passed unanimously.

*M. SERC Checklist Rule 69K-17.002, F.A.C.*

Mr. Barnhart – Do you wish to adopt the SERC Checklist for this rule indicating that no SERC is required?

**MOTION:** Mr. Jones moved to adopt the SERC Checklist for Rule 69K-17.002, F.A.C. Mr. Bango seconded the motion, which passed unanimously.

*N. SERC Checklist Rule 69K-17.0030, F.A.C.*

Mr. Barnhart – Do you wish to adopt the SERC Checklist for this rule indicating that no SERC is required?

**MOTION:** Mr. Knopke moved to adopt the SERC Checklist for Rule 69K-17.0030, F.A.C. Mr. Williams seconded the motion, which passed unanimously.

*O. SERC Checklist Rule 69K-18.001, F.A.C.*

Mr. Barnhart – Do you wish to adopt the SERC Checklist for this rule indicating that no SERC is required?

**MOTION:** Mr. Knopke moved to adopt the SERC Checklist for Rule 69K-18.001, F.A.C. Mr. Bango seconded the motion, which passed unanimously.

*P. SERC Checklist Rule 69K-18.002, F.A.C.*

Mr. Barnhart – Do you wish to adopt the SERC Checklist for this rule indicating that no SERC is required?

**MOTION:** Mr. Knopke moved to adopt the SERC Checklist for Rule 69K-18.002, F.A.C. Mr. Bango seconded the motion, which passed unanimously.

*Q. SERC Checklist Rule 69K-18.003, F.A.C.*

Mr. Barnhart – Do you wish to adopt the SERC Checklist for this rule indicating that no SERC is required?

**MOTION:** Mr. Knopke moved to adopt the SERC Checklist for Rule 69K-18.003, F.A.C. Mr. Jones seconded the motion, which passed unanimously.

*R. SERC Checklist Rule 69K-25.003, F.A.C.*

Mr. Barnhart – Do you wish to adopt the SERC Checklist for this rule indicating that no SERC is required?

**MOTION:** Mr. Knopke moved to adopt the SERC Checklist for Rule 69K-25.003, F.A.C. Mr. Bango seconded the motion, which passed unanimously.

*S. SERC Checklist Rule 69K-27.001, F.A.C.*

Mr. Barnhart – Do you wish to adopt the SERC Checklist for this rule indicating that no SERC is required?

**MOTION:** Mr. Knopke moved to adopt the SERC Checklist for Rule 69K-27.001, F.A.C. Mr. Bango seconded the motion, which passed unanimously.

Mr. Barnhart – Board members, I'd like to take all nine (9) rules for the purposes of indicating that you will not be considering a notice of noncompliance for the first enforcement of these rules, because none of them are disciplinary.

**MOTION:** Mr. Knopke moved to not consider a notice of noncompliance for the first enforcement of these nine (9) rules, as none of them are disciplinary. Mr. Williams seconded the motion, which passed unanimously.

Mr. Barnhart – I don't know if I'm authorized to do this, but I'd like to ask. If in conjunction with talking with JAPC and with the Department's efforts to update the forms, if we are required simply to provide a link to a website in order to receive these forms, would the Board like me to make that change as long as it's limited to that?

Chair – Please do.

**MOTION:** Mr. Knopke moved to authorize Mr. Barnhart's request to update the forms. Mr. Jones seconded the motion, which passed unanimously.

Mr. Barnhart – Thank you very much.

#### **24. Administrative Report**

The information was provided on the Agenda.

#### **25. Disciplinary Report**

The information was provided on the Agenda.

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

- A.** January 3<sup>rd</sup> (Teleconference)
- B.** February 7<sup>th</sup> (Tallahassee – Pepper Building, Room G-01, 111 W Madison Street)
- C.** March 7<sup>th</sup> (Teleconference)
- D.** April 4<sup>th</sup> (Tampa – Embassy Suites by Hilton Tampa Airport Westshore, 555 North Westshore Boulevard)
- E.** May 2<sup>nd</sup> (Teleconference)
- F.** June 18<sup>th</sup> (Orlando – Rosen Plaza Hotel, 9700 International Drive)
- G.** July 11<sup>th</sup> (Teleconference)
- H.** August 1<sup>st</sup> (Tallahassee – TBA)
- I.** September 5<sup>th</sup> (Teleconference)
- J.** October 3<sup>rd</sup> (St. Pete/Pinellas Park – St. Petersburg College, Health Education Center, 7200 66th St. N)
- K.** November 7<sup>th</sup> (Teleconference)
- L.** December 5<sup>th</sup> (Jacksonville – TBA)

#### **27. Adjournment**

Chair –Anything else? Good of the cause? Good of the cause?

Mr. Knopke – Let the record reflect, Mr. Chairman, when we finished the meeting today we have six (6) people left, other than the front staff and Board members.

Chair – Thank you, everybody.

The meeting was adjourned at 1:16 p.m.