

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
April 5, 2018 - 10:00 A.M.
DoubleTree by Hilton Orlando Downtown
60 South Ivanhoe Boulevard
Orlando FL 32804

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

Mr. Jody Brandenburg, Chair –Good morning, everyone. Welcome to the Board of Funeral, Cemetery, and Consumer Services’ April 5, 2018 meeting, at the DoubleTree by Hilton Orlando Downtown. Ms. Simon, would you call the roll and make your opening statements, please?

Ms. Ellen Simon – Yes, Mr. Chairman. My name is Ellen Simon. I am Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is April 5, 2018. 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 Downtown Orlando, as the Chairman stated. An agenda for this meeting has been made available to all interested persons and extra copies are located in this meeting room. This meeting is occurring in Orlando and will be recorded by Ms. LaTonya Bryant. Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board’s 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 **{DELAYED}**
Jean Anderson **{ABSENT}**
Francisco “Frank” Bango
Andrew Clark **{ABSENT}**
James “Jim” Davis **{ABSENT}**
Lewis “Lew” Hall
Powell Helm
Ken Jones
Darrin Williams

Also noted as present:

Mary Schwantes, Executive Director
Tom Barnhart, Board Legal Advisor
Matthew Daley, Department Counsel
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Miriam Del Valle, Department Field Staff
Gene Brimmer, Department Field Staff

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

Chair – Thank you. By the way, did everyone sign in? Those of you who are licensed and have continuing education requirements, be sure to sign in so that you can get your credit for that.

2. Action on the Minutes

A. March 1, 2018

Chair –The first item on the agenda is action on the minutes of the March 1, 2018, meeting.

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

3. **Old Business**
 - B. *Request(s) to Renew License (Criminal History)*
 - (1) *Recommended for Denial*
 - (a) *Griffin, Thomas Jr. (F044005)*

Ms. Simon – I'd like to start by taking things just a little bit out of order. If we can begin under Old Business, Item 3 on the agenda, the matter of Thomas Griffin, that is a request to renew licensure. Ms. Wiener?

Chair – Welcome.

Ms. Wendy Wiener – Good morning Board members. Thank you. We are actually before you requesting a continuance to the June meeting. There was a great deal of confusion and miscommunication about the status of Mr. Griffin's probationary period. It seemed like the confusion was primarily on Mr. Griffin's part, but as it turned out, his confusion seemed quite well founded. I did receive email confirmation from his probation officer that he had informed Mr. Griffin that his probation had been terminated, but in fact there is a required attendance of a hearing and that hearing has been continued several times since December. I'm not precisely sure why, but I will know that well before we come before you in June and we would request that you grant a continuance of this matter.

Chair – Is there a motion?

MOTION: Mr. Powell Helm moved to grant a continuance to the June meeting. Mr. Williams seconded the motion, which passed unanimously.

Chair – Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

4. **Disciplinary Proceedings:**
 - A. *Settlement Stipulation(s) (Probable Cause Panel B)*
 - (1) *McCloud, Dianne: Case No. 198420-16-FC; Division No. ATN-27205 (F043955 – Direct Disposer in Charge)*

Ms. Simon – Mr. Daley is representing the Office of the General Counsel.

Chair – Welcome.

Mr. Matthew Daley – Thank you. This matter is presented to the Board for consideration of the Settlement Stipulation for Consent Order negotiated with the Respondent, Dianne McCloud. The Division alleges that Respondent's refrigeration facility failed to maintain unembalmed human remains at a temperature of 40 degrees Fahrenheit or below. Respondent stipulated that Respondent shall pay a fine of \$1500. The terms of the Settlement Stipulation are reasonable under the facts and circumstances of this case. The Department requests that the Board approve the settlement and issue the Consent Order to conclude this matter.

Chair – Did you want to address the Board?

Ms. Wiener – I'm only here for questions.

Chair – Thank you

MOTION: Mr. Williams moved to approve the Settlement Stipulation, requiring the Respondent to pay a fine of \$1500. Mr. Ken Jones seconded the motion, which passed unanimously.

Chair – Thank you

Mr. Daley – Thank you.

3. Old Business

A. Disciplinary Proceeding(s)

(1) Motion for Reconsideration (Probable Cause Panel A)

(a) Emmanuel Funeral Home: Case No. 204697-17-FC; Division No. ATN-27659 (F041280 – Funeral Establishment)

Ms. Simon – At this time, I would like to call the Motion for Reconsideration of Emmanuel Funeral Home. I'd like to have that take place alongside the Fritz Duvigneaud matter and the Emmanuel Funeral Homes, Inc. matter under the disciplinary proceedings, if that's acceptable.

Chair – So the next item would be 3. A. (1) (a)?

Ms. Simon – Yes sir.

Chair – Thank you.

Mr. Helm – Mr. Chairman?

Chair – Yes sir?

Mr. Helm – May I, to make sure I understand? Are we going to vote on them one at a time?

Ms. Simon – Yes sir.

Mr. Helm – Okay. Thank you.

Ms. Simon – Again, Mr. Daley representing the Office of the General Counsel.

Chair – Thank you. Mr. Daley?

Mr. Daley – I believe I would let Ms. Daughton go first, since this is her motion, and then I'll be here for questions.

Chair – Thank you. Ms. Daughton?

Ms. Maureen Daughton – Mr. Chairman, members of the Board, good morning. My name is Maureen Daughton. I am here representing Emmanuel Funeral Homes and the owner, Mr. Fritz Duvigneaud, who is here. This matter, on the Motion for Reconsideration, was originally before the Board on February 1st of this year. A Final Order was entered on February 8th. At that time, Emmanuel Funeral Home was represented by other counsel, that being Mr. Rudolph. We're here this morning requesting a reconsideration of a portion of the discipline that was memorialized in the Final Order that was issued. Specifically, the Board, in the Final Order, indicated that there would be a fine and penalties imposed of about approximately \$28k, there would be a suspension of one (1) year, and that would be followed by probation of two (2) years. The only portion of the disciplinary action that we are seeking to have revisited is the suspension. Emmanuel Funeral Homes' facility license has been suspended. They have not been operating for two (2) months. It's our position that the Board has inherent authority, and I've spoken with your counsel, Mr. Daley, to reconsider the discipline that was imposed, and we cited some case law in our motion. I would note for the Board that the fine was paid in total within three (3) days of the Final Order being issued. So we would respectfully request that our Motion for Reconsideration be granted. We are requesting that the portion of the discipline be amended so that it is two (2) months suspension and a total of three (3) years of probation.

Chair – Is there a motion for reconsideration?

Mr. Hall – Are we able to ask some questions at this point?

Mr. Tom Barnhart – You can.

Mr. Hall – How are you coming on the improvements? Has there been any improvements on the violations at this point? I know he's paid the fine. Secondly, when you say it's been two (2) months, are you asking for an additional two (2) months or are you saying that that will cover the two (2) months?

Ms. Daughton – Mr. Chair, may I respond?

Chair – Please do.

Ms. Daughton – What counsel and I have discussed, and Mr. Daley I hope will confirm that it was the two (2) months beginning when the Final Order was imposed, because the suspension took place at that time. So, the two (2) months would actually be April 8th, I believe, and then from that point, it would be three (3) years of probation.

Mr. Hall – Can he address what's been done, as far as taking care of the problems that existed?

Ms. Daughton – Absolutely and I think he would like the opportunity to do that, if that's permissible, Mr. Chair?

Chair – Who will be speaking?

Ms. Daughton – Mr. Fritz Duvigneaud.

Mr. Fritz Duvigneaud – Good morning.

Ms. Simon – Would you please raise your right hand to be sworn in? Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Duvigneaud – Yes I do.

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

Mr. Duvigneaud – My name is Fritz Gerald Duvigneaud.

Ms. Simon – Mr. Chairman?

Chair – Yes?

Ms. Simon – Do you want a statement or do you want questions to be posed to Mr. Duvigneaud?

Chair – Questions. Mr. Hall, you had a question?

Mr. Hall – There was a lengthy list of items, Mr. Duvigneaud. Can you explain to us if those have been corrected? Are all of those corrected or how much of it has been corrected since that meeting?

Mr. Duvigneaud – We are in full compliance with the conditions. I fired the directors that were incompetent {inaudible}. As the owner and funeral director, I realize that ultimately I will suffer the consequences, therefore I will pay a lot more attention and I will be a better funeral director and hire more competent and more responsible, more experienced funeral directors so that I won't get in trouble again.

Mr. Hall – Do you have a new FDIC now, that's already hired, to put in place?

Mr. Duvigneaud – Our license is inactive so I can't hire anybody, but for the other locations, I have hired other directors, yes.

Mr. Hall – That you could transfer to this location?

Mr. Duvigneaud – Yes sir.

Mr. Daley – And if I may, Mr. Chairman?

Chair – Please.

Mr. Daley – The Department has two (2) separate files against Emmanuel Funeral Home, and the second file was based on a follow-up inspection. If I recall correctly, the follow-up inspection found that only one (1) of the violations remained as of March 2017, and that was that a Wesley Sylvester had not completed the Communicable Diseases training and I believe that has been fixed since then. So, the information we have supports what Mr. Duvigneaud has said that he has taken actions to correct the violations.

Chair – Are you telling us that all twenty (20) or thirty (30) counts have been addressed and rectified?

Mr. Daley – I believe so, yes, because a handful of those were bodies handled reports. Those haven't been retroactively fixed, however, they're not continuing violations, as far as the Department is aware, at this point.

Chair – Mr. Duvigneaud?

Mr. Duvigneaud – Yes sir?

Chair – All the counts that were before you, you've corrected all of the counts and all of the allegations before you?

Mr. Duvigneaud – Yes sir.

Chair – Thank you.

Mr. Hall – Could the Division do random inspections, if we requested it during this probation period, if it was approved?

Ms. Simon – Yes sir.

Chair – You may want to make that a part of a motion.

Mr. Jones – I'll make a motion that we accept the offer with random inspections by the Division as...

Mr. Barnhart – This is just a motion to reconsider.

MOTION: Mr. Jones moved to approve the Motion for Reconsideration. Mr. Hall seconded the motion, which passed unanimously.

MOTION: Mr. Jones moved to approve the two (2) month suspension, extend the probation for another year, with random inspections as deemed by the Department, and any other conditions the Department needs. Mr. Williams seconded the motion.

Mr. Barnhart – Before we vote, was that one (1) more year after the Stipulation?

Mr. Jones – Yes sir.

Mr. Barnhart – Is that clear?

Ms. Daughton – I'm sorry...

Ms. Simon – If I may? Mr. Jones, is what you were recommending actually to reconsider this matter, as we’ve already said we were going to do, and impose a two (2) month suspension followed by a three (3) year probation, as compared to the original terms imposed by the Board?

Mr. Jones – When you say imposed by the Board?

Ms. Simon – As compared to the original terms.

Mr. Jones – Yes, correct.

Chair – Is that understood? Okay, we have that motion and it’s been seconded. All those in favor aye?

Board members – Aye.

Chair – And any opposed? That motion carries.

Mr. Barnhart – Just to be clear, we had stipulations also in these cases, correct?

Ms. Simon – At this point, you’re only dealing with the reconsideration for Emmanuel Funeral Home.

Mr. Barnhart – The Final Order?

Ms. Simon – Yes sir.

4. Disciplinary Proceedings:

B. Settlement Stipulation(s) (Waiver of Probable Cause)

(1) Duvigneaud, Fritz: Case No. 219770-18-FC; Division No. ATN-29660 (F023251 – Funeral Director in Charge)

Ms. Simon – Mr. Daley is representing the Office of the General Counsel.

Chair – Mr. Daley?

Mr. Daley – Thank you, Mr. Chair.

Mr. Helm – Mr. Chairman?

Chair – Yes?

Mr. Helm – Ms. Simon, I want to make sure we got this right now because we have to have everything written down. With his motion, he said random inspections and you did not say that when you said yours.

Ms. Simon – Thank you, Mr. Helm. I expected that to be included as part of the motion.

Mr. Helm – Okay.

Chair – Thank you. Thank you for catching that. Mr. Daley?

Mr. Daley – This matter of Fritz Duvigneaud is presented to the Board for consideration of the Settlement Stipulation for Consent Order negotiated with the Respondent. The Division alleges the Respondent assessed fees and costs that were not disclosed to consumers. The Respondent waived probable cause and stipulated that he shall pay a fine of \$2500 and his license shall be placed on probation for a period of no less than two (2) years. This fine would be payable over 180 days rather than the standard thirty (30) days. Additionally, within thirty (30) days, Respondent must submit to the Division any and all general pricelists and at-need contracts that Emmanuel Funeral Homes, Inc. (F040175) intends to use. Also, Respondent must submit no fewer than five (5) photographs showing the condition of Emmanuel Funeral Homes, Inc.’s preparation room and

at least one (1) photograph showing Emmanuel Funeral Homes, Inc.'s name and its FDIC's name displayed at a public entrance. The terms of this Settlement Stipulation are reasonable under the facts and circumstances of this case. The Department requests that the Board approves the settlement and issue the Consent Order to conclude this matter.

Ms. Simon – Mr. Chairman?

Chair – Yes?

Ms. Simon – At this point, I'd like the record to reflect that Mr. Knopke is present at the Board meeting and he was here to hear the case of Fritz Duvigneaud in its entirety.

Chair – Welcome, Mr. Knopke.

Mr. Keenan Knopke – Good morning. I'm sorry I'm late. My apologies.

Chair – We're glad you're here. Sorry, Mr. Daley. Will you continue with your presentation?

Mr. Daley – I would just add one piece of information. Mr. Duvigneaud's license is currently on probation, and as part of the conditions for that to terminate he would have to appear in front of the Board, and this probation supplements that by saying from the date of the Final Order, no sooner than two (2) years would the probation terminate and the condition would still be in effect that even after two (2) years, Mr. Duvigneaud would still have to appear in front of the Board pursuant to terms of his current probation.

Chair – Thank you. Yes, ma'am?

Ms. Daughton – Mr. Chairman, I'm really just here for questions on this. We agree with everything that Mr. Daley has presented.

Chair – Thank you. So we have a stipulation before us.

Mr. Jones – I have one question, Mr. Chair.

Chair – Please.

Mr. Jones – Does the Department know what the damages were to clients, as far as when we say fees assessed?

Mr. Daley – I don't believe we have a firm figure for that. However, we do have some contracts in our file that show prices that are not justified on the face of the contract. So we don't know how much injury, if any, there was to clients. We just know that to some extent the process by which the contracts are being executed, the things that are being written on them and the information that is not included, is problematic, which is why we are requiring Respondent to submit any and all at-need contracts so the Division can stay apprised of the type of information that is being included in the contracts and can certainly follow up on anything that doesn't appear correct.

MOTION: Mr. Helm moved to approve the Settlement Stipulation, requiring the Respondent to pay a fine of \$2500 and his license shall be placed on probation for a period of no less than two (2) years; this fine would be payable over 180 days rather than the standard thirty (30) days; within thirty (30) days, Respondent must submit to the Division any and all general pricelists and at-need contracts that Emmanuel Funeral Homes, Inc. (F040175) intends to use; and, Respondent must submit no fewer than five (5) photographs showing the condition of Emmanuel Funeral Homes, Inc.'s preparation room and at least one (1) photograph showing Emmanuel Funeral Homes, Inc.'s name and its FDIC's name displayed at a public entrance. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you.

(2) Emmanuel Funeral Homes, Inc.: Case Nos. 185630-16-FC, 197151-16-FC, 219751-18-FC; Division Nos. ATN-25904, ATN-27297, ATN-29660 (F040175 – Funeral Establishment)

Ms. Simon – Again, the Office of the General Counsel is being represented by Mr. Daley.

Chair – Mr. Daley?

Mr. Daley – Thank you, Mr. Chairman. This matter is presented to the Board for consideration of the Settlement Stipulation for Consent Order negotiated with the Respondent, Emmanuel Funeral Homes, Inc. (F040175). The Division alleges the Respondent assessed fees and costs that were not disclosed to consumers, overcharged families for items on at-need contracts, failed to properly display the name of the funeral director in charge, and failed to maintain a sanitary preparation room. Respondent waived probable cause and stipulated that it shall pay a fine of \$5500 and its license shall be placed on probation for a period of three (3) years, and the fine would be payable over 180 days, rather than the standard thirty (30) days. Additionally, within thirty (30) days, Respondent must submit to the Division any and all general pricelists and at-need contracts Respondent intends to use, no fewer than five (5) photographs showing the condition of Respondent's preparation room, at least one (1) photograph showing Respondent's name and the name of Respondent's FDIC displayed at a public entrance, and a list of all Respondent's funeral directors. Respondent is required to notify the Division within seven (7) days of hiring any new funeral directors. The terms of this Settlement Stipulation are reasonable under the facts and circumstances of this case. The Department requests that the Board approves the settlement and issue the Consent Order to conclude this matter.

Chair – Any statements or are you just here to answer questions?

Ms. Daughton – Just here to answer questions. Thank you, Mr. Brandenburg.

Mr. Jones – Question for the Division. We, under A. (1)(a), did the extension to three (3) years on the funeral home. Now we're coming back with a fine and three (3) years. Is this concurrent? How does the three and three play, please?

Ms. Simon – If I may, Mr. Chairman?

Chair – Please.

Ms. Simon – Mr. Jones, this is a different licensee, Emmanuel Funeral Homes, Inc.

Mr. Jones – Okay. Thank you very much. I wanted the clarification. Thank you. I didn't pick that up.

Chair – Thank you. Mr. Hall?

Mr. Hall – For the Division again, the contracts he's sending to you for inspection are just on this location, not his other location?

Ms. Simon – Under the terms of this stipulation, yes sir.

Mr. Hall – Okay.

Mr. Jones – How many locations are there?

Ms. Daughton – Two.

Mr. Jones – Okay. Thank you.

Mr. Hall – Do we have the right, with what Mr. Daley has explained to us, as far as the contracts, do we have the right to go to the other location and request those be sent to you, too, since they're under one management?

Chair – Mr. Daley?

Mr. Daley – I believe if the Department or the Division were to request them, it's my understanding they can request any normal records. It wouldn't be pursuant to a settlement stipulation, but I believe the Division has that authority already.

Mr. Hall – My concern is just with the contracts being in the shape they're in, he's the owner of both, so I'd feel safer if they were both being sent to you. Is that...

Ms. Simon – Mr. Hall, another option is that you can ask that that be included as part of the settlement if Ms. Daughton would be able to accept that as part of the settlement today, considering her client is here.

Ms. Daughton – Mr. Chairman, may I just have a brief second to check?

Chair – Of course.

Ms. Daughton – Thank you.

Chair – Yes ma'am?

Ms. Daughton – Mr. Chair, we would not have an object to that as an additional condition on either order of probation.

Ms. Simon – We would just need to be specific on what Mr. Hall is requesting.

Mr. Hall – I don't know the name of the other firm, but both locations that Fritz owns, I would like to see both of those sets of contracts come to you.

Ms. Simon – Now I understand more fully. You're talking about both this licensee and the licensee that we were discussing earlier, Emmanuel Funeral Home.

Mr. Hall – He has two (2) locations. Since Mr. Daley is saying the contracts are in disarray, I'd like to see both sets come to you since it's under the same ownership.

Chair – We would have to reopen and reconsider the original stipulation.

Ms. Simon – And we can do that. We can take care of this matter first and you can make whatever motion you want on this matter and then we can go back to the other.

Chair – Okay. So on the matter at hand, is there a motion?

MOTION: Mr. Jones moved to approve the Settlement Stipulation, requiring the Respondent to pay a fine of \$5500 and its license shall be placed on probation for a period of three (3) years, and the fine would be payable over 180 days, rather than the standard thirty (30) days. Additionally, within thirty (30) days, Respondent must submit to the Division any and all general pricelists and at-need contracts Respondent intends to use, no fewer than five (5) photographs showing the condition of Respondent's preparation room, at least one (1) photograph showing Respondent's name and the name of Respondent's FDIC displayed at a public entrance, and a list of all Respondent's funeral directors. Respondent is required to notify the Division within seven (7) days of hiring any new funeral directors. Mr. Hall seconded the motion, which passed unanimously.

Ms. Simon – And now, Mr. Chair, if we could go back to the Disciplinary Proceedings, Old Business 3. A. (1)(a) and reopen that matter.

Mr. Helm – Mr. Chair?

Chair – Yes?

Mr. Helm – If I heard Mr. Daley right, he said the Division has the right to request those contracts anyway.

Chair – Yes, but there’s discussion by a Board member that they’d prefer that to be a part of the stipulation.

Mr. Helm – Okay.

Mr. Jones – Do I need to modify the recommendation I made in that?

Chair – We need a motion to reopen it.

MOTION: Mr. Jones moved to reopen the matter of Emmanuel Funeral Home. Mr. Hall seconded the motion, which passed unanimously.

3. Old Business

A. Disciplinary Proceeding(s)

(1) Motion for Reconsideration (Probable Cause Panel A)

(a) Emmanuel Funeral Home: Case No. 204697-17-FC; Division No. ATN-27659 (F041280 – Funeral Establishment)

Chair – Okay, back to the Settlement Stipulation.

Ms. Simon – Okay, so what we had decided previously on Emmanuel Funeral Home, the licensee, we were going to do two (2) month suspension followed by three (3) years probation. However, I believe what Mr. Hall is requesting right now is that discipline be two (2) month suspension followed by three (3) years probation, as well as the submission of...

Mr. Hall – The additional location and I don’t know what the name of his additional location’s at-need contracts.

Ms. Simon – And the random inspections.

Mr. Hall – I think he had the random inspections on there, so the only thing we’re needing to add is the...

Mr. Jones – I’ll modify my original motion to accept Mr. Hall’s recommendation for the reporting to the Division.

MOTION: Mr. Jones moved to approve the two (2) month suspension, three (3) year probation, with random inspections as deemed by the Department, and within thirty (30) days, Respondent must submit to the Division any and all general pricelists and at-need contracts that Emmanuel Funeral Home (F041280) intends to use, as well as any other conditions the Department needs. Mr. Hall seconded the motion.

Chair – Mr. Daley?

Mr. Daley – I’m just not sure if general pricelists were included in this stipulation. I heard at-need contracts, but in the other case, we did general pricelists and at-need contracts. So as I understand it, we would want this motion to include (2) month suspension, three (3) year probation, with random inspections as deemed by the Department, and within thirty (30) days, Respondent must submit to the Division any and all general pricelists and at-need contracts that Emmanuel Funeral Home (F041280) intends to use.

Mr. Jones – Correct.

Chair – Is that your motion?

Mr. Jones – Yes sir.

Chair – The motion has been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? That motion carries.

Mr. Daley – Thank you.

Ms. Daughton – Mr. Brandenburg, thank you very much. I just want to, if I may. Mr. Daley has been incredibly professional to deal with through this and I just wanted to note that for the record.

Chair – That’s nice to mention and we can certainly see all the effort and time that’s gone into this on both sides. So thank you both for reaching an agreement.

Ms. Daughton – I appreciate that.

Mr. Daley – Thank you very much.

4. Disciplinary Proceedings:

B. (3) Turner, Marquis R.: Case No. 214752-17-FC; Division No. ATN-29109 (F043160 – Funeral Director and Embalmer)

Ms. Simon – Again, the Office of the General Counsel is being represented by Mr. Daley.

Mr. Daley – Mr. Chair?

Chair – Mr. Daley?

Mr. Daley – This matter is presented to the Board for consideration of the Settlement Stipulation for Consent Order negotiated with the Respondent, Marquis Turner. The Division alleges Respondent failed to properly disclose a misdemeanor on Respondent’s of his preneed sales agent license. Respondent waived probable cause and stipulated that Respondent shall pay a fine of \$1000, investigative costs of \$250, and his license shall be placed on probation for one (1) year with the terms and conditions listed in the Settlement Stipulation. The terms of this Settlement Stipulation are reasonable under the facts and circumstances of this case. The Department requests that the Board approves the settlement and issue the Consent Order to conclude this matter.

Chair – Is Mr. Turner here? Mr. Marquis Turner? Hearing no response.

MOTION: Mr. Helm moved to approve the Settlement Stipulation, requiring the Respondent to pay a fine of \$1000, investigative costs of \$250, and his license shall be placed on probation for one (1) year. Mr. Hall seconded the motion, which passed unanimously.

Mr. Daley – Thank you.

Chair – Ms. Schwantes?

Ms. Mary Schwantes – Yes. Mr. Chair, thank you. I wanted to introduce some members from our Division team who are joining us here today. Of course, almost everybody knows LaTonya Bryant and Jasmin Richardson, but with us as well is Gene Brimmer. He’s our newest investigator. Also Miriam Del Valle, who is our supervisor of the Inspection Unit. So, if you have a chance during break or afterwards, please stop by and say hello to them. Thank you, Mr. Chair.

Chair – 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 with Conditions (Criminal History)
(1) Dyer, Cody A. (Appointing Entity: StoneMor Florida Subsidiary LLC)

Ms. Simon – Is Mr. Dyer here?

Chair – Cody Dyer?

Ms. Simon – Board members, on November 30, 2017, the applicant applied for licensure as preneed sales agent, and no deficiencies were noted on the application. Thus, a temporary preneed sales agent license was issued for Mr. Dyer, however, during the review of Mr. Dyer’s background check it was revealed that he did in fact have a reportable criminal history that required disclosing.

StoneMor Florida Subsidiary, LLC, employer, was notified of Mr. Dyer’s temporary preneed sales agent license suspension, and upon request, Mr. Dyer provided the Division with a written explanation of the relevant criminal history, a completed Criminal History Form, a copy of the court documentation regarding the final disposition of his case, and letters of recommendation for employment.

In 2015, Mr. Dyer pled no contest to a misdemeanor charge of petit theft less than \$100. This criminal offense occurred in Hillsborough County, Florida. Mr. Dyer was fined \$200 and required to pay court costs in the amount of \$125.00. The Division is recommending approval subject to the terms & conditions of the attached stipulation for licensure, which includes that the licensee be on 24 full months of probation, which include the stipulation agreement restrictions.

MOTION: Mr. Jones moved to approve the application subject to the terms & conditions of the attached stipulation for licensure, which includes that the applicant be on 24 full months of probation. Mr. Williams seconded the motion, which passed unanimously.

Ms. Simon – Mr. Chairman, if we can go back to an item under Disciplinary Proceedings, 4. B. (3), Mr. Marquis Turner. I believe that Mr. Daley, in his presentation to the Board, stated that Mr. Turner was a preneed sales agent. However, he is actually a funeral director and embalmer. I believe that that needs to be made clear on the record.

Chair – Please.

Mr. Daley – I would like to reopen the matter of Marquis Turner.

Chair – Motion?

MOTION: Mr. Jones moved to reopen the matter of Marquis Turner. Mr. Helm seconded the motion, which passed unanimously.

4. Disciplinary Proceedings:

B. (3) Turner, Marquis R.: Case No. 214752-17-FC; Division No. ATN-29109 (F043160 – Funeral Director and Embalmer)

Mr. Daley – So in the matter of Marquis Turner, the Division alleges Respondent failed to properly disclose a misdemeanor on Respondent’s of his funeral director and embalmer license. Respondent waived probable cause and stipulated that Respondent shall pay a fine of \$1000, investigative costs of \$250, and his license shall be placed on probation for one (1) year with the terms and conditions listed in the Settlement Stipulation. The terms of this Settlement Stipulation are reasonable under the facts and circumstances of this case. The Department requests that the Board approves the settlement and issue the Consent Order to conclude this matter.

Chair – Thank you. Is there a motion?

MOTION: Mr. Knopke moved to approve the Settlement Stipulation, requiring the Respondent to pay a fine of \$1000, investigative costs of \$250, and his license shall be placed on probation for one (1) year. Mr. Helm seconded the motion, which passed unanimously.

Mr. Daley – Thank you.

5. Application(s) for Preneed Sales Agent

C. Recommended for Denial

(1) Hoff, Shayla E. (Appointing Entity: StoneMor Florida Subsidiary LLC)

Ms. Simon – Is Ms. Hoff here?

Ms. Shayla Hoff – Yes, I am.

Ms. Simon – Board members, on February 15, 2018, the applicant applied for licensure as a preneed sales agent, and there were deficiencies noted on the application. The review of the *Background Questions* revealed criminal history, to wit, in September 2016, Ms. Hoff was charged with a felony of child neglect without great bodily harm. On or about June 7, 2017, Ms. Hoff pled no contest to a felony charge of child neglect without great bodily harm, and was sentenced to 24 months of probation, 100 hours of community service, loss of custody of her daughter, and ordered to pay court fines and costs in the approximate amount of \$937, which occurred in Marion County, Florida. As a result of this action, Ms. Hoff's parental rights were terminated. The Division is recommending denial of the application based upon the applicant's criminal history.

Chair – Good morning,

Ms. Hoff – Good morning.

Chair – Are you represented by counsel?

Ms. Adriana Hartzell – No, I'm just the manager of the location where she's employed at the moment.

Chair – Okay. Ms. Hoff, did you wish to address the Board or are you just here to answer questions?

Ms. Hoff – I'm here to answer questions and ask that you please approve my license because this is the only way that I can support my family.

Chair – Would you please be sworn in?

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

Ms. Hoff – Yes ma'am.

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

Ms. Hoff – Shayla Elizabeth Hoff.

Chair – Thank you. Ms. Hoff comes before the Board today to answer any questions posed to her. Board members, are there any questions? Mr. Hall?

Mr. Hall – Am I correct? Did I see in the records that the fines have still not been paid?

Ms. Hoff – They're in the process of being paid. I don't have very much left to pay off.

Mr. Hall – Okay. And the probation runs until when?

Ms. Hoff – Until June of 2019, unless I get my fees and my community service done at that time and then I'm going to be off of probation.

Chair – I do have a question for Ms. Hoff. Throughout your explanation of what happened during this alleged offense, you were quite detailed about it, however, in reading all the law enforcement and court documents, there's an indication that you didn't mention and that is that the child was placed in a cage. Throughout your admission there's no mention of the child being placed in a cage. That seems to weigh pretty heavily on law enforcement's decision to move forward and the court's decision. Can you explain why you did not mention the charge of putting the child in the cage?

Ms. Hoff – The way I understood when I was charged is that case was on my husband alone. That is not what I was being charged, as far as the scenario goes. What I was actually charged with were the events that happened on that night that I explained in my letter.

Chair – And seems that part of it is that you were aware that the child was placed in a cage and you didn't do anything to mitigate or {inaudible} being placed in the cage.

Ms. Hoff – The night that that happened was not the night in question on why I got arrested. The night that that happened, it was while I was at work, and as soon as I came home, I had her get out of there and go into her room so that I could make sure that my husband understood that that was something that was unacceptable.

Chair – Thank you.

Mr. Knopke – Mr. Chair?

Chair – Mr. Knopke?

Mr. Knopke – One question. How often or how many times has the child been placed in a cage?

Ms. Hoff – As far as I'm aware, just that one time.

Chair – Any more questions, Mr. Knopke?

Mr. Knopke – Can I ask her supervisor a question?

Chair – Please do. Please be sworn in.

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

Ms. Hartzell – I do.

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

Ms. Hartzell – Adriana Hartzell.

Ms. Simon – Mr. Knopke?

Mr. Knopke – Thank you. What kind of employee is she? How long has she been with your company? What is her interaction been with families, to this date?

Ms. Hartzell – I had no idea of any of the information that she has provided. When we hired her, she became a very exemplified kind of employee. She interacts very well with all the families that she's dealt with. She's very quick at learning and she got hired at the end of January. So, she's done very well. She follows directions, is on time. Like I said, I wasn't aware of any of this background that she had. The company's done very well with her being part of the organization. We just want her to be able to have an opportunity to be able to work with our company and maybe just put some of those conditions that she could

follow. I know that there are some disciplinary conditions that can be put upon her to see how she will do for the next couple of years or however long she wants to make it a possible career with us. I think she would be a great benefit.

Mr. Knopke – Knowing what you know today, does that put any concern in your mind or your company’s mind?

Ms. Hartzell – Not at all, because I think that what she’s representing and doing for the company, she’s not bringing her past into it. People make mistakes and sometimes we learn from those mistakes. I feel that what she’s accomplished so far in the company, I would have never known that she had that other background. I just can speak to what she’s doing today and what she’s been doing since we hired her and she’s done very well. She’s done her job according to what we would have liked her to follow the guidelines.

Mr. Knopke – One more question, Mr. Chair, if you don’t mind.

Chair – Please, Mr. Knopke.

Mr. Knopke – Are you still with your husband?

Ms. Hoff – Currently I am, however, there is a savings account for me to get a divorce.

Mr. Knopke – Who’s caring for the child at this point?

Ms. Hoff – My grandmother has permanent guardianship.

Mr. Hall – Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – What has she been doing for your company since January?

Ms. Hartzell – She has been shadowing and learning the business of how it is to be in front of families and to present and to do preneed cemetery and at-need cemetery sales, because she works at the Ocala Good Shephard Memorial Gardens for the StoneMor company, so she’s under my supervision and shadow of doing that.

Mr. Knopke – Mr. Chair?

Chair – Mr. Knopke?

Mr. Knopke – I’ll make a motion to approve with conditions in that she’s on twenty-four (24) months of probation and that her current supervisor and any future supervisors send to the Department quarterly reports outlining what she’s doing, what she’s not doing and the interactions with families.

Ms. Simon – Mr. Chairman?

Chair – Also, there is a stipulation for licensure that was included as part of this file, if the Board was inclined to approve licensure. Was it your intent to add those conditions to the stipulation or licensure?

Mr. Knopke – Mr. Chair, I don’t recall seeing that stip. I just remember seeing that the Department recommended denial.

Chair – Page 2.

Mr. Knopke – Page 2? Okay. I skipped past that. My apologies. I will add that to it.

Chair – Let’s give the Board a chance to review the stipulation, if you need to. I imagine that most of us have looked at it. Are you aware of the terms of the stipulation?

Ms. Hartzell – I read through them, yes sir, and we have copies of it, too, in her file.

Chair – Ms. Hoff, is there anything in this stipulation that you won't be able to abide by?

Ms. Hoff – No sir.

Chair – You've read it?

Ms. Hoff – I have. I read through the entire thing.

Chair – You've signed it?

Ms. Hoff – Yes sir.

Chair – I see you signed it, so that means you do understand.

Ms. Hoff – Yes sir.

Chair – Thank you.

MOTION: Mr. Knopke moved approve the stipulation with the conditions that the applicant be placed on twenty-four (24) months of probation and that her current supervisor and any future supervisors send to the Department quarterly reports outlining what she's doing, what she's not doing and the interactions with families. Mr. Jones seconded the motion, which failed with four (4) dissenting votes.

Chair – So the motion does not carry and we would need a new motion.

2nd MOTION: Mr. Williams moved to deny the request based upon the applicant's criminal history. Mr. Hall seconded the motion, which passed with two (2) dissenting votes.

6. Application(s) for Continuing Education Course Approval

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

- (1) *American Academy McAllister Institute of Funeral Service (9808)*
- (2) *Florida Cemetery, Cremation & Funeral Association (75)*
- (3) *Funeral Service Academy (23408)*
- (4) *FuneralCE (43)*
- (5) *Kates-Boylston Publications (29810)*
- (6) *National Funeral Directors Association, Inc. (136)*
- (7) *Selected Independent Funeral Homes (137)*

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

7. Application(s) for Approval as a Continuing Education Provider

A. Recommended for Approval *without* Conditions – Addendum C

- (1) *Vida B. Boone MSN, RN (31208)*

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the firm(s) presented have been reviewed by the CE Committee and the Committee, as well as the Division, recommends approval of the applications to become a CE provider.

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

8. **Application(s) for Florida Law and Rules Examination**
- A. **Informational Item (Licenses Issued without Conditions) – Addendum D**
- (1) **Embalmer**
 - (a) *McAlpin, Laura D*
 - (2) **Funeral Director (Internship and Exam)**
 - (a) *Trzyna, James E*
 - (3) **Funeral Director and Embalmer (Endorsement)**
 - (a) *Eaker, Michelle C*
 - (b) *Steadman, Heather P*
 - (4) **Funeral Director and Embalmer (Internship and Exam)**
 - (a) *Allison, Myles T*
 - (b) *Baade, Kurt M*
 - (c) *Bryant, Scheron T*
 - (d) *Cox, Kim W*
 - (e) *Eugene, David*
 - (f) *Madeiras, Tina L*
 - (g) *Malivert, Johann*
 - (h) *Saldarriaga, Yuliana*
 - (i) *Schwartz, Pamela J*
 - (j) *Smith, Eboni L*
 - (k) *Spangler, Shane*
 - (l) *Stephens, Elizabeth A*

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) *Vincent, Jennifer L*

Ms. Simon – Is Ms. Vincent here? Step forward. An application for a Funeral Director and Embalmer license was received, by the Division, on January 29, 2018. The application was incomplete when submitted. All deficient items were returned on February 3, 2018. A background check revealed a relevant criminal history, in that in May 2015, Ms. Vincent pled guilty to criminal possession of a controlled substance and was issued a conditional discharge. The Division is recommending approval without conditions.

Chair – Ms. Vincent, do you want to address the Board or are you here to answer questions that the Board may have?

Ms. Jennifer Vincent – Answer questions that the Board may have.

Chair – Thank you. I believe it's appropriate at this point in time for you to be sworn in.

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

Ms. Vincent – I do.

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

Ms. Vincent – Jennifer Vincent.

Chair – Thank you. Board members, any questions? Is there a motion?

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

Chair – Good luck.

Ms. Vincent – Thank you.

9. Application(s) for Internship

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

- (1) **Funeral Director**
 - (a) **Waldon, Brent F244378**
 - (b) **Waldon, Jacqueline M F075378**
- (2) **Funeral Director and Embalmer**
 - (a) **Bishop, Terrence J F243755**
 - (b) **Browne, Cory A F245739**
 - (c) **Fialho, Joao Paulo F106976**
 - (d) **Jacques, Jason G F244994**
 - (e) **Johnson – Myles, Dawn L F244995**
 - (f) **Kaley, Tabatha M F078772**
 - (g) **Parrott, Nicole F245738**
 - (h) **St Fort, Jeffrey F248829**
 - (i) **Vicenzi, Austin R F249928**

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

10. Application(s) for Embalmer Apprenticeship

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

- (1) **Covert, Kevin M F243175**
- (2) **Khan, Reiaz F249816**
- (3) **Underwood, Stephanie R F052123**
- (4) **Young, Jarvis L F243756**

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 Denial (Criminal History)

- (1) **Moxcey, Benjamin D**

Ms. Simon – Is Mr. Moxcey in the room?

Mr. Benjamin Moxcey – Yes I am.

Ms. Simon – Please step forward to the podium. Mr. Moxcey submitted an application for an Embalmer Apprenticeship license, which was received by the Division on February 12, 2018. The application was complete when submitted. A background check revealed a relevant criminal history to wit:

- In January 2009, applicant pled no contest to felony Battery on a Law Enforcement Officer, Assault on a Law Enforcement Officer and Resisting Arrest with Violence. He was sentenced to three (3) years' probation, drug and alcohol classes, anger management classes and \$1,772 in court costs.
- In July 2012, the applicant pled no contest to Felony Burglary of an Unoccupied Conveyance. He was sentenced to three (3) years' probation and to pay court costs of \$975 and supervision charges of \$1497.60

The Division is recommending denial of this application.

Chair – Welcome. Mr. Moxcey, are you here to address the Board or to answer questions the Board members may have?

Mr. Moxcey – I would like to address the Board.

Chair – Please do, after you are sworn in.

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

Mr. Moxcey – I do.

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

Mr. Moxcey – Benjamin Douglas Moxcey.

Ms. Simon – Mr. Chairman.

Chair – Mr. Moxcey?

Mr. Moxcey – Thank you. Ladies and gentlemen of the Board, thank you for the opportunity to speak on my behalf. As you know, I submitted a complete application for embalmer apprentice, in that application, I disclosed my criminal history, which looks very bad on paper and I understand that. I'm standing here in front of you today to show you I am not the person I appear to be on paper. I've had some trouble in my past, but those things happened years ago. I'm not that person anymore. I have family support now, I have children who look up to me, and I have one goal in life, and that is to take care of them. I've been working in the funeral business for a little over two (2) years now and I have been an associate at Heritage Gardens Funeral Home in Niceville Florida for over a year. I have a Bachelor's Degree in biology and I would like to go back to school to become a licensed funeral director. My employer has expressed interest in sending me to school to do just that, but before I can move forward with this career, I need approval from this Board for my embalmer apprentice license. I have included letters of character reference from my manager and my funeral director in charge, my assistant manager, a funeral director from another funeral home that we work with on a daily basis, and from my pastor. These people see me every day and have known me for years. They're testifying to my character as that of being one of high moral standards and a hardworking individual. I would like nothing more than to change my past and all the mistakes I've made along the way, but I cannot. The only thing I can change is the future. I can assure you that my future does not hold more trouble. My future holds a career in the funeral industry, so that I may have the opportunity to help those grieving families during some of the hardest times of their lives. Please reconsider my application and approve it so that I can move forward with this career and be able to provide a good life for my family. If I could, I'd like to bring you these letters.

Chair – Yes. Do you have but one copy of each?

Mr. Moxcey – Yes sir. I should have made multiple copies.

Chair – Two (2) letters from Heritage Gardens, one (1) letter from Whitehurst-Powell Funeral Home and one (1) letter from the Sr. Pastor of Live Oak Baptist Church. If anyone wants to see these in detail, I have them here, if you'd like. Thank you for bringing that in. Board?

Mr. Helm – Question?

Chair – Mr. Helm?

Mr. Helm – Is your current wife and your previous girlfriend the same person?

Mr. Moxcey – No. Not at all. The girlfriend that is referenced in my criminal history form?

Mr. Helm – Yes.

Mr. Moxcey – She's the mother of my son, and we are no longer together. My wife and I, we've been together for five (5) years now. In fact, just before that altercation happened with the trailer, she had actually left, with my son, to Alabama, apparently legally. I was actually offshore at the time. I came home, they were gone, and I had a key...

Mr. Helm – I read it. I just wanted to know about your girlfriend. Now, your son by the girlfriend, do you have custody of him or is he still with the mother?

Mr. Moxcey – I've been actually fighting a custody battle for the last six (6) years, through the courts. In 2012, Okaloosa County Court gave me sole parental responsibility, full custody, and gave her supervised visitation. She actually is still in Alabama and the judge up there refuses to accept a pick up order from the State of Florida, so we've actually been to the courts in Alabama over the years. We've been to the Alabama Supreme Court three (3) times and I've won every time. It's a very small town up there and her family has a lot of money. Hopefully I will be getting my son soon, but on paper I have full custody.

Chair – During your times of erratic behavior, were they results of any drug or alcohol abuse or use?

Mr. Moxcey – Alcohol abuse, yes sir.

Chair – Drugs?

Mr. Moxcey – No sir.

Chair – Today?

Mr. Moxcey – No sir. I'd be willing to take any kind of drug test the Board would request.

Chair – But alcohol was involved?

Mr. Moxcey – Alcohol was involved. Yes, sir.

Chair – I suppose that somewhat explains your erratic behavior.

Mr. Moxcey – Yes sir.

Mr. Williams – Question?

Chair – Mr. Williams?

Mr. Williams – Currently, are you under any type of probation by the courts?

Mr. Moxcey – No sir. I've completed all of the requirements from the courts.

Chair – Mr. Hall?

Mr. Hall – The decision is difficult on you because you're telling me you have a court saying that you're a fit father, you've turned things around, and you should have your son.

Mr. Moxcey – Yes sir.

Mr. Hall – So I'm assuming they've looked into a lot of things to determine that, but on the paper that we see, you did some dumb stuff. What would possess you to jump on a police officer?

Mr. Moxcey – I'll tell you what happened. I had wrecked my truck into a ditch, and I waited for help. When the police arrived, I had hit my head because the airbag didn't deploy, so in my mind they were threatening, so I – it was dumb, I should never have done it, and it never happened again – but I took off running. They shot me with a Taser, and I don't know if anybody's ever been hit with one, but it hurts, and I didn't know what happened. While I was on the ground, I didn't know that an officer had jumped on my back. I didn't know what happened, so I got up and when I did, I through him off of my back and I didn't know that. After that, they took me to the police car, where I thought they were just going to search me and

put me in the car. Well they searched me, and put one ankle cuff on, and there was an officer standing behind me stepping on that ankle cut, and it hurt. I had cut on my leg for three (3) months. I kept asking him to stop, but he said I'm not going to stop until you kick me. All of his friends were egging him on. I said I'm not going to kick you, I'm not going to kick you, I'm not going to kick you over and over again, but eventually I had had enough, and I kicked him. Well, they hit me with the Taser again and put me in the car and hauled me away. The charges for that particular case, adjudication was withheld on all of that, but I have to disclose this information to the Board because it is something that happened. Charges were withheld, adjudication, so as far as a felony on my record, the only one I have is from when I went into the trailer to get my stuff after my son's mother had left.

Chair – Mr. Moxcey, what are your career goals, if any, in this industry?

Mr. Moxcey – I would like become a licensed funeral director in the State of Florida and continue working with Heritage Gardens Funeral Home. They had stated in those letters that they do want to send me to school and pay my tuition, and I would like to make a career as a funeral director.

Chair – Do you understand how your criminal history affects you every step of the way in a quest to become licensed in the State of Florida?

Mr. Moxcey – Yes sir.

Chair – That's been explained to you and you understand that?

Mr. Moxcey – As far as my understanding of it, I'll have to come before the Board each and every time that I'll be required to be licensed or renewed.

Chair – Thank you. Mr. Jones?

Mr. Jones – Just two (2) questions. You said you have a Bachelor's Degree. Did you receive that after 2012?

Mr. Moxcey – I received that actually in 2004. After that, I actually went to med school for a couple of years and I dropped out because I did not agree with some of the things they were teaching. So, I dropped out, and at that point is when the drinking started. I had a career goal my entire life and it did not work out, so I kind of hit a downward spiral. I have come out of that and that is in my past.

Mr. Jones – You read your statement, so my concern is as Mr. Hall said, what we're hearing is that you've turned it around. How can you convince us that you're a different person? How can I feel comfortable if I cast a vote for you that it's a good vote? Mr. Brandenburg has asked for your passion, but I still have some reservation. How can you convince me who you really are?

Mr. Moxcey – I would really hope that you'd have a chance to look through some of those letters of recommendation. Seeing me for five (5) minutes, you really can't see who I really am in this room, but I would hope that maybe some of those letters from people that do know me as an individual. Understand that these are things that happened in my past and I am a different person. I have moved forward. My wife and I, we got married in November and were about to buy a house. We're going to close on April 18th and I really want to pursue a career in the funeral business. I do not want to have any more trouble come to me and my family. My goal, like I said, is to provide for them and I think the best way I can do that is in the industry that I'm in now.

Mr. Jones – Thank you.

Chair – Thank you. Mr. Knopke?

Mr. Knopke – Just one quick question.

Mr. Moxcey – Yes sir?

Mr. Knopke – When your truck was in the ditch, and the police came, had you been drinking at that point?

Mr. Moxcey – No sir.

Mr. Knopke – No drugs or anything else?

Mr. Moxcey – No sir.

Mr. Knopke – Well how did you get in the ditch then?

Mr. Moxcey – I lost control of the truck. I ran it off the side of the road.

Mr. Knopke – Okay.

Chair – Thank you. Mr. Hall?

Mr. Hall – Why did you decide to run?

Mr. Moxcey – To me, in the state of mind that I was in at the time, like I said I hit my head pretty hard on the steering wheel of the truck, but to me, I thought they were going to be there to help pull my truck out, but they weren't. They were coming at me and yelling at me, so I got scared and I ran. That's the dumbest thing I could have ever done.

MOTION: Mr. Jones moved to approve the application with twelve (12) months of probation. Mr. Knopke seconded the motion, which passed with one (1) dissenting vote.

Mr. Moxcey – Thank you, Mr. Chairman.

Chair – Congratulations. Make yourself proud and make others proud. If you continue on, you're coming before this Board every step of the way and anything that happens subsequently will certainly effect our decisions.

Mr. Moxcey – I understand. Thank you again.

11. Application(s) for Monument Establishment Sales Agent License

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

Ms. Simon – This item is informational only. Pursuant to s. 497.554(3)(a), F.S., the applicants have already been issued licensure as monument establishment sales agents.

12. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum H

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

13. Application(s) Cinerator Facility

A. Recommended for Approval with Conditions

(1) Serenity Funeral Home & Cremation LLC d/b/a Atlantis Crematorium (Pompano Beach)

Ms. Simon – An application for a Cinerator Facility was received on December 18, 2017. The application was incomplete when submitted. All deficient items were returned on January 18, 2018. The Funeral Director in Charge will be Frank Moeller (F058013). A background check of the principals revealed criminal history for one of its principals to wit in March 2010, Keila

Crucet pled no contest to Driving with a Suspended License and was sentenced to six months' probation and fined \$583. The Division recommends approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

MOTION: Mr. Knopke 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.

14. Application(s) for Direct Disposal Establishment

A. Recommended for Approval *with Conditions*

(1) *Serenity Funeral Home & Cremation LLC d/b/a Atlantis Simple Cremation (Pompano Beach)*

Ms. Simon – An application for a Direct Disposal Establishment was received on December 18, 2017. The application was incomplete when submitted. All deficient items were returned on January 18, 2018. The Funeral Director in Charge will be Frank Moeller (F058013). A background check of the principals revealed criminal history for one of its principals to wit in March 2010, Keila Crucet pled no contest to Driving with a Suspended License and was sentenced to six months' probation and fined \$583. The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

Chair – Thank you. Let's be sure that during the inspection that the name is Atlantis Simple Cremation, rather than any mention of Funeral Home & Cremation, since it is a direct disposal license.

Ms. Simon – Yes sir.

Chair – Thank you.

(2) *Simply Cremation LLC (Port St Lucie)*

Ms. Simon – An application for a Direct Disposal Establishment was received on February 6, 2018. The application was incomplete when submitted. All deficient items were returned on February 26, 2018. The Funeral Director in Charge will be Thomas Conway Sr (F042510). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

B. Recommended for Denial

(1) *Going Home Cremation Services Inc. (Tierra Verde)*

Ms. Simon – This item has been removed from the agenda and is being continued.

15. Application(s) for Funeral Establishment

A. Recommended for Approval *with Conditions*

(1) *Cannon Funeral Home LLC (Lakeland)*

Ms. Simon – An application for a Funeral Establishment was received on January 24, 2018. The application was incomplete when submitted. All deficient items were returned on February 8, 2018. The Funeral Director in Charge will be Lisa Norwood (F072972). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

MOTION: Mr. Williams 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) Ivey Funeral Home LLC (Live Oak)

Ms. Simon – An application for a Funeral Establishment license, due to a change of ownership, was received by the Division on October 26, 2017. The application was incomplete when received. All deficient items were returned on February 23, 2018. The Funeral Director in Charge will be Demarien Hawk (F081293). A background check of the principals revealed no relevant criminal history. This funeral establishment is not the qualifying entity for a preneed license. The establishment passed its inspection on March 20, 2018. The Division is recommending 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.

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

(3) Kaduk Investment Inc. (Hudson)

Ms. Simon – An application for a Funeral Establishment license, due to a change of ownership, was received by the Division on February 5, 2018. The application was incomplete when received. All deficient items were received on March 12, 2018. The Funeral Director in Charge will be Carrie Hernandez (F045027). A background check of the principals revealed no relevant criminal history. This funeral establishment is not the qualifying entity for a preneed license. The establishment passed its inspection on March 8, 2018. We have received paperwork from the applicant stating that they will assume liability for any outstanding preneed contracts. The Division is recommending 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.

Chair – Was there another document in there that was discussed re the signature of the selling party?

Ms. Simon – Yes sir. Thank you for bringing that up, Mr. Chairman. The Board package that was presented to you, for some reason, the page regarding the signature for change of ownership, there is no signature on this page of your document, however, the correct page did not make it into the Board packages, but we do in fact have the signature of the current owner on file.

Chair – Thank you, Ms. Simon. Is there a motion?

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

(4) Maloney Funeral Home LLC (Sarasota)

Ms. Simon – An application for a Funeral Establishment was received on January 26, 2018. The application was incomplete when submitted. All deficient items were returned on February 20, 2018. The Funeral Director in Charge will be Ralph Maloney (F026665). A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

Chair – Is Mr. Maloney here?

Mr. Ralph Maloney – Yes sir.

Chair – Greetings.

Mr. Maloney – Greetings.

Chair – You know how close your uncle Ralph Maloney and I were so many years ago?

Mr. Maloney – That was my father.

Chair – Your father? Okay. We were very close many, many years ago. There's been a motion made to approve with conditions and it's been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? That motion carries. Congratulations.

(5) Pine Lake Funeral Home and Affordable Cremation Services LLC (Pinellas Park)

Ms. Simon – An application for a Funeral Establishment was received on February 2, 2018. The application was complete when submitted. The Funeral Director in Charge will be David Chambers (F044982). A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

(6) Ponger Funeral Home PA d/b/a Ponger-Kays-Grady Funeral & Cremation Service (Arcadia)

Ms. Simon – An application for a Funeral Establishment license, due to a change of ownership, was received by the Division on March 9, 2018. The application was complete when received. The Funeral Director in Charge will be Allyson Christ

(F044169). 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 is recommending 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 onsite inspection by a member of Division Staff.

Mr. Helm – I have a question.

Chair – Mr. Helm?

Mr. Helm – Does that funeral home have a preneed license now?

Ms. Simon – I don't believe so, Mr. Helm.

Mr. Helm – Okay.

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

*(7) Ponger-Karnes Funeral Home PA d/b/a Ponger-Kays-Grady Funeral Home & Cremation Service
(Wauchula)*

Ms. Simon – An application for a Funeral Establishment license, due to a change of ownership, was received by the Division on March 9, 2018. The application was incomplete when received. All deficient items were returned on March 23, 2018. The Funeral Director in Charge will be Floyd Rice (F033773). 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 is recommending 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 onsite inspection by a member of Division Staff.

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

B. Recommended for Approval without Conditions
(1) Evans Funeral Home LLC (Quincy)

Ms. Simon – An application for a Funeral Establishment license, due to a change of ownership, was received by the Division on February 2, 2018. The application was incomplete when received. All deficient items were returned on February 22, 2018. The change of ownership is due to the licensee changing from a sole proprietorship to a LLC. The Funeral Director in Charge will be Lee Evans (F036346). A background check of the principals revealed no relevant criminal history. This funeral establishment is not the qualifying entity for a preneed license. The establishment passed its inspection on March 12, 2018. The Division is recommending approval without conditions.

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

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

A. Recommended for Approval with Conditions

(1) Miserere Guild of Hillsborough County Inc. d/b/a Resurrection Cemetery (Seffner)

Ms. Simon – Miserere Guild of Hillsborough County, Inc. d/b/a Resurrection Cemetery (Miserere) submitted an Application to Organize a New Cemetery Company. The application was received, by the Division, on January 24, 2018 and all deficiencies were resolved as of February 23, 2018. A completed background check of all owners revealed no criminal history. This application is being filed by Miserere, a corporation, for development of a cemetery to do business as Resurrection Cemetery at the location listed in your Board package, to be comprised of approximately 119 acres. The corporation will be controlled, by the Diocese of St. Petersburg (100% owner of Applicant), and the principals of the corporation will be: Robert F. Morris, Frank V. Murphy (III), Charles L. Nkafu, and Terry L. Young.

As outlined in the enclosed proposed business plan, development of the cemetery is to be for tow (2) acres of ground burial spaces and an expandable mausoleum, which will contain approximately 400 -1000 mausoleum crypt spaces including built-in cremation niches. The majority of sales are expected to be generated from mausoleum crypt spaces with niches and ground burials comprising the remainder of sales. If the Application to Organize a New Cemetery Company is approved, the applicant will operate under the name: Miserere Guild of Hillsborough County, Inc. d/b/a Resurrection Cemetery.

An application for a license for a new cemetery is processed in two (2) separate phases. In Phase 1, the Board seeks to determine if the applicant meets the statutory criteria in s. 497.263(2) Florida Statutes. This application is before this Board for the Phase 1 determination. If the Board determines that the Phase 1 statutory criteria is met, the FCCS Division will notify the applicant to that effect, and the applicant then has a period of twelve (12) months to appear again 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 has been met. If the Board makes this determination, the applicant will be notified that it must appear before the Board again before twelve (12) months has elapsed to demonstrate that it has complied with the statutory criteria set forth in section 497.263(3), Florida Statutes.

Chair – Good morning.

Ms. Wiener – Good morning. Thank you. Board members, I am pleased to represent...

Chair – And you are, for the record?

Ms. Wiener – For the record, Wendy Wiener. I am pleased to represent Miserere Guild, which will be doing business as Resurrection Cemetery. I have three (3) of the principals with me today, well two (2) principals and their internal counsel. I will let them introduce themselves to you in a moment. We have provided the materials set forth in the package and are here

to answer any questions that the Board members may have. So, with that, let's start with Mr. Young at the end and please introduce yourself and tell us what you do.

Mr. Terry Young – I'm Terry Young and I'm an officer of the corporation.

Chair – Thank you.

Mr. Phil Signore– I'm the treasurer of the corporation.

Mr. Joseph DiVito – My name is Joseph and I'm general counsel for the Diocese and Miserere Guild, which current exists as a church exempt cemetery. This is Miserere Guild of Hillsborough County, so we are here for the new cemetery, which will be in East Hillsborough County.

Chair – Thank you.

Mr. Helm – By your description, I'm assuming they're not close together?

Mr. DiVito– No, they're about thirty-five (35) miles apart.

Chair – Questions, Board members? What's your pleasure?

Mr. Knopke – I've got questions, but I was going to wait to see if anybody else asked first.

Chair – Well, it looks like you're first, Mr. Knopke.

Mr. Knopke – Thank you. Good morning, gentlemen. Terry, good morning. Nice to see you.

Mr. Young – Good morning, Keenan. Nice to see you, too.

Mr. Knopke – Your property's beautiful. I've been by there many times. It's quite an impressive piece of real estate. In looking at your package and putting it together yesterday on a board back here, you've got about 119 acres you said. The way I figured, based upon your survey, you've got about thirty-two (32) acres of usable land. Is that about right? Out of that 119. There's a lot of wetlands.

Mr. Signore/Mr. Young – There are a lot of wetlands.

Mr. Knopke – I started trying to add up the wetlands, but then it was easier to add up what is considered developable. And I can show you what I did, if that helps you.

Mr. Signore/Mr. Young – From memory, Keenan, we probably have about seventy-five (75) that's useable. The bulk of it is usable. On the north side, there's thirty-two (32) acres there that is all uplands.

Mr. Knopke – Okay. Maybe I didn't see that.

Mr. DiVito – The site's bifurcated by a drainage canal, so in the long term, the plan would be to bridge that and open up that back portion. We're years from that.

Chair – If I may interrupt, I'm so sorry. I'm reminded that you need to be sworn in.

Ms. Simon – If you all could raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Signore/Mr. DiVito/ Mr. Young – Yes.

Ms. Simon – Again, please state your names for the record.

Mr. DiVito – Joseph DiVito.

Mr. Signore – Phillip Signore.

Mr. Young – Terry Young.

Chair – Thank you. I apologize for the interruption.

Mr. DiVito – No apology needed. We should have remembered that ourselves. So the uplands, that other thirty something odd acres is years, probably more years than I'll be around, before we ever get there. But on the front portion, yes there are a lot of wetlands that we'll hope to incorporate into the features for a cemetery.

Mr. Knopke – So, going forward, just in that part, then I'll get back to the early development, some of those wetlands will be bridged. Our guess is [inaudible]...

Mr. Signore/Mr. Young – Not initially. If we ever did use that, it would be a separate entrance.

Mr. Knopke – Okay. On the paperwork submitted from 2015, there was a letter from your engineering company, and I'm going to assume to Joe Moreda, Planning & Zoning Director, Hillsborough County. The attachment or at least the part underneath it referenced Exhibit A. It talks about a project called Heaven's Gate. Is that all the same thing?

Mr. Signore/Mr. Young – We changed the name. That was initially a name we thought of, but we changed it.

Mr. Knopke – Okay. Moving down through the package, I got over to your business plan, your sales, and so forth.

Chair – What page?

Mr. Knopke – I'm on paper. I apologize.

Ms. Wiener – It's probably around sixty (60) of the Board packet that the pdf version. Keenan, are you looking at the page that starts Financial Summary?

Mr. Knopke – Yes. February 2018.

Ms. Wiener – That is 60.

Chair – Page 60, Board.

Mr. Knopke – It looks like in year one you're going to lose money. In year two you're going to make money. From thereafter you're going to be making money. When I got over to the next page, page 1 of 3 of your Pro Forma of Activities, I wasn't sure if in year one, while those were the sales, it doesn't tell me how many units you're expecting to sell. Where I'm going, so there's not a secret to it, when we've had these things come before us before, my focus has been on your sales activity. How many real units are you going to sell? Is that somewhat reasonable for a new venture like this? I noticed further into the package there was a sheet that had Calvary Cemetery in St. Pete listed as current activity.

Ms. Wiener – Page 3. Rollover to page 3. That's got the unit count related to the sales. You see Revenue from Openings & Closings (for footnote). That contemplates the unit sales. Does it not?

Mr. Knopke – No, those are prices.

Ms. Wiener – But those are prices...

Mr. Signore/Mr. Young – You could calculate it there. So a double crypt space is at \$1500 per space.

Mr. Knopke – If I'm looking at page 3 of 3 on Cash Flow, I wasn't sure what it was. I figured it was going to be, well that was opening and closing.

Mr. Signore/Mr. Young – Do you have an Assumptions page? The next page after page 3.

Ms. Wiener – It's actually two (2) pages down from page 3.

Mr. Knopke – Okay.

Chair – It's 64 on the electronic copy.

Mr. Knopke – Okay, I've got Assumptions. Where does that connect all of this?

Mr. Signore/Mr. Young – It's missing descriptions. The descriptions were on the left side of that spreadsheet, but those rows should be the same as the rows on the previous page.

Mr. Knopke – Here's what I've got, Wendy.

Ms. Wiener – Yes, that's what's in the Board package.

Mr. Signore/Mr. Young – So the Assumptions page shows in Year 1, units of 6, 6, 8, 8, and 4. Those are the lines we say on the page before, the double crypt spaces, single crypt spaces, double lawn crypts, single lawn crypts, and estate units.

Mr. Knopke – Okay. I think I understand.

Ms. Wiener – Spreadsheets don't translate well into pdfs.

Mr. Knopke – I understand. So the top half of 3 of 3 (Cash Flow), where it says Revenue from Openings & Closings, is openings and closings. Since the numbers are the same for all five (5) years, that's your fees for those services? Okay. Sales \$ Excluded from Pro Forma below that, is that the price per crypt? What is that?

Mr. Signore/Mr. Young – No, that's the extended dollars from revenue from openings and closings. The Pro Forma really just assumes sales dollars because the majority of it is preneed, so we don't know that it'll be opened or closed this year. The assumptions here are basically saying that this is another \$170k over four (4) years. We're not assuming we're going to get it. I don't know that those would be opened and closed within that period but they could be and we could make this \$170k if we didn't include it. So it was really just meant to be a footnote. It's \$170k that could happen, but we're not counting it.

Mr. Knopke – Okay. Then help me get over onto the page of Assumptions.

Mr. Signore/Mr. Young – Those are the units that support the sales we were looking at. So we really need to come back to the second page of the financials that shows Year 1 Sales – Double Crypt \$82,800.

Ms. Wiener – It's page 61 of the pdf.

Mr. Knopke – Bear with me. Let me just go to 61.

Mr. Signore/Mr. Young – So that \$82,800 of sales for double crypt spaces there comes from the units that we were looking at. Six units in Year 1.

Mr. Knopke – Okay, in Year 1, you're expecting to have \$311k in Sales, give or take a dollar or two?

Mr. Signore/Mr. Young – Yes sir.

Mr. Knopke – Or a little over \$25k-\$30k a month in sales.

Mr. Signore/Mr. Young – Yes.

Mr. Knopke – Okay. You expect to more than double that in Year 2. Not nearly as aggressive in Year 3 or Year 4. Okay. What are your sales plans, as far as promotion and so forth? Do you get leads or sales or that type of thing? Your attorney said it's going to be more preneed driven than at-need driven, based on the comment that you're not counting on the O&C at all.

Mr. Young – The bulk of our sales, Keenan, will be to Catholics and we'll market to them. We'll market to through parishes. Then, of course, we'll maximize activity that comes through the office and we'll also do some direct mail marketing. Typical normal marketing. We'll have sales people. We'll mainly count on the sales people to maximize the activity that we create. So nothing out of the ordinary, as far as sales and marketing goes.

Mr. Knopke – Okay. I was curious, because in one sense to start off with \$300k sounds like a lot, but in reality it's not very much. It's very low. I wasn't sure where you were going. Either you were doing like we all like to do, budget low and sell high. We look good. I just wasn't sure where you were going with it.

Mr. DiVito – Under promise, over deliver.

Mr. Knopke – That's exactly right. Mr. Chair, I think I'm done. Thank you.

Chair – Thank you. I just have one question. It's just a curiosity type question. On Page 61, under your expenses, the utilities are \$4800 Year 1, \$5000, \$5200, and go to \$54,000. Is that merely a typo? I see it does continue on in the total, in the compilation. Just wondering what the spike in the utilities is.

Mr. Signore/Mr. Young – I think you found a typo.

Chair – Good.

Mr. Knopke – I've got one (1) more question, directed to the Department or to counsel. This is a licensed cemetery. It's going to be operated as a licensed cemetery with a perpetual care fund just like every other licensed cemetery in Florida?

Ms. Wiener – Absolutely. It will have a preneed main license and sell preneed and act just as every other licensed cemetery. My understanding is that it will be marketed primarily to the members of the Catholic community, but also to other communities as well. So, it's like every other licensee.

Mr. Signore/Mr. Young – Non-Catholics can come and buy as well.

Mr. Knopke – Good luck getting a bridge over the canal.

Mr. DiVito – Well, that might be my thinking. None of us will be here when that happens.

Mr. Knopke – You'll start off with a temporary office?

Mr. DiVito – Yes.

Mr. Knopke – Thank you.

MOTION: Mr. Helm moved to approve Phase 1 of the Application to Organize a New Cemetery Company, and the applicant must appear before the Board again before twelve (12) months has elapsed to demonstrate that it has complied with the statutory criteria set forth in section 497.263(3), Florida Statutes. Mr. Hall seconded the motion, which passed unanimously.

Mr. Signore/Mr. Young – Thank you very much.

Mr. Knopke – Good luck.

Chair – Congratulations.

17. **Application(s) for Removal Service**
A. **Recommended for Approval with Conditions**
(1) **Bots DBB LLC (Boca Raton)**

Ms. Simon – An application for a Removal Service was received on February 21, 2018. The application was incomplete when submitted. All deficient items were received on March 13, 2018. A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the removal service passes an onsite inspection by a member of Division Staff.

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

18. **Contract(s) or Other Related Form(s)**
A. **Recommended for Approval with Conditions**
(1) **Request(s) for Trust Transfer**
(a) **FPG Florida LLC/Foundation Partners of Florida, LLC (F060727) (Naples)**

Ms. Simon – FPG seeks approval of the below proposed trust asset transfer as more specifically laid out in your Board package. As background information, on August 3, 2017, the Board approved acquisitions by FPG of the funeral establishment locations and licensed cemetery company listed in your Board package, as well as the licensing of these locations as preneed branches under FPG's preneed main license (F060727). FPG acquired all the assets and liabilities for both the cemetery and preneed for these locations.

At its March 1, 2018 Board meeting, the Board approved the transfer of FPG'S existing preneed and cemetery trust assets: The FSI Care & Maintenance Master Trust, FSI 1993 Master Trust Agreement (70/30 trust), FSI 1978 Master Trust (70/30 trust), and FSI 1988 Master Trust (70/30 trust), from Live Oak Banking Company, as administered by Funeral Services Inc. (FSI) to the approved FPG Florida, LLC Cemetery Care and Maintenance Trust Agreement and the Florida Settlor Trust Agreement under Regions Bank.

FPG seeks approval of the transfer of the following: FPG Florida, LLC Preneed Funeral and Cemetery Merchandise and Services Trust Agreement (70/30 trust) to the Florida Settlor Trust Agreement under Regions Bank. If approved, Regions is or will continue to be trustee, all as more specifically laid out within your Board package.

The Division recommends approval of the proposed trust transfers subject to the conditions as follows:

- 1) That the representations of FPG, as set forth in Attorney's letter dated February 23, 2018 be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Regions 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 February 23, 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 in Attorney's letter dated February 23, 2018.
 - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Attorney's letter dated February 23, 2018.
- 3) That the Board's executive director, for good cause shown, may extend the compliance timeframe for the above specified conditions, an additional 90 days.

Chair – Ms. Wiener?

Ms. Wiener – Just here to answer questions.

Chair – Representing?

Ms. Wiener – Foundation Partners Group.

Chair – Thank you.

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

Chair – Thank you.

Ms. Wiener – Thank you.

B. Recommended for Approval without Conditions

(1) Pre-Construction Performance Bond(s)

- (a) SCI Funeral Services of Florida LLC d/b/a Caballero Rivero Dade South (F039497) (Miami); d/b/a Caballero Rivero Woodlawn West (F077491) (Miami); d/b/a Forest Lawn Memorial Gardens North (F039468) (Pompano Bch); d/b/a Mount Nebo/Kendall Memorial Gardens (F039405) (Miami)**

Ms. Simon – SCI Funeral Services of Florida, LLC (SCI) intends to construct new mausoleums at the above locations. Pursuant to s. 497.272, Fla. Statutes, typically, a pre-construction trust must be put in place if sales are going to occur prior to completion. However, s. 497.272(8), F.S., provides that in lieu of the pre-construction trust fund, the cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator. The licensee has submitted for approval 4 (four) performance bonds, in lieu of a pre-construction trust. The mausoleum projects, and the bonds, are summarized as follows:

- 1) SCI Funeral Services of Florida, LLC d/b/a Caballero Rivero Dade South (F039497)
Address: 14200 SW 117th Ave, Miami FL 33186
Project: Bell Tower Mausoleum Complex – 266 single crypts, 266 tandem crypts, 256 niches (total 798 casket spaces)
Bond Amount: \$934,894.80
Bond Number: SUR0042197
Surety Company: Argonaut Insurance Company
- 2) SCI Funeral Services of Florida, LLC d/b/a Forest Lawn Memorial Gardens North (F039468)
Address: 200 W Copans Rd, Pompano Beach FL 33064
Project: 318 Crypt Mausoleum – 318 single casket spaces, 200 niches
Bond Amount: \$388,977.60
Bond Number: SUR0042198
Surety Company: Argonaut Insurance Company
- 3) SCI Funeral Services of Florida, LLC d/b/a Mount Nebo/Kendall Memorial Gardens (F039405)
Address: 5900 SW 77th Ave, Miami FL 33143
Project: 216 Crypt Mausoleum – 216 single casket spaces, 100 niches
Bond Amount: \$382,290
Bond Number: SUR0042199
Surety Company: Argonaut Insurance Company
- 4) S.E. Cemeteries of Florida d/b/a Caballero Rivero Woodlawn West (F077491)
Address: 14001 NW 178th St, Miami FL 33015
Project: Crypt Mausoleum – 1,284 casket spaces, 420 niches
Bond Amount: \$1,903,728
Bond Number: SUR0042201
Surety Company: Argonaut Insurance Company

Cemetery agrees to complete said construction in accordance with the construction agreements with Mausoleum Constructors of America, Inc. The Division recommends approval of the 4 (four) named pre-construction performance bonds without conditions.

Chair – This is Jody Brandenburg. I want to disclose my affiliation with SCI Funeral Services of Florida. This affiliation, in no way, will affect my ability to make a fair and impartial decision on this item or any item coming before the Board today. Thank you.

MOTION: Mr. Knopke moved to approve the four (4) pre-construction performance bonds. Mr. Williams seconded the motion, which passed unanimously.

19. Rules Committee Report (Action)

Ms. Simon – At this time, I will turn it over to the Director of the Division, Ms. Mary Schwantes.

Ms. Mary Schwantes – Thank you. Presented before the Board today, as a report from the Board’s Rules Committee, is the proposed Rule 69K-30.001, F.A.C., which contains the disciplinary guidelines and penalties for all potential violations of Chapter 497, Florida Statutes. The proposed disciplinary guidelines are the result of almost one year of work, two Rulemaking Workshops and six (6) meetings of this Board’s Rules Committee. Copies of the proposed rule are available on the back table for any who need a copy.

The handout you have been provided concerns proposed changes to Rule 69K-30.001, F.A.C., which is currently titled "Disciplinary Guidelines and Penalties for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities." You’ll see that the proposed rule shortens that title to simply "Disciplinary Guidelines and Penalties." The current proposal solely involves proposed changes to 69K-30.001, F.A.C. This disciplinary rule concerns responsibilities of both the Department and the Board and is therefore considered to be of joint interest to both entities.

The Chairman has asked me to provide some history on this matter. The rule was initially opened for consideration in a Rulemaking Workshop, which took place in Tallahassee, on June 6, 2017. The primary purpose of proposed changes was and still is to incorporate all disciplinary guidelines into one rule (instead of the 6 currently in effect) and to additionally incorporate all statutory violations into the guidelines, including those that were not previously listed in the rules. The initial workshop was well attended. Public comments were heard that day and written comments accepted through June 16, 2017. Following that, the entire matter, including the written comments, was referred to the Rules Committee for the Board of Funeral, Cemetery, and Consumer Services. Rules Committee members are Jody Brandenburg, who chaired the Committee, Bill Williams, and Ken Jones. Rules Committee meetings were published and also well attended by industry members and representatives.

The Rules Committee met and considered proposed changes to Rule 69K-30.001 on the following dates:

<u>Date</u>	<u>Location</u>
June 28, 2017	Tallahassee
August 18, 2017	Tallahassee
October 10, 2017	Tallahassee
November 9, 2017	Tallahassee
January 18, 2018	Jacksonville

Following the Rules Committee meeting of November 9, 2017, written comments to the latest draft of Rule 69K-30.001 were accepted through January 5, 2018. At the Rules Committee meeting on January 18, 2018, the Committee considered all written comments which had been received. The results from this most recent Committee meeting were incorporated into a draft working document, which was then provided to interested persons by email and was published on the Division’s website on Friday, February 23, 2018. The working document was used at the subsequent Rulemaking Workshop, which was appropriately noticed and took place in Tallahassee on March 2, 2018. The record of the workshop was left open for over ten (10) days, until close of business on Monday, March 19, 2018, for submission of written comments. A total of six (6) emails containing comments were received by the deadline.

Several questions and additional suggested changes were raised at the Rulemaking Workshop and subsequent written comments that were received. This resulted in the need for an additional Rules Committee meeting, which occurred in Tallahassee on Tuesday, March 27, 2018. The Committee considered all suggestions and made additional changes to the proposal which you now have in front of you. This was the most recent, and hopefully final, meeting of the Rules Committee on this subject of the disciplinary guidelines contained in Rule 69K-30.001, F.A.C.

Again, the primary matter for consideration at today's Board meeting is proposed Rule 69K-30.001, F.A.C. which would encompass all disciplinary actions under Chapter 497, F.S., including notices of noncompliance, citations, and disciplinary proceedings. If a revised 69K-30.001 F.A.C. is adopted, then the current Rules 69K-30.0021 (involving citations) and 69K-30.003 (involving notices of noncompliance), 69K-11.001, 69K-11.002, and 69K-11.003, which also contain disciplinary guidelines, would be repealed.

At this time, I would like to draw your attention to the proposed rule, the document itself. There are several features on the document that we want to be sure are understood before proceeding. The proposed rule before you is in the final formatted version. For those who have been involved in this process before today, you will note that the final proposal does not include some of the columns which you may have been used to seeing in the earlier working drafts. Specifically, all references to the current penalties have been removed. Violations listed in the final proposal were also renumbered as a result of the changes made by the Rules Committee at its last meeting. The first few pages are what we have been referring to as the preamble that will be found in the final rule just before the guideline table. Of most interest, the preamble contains definitions and an explanation of penalties for any violation that for some reason is missed or is otherwise not included in the full guideline table. You might look at item (5) in the preamble for that reference.

If you look at the column headings on page 3, you'll note that they begin on the left with an identification number for each of the violations listed. We have been identifying violations using that identification number. So for example, if you are interested in the proposed penalties for the violation of section 497.152(1)(d), Florida Statutes, which involves refusing to sell or issue a contract to any person because of race, color, etc., you would refer to it in the guidelines as "Line 4" or "Violation Number 4." The next column provides the statute or rule citation. The nature of the violation, which contains a brief definition of the violation, immediately follows. The majority of these definitions are the exact wording used in the referenced statute or rule.

As mentioned, we have removed all references to current penalties. It is important to note, however, in cases where violations did not have corresponding specific penalties in the current rules, violations historically have been charged under the general provisions of section 497.152(1)(a), F.S., which could result in potential fines of \$1,000 - \$2,500 for first offenses and \$2,500 - \$5,000 for subsequent offenses. The proposed guidelines significantly reduce the number of times that section 497.152(1)(a), F.S. might be used since they provide more detailed penalty guidelines for each of the potential violations of those statutes, and also significantly reduces the potential penalties for those violations. The final two columns contain the newly proposed penalties for each of the violations. These are the columns which should be of most interest to you. Any questions regarding the format?

Mr. Brandenburg has asked me to provide information on the next steps in the process for approving the proposed disciplinary guidelines. Following Board approval of the guidelines, assuming the Board approves it, our intention is to move forward toward publication of a Notice of Proposed Rule under subsection 120.54(3), Florida Statutes. The notice will be duly published in the Florida Administrative Register. It goes from there to the Office of Fiscal Accounting and Regulatory Reforms. Following that, it will be submitted to the Joint Administrative Procedures Committee. There is time allotted for further public review of all matters in the guidelines. Then a possible hearing, depending on whether or not there are any challenges to the proposed rule. And at this time we cannot estimate what the effective date of the rule is, even following Board approval on this. Mr. Barnhart, did you want to add to that regarding the procedure?

Mr. Barnhart – Well, what will happen is once the Board approves the language, it will go to OFARR for like seven (7) days, and then if they don't have any problems or questions to be answered, then it will be published in the Florida Administrative Register, at that point. That's the point where JAPC will start looking at it.

Ms. Schwantes – And JAPC may also have some questions.

Mr. Barnhart – Correct.

Ms. Schwantes – It may need to come back to the Board regarding JAPC, so it still has a good ways to go, is the point we're trying to get across with that.

Very quickly, on behalf of the Department and Division, we want to again thank the three (3) members of the Rules Committee, Jody Brandenburg, Bill Williams, and Ken Jones, for all of their efforts, and also the industry members and association representatives who attended the workshops and meetings. A lot of work has been accomplished to reach this point, and we are very pleased with the product. That concludes my report, Mr. Chair.

Chair – Thank you. I certainly would be remised if I didn't recognize Ken Jones and the work and effort that he's put into this, and these many meetings. Ken has been the steady force on it. He has certainly been the voice of reason, vast knowledge, and calmness. So thank you for that. Bill Williams, we wouldn't be here today with this work product without Bill Williams and his relentless pursuit of being able to present this document to the Board today, for your Board approval. As I look throughout those that are attending the meeting here, I see people that have been a part of this. I see people that are invested in this document. I see people who have continuously throughout all of the meetings and the workshops, provided not only comments verbally, but written comments, and hours and hours and hours of your work, to produce this document. We're all invested in it and you're all to be commended on this work product. So thank you very much. Thank you. Mr. Williams, would you care to address us?

Mr. Bill Williams – Yes sir.

Chair – Please do. You don't have to be sworn in.

Mr. Williams – Okay. Thank you. A lot of the folks here know, well maybe you don't know, this product actually started many, many, many years ago, then it was put on hold for political reasons. I think Keenan was actually Chair of the Rules Committee at that time. This was twelve (12) to fourteen (14) years ago, I think, and a lady at that time by the name of Corinne Olvey kind of lead this group and lead the Rules Committee in trying to put all these rules together into one place and bring them up to date, the whole nine yards, and she did a tremendous amount of work. Corinne was a very close friend to a lot of people in this room. She was an outstanding lady and did a great job on the Rules Committee. Corinne died about four (4) or five (5) years ago now and I think we'd be remised if we didn't remember her as part of the process for this Rules Committee. She did a wonderful job and we very much appreciate everything that she did back then to help get us to where we are today. Outside of that, I'd like to echo the comments that were made by the Division and by the Chair. Thank you very much for chairing the Rules Committee. You did a great job and provided excellent leadership. Thank you for your input and your help in this. The Division did a phenomenal job. The Division Director and the Assistant Division Director, Mary and Ellen, y'all did a great job, with the staff. Tom, you kind of kept us on the straight and narrow on the legal side. I think more important than thanking you folks is thanking the people who participated, the licensees out here. Some of them are here in the room today, some are not. I'm very proud to say as a member of the Committee, everybody had a chance to voice their opinion. Everybody had a chance to speak up if they didn't like something, and we did our best to try to find that middle ground somewhere. I think we did a pretty good job of that. You don't see anybody up here at the podium today screaming and hollering and raising cane about the rules or the final product, the way it came out. They all had a chance and they all participated and we very much appreciate that. So, thank you. It's been about fourteen (14) years since this thing started. It hopefully will come to a close one day in the near future, and we'll go forth from there. Thank y'all very much.

Chair – Thank you. Mr. Jones, would you like to address us?

Mr. Jones – Y'all have basically addressed it. I would like to say, as Bill said, thank the industry for their input, because that helped us tremendously in putting a rule together. So again, thank y'all, the Committee, the Department, the legal counsel that's not here that assisted in these six (6) or so meetings. Thank you very much.

Chair – Ms. Coney?

Ms. Lisa Coney – Lisa Coney, Dignity Memorial, also Government Relations for FCCFA and yes, to echo all of that, thank you so much for what has been a long, exhausting, deliberative, robust conversation around everything that affects us. I think

when you talked about Bill being relentless you meant to say me, because here I am at the eleventh hour and I found an error in the document. I know that we had a Rules Committee meeting just last week, so this was a tremendous amount of effort just to get this to the point that it is, but for accuracy sake, I wouldn't be me if I didn't take one more opportunity to make sure this was perfect. Line 111 on Page 15, in the last Rules meeting we did a lot of refer to Line 47, refer to Line 49. I think we picked this one up as Line 49 when we meant to pick it up as Line 47.

Chair – What number?

Ms. Coney – Line 111, which is the bottom of Page 15.

Chair – Should be what?

Ms. Coney – Should be a Notice of non-compliance for the first offense of the penalty range. And should be Reprimand, fine of \$200-\$500 and strike after the word conditions in the subsequent offenses range. I think it was because we did refer to Line 47, refer to Line 49, in so many of the previous line items and this one we intended to pick up 47 instead of 49. So it we compared 111 to 47, those two (2) should match, but they don't right now.

Chair – Thank you.

Ms. Coney – Thank you very much. This has been a huge learning process. I think we all gave and took a lot. I'm very appreciative to the Director, Assistant Director, the Rules Committee for putting up with me a little more than a year, because I know I've had a lot of questions and a lot of comments and the trust in the Division to listen to those and to take appropriate action has been incredible. Thank you.

Chair – Thank you.

Ms. Schwantes – Mr. Chair?

Chair – Yes ma'am?

Ms. Schwantes – I was looking back through my notes and I actually don't have a note at all on that. So if it's the pleasure of the Board, then we can go over it in detail what the change needs to be again. If it's approved by the Board, then I'll make that change.

Chair – Yes. Thank you. Ms. Yeats.

Ms. Ruth Anne Yeats – Ruth Anne Yeats, Baldwin Brothers, and President of the FCCFA. I just want to echo everyone, as well being involved in this process. I wasn't involved as much as I am today fourteen (14) years ago when this all started, so it has been a great experience working with the Division, the Rules Committee, and Bill keeping us all on task. I just want to say thank you. It was wonderful being able to have public comments and that we were able to have a nice, open forum working with the Division, the Rules Committee, us directors, and monuments out here in the field and being able to have that open communication. So, thank you to everyone.

Chair – Thank you for your input. It was viable. Thank you so much. Board?

Mr. Helm – Mr. Chairman?

Chair – Mr. Helm?

Mr. Helm – I'm not sure what Mary just said. Where are we right now? What do you want done?

Ms. Schwantes – I believe that Ms. Coney had some suggested changes to Line 111 and I had gone back through the notes of the last meeting and I did not have any notes at all about Line 111, which is fine, but if the Board moves to approve subject to whatever changes the Board wants to consider, we'll be sure to make those notes and put it in the final document.

Mr. Helm – Well y'all correct me if I'm wrong, but I think the best way to honor the Committee and everyone else is to get this thing going.

MOTION: Mr. Helm moved to approve the final product with the amendment to Line 111. Mr. Hall seconded the motion, which passed unanimously.

Ms. Schwantes – I need clarification on what changes on what changes on Line 111 we're recommending.

Mr. Hall – It's the same as Line 47.

Ms. Coney – It would conform to Line 47, yes.

Ms. Schwantes – Okay.

Mr. Hall – Just identical to that.

Ms. Schwantes – Got it.

Chair – Thank you. Thank you Board members.

Mr. Barnhart – The second stage of this is to review the SERC Checklist that's been provided to you.

Chair – That was a separate attachment. It was sent to us subsequent to the original documents.

Mr. Barnhart – Yes, it's a two-page document. At the top, it says Department of Financial Services, Proposed Rule: Is a SERC Required. The Department has provided a SERC Checklist to which if you approve would mean that this rule is not going to have a significant impact on small business. When you first look at it, it may look like it will result in increased business costs, but it's simply a comprehensive guideline of our statutes and rules that are requirements. Of course there's (inaudible) in statutes and rules. There should not be any increase in that regulatory cost or costs to small business. If you're in agreement with the SERC Checklist, then we'd need a motion to adopt the SERC Checklist as you see it.

MOTION: The Chair moved to adopt the SERC Checklist. Mr. Knopke seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Barnhart.

Mr. Barnhart – And it's sort of a first step, but you've already answered it because now you have to usually answer the question about the notices of noncompliance. The fact that you have indicated on a number of violations that you wish to have notices of noncompliance issued for a first enforcement action then you've answered that question for JAPC and the public as well.

Chair – Thank you for that clarification.

20. Executive Director's Report

A. Operational Report

Ms. Simon – The Operation Report will be given, by our Division Director, Ms. Mary Schwantes.

Ms. Schwantes – Thank you. I want to give a brief legislative update just to keep in line with what we've been doing on the last couple of meetings. I am very glad to report that none of the bills relating to agency rulemaking passed this year, including the ones that we talked about some that if you create one new rule you have to get rid of an old rule. None of those passed. This significantly reduces the potential amount of rulemaking required of the Board this upcoming year but there is other legislation that's been passed in other areas that will have impact. Most notably, the Veterans' Preference issues, and we've talked about these before as well.

HB 0029 passed through the House (2/14/18) and Senate (3/5/18) and signed by Governor on March 14, 2018. It becomes effective July 1, 2018. This is a broad law impacting numerous agencies. The law eases professional licensing fees and requirements for certain active military members, veterans, and their spouses. As it impacts Chapter 497, the law creates fingerprinting requirement waivers, expands initial licensure fee waivers, and effectively impacts education/experience requirements. This also includes a waiver of the \$5 per license special unlicensed activity fee, as an example. So there's quite a few things that the law specifically addressed. The bottom line about all of that regarding the Veterans' Preference law is it amends 14 sections in Chapter 497 and creates a new section. We anticipate rulemaking over the next Board meetings regarding all Chapter 497 statutes that are impacted by this new law.

Additionally, the Division will be proposing rulemaking to incorporate some much needed changes to our forms, and some other cleanup issues that that we need to do, so we do anticipate the need for further Rules Committee meetings and bringing matters to the Board for further decision in rulemaking.

We have already discussed the proposed changes to the disciplinary guidelines. Again, much thanks to everybody. This is just a reminder that, if approved, the revised disciplinary guidelines will ultimately result in the deletion of 5 other rules containing disciplinary measures, which will also have to come back before the Board for review. If you have any questions in the interim regarding these or any of the rulemaking issues or the processes, please contact Ellen Simon, Tom Barnhart, or myself.

Next, I want to talk about funding for necessary replacement and upgrades on the Division's IT systems. You know that we had proposed a bill that would take funds from the Consumer Protection Trust Fund. That was part of the Department's bill, but that language was removed from the Department's bill prior to the Department's bill passing. However, as I know you all are aware, the Division has been operating with eight (8) Access based systems that are no longer supported. They are outdated and they require replacement, essentially yesterday, if you will. It's pretty critical and imperative that we get these things replaced this year. So, I am very, very pleased to tell you that, primarily through the efforts of CFO Patronis' Leadership Team and the Department's Legislative Affairs Office, a budget bill was passed appropriating \$1.2 million for our use, from the Insurance Regulatory Trust Fund for us to replace these systems. It is important, critically important, for the industry to understand that these funds are not coming from the Regulatory Trust Fund, which is where our budget comes from. This is a completely separate trust fund, and through the efforts of the CFO and others we are able to potentially receive those funds for this use. So the funds are not coming from fees, or anything paid by industry licensees, and is completely a separate fund.

The \$1.2 million is non-recurring funds. They cannot be received prior to July 1, 2018 and must be spent for the designated purposes prior to the end of the fiscal year, which is June 30, 2019. Also, perhaps more importantly, the appropriation requires a lot of work on the Department's part before the funds will actually be paid for our use. Specifically, a proviso added to the bill in order to pass through the Legislature requires specific reports, including a feasibility study and an analysis of the possible use of crowd based solutions. The release of the funds is contingent upon those reports. So, we have already put together a team of approximately ten (10) to twelve (12) people to work on these extremely detailed documents that are required in order to obtain the funds. This is a combination of staff from the Division and staff from the Department's Office of Information Technology. Numerous hours will be spent, by this team in preparing the required reports to obtain the funds, and the resulting RFPS, etc., that we have to use to go through the contracting process. All of that needs to be done prior to July 1st so that on July 1st we can obtain the money and hopefully use it within the next fiscal year. So we will be keeping you updated on the progress as we go through this. We expect a lot of improvements to what the licensees will see as we replace these systems and bring them online for consumers and for the licensees both. So overall it's very exciting news for the Division and we are committed to doing all we can to obtain and appropriately spend the funds to replace our outdated systems.

The next Board meeting is telephonic on Thursday, May 3, 2018. The next in person meeting will be held in conjunction with the IFDF Conference at the Saddlebrook Golf Resort on June 7, 2018. I just want to make sure that everybody understands that the time of that meeting is going to be different than we normally hold it. Normally our meetings start at 10:00. The meeting at Saddlebrook will begin at 1:00 and go to 5:00 in the afternoon. Again, that's in conjunction with the IFDF Conference. That concludes my report. Thank you, Mr. Chair.

Mr. Chair – Thank you. Lots of good news to report in there.

Ms. Schwantes – That is good news.

Chair – Very good. Thank you for that.

B. Request to Withdraw Funds (Care and Maintenance Trust Fund) – Jewish Burial Society of Pinellas County, Inc.

Ms. Simon – The exempt cemetery requests a \$42, 242.44 withdrawal from its Care and Maintenance Trust Fund. This cemetery was licensed as Chapel Hill Cemetery and ownership was transferred to the Jewish Burial Society of Pinellas County, Inc. in 2011. It was at this point that the cemetery became exempt. It was during the 2011 Board meeting that it was provided that after becoming exempt, the Care and Maintenance Trust Fund would be maintained, and that the cemetery agreed not to use the corpus of the Care and Maintenance Trust Fund, and only use the income. The Division is recommending that the Board approve the request for withdrawal of the \$41,141.44 based upon the extraordinary damage caused by Hurricane Irma.

Chair – Yes ma'am?

Ms. Wiener – Wendy Wiener, representing Jewish Burial Society of Pinellas County, primarily here to answer any questions, but also just to remind the Board that a precedent for this approval of such a withdrawal was set at a Board meeting a few months back. So, here to answer any questions that you might have.

Chair – Mr. Helm?

Mr. Helm – This is kind of a new territory for us. I remember when we did this. The maintenance fund is being maintained. Are they adding anything to it at any time?

Ms. Wiener – I believe that they do add to it with new sales. Most of their funds, from new sales, have been spent to restore the cemetery and really make it a lovely place that the Jewish community and the community at large can be proud of.

Mr. Helm – So there is a possibility that they are going to replace this \$41k?

Ms. Wiener – The corpus of the care and maintenance fund will continue to grow, yes.

Chair – Does that answer your question, Mr. Helm?

Mr. Helm – Yes.

Chair – Mr. Hall?

Mr. Hall – Just a couple questions I have. I thought about the young man earlier. I haven't been tased, but I've been hit by a couple of storms, so I understand what they're going through. However, what this fund is meant for is not this and my concern is before it went to an exempt cemetery and under Chapel Hill, people bought there thinking that they have a perpetual care cemetery. So, what responsibilities do we have back to those families? Are we setting a precedent where I can come back to the Division, or each licensee here can? Is it just open house for anybody to come back? My bill, this last storm, was \$30k. Zero from the insurance company reimbursement because of the hurricane deductible. So, is it going to be a free for all back to the Division if we continue to do this for people to hit this fund? That's my concern.

Ms. Wiener – The circumstances for exempt cemeteries are certainly different from the circumstances from licensed cemeteries. Exempt cemeteries really don't have the same kinds of capacity to generate funds that licensed cemeteries do. It's not a whole business model, per say. It is the maintenance of now an exempt cemetery by, in this case, a nonprofit organization. So, I don't think that you establish any more precedent than you established a couple of months ago when you allowed another exempt cemetery to withdraw funds from its care and maintenance trust fund for extraordinary storm damage, as well. I think, to the extent that there is a precedent, it is one that has already been established. As I note in my cover letter to the Board, the requirement to maintain a care and maintenance trust fund is no longer imposed upon this organization, by law. It was imposed upon itself by agreement, which frankly wasn't per say necessary, but the cemetery

really wants to maintain and grow its care and maintenance trust fund so that the cemetery is cared for in perpetuity. As an exempt cemetery, the owners of it, and I think for any of you who have been near this cemetery from what I understand and from the pictures I've seen of before the storm, it's really, very lovely. They do a great job of keeping that up, such that the people that bought there before it was, because it was originally not a licensed cemetery and then it became a licensed cemetery and now it's no longer a licensed cemetery, so it's had a bit of a flow in terms of its licensure. I think that the people that have loved ones interred in that cemetery are not complaining that is not well kept and Jewish Burial Society of Pinellas County intends to continue to do so. The request to withdraw some money to help them get across the finish line to make these restorative efforts is really of a fairly small amount. Thirteen percent roughly of the care and maintenance fund will be used for that and as I said, they continue to make efforts to grow that care and maintenance fund on a regular basis. Long winded way of saying I don't think you establish a precedent regarding licensed cemeteries. In fact, there are many precedents set by this Board already that licensed cemeteries that have come before the Board making this request have, without exception, those requests have been disapproved. So there's that, but where it comes to an exempt cemetery, I think the Board has to sort of, as it did in the case that came before you back in January, December I think it was, take a slightly different approach.

Mr. Hall – We keep going back to the exempt cemetery, and to me it's almost like they want their cake and eat it too. They want to be exempt and if they have a cash flow issue, which we say they do, it's tight and they can't pay for the repairs, then how are they going to feed money into this care and maintenance fund to rebuild it? If the care and maintenance is tied to a licensed cemetery, then why are they so wrapped up in this care and maintenance fund to carry them? It's a cash cow to pay the cash flow for them really to take care of this. And a lot of the cemeteries in Florida have that same issue. There's licensees all over the state I feel like that could come back to the Division and say you did it for them, you did it for the other ones, so here are my bills.

Ms. Wiener – As I said, a licensed cemetery is in a different situation because they have more of a capacity to make money, not just from the sales interment rights. So Jewish Burial Society of Pinellas County really only has cash flow from the sales of the interment rights in the cemetery, which is far more limited than for a licensee and I think that's why we, as an industry, impose a different standard on those licensees, and based on the precedent of the Board, the licensees know what they're getting into in this situation. As I said, any other licensed cemetery could simply have gone from being a licensed cemetery to being a non-licensed cemetery and on the very next day they could have withdrawn 100% of the funds in the care and maintenance fund. There is no longer any obligation whatsoever to maintain a care and maintenance trust fund. It was only by the agreement of the licensee to leave that money in, and as I said, we're before the Board asking to withdraw a very small percentage of those funds, because of these exigent circumstances that the cemetery just feels it cannot overcome. It has overcome some storms since 2011 and has not come before the Board to seek compensation from its care and maintenance trust fund, but in this circumstance, it has done a lot of fundraising and it has made a lot of efforts, but based on your recent precedent, thought it wise to come before you to make this request.

Chair – Would you clarify a statement that I think you made that current sales of burial rights, there's being a contribution made to the care and maintenance fund?

Ms. Wiener – I believe so. Now, Dave Robbins, who is a former lawyer, he's retired, he tried to be here today, but today is his mother's Yahrzeit, which is the anniversary of her death and that's a very important day in the Jewish religion for certain observant Jews, so he chose to go to Synagogue this morning to honor his mother's Yahrzeit. So he wasn't able to be here as he thought he would be able to be. I believe that they do continue to put funds into care and maintenance. Now, they're not obligated to do so, but I believe that they continue to make contributions to the care and maintenance fund.

Chair – I didn't see where that was clarified.

Ms. Wiener – It's just based on some conversations that I've had with Dave about the matter, but no I don't believe there's any reference in your Board packet.

Chair – Mr. Knopke?

Mr. Knopke – I agree with Lew. If you can take the money then take it, but don't come back and try to nickel and dime us. When I look at the list of work to be completed, I see two (2) carts, painting the mausoleum, extra payroll for three (3) months,

balance du a tree company, and I can agree with that. Additional trees and plants? No. Remembrance Garden landscaping, sod, railroad ties, a casket lift? No. You're buying new stuff. That's not hurricane damage. I'm not upset with you, Wendy, I'm agitated by the fact that we've turned other people down. I understand the difference between licensed and unlicensed, but if you're really going to act like an unlicensed cemetery and be what they say they are, then take the money and spend it on day one afterwards. Don't make an agreement with us to get us to agree to let it go, become unlicensed and then come back down the road. I drove through that cemetery last week, before I got a Board package, because I was on the way to my bank. When I was with Stewart years ago, I actually was responsible for this cemetery, so I know it reasonably well. It looks better today, right now than it's ever looked in the last fifteen (15) or twenty (20) years. You cannot tell that the company had any storm damage. The trailer that was there when they acquired it is still there. I'm confident that the hole under the file cabinet is still there that the racoon used to come in and out of.

Ms. Wiener – I don't know about that one.

Mr. Knopke – But with all seriousness, I looked at the list and what the money is to be spent for, and that's new development, that's operating the business expenses, other than paying the tree company. I'm totally against what you're asking for, and what they're asking for. I can't make it any plainer than that. I don't understand even why you're here if we don't have any control over it to begin with it. Why are you even here to ask?

Ms. Wiener – Because they did agree, in the transaction that they sought approval for the cemetery to become unlicensed, to maintain the corpus of that trust fund. As I said, they didn't have to agree to that, but that was just part of the agreement, because it was an aspirational goal for the cemetery to do. Most cemeteries that have been previously commercial cemeteries that become unlicensed cemeteries, follow the statutory procedures set forth in Chapter 497, F.S., and become unlicensed cemeteries. Some of them keep their trust funds and some of them don't. Some of them take out corpus and some of them don't. It depends on the circumstances around the state. In this scenario, this is the exact scenario presented to the Board, and I'm not sure what Board member voted against the last time that this very request was made. So, it's going to be very hard for me to explain to the Jewish Burial Society of Pinellas County why their request was treated any differently than the request made by Oakdale Cemetery to withdraw \$50k just a few months before for the exact same reasons, because of storm damage. An exempt cemetery that must have had an agreement to keep their money in their care and maintenance trust fund, or as you say, there would be no reason for them to ask the Board. They could just take it all out. They came to the Board, asked for that, it was reviewed, recommended for approval, and that approval was granted. So, it's hard for me to reconcile the difference between that and between this. My understanding is that much of the request for the withdrawal here relates to equipment that was damaged in the storm. So not just looking for new equipment, but looking for equipment that must be replaced because of storm damaged equipment. That's why we're here asking for permission, as opposed to otherwise.

Mr. Hall – As he mentioned some of those things on the list, the damage to the monuments and the bronze vases and things like that, that would be filed under those people's homeowner policies. That damaged could be filed under that and be paid for. There's quite a bit of money into that. Who holds that money now? Who handles that trust?

Ms. Wiener – I believe that FSI administers that. We're not sure. I believe FSI administers the trust for them.

Mr. Hall – Maybe a Unitrust?

Ms. Wiener – No. Well, they don't make a Unitrust. They don't have a Unitrust distribution election in place. I don't think that to the extent that it is there, it throughs off whatever it throughs off.

Unidentified person – What's the legal name?

Ms. Wiener – Jewish Burial Society of...

Unidentified person – What's the dba?

Ms. Wiener – Chapel Hill Cemetery.

Unidentified person – We have a Chapel Hill, but I'm not sure {inaudible}.

Mr. Hall – I can't remember the circumstances, honestly, on the other cemetery. I'm like Keenan, I'm not upset about it and I don't blame them for asking. I just think we're setting a dangerous precedent. If we did it, I don't know how I voted, but if I did, I made a mistake.

Mr. Knopke – I wasn't at that meeting, unfortunately.

Ms. Wiener – You were not at that meeting.

Mr. Hall – I was with Keenan.

Ms. Wiener – No, no. Mr. Hall, you were at that meeting. It was the meeting that perhaps the Board was distracted because it was the meeting at which we rearranged the room and the court reporter threw her bag.

Mr. Knopke – The damage that they incurred, Lew said he incurred similar damage. Me, with Curlew, we incurred similar damage, as did many cemeteries throughout the state. There were many of us, there were some that thought they had insurance and found out on the day after the storm that they didn't have the right insurance or any insurance. There were some that knew they didn't have it and they just sucked it up. The point is, they compete in the marketplace to some degree, they have the ability to get insurance if they wanted to or try to get it, and so forth. I can't bring myself to vote for giving them money from a care fund that's designed for the care of the cemetery when many of their purchases bought. They've agreed as a not for profit entity to step up and say we're going to take care of it going forward, and that's the representation that they made to us. They volunteered, maybe we requested it, I don't recall, but whether that was a requirement or not, but if it was, and obviously it was because you're here asking for that. I don't know if we have any recourse, even if we turn you down, that you go back and they take the money out, because they're not regulated by this Board.

Ms. Wiener – I can't recall exactly what the Consent Order says about or the Stipulation for Transfer, I don't remember what the document was, but in the agreement, there was an agreement that they would maintain that corpus and so again that's why we come before the Board to ask. I would ask if the Board votes to disapprove this request, I would ask that there be some explanation provided as to why Oakdale was approved and Jewish Burial Society of Pinellas County will not be approved, because I'm going to have to justify that to my client and I am really struggling. I don't recall exactly, but I do not believe that any Board members voted against that request. It was summarily presented. There was not even anyone there from Oakdale to present. Ms. Simon presented it, it was voted on. I don't know if anybody has access to the Board meeting minutes from December.

Mr. Hall – It's no different than the young man that was here earlier. When I saw him on paper, there was no way in the world I would have voted for him to get his apprenticeship license as an embalmer. He was clean cut. I was impressed, by what he had to say. Some of the documents, if you look at them, were sketchy, with the woman he was separating from and her father and so forth, why he ran from the police. My feeling was, and I know I've voted against those people a lot in the past. I don't see bringing those people with that record in, but by him only getting an apprentice license as an embalmer, he has to go through, like Jody explained to him, a lot of steps to get the rest of the way through. So if he stubs his toe anywhere during that process, then he's out, basically. To me this is different. I think the people that bought from Chapel Hill, when it was a licensed cemetery, they bought thinking they were buying from a perpetual care cemetery. Most cemeteries, I don't think anyone in this room would argue that the perpetual care funds are not growing by leaps and bounds. They're not keeping pace. So, I think that by pulling that amount of money out of that puts it at risk. That's just my opinion, but I don't know what would stop you. The Division would have to answer that question.

Chair – In the Oakdale case, Mr. Helm moved for approval and it was approved unanimously.

Ms. Wiener – There was a request for reimbursement from tree damage caused by Hurricanes Matthew and Irma, resulting in a deficit to money, and they requested a withdrawal against the care and maintenance trust fund in the amount of \$50,687 for expenses related to the overall maintenance of the cemetery.

Mr. Hall – How much was in it? Does it state it?

Ms. Wiener – About \$500k and they requested a little over 10%, \$50,687, which is not significantly different than what was requested in this case.

MOTION: The Chair moved to approve the request for withdrawal of the \$41,141.44 based upon the extraordinary damage caused by Hurricane Irma. Mr. Jones seconded the motion, which passed with three (3) dissenting votes.

Chair – Thank you.

Ms. Wiener – Thank you.

C. Report: Payment of Disciplinary Fines and Costs

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

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 April 5, 2018 Board Meeting
 Date of Report: March 20, 2018

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Emmanuel Funeral Home	1-Feb-17	204697-17-FC	\$28,000	12-Mar-18	Paid in Full	
Marcels Cremations Inc.	1-Feb-17	198424-16-FC	\$1,500		Paid in Full	
Donald Peter Koma	Dec-17	201961-17-FC; 169273-15-FC	\$1,500	3-Feb-18	Paid in Full	
Abbey Affordable Cremation & Funeral Services	Dec-17	203837-17-FC; 201957-17-FC	\$1,500	3-Feb-18	Paid in Full	
Jeannette Royal	Jun-16	164613-14-FC	\$5,000	12-Jan-16	Note A	Based upon a failure to pay the assessed administrative fine, an Emergency Order of Suspension was issued on March 9, 2018
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.						

21. Chairman's Report (Verbal)

Chair – Thank you. There are some Committee member changes and appointments to announce. Probable Cause Panel A changes from three (3) members to four (4) members. The new Panel members are Tyrone S. Warden, funeral director and embalmer and Jon Thomas, II, funeral director and embalmer. Thank you Justin Baxley for your services. Thank you very much. Probable Cause Panel B is unchanged. The Continuing Education Committee, the Chair will continue to be Tracy Huggins. New Committee members are Andrew Clark, Don Ray, Gail Thomas-Dewitt, and Steve Miller. Thank you for your services and serving on that Committee, Justin Baxley, Lew Hall, Jeffrey Oliver, and Jill Peebles. The Continuing Education Committee and their review of applications for courses and course providers that they review and put their stamp of approval on saves the Board from having to review every one of those. So that’s an important Committee. Thanks to those who have served and thanks to those who will continue to serve and the new Committee members.

Now that we’ve somewhat resolved the rules and the disciplinary guidelines that were worked on, after every one of those meetings, the Division took every comment, every verbal comment, every written comment and on a short timeline, turned that around into a version that was presented, not only to the Committee members, but those in the industry that were interested in having those, and some of that turn around was amazing. I know that both Mary and Ellen dedicated a lot of

their time and effort, and there wasn't a time where we were running behind and had to change a Rules Committee meeting or a workshop and it was phenomenal, the turn around. So thank you so much. Thanks staff.

22. Office of Attorney General's Report
A. Attorney General's Rules Report

Ms. Simon – Mr. Barnhart?

Mr. Barnhart – Nothing new. It's the same as it's been for a few months, except for what we did today.

BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES RULES REPORT
APRIL 2018

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		03/24/2017 (RD)	04/14/2017			
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		03/24/2017 (RD)	04/14/2017			
69K-30.003*	Citations for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities (30.003)		03/24/2017 (RD)	04/14/2017			
69K-21.003	Inspection Criteria (Funeral Establishments).	09/07/2017	05/13/2017 (RD) 09/18/2017 (RN)	05/23/2017	09/26/2017 – Vol. 43/186	11/7/2017	11/27/2017
69K-33.001	Requirements Regarding Handling and Storing of Human Remains	10/05/2017	09/07/2017 (RD)	09/19/2017	10/18/2017 – Vol. 43/202	11/16/2017	12/6/2017

*Note: Rule Development for 69K-30.001, .0021 and .003 noticed together; however, each proposed rule can be amended separately if needed
 *Note: Workshop on 69K-30.001, .0021 and .003 held June 6, 2017
 *Note: Rules Committee Meetings on 69K-30 held June 28, 2017, August 18, 2017, October 10, 2017, November 9, 2017 and January 18, 2018.
 *Note: Workshop on 69K-30.001 – held March 2, 2018
 *Note: Rules Committee Meeting on 69K-30 held March 27, 2018.

Chair – Thank you.

23. Administrative Report

The information was provided on the Agenda.

24. Disciplinary Report

The information was provided on the Agenda.

25. Upcoming Meeting(s)

- A. May 3rd (Teleconference)
- B. June 7th (Saddlebrook Golf Resort – Wesley Chapel/Tampa)
- C. July 12th (Teleconference)
- D. August 2nd (Tallahassee)

- E. September 6th (Teleconference)
- F. October 4th (Miami-Dade College – Miami)
- G. November 1st (Teleconference)
- H. December 6th (Embassy Suites by Hilton Jacksonville Baymeadows – Jacksonville)

26. Adjournment

Chair – Board members? Good of the cause? Anything to report? Anything new from the industry?

Mr. Jones – Just an update for the Department of Health, Vital Statistics. We have entered into a contract, eighteen (18) to twenty (20) months development, and you will have a new eVital System, which how it impacts you is the death segment, which will be a full web-based application. Hopefully with some mobile mobility that you, as funeral directors, medical examiners, physicians can use to help you in registering and completing death records. Also, we're looking at some grants potentially from CDC to do some work with medical examiners cause of death in trying to also so additional training with physicians. We are currently going in to residency programs and working with residents coming out on how to complete death records. We are putting a big emphasis on deaths, how to complete them, and the registration from your components.

Chair – In your web-based system, that will allow funeral directors, physicians, medical examiners to work on it and approve anywhere on their mobile devices or anywhere they could get on the web?

Mr. Jones – Yes sir.

Chair – That's pretty good to know.

Mr. Jones – That's where we're trying to go. Again, as I always do, and if I may take this second? I always ask the industry if you have any comments for me or my office, as far as suggestions, I am always open, and I get them and I appreciate that. Again, if you see some things that you would like to see, things that are not working, or improvements that you think we can make, let me know and as we're doing this development, that is what we'll look at. I've gotten some comments, so thanks to those in the audience who have provided those.

Chair – Thank you. Anyone else? Anything for the good of the cause? Mr. Knopke, we're glad you made it safely.

Mr. Knopke – Thank you.

Chair – Thank you for fighting through it and being here. Anyone else?

The meeting was adjourned at 12:45 p.m.