

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
January 3, 2013 - 10:00 A.M.

1. Call to Order, Preliminary Remarks and Roll Call

Mr. Jody Brandenburg, Chair, called the meeting to order at 10:00 am.

Mr. Doug Shropshire, Director, requested to make the usual prefatory comments for the record and then take the roll.

As a preliminary matter, let me state for the record that my name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, January 3, 2013. The time is approximately 10:00am. 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 Weekly. An agenda for this meeting had been made available to interested persons. The meeting is occurring by Teleconference with some members of the Public here with the Division staff here in the Pepper Building, in Tallahassee, Florida. The call in number has also been made available to the public. Members of the Board are participating by phone. My Assistant, Ms LaTonya Bryant, will take minutes of the meeting, which is being recorded.

Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. All persons participating by phone, other than the Chair and Board members while speaking, are asked to place their phones on mute at all times while listening. I repeat, please put your phones on mute at all times while listening. We ask this to enhance the audio quality of the Teleconference. If any Member or participant is disconnected they can call back to the same number called initially. Participants are respectfully reminded of the necessary protocol that only one person may speak at the time.

At this time I will take the roll and Board members will please respond clearly with "present" when I call their name:

PRESENT (via phone):

Joseph "Jody" Brandenburg, Chairman
Gail Thomas-DeWitt, Vice-Chairman
Jean Anderson
Andrew Clark
Lewis "Lew" Hall
Powell Helm
Nancy Hubbell
Ken Jones
Richard "Dick" Mueller
Col. Don Stiegman

Mr. Chairman we have a quorum and the Board may proceed to address the matters on the agenda.

Also noted as present:

Doug Shropshire, Executive Director
Clark Jennings, Board Legal Advisor (via phone)
Anthony Miller, Assistant Director
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Christine Moore, Department Staff
Lashonda Morris, Department Staff

2. Old Business

- A. Application for Florida Laws and Rules Examination**
(1) Funeral Director and Embalmer – by Endorsement

(a) Vickery, Michael D

The Applicant submitted an application on August 13, 2012 for licensure as a Funeral Director and Embalmer by endorsement. Applicant is currently licensed in Illinois as a funeral director & embalmer. The application was complete when submitted. The Applicant submitted a fingerprint card, the processing of which returned no criminal history; however the Applicant does have documented adverse license history, to wit:

- 1) In 1993 Illinois regulatory authorities found that Mr. Vickery did not file a burial permit with the state registrar prior to cremating an individual. Mr. Vickery was reprimanded and also ordered to pay \$500.

The application was deferred to a later meeting pending clarification on the eligibility of the examination taken at the time of his Illinois license. Mr. Vickery was initially issued a license on November 30, 1983. At the time Illinois issued a state examination that was equivalent to the National Board Examination. The National Board began administering the examination in 1985. Per Florida Statute 497.374(1)(b)(2) Meets the qualifications for licensure in s. 497.3763 and has successfully completed a state, regional, or national examination in mortuary science or funeral service arts, which as determined by rule of the licensing authority, is substantially equivalent to or more stringent than the examination given by the licensing authority. The Division is recommending approval without conditions.

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

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

The application(s) presented are clean and have been approved by the Division. This item is informational only and does not require Board action.

4. Application(s) for Continuing Education Course
A. Recommended for Approval without Conditions – Addendum B
(1) Cremation Association of North America (Provider #16008)
(2) Ellis, Ged & Bodden P. A. (Provider #17408)
(3) FuneralCE (Provider #43)
(4) In-Sight Books (Provider #10008)
(5) National Funeral Directors Association (Provider #136)
(6) The Dodge Institute for Advanced Mortuary Stu (Provider #81)

The Continuing Education Committee and the Division recommends approval of the application(s) for the number of hours indicated on Addendum B in the right hand corner.

MOTION: Mr. Dick Mueller moved to approve the application(s). Mr. Lew Hall seconded the motion, which passed with one (1) dissenting vote.

5. Application(s) for Florida Law and Rules Examination
A. Informational Item – Approved without Conditions – Addendum C
(1) Embalmer – by Endorsement
(a) Pope, Evelyn C
(2) Funeral Director – by Internship and Examination
(a) Flynn, Erica N
(3) Funeral Director and Embalmer – by Endorsement
(a) Ball, Lawrence D
(b) Martin, Jessica
(4) Funeral Director and Embalmer – by Internship and Exam
(a) Baxter, Lindsey K
(b) De Franco, Roger D
(c) Happel, Meghan J

- (d) *Parker, Christopher D*
- (e) *Teramae, Michael*

The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

6. Application(s) for Internship

- A. *Informational Item (Licenses Issued without Conditions) – Addendum D*
 - (1) *Funeral Director*
 - (a) *England, David E F057893*
 - (2) *Funeral Director and Embalmer*
 - (a) *Gambino, Joseph C F036947*
 - (b) *Jolly, Nikima N F072265*
 - (c) *Parsons, Christina D F072335*

The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

7. Application(s) for Embalmer Apprenticeship

- A. *Informational Item (Licenses Issued without Conditions) – Addendum E*
 - (1) *Davis, John E F072358*
 - (2) *Long, Yashan E F072247*

The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

8. Application(s) for Registration as a Training Agency

- A. *Informational Item (Licenses Issued without Conditions) – Addendum F*
 - (1) *Funeral Directing*
 - (a) *Clayton Frank & Biggs Funeral Home (F040063) (Crescent City)*
 - (2) *Funeral Directing and Embalming*
 - (a) *Russell Allan Wright Sr Mortuary (F059375) (Panama City)*

The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

9. Notification(s) of Change of Location

- A. *Informational Item – Addendum G*
 - (1) *Gentry – Morrison Crematory (F041655) (Lakeland)*
 - (2) *Peoples Family Funeral Home (F040882) (Jacksonville)*

This item is informational only and does not require Board action.

10. Consumer Protection Trust Fund Claims

- A. *Recommended for Approval without Conditions – Addendum H*

The Division recommends approval of the claim(s) for the amount indicated on Addendum H entitled “Amount Recommended.”.

MOTION: Mr. Hall moved to approve the claim(s). Mr. Andrew Clark seconded the motion, which passed unanimously.

11. Application(s) for Monument Establishment Sales Agent

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

The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

- 12. **Application(s) for Broker of Burial Rights**
 - A. **Recommended for Approval without Conditions**
 - (1) **Lourdes C. Yero (Miami)**

The application was received on November 19, 2012 and deficiencies were noted on the application. A deficiency letter was sent to the Applicant on November 27, 2012 and all deficiencies were resolved as of December 7, 2012. The Department completed a background check of all officers which revealed no criminal history.

MOTION: Ms. Gail Thomas-Dewitt moved to approve the application. Ms. Anderson seconded the motion, which passed unanimously.

- 13. **Application(s) for Change of Ownership (Charlotte Funeral Services, LLC)**
 - A. **Recommended for Approval with Conditions**
 - (1) **Acquire Control of an Existing Cemetery**
 - (a) **Charlotte Funeral Services, LLC d/b/a Charlotte Memorial Funeral Home and Cemetery (Punta Gorda)**
 - (2) **Preneed Main License**
 - (a) **Charlotte Funeral Services, LLC d/b/a Charlotte Memorial Funeral Home and Cemetery (Punta Gorda)**

Charlotte Funeral Services, LLC herein submits an applications for a Change of Control of an Existing Cemetery Company in conjunction with an Application for a Preneed Main license for the above named cemetery property from Select Cemetery Partners LLC and for the above named preneed branch under the preneed Licensee, Select Funeral Partners, LLC. The cemetery company and preneed branch being acquired is licensed as Charlotte Memorial Funeral Home and Cemetery, located at: 9400 Indian Rd, Punta Gorda, FL 33950, currently licensed under numbers F069988 and F067184, respectively. The applications were received by the Division on October 17, 2012 and deficiencies were noted on the applications. Deficiency letters were sent to the Applicant on October 19, 2012 and all deficiencies were resolved as of November 26, 2012. A completed background check of all officers revealed no criminal history.

The change of control will be accomplished via a stock purchase agreement, by which Charlotte Funeral Services, LLC will acquire all of the assets and liabilities for the cemetery and preneed from Select Cemetery Partners, LLC and Select Funeral Partners, LLC (Cemetery License number F069988 and Preneed license number F067184). If this Application for a Change of Control is approved, the Applicant will operate under the name of Charlotte Funeral Services, LLC d/b/a Charlotte Memorial Funeral Home and Cemetery, and serve as the qualifying establishment for the preneed main license, which will operate under the same name, as noted. Applicant will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (Sabal Trust Company) and pre-arranged funeral agreement.

The care and maintenance trustee reports (Sabal Trust Company) for CY 2011 are attached. The cemetery reports appear to be in line with the reported gross sales for CY 2011 for the listed property being acquired.

The Applicant's financial statement as of September 30, 2012 reflects the following:

Required Net Worth	= \$ 90,000
Reported Net Worth	= \$ 110,769

The Division recommends approval subject to conditions as follows:

- 1) The Board approval of change of control does not include approval of any development plans. If after approval of the change in control the new controlling person intends to develop the cemetery, the new controlling person shall cause development plans to be submitted to the Board for approval prior to implementing same.
- 2) That closing occurs within 60 days of the date of this Board meeting, and without material change in the terms and conditions of the transaction as described to the Board in this cover sheet and the materials provided to the Board herewith.
- 3) Receipt by the Division within 75 days of this Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred and without material change in the terms and

conditions of the transaction as described to the Board in this cover sheet and the materials provided to the Board herewith.

- 4) Receipt by the Division within 75 days of this Board meeting, of a copy of the Stock Purchase Agreement, executed by all parties, and any and all amendments thereto, also fully executed.

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

14. Application(s) for Change of Ownership (Heritage Funeral & Cremation Service LLC)

*****PLEASE NOTE THERE IS ONLY ONE MOTION FOR ITEMS 1 – 5*****

A. Recommended for Approval with Conditions

- (1) **Cinerator Facility(s)**
 - (a) **Heritage Funeral & Cremation Service LLC d/b/a Heritage Cremation Care Center (Bunnell)**
- (2) **Direct Disposal Establishment(s)**
 - (a) **Heritage Funeral & Cremation Service LLC d/b/a Heritage Cremation (Ormond Beach)**
 - (b) **Heritage Funeral & Cremation Service LLC d/b/a Heritage Cremation Care Center (Bunnell)**
- (3) **Funeral Establishment(s)**
 - (a) **Heritage Funeral & Cremation Service LLC (Port Orange)**

Mr. Shropshire noted for the record that Staff reused the cover sheet presented and neglected to change the name from Stonemor to Heritage. Stonemor has nothing to do with this acquisition package.

The enclosed packet of applications was received by the Division on November 29, 2012. The Applicant, Heritage Funeral & Cremation Service LLC, is applying for change of ownership of four chapter 497 establishments (1 Cinerator; 2 Direct Disposal Establishment and 1 Funeral Establishment).

The applications were accompanied by the attached letter from attorney Wendy Wiener, dated November 29, 2012, representing Heritage Funeral & Cremation Service LLC, advising that the Applicant will assume all existing preneed liabilities related to the entities it is acquiring. The Applicant has also submitted applications for new preneed main and preneed branch licenses that will be considered at this Board meeting. The representations of said counsel are material to the Board's decision herein.

The applications were complete when submitted. The fingerprint cards for all principals were returned with no criminal history. The Division recommends approval of the request for training facilities licensure under Heritage Funeral & Cremation Service LLC and approval of all 4 change of ownership applications, subject to conditions as follows:

- 1) That the closing occur within 60 days of the date of this Board meeting.
- 2) Receipt by the Division within 75 days of this Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred.
- 3) Receipt by the Division within 75 days of this Board meeting, of a copy of the Bill of Sale, executed by all parties, and any and all amendments thereto, also fully executed.
- 4) That all fictitious names are registered with the Department of State and proof of registrations be submitted to the Division.
- 5) That each establishment passes an on-site inspection by a member of the Division staff.

(4) Preneed Main License

- (a) **Heritage Funeral & Cremation Service, LLC (Port Orange)**

The application was received by the Division in the enclosed packet of applications on November 29, 2012. The Applicant, Heritage Funeral & Cremation Service, LLC is also applying for a change of ownership of the preneed main Licensee Atlantic Cremation Society of Florida, LLC d/b/a Heritage Cremation and Memorial Chapel (License # F070123) along with 2 preneed branch applications for Heritage Cremation and Heritage Cremation Care Center.

The application was accompanied by the attached letter from attorney, Wendy Weiner, dated November 29, 2012, representing Heritage, advising that the applications are being filed as a result of a change of ownership of the LLC. Darin Felton, a current owner, is acquiring 100% ownership of the LLC from owner, Robert Bagget. All preneed assets and existing liabilities related to the entities being acquired under the preneed Licensee, Atlantic Cremation, will be transferred to Heritage. The representations of said counsel are material to the Board's decision herein.

The application is complete and no deficiencies were noted on the application. The Department completed a background check of all officers which revealed no criminal history. Applicant will continue to trust 100% using Forethought Federal Savings Bank (FFSB) and utilize the approved FFSB preneed agreement.

The Division recommends approval subject to the condition(s) as follows:

- 1) That the closing occur within 60 days of the date of this Board meeting.
- 2) Receipt by the Division within 75 days of this Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred.
- 3) Receipt by the Division within 75 days of this Board meeting, of a copy of the Bill of Sale, executed by all parties, and any and all amendments thereto, also fully executed.

(5) Preneed Branch License

(a) Recommended for Approval with Conditions – Addendum J

MOTION: Mr. Jones moved to approve ALL of the applications (Items 1 – 5), pertaining to Heritage Funeral & Cremation Service LLC subject to the conditions as stated by the Division. Mr. Hall seconded the motion, which passed unanimously.

15. Application(s) for Cinerator Facility

A. Recommended for Approval with Conditions

(1) Faith Chapel Funeral Services LLC (Cantonment)

The Funeral Establishment application was received by the Division on December 5, 2012. The application was complete when submitted. The fingerprint cards for all principals were returned with no criminal history. The FDIC for the establishment will be Michael Atwood (F049946).

The Division recommends approval subject to the condition(s) as follows:

- 1) That the closing occur within 60 days of the date of this Board meeting.
- 2) Receipt by the Division within 75 days of this Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred.
- 3) Receipt by the Division within 75 days of this Board meeting, of a copy of the Bill of Sale, executed by all parties, and any and all amendments thereto, also fully executed.
- 4) That the establishment passes an on-site inspection by a member of Division staff.

MOTION: Mr. Clark moved to approve the application subject to the conditions as stated by the Division. Ms. Nancy Hubbell seconded the motion, which passed unanimously.

(2) Marion County Crematory Inc (Anthony)

An application for a Cinerator Facility was received on October 22, 2012. The application was incomplete when submitted. All deficient items were returned on December 6, 2012. The Funeral Director in Charge will be Samuel Clements (F043429). The fingerprint cards for all principals were returned with no criminal history. The establishment is recommended for approval with the condition that the establishment passes an on-site inspection by a member of Division staff.

MOTION: Ms. Anderson moved to approve the application subject to the condition that the establishment passes an on-site inspection by a member of Division staff. Mr. Hall seconded the motion, which passed unanimously.

16. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Hadley – Brown & Paulk Funeral Home LLC (Ocala)

An application for a Funeral Establishment was received on November 30, 2012. The application was complete when submitted. The Funeral Director in Charge will be Jessica Hadley (F044225). The fingerprint cards for all principals were returned with no criminal history. The establishment is recommended for approval with the condition that the establishment passes an on-site inspection by a member of Division staff.

MOTION: Mr. Jones moved to approve the application subject to the condition that the establishment passes an on-site inspection by a member of Division staff. Ms. Anderson seconded the motion, which passed unanimously.

(2) Robert M Naugle Mortuaries Inc d/b/a Naugle Funeral Home and Cremation Services (Jacksonville)

The Funeral Establishment application was received by the Division on November 8, 2012. The application was incomplete when submitted. All deficient items were returned on December 3, 2012. The fingerprint cards for all principals were returned with no criminal history. The FDIC for the establishment will be Paul Naugle (F046345). This funeral establishment is the qualifying entity of a preneed Licensee. The preneed Licensee name and license number are: Robert M Naugle Mortuary Inc, F019241. The application is accompanied by a letter from Paul Naugle Jr, dated December 18, 2012, advising that the new establishment will assume all existing preneed liabilities and will be applying for a preneed license at an upcoming Board meeting.

The Division recommends approval subject to the condition(s) as follows:

- 1) That the closing occur within 60 days of the date of this Board meeting.
- 2) Receipt by the Division within 75 days of this Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred.
- 3) Receipt by the Division within 75 days of this Board meeting, of a copy of the Bill of Sale, executed by all parties, and any and all amendments thereto, also fully executed.
- 4) That the establishment passes an on-site inspection by a member of Division staff.

MOTION: Mr. Mueller moved to approve the application subject to the conditions as stated by the Division. Mr. Clark seconded the motion, which passed unanimously.

17. Application(s) for Preneed Main License

A. Recommended for Approval with Conditions

(1) Compass Pointe Cremation Services, LLC (Orlando)

The Department received the application on November 9, 2012 and all items were resolved as of December 6, 2012. It should be noted that at the December 1, 2011 Board meeting, Applicant was approved for its preneed license subject to completion of a 2 year probationary period and 100% trusting or insurance funding. Applicant held a preneed license from December 2011 and the license expired on June 30, 2012 due to Licensee's failure to renew. A completed background check of all officers revealed no criminal history. Applicant currently holds a qualifying direct disposal establishment license (F066693), approved by the Board as of October 6, 2011, and will trust 100% through Forethought Federal Savings Bank and use the approved Forethought funeral planning agreement.

The Applicant's financial statements as of December 3, 2012 reflect the following:

Acquired Preneed Contracts	= \$	3,385
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	13,750

Documentation establishes that Christopher E. Johnston (a principal of Applicant herein) was discharged from Ch. 7 bankruptcy on September 9, 2010, by the Federal District Court, Middle District of Florida. It was a personal bankruptcy action and discharge. In view of the bankruptcy, the FCCS Division requested additional materials from Applicant:

- 1) Court documentation evidencing that the bankruptcy was discharged.
- 2) A personal financial statement for officer and owner, Christopher E. Johnston.
- 3) Letters of reference from an affiliated financial institution and /or vendor.

Applicant has provided all requested information and material. The letters of reference are favorable. The Division recommends approval subject to the condition that the Board approve the application based upon the attached Stipulation for Licensure agreement previously entered into by the Division and the Applicant from December 1, 2011 (2 year probation; agreement for 100% trusting or insurance funding)

Ms. Hubbell stated in going through the financial, the Balance Sheet is as of one date and the Income Statement is as of another date. The Income Statement shows that they have included approximately \$12,000 as a contribution into the Income to make them come out of the positive figure on the bottom, which the contribution is not income. There were several discrepancies. The coversheet indicates the license was issued October 6, 2011, but they were organized as an LLC as of October 10, 2011. Ms. Hubbell questioned whether the Licensee was licensed prior to being organized. Ms. Hubbell added that she has some serious issues with this application.

The Chair questioned whether there was anyone representing Compass Pointe Cremation Services on the call.

Mr. Chris Johnston, owner of Compass Pointe Cremation Services, indicated he was present.

The Chair requested that Mr. Johnston respond to Ms. Hubbell's concerns regarding the financial reports of the application.

Mr. Johnston stated that he had been working with Ms. Lashonda Morris on getting her the information. The Board approved the application back in October 2011 and the license was received. We have been operating as a direct disposal establishment since that time. We did let the license lapse accidentally at the time, being a new business. The contributions were from my accounts that I had put funds into the business name. During that first year we had one or two preneed and I accidentally let it expire. As a result of letting it expire, we had to resubmit and go through the process as if it was a brand new application. There were some questions from Ms. Morris and we were working for the past two months to get Ms. Morris everything. We missed the deadline for the last Board meeting so we submitted to get on the Agenda for this month. Mr. Johnston questioned whether there are others things he could demonstrate.

The Chair stated there were concerns with the Income Statement regarding the contribution of nearly \$12,000, which is listed as Income.

Ms. Hubbell questioned whether it is customary to just keep \$12,000 cash lying around the office. The Balance Sheet reflects Cash on Hand \$12,000 and Cash in Bank \$1000. Then there is the contribution of \$11,926. I do not know whether that is related but it makes no sense to me.

Mr. Johnston stated that in the first year, they did operate as a loss but in terms of keeping to the funding requirements, we do have that on hand. I know we need at least a minimum of \$10,000, so we had that on hand, money in the business account and I do have personal assets well in excess of that if funds needed to be moved over into the business account name.

Mr. Hall questioned where the additional assets came from if the Applicant was just dismissed from a Chapter 7 Bankruptcy in September 2010.

Mr. Johnston stated that the Bankruptcy laws allow you to retain certain assets. One of which was six (6) months' salary, as I am working in Corporate America as a funeral director who is running the establishment. There were funds available and that is what was used to start the business. You can go bankrupt and still have cash in the bank.

Ms. Hubbell stated it would be her recommendation that the application is tabled until the Board receives a correct Balance Sheet because you do not have a Balance Sheet as of December 3rd and an Income Statement that coincides as of October 10th. The contribution needs to be removed and there needs to be some correct figures so that the Board can make a reasonable decision.

MOTION: Ms. Hubbell moved to defer the application until the Division receives a corrected Financial Statment. Mr. Mueller seconded the motion, which passed unanimously.

18. **Contract(s) or Other Related Form(s)**
A. *Recommended for Approval with Conditions*
(1) *Cemetery and Preneed Funeral Agreement*
(a) *Carriage Funeral Services, Inc. (F019491) (Panama City)*

Carriage Funeral Services, Inc. (CFS) has submitted a Preneed Funeral Agreement and a Cemetery Agreement for approval. If approved, the agreements are to be used solely for cemetery and preneed sales through its licensed cemeteries and preneed branches. The Division recommends approval subject to the condition that the Department receives within 60 days two full-sized print-ready copies of each agreement.

Mr. Mueller called the Board's attention to Page 5 of 7. Regarding "Acceptability of Merchandise," the second sentence reads, "Seller hereby notifies the Purchaser that the merchandise being purchase is acceptable as of the date of this contract." It does not appear that the language used is consistent with the requirements of Chapter 497.467, F.S. The sentence is a too vague and should include "will be accepted at the cemetery."

Ms. Wendy Wiener, representing Carriage Services, stated that this issue has actually been discussed in some Rules Committee Meetings going back several years. There is not an obligation on the part of the selling entity to continue to check and update the bylaws of any particular cemetery to ensure that they have not changed their rules or their laws and so I think you will see many preneed contracts do contain language that states that the merchandise is acceptable as of the date of the contract. I have personally had preneed contracts submitted in the past with language to that effect that have been approved. Many Licensees have language to that effect. It would really be an impossibility, as funeral homes would have to spend a good part of everyday checking every cemetery in which they had ever sold merchandise to be placed into to make sure that merchandise continues to be acceptable.

Mr. Mueller stated that he does not have a problem with the final sentence in the paragraph. My problem is that the seller should notify the purchaser that the merchandise being purchased is acceptable "at the cemetery noted above." There should be language noting where the merchandise is acceptable as this is unclear as to whom it is acceptable.

Ms. Wiener stated that the cemetery's name is identified in that blank. I think I see what you are suggesting: "Seller hereby notifies the Purchaser that the merchandise being purchase is acceptable at said cemetery as of the date of this contract."

Mr. Mueller concurred.

Ms. Wiener stated that she misunderstood Mr. Mueller's concern. The Licensee would have no objection to that change.

Mr. Shropshire questioned whether Ms. Wiener would commit, on behalf of the Licensee, that if the Board approves the agreement that change would be made.

Ms. Wiener stated that once the print-ready copy is submitted, the Board will find that the change has been made along with the corrected typo.

MOTION: Mr. Mueller moved to approve the application subject to the condition that the Department receives within 60 days two full-sized print-ready copies of each agreement reflecting the requested change along with the corrected typo. Mr. Jones seconded the motion, which passed unanimously.

19. **Executive Director's Report**
A. *Report: Payment of Disciplinary Fines and Costs (Informational)*

Monthly Report of Fine and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 January 3, 2013 Board Meeting
 Report Updated as of December 21, 2012

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Alliance Monument & Marble Co.	Apr-12	122927-12-FC	\$2,750	6/22/2012	NO; See Note A	Emergency Order of Suspension issued 11/8/12; license currently suspended.
Stanley Gunter-Butler	Jun-12	117958-11-FC	\$2,750	8/20/2012	See Comments	Board approved payment modification at Dec. Board Meeting; Amended consent order issued with revised payment schedule. Next payment due 12/31/12.
Kimberly White	Jun-12	120943-11-FC	\$5,250	8/20/2012	NO; See Note A	License currently suspended
Cemetery Professionals, LLC dba Beaches Memorial Gardens and Cemetery Professionals, LLC dba Beaches Memorial Park	Jun-12	110156-10-FC & 110157-10-FC	\$5,250 \$5,000 38,859.57	9/6/2012 12/7/2012 35 mo pymts	YES YES See Note E	Monthly restitution payments are current
George Morgan, III	Oct-12	120359-11-FC	\$1250 33,711.30	11/7/2012 36 mo pymts	Yes See Note E	Monthly restitution payments are current
Snow's Funeral Ministry and Cremation Service	Dec-12	123305-12-FC	\$2,000	1/17/2013	See Note D	
Christopher Coleman	Dec-12	122894-12-FC	\$250	1/17/2013	See Note D	
John Edgley	Dec-12	119604-11-FC	\$2,500		See Note C	
John Edgley	Dec-12	117342-11-FC	\$1,000		See Note C	
Edgley Crematory, Inc. dba Edgley Cremation Services	Dec-12	119606-11-FC	\$2,500		See Note C	
Palm Beach Removals, Inc.	Dec-12	117345-11-FC	\$1,000		See Note C	
Cremation Services of Mid-Florida, Inc.	Dec-12	126781-12-FC	\$3,000		See Note C	
Larry Locke	Dec-12	126779-12-FC	\$3,000		See Note C	
SCI Funeral Services of Florida, Inc./Forest Lawn dba Forest Lawn Memory Gardens #907	Dec-12	ATN-17648	\$700		See Note C	
NOTES: See Next Page						
<p>A. When payment becomes past due, the FCCS Division works with the DFS Legal Division to enforce payment.</p> <p>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.</p> <p>C. The Order re this case is still in process, so no Due date is yet established.</p> <p>D. Due date has not passed, as of the date of this report.</p> <p>E. As of the date of this report, monthly payments were current.</p>						

20. Adjournment

The meeting was adjourned at 10:30 a.m.