

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
October 13, 2016 - 10:00 A.M.

1. Call to Order, Preliminary Remarks and Roll Call

Mr. Jody Brandenburg, Chair – First of all, I hope all came through Hurricane Matthew in stride and have not been hindered by the after effects. I send my best wishes. This the meeting of the Board of Funeral, Cemetery and Consumer Services. Today is October 13, 2016, and this is a teleconference call. Ms. Simon, would you make the opening remarks and do the roll call?

Ms. Ellen Simon – Yes sir. Mr. Chairman, my name is Ellen Simon. I am Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. Today is October 13, 2016. It is approximately 10:00 A.M. This meeting was originally scheduled for October 6th, however, that meeting was canceled due to inclement weather throughout the State. Notice of today's meeting has been published in the Florida Administrative Register. The meeting is occurring by Teleconference. The teleconference number and conference ID that was originally made available to the public has been altered in that we have a new number that all the Board members have called into. My assistant, Ms. LaTonya Bryant, is recording the meeting and will be taking minutes.

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 when actively speaking to the Board or for the Board, are asked to put their phones on mute at all other times. I repeat, please put your phone on mute at all times while listening. We ask this in order to enhance the audio quality of the teleconference. If any member or other participant gets disconnected they can of course call back to the same number that they called initially. All participants are respectfully reminded of the necessary protocol that only one person may speak at a time. Please don't speak over other persons.

At this time, I will take the roll:

Joseph "Jody" Brandenburg, Chairman
Keenan Knopke, Vice Chair
Jean Anderson
Francisco "Frank" Bango
Andrew Clark
James "Jim" Davis
Lewis "Lew" Hall
Powell Helm (delayed)
Ken Jones
Vanessa Oliver

Also noted as present:

Doug Shropshire, Director
Tom Barnhart, Board Legal Advisor
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Christine Moore, Department Staff
Lashonda Morris, Department Staff

Ms. Simon – Mr. Chairman there is a quorum for the business of the Board. May I now introduce the matters to be considered at the meeting?

Chair – I would request that we try to get Mr. Helm. I don't want to delay it, but if someone could call Mr. Helm. I know that he was trying to get in to the meeting earlier.

Ms. Simon – Ok, we'll do that.

Chair – Ms. Simon, please go ahead.

Ms. Simon – Ok, we'll do that now and we'll put this call on mute for a moment or two while we reach out to him.

Chair – Ms. Simon?

Ms. Simon – Yes, Mr. Brandenburg?

Chair – I'm not suggesting that we delay the meeting. I was just suggesting on the side that someone try to get in touch with him and get him hooked up to the call.

Ms. Simon – Ok, that's what we're doing now. Somebody is reaching out to him.

2. Action on the Minutes

A. September 1, 2016

Chair – The first agenda item is the September 1, 2016 minutes.

MOTION: Mr. Ken Jones moved to adopt the minutes of the meeting. 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

Ms. Simon – The applications 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.

4. Application(s) for Continuing Education Course Approval

A. Recommended for Approval without Conditions – Addendum B

- (1) Florida Cemetery, Cremation & Funeral Association (75)
- (2) International Order of the Golden Rule (2201)
- (3) National Funeral Directors Association (136)
- (4) Newcomer Funeral Service Group (25408)
- (5) SCI Management – Dignity University (99)

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

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

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

A. Recommended for Approval without Conditions – Addendum C

- (1) Simon Law Group P.A. (26408)

Ms. Simon – The application presented has been reviewed Continuing Education Committee and the majority of the Committee and the Division recommends approval of the application to become a Provider.

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

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

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

- (1) *Direct Disposer*
 - (a) *Berry, David A*
- (2) *Funeral Director (Internship and Exam)*
 - (a) *Anglim, Cassandra M*
 - (b) *Hoyt, Alexander R*
 - (c) *Stage, Mathew A*
- (3) *Funeral Director and Embalmer (Endorsement)*
 - (a) *Hart, William G*
 - (b) *Maloney, Megan*
 - (c) *Piccolo, David*
- (4) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Ford, Jennifer N*
 - (b) *Martin, Ashley M*
 - (c) *Workman, Krista*

Ms. Simon – The applications 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.

B. Recommended for Approval without Conditions (Criminal History)

- (1) *Embalmer (Internship and Exam)*
 - (a) *Caballero, Felipe J*

Ms. Simon – The applicant submitted an application for an Embalmer by Internship and Exam License on September 7, 2016. The application was complete when submitted. The applicant submitted fingerprints and were returned with criminal history. The criminal history was previously submitted as part of his Funeral Director Internship application process November 2002, his Funeral Director application process in August 2003, and also his Embalmer Internship application license process in 2015. Mr. Caballero currently holds a Funeral Director license (F045127), which has been in good standing since November 25, 2003. In March 2000, he pled no contest to cultivation of Marijuana. He was sentenced to two (2) years' probation. The Division is recommending approval without conditions.

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

- (2) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Vallejera, Anthony*

Ms. Simon – The applicant submitted an application for a Combination Funeral Director and Embalmer License on September 15, 2016. The application was complete when submitted. Based upon a previous application for a Concurrent Intern license, the Application submitted a fingerprint card, the processing of which revealed a criminal history. The previous application for licensure, along with the criminal history, was submitted to the Board at the October 1, 2015 Board meeting. The criminal history is as follows:

- In 2001 the applicant pled guilty to Burglary of a Dwelling and Grand Theft. He was sentenced to 364 days in jail, \$670 court costs and \$1980 restitution. Letters of recommendation from employers and also from St. Petersburg college are included.

The Division is recommending approval without conditions.

MOTION: Mr. Jones moved to approve the application. Mr. Knopke seconded the motion.

7. Application(s) for Internship

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

- (1) *Funeral Director*

- (a) *Cucino, Peter J (F080807)*
- (b) *Gendron, Amanda L (F081729)*
- (c) *Parrish, Robert (F019883)*
- (2) *Funeral Director and Embalmer*
 - (a) *Bradwell, Antonio M (F093105)*
 - (b) *Johnson, Norma J (F099002)*
 - (c) *Locklear, Krystal M (F052119)*
 - (d) *Lugo, Indira C (F066073)*
 - (e) *Morris, Joshua R (F078398)*
 - (f) *Schauss, Neil K (F098130)*
 - (g) *Terry, Samantha J (F092494)*
 - (h) *Zutten, Heather A (F096647)*

Ms. Simon – The applications 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.

B. *Recommended for Approval without Conditions (Review of Education)*

- (1) *Funeral Director and Embalmer*
 - (a) *Bell, Danielle C*

Ms. Simon – The applicant submitted an application for a Concurrent Intern License on September 20, 2016. The application was complete when submitted. The applicant submitted a fingerprint card, the processing of which revealed no criminal history. The applicant has submitted a transcript from Humber Institute of Technology & Advanced Learning in Toronto, Canada. She was awarded an Ontario College Diploma on April 30, 2002. Also submitted is the Comprehensive Evaluation completed by Academic Evaluation Services Inc. which provides that the diploma is comparable to an Associate of Applied Science in Funeral Service Education.

The following statute provides that the school must be approved by the licensing authority or recognized by the United State Department of Education: F.S. 497.373(1)(d)1. Received an associate in arts degree, associate in science degree, or an associate in applied science degree in mortuary science approved by the licensing authority; or 2. Holds an associate degree or higher from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education and is a graduate of a course of study in mortuary science or funeral service arts approved by the licensing authority from a college or university accredited by the American Board of Funeral Service Education. The Division is recommending approval without conditions.

Mr. Knopke – Mr. Chairman, this is Mr. Knopke. I have a question to Ms. Simon.

Chair – Yes, Mr. Knopke?

Mr. Knopke – Ms. Simon, so what you’re stating is it meets the requirements of 497.373(1)(d)1, correct?

Ms. Simon – Yes sir.

MOTION: Mr. Knopke moved to approve the application. Mr. Davis seconded the motion.

8. *Application(s) for Embalmer Apprenticeship*

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

- (1) *Brewer, Christopher L (F059019)*
- (2) *Ford, Almonte’ C (F076143)*
- (3) *Johnson, David M (F093036)*
- (4) *Perkins, Malachi J (F094673)*

Ms. Simon – The applications 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. **Application(s) for Registration as a Training Agency**
 - A. **Informational Item (Licenses issued without Conditions) – Addendum G**
 - (1) *E S George Enterprise Inc. D/B/A Eric George Funeral Home (F083052) (Miramar)*
 - (2) *National Cremation and Burial Society (F041736) (Ruskin)*

Ms. Simon – The applications 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.

- 10. **Notice of Change in Location**
 - A. **Informational Item – Addendum H**
 - (1) *Crawford and Moultry (F040141) (Chattahoochee)*

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

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

Ms. Simon – The Division recommends that these claims be approved for the amounts indicated in the column titled “Amount Recommended.”

Mr. Powell Helm – Mr. Chairman?

MOTION: Mr. Knopke moved to approve the claim(s) for the amount indicated on the Addendum entitled “Amount Recommended.” Ms. Anderson seconded the motion, which passed unanimously.

Ms. Simon – Mr. Helm, did I hear you on the call?

Mr. Helm – I’ve been trying to do it every since Caballero, but I can’t get in.

Ms. Simon – Welcome to the call.

Chair – Welcome to the call, Mr. Helm.

Mr. Helm – Thank you.

- 12. **Application(s) for Cinerator Facility**
 - A. **Recommended for Approval with Conditions**
 - (1) *Florida Cremation Society LLC (Ocala)*

Ms. Simon – An application for a Change of Ownership for the Cinerator Facility was received on September 7, 2016. The application was complete when received. The Funeral Director in Charge will be Kevin Roberts (F045593). The owners are attempting to line their Cinerator license and their Funeral Establishment under the same corporate entity. Both entities are owned by the same individuals. 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 Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.

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

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

(2) Roberts Funeral Home of Dummellon LLC (Dummellon)

Ms. Simon – An application for a Change of Ownership for the Cinerator Facility was received on September 7, 2016. The application was complete when received. The Funeral Director in Charge will be Kenneth Roberts (F046089). The owners are attempting to line their Cinerator license and their Funeral Establishment under the same corporate entity. Both entities are owned by the same individuals. 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 Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.

MOTION: Mr. Jones moved to approve the application subject to the conditions recommended by the Division. Mr. Clark seconded the motion.

13. Application(s) for Direct Disposal Establishment

A. Recommended for Approval with Conditions

(1) Right Choice Cremations – Florida LLC d/b/a Right Choice Cremations (Brandon)

Ms. Simon – An application for a Direct Disposal Establishment was received on July 7, 2016. The application was incomplete when submitted. All deficient items were received on August 23, 2016. The Funeral Director in Charge will be Robert Hauck (F044750). All fingerprint cards have been returned with no criminal history. The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

Mr. Clark – Mr. Chairman?

Chair – Was there someone trying to get my attention?

Mr. Clark – Yes sir. This is Andrew Clark.

Chair – Hi Mr. Clark.

Mr. Clark – How are you doing, Mr. Chairman? I'd like to disclose for the record that I have an affiliation with this applicant coming before the Board, but it will not affect my ability to render a fair and impartial decision.

Chair – Thank you.

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. Hall seconded the motion.

14. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) A Perfect Storm of Palm Coast LLC d/b/a Chambery Family Funeral Home and Cremations (Palm Coast)

Ms. Simon – An application for a Funeral Establishment was received on August 29, 2016. The application was incomplete when submitted. All deficient items were received on September 14, 2016. The Funeral Director in Charge will be Paul Chambery (F065699). All fingerprint cards have been returned with no criminal history. The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

Mr. Paul Chambery – Paul Chambery here. Permission to speak?

Chair – Yes, Mr. Chambery? Go right ahead.

Mr. Chambery – Mr. Chairman and Board, nice to talk to you guys again. I'm here if you have any questions for me and I hope everybody made it through the hurricane okay. We're cleaning up down here in Flagler County.

Chair – I thought it was ironic that your corporate name or your LLC name is A Perfect Storm.

Mr. Chambery – Yeah, isn't that something. It was that.

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. Jones seconded the motion.

Mr. Chambery – Thank you.

Chair – You're welcome.

(2) Shalom Funeral Chapel LLC (Ft Myers)

Ms. Simon – An application for a Funeral Establishment was received on August 18, 2016. The application was incomplete when submitted. All deficient items were received on August 30, 2016. The Funeral Director in Charge will be Shawn Brown (F067301). All fingerprint cards have been returned with no criminal history. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

15. Application(s) for Preneed Main License

A. Recommended for Approval without Conditions

(1) Samuel's Funeral Home, Inc. (North Miami)

Ms. Simon – The Department received the application on July 19, 2016 and deficiencies were noted on the application. All deficiencies were resolved as of August 15, 2016. The sole principal and owner of the corporation will be: Jean S. Bien-Aime. A completed background check, of all officers, revealed no criminal history. Applicant obtained its current qualifying funeral establishment license (#F074729) as of June 24, 2013. If approved, Applicant will sell trust-funded preneed through Funeral

Services, Inc. (FSI) under the First Florida Trust Agreement (Sabal Trust Company) and utilize its approved pre-arranged funeral agreement.

The Applicant's financial statements as of December 31, 2015 reflect the following:

Outstanding Preneed Contracts = \$	0
Required Net Worth = \$	10,000
Reported Net Worth = \$	106,605

The Division recommends approval without conditions.

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

16. Application(s) for Preneed Branch License
A. Recommended for Approval with Conditions – Addendum J

Ms. Simon – The Division recommends that the applicants provided on Addendum J be approved for the preneed branch license applied for.

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

17. Related Items – Paul A. Turner D/B/A Brandico Granite & Stone (Calloway)
A. Recommended for Approval without Conditions
(1) Application(s) for Monument Establishment Retailer License

Ms. Simon – This application is being filed for a new monument establishment retailer license due to a change of ownership, as explained in the attached letter dated September 2, 2016. The application was received on August 19, 2016, and all deficiencies were resolved as of September 6, 2016. A completed background check, of all officers, revealed no criminal history. The sole owner of the establishment will be Paul A. Turner. If approved, Applicant will utilize the attached monument retail sales agreement which is also being presented for approval at this meeting.

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

B. Recommended for Approval with Conditions
(1) Monument Establishment Sales Agreement

Ms. Simon – Brandico Granite & Stone, LLC submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its monument retailer establishment whose application is also being presented at this Board meeting. The Division is recommending approval subject to the condition that the Board approves the application for monument establishment retailer license; and two full sized print-ready copies are received by the Department within 60 days of this Board meeting.

MOTION: Ms. Anderson moved to approve the agreement subject to the condition that the Division receives two full sized print-ready copies are received by the Department within 60 days of this Board meeting. Mr. Jones 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) Baldwin Brothers Memorial Care Services, Inc. (F019366) (New Smyrna Bch)

Ms. Simon – Baldwin Brothers Memorial Care Services, Inc. (Baldwin Brothers) seeks approval to transfer its preneed trust account FROM: Sabal Trust Company TO: Live Oak Banking Company (Live Oak), as more specifically set forth in Attorney Wendy Wiener's letter dated August 12, 2016, and attachments to that letter. Live Oak is or will be the successor trustee and

will operate under the Baldwin Brothers Preneed Trust Agreement (approved at the August 4, 2016 Board meeting). The Division recommends approval subject to conditions as follows:

- 1) That the representations of Baldwin, through its Attorney, Mrs. Wiener, as set forth in the attached letter dated August 12, 2016 be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Live Oak provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, stated as following:
 - a) That Live Oak provides a letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), F.S. to act as trustee of the trusts to be transferred to Live Oak pursuant to Mrs. Wiener's letter dated August 12, 2016.
 - b) A letter from Live Oak, signed and dated by one of its officers, stating:
 - That Live Oak provides a certificate stating the dollar amount of trust assets being transferred as identified in Mrs. Wiener's letter dated August 12, 2016.
 - That Live Oak provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, stating separately for each trust, the dollar amount of the trust assets received by Live Oak, as referenced in Mrs. Wiener's letter dated August 12, 2016.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time for the above specified conditions, an additional 90 days, with a report to the Board regarding any extension granted.

Mr. Knopke – Mr. Chairman?

Chair – Yes?

Mr. Knopke – Keenan Knopke. I'd like to declare my affiliation with the president of Baldwin Brothers Memorial Care Services, my brother, and that will not affect my ability to make a fair and impartial decision.

Chair – Thank you for that disclosure.

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

(b) Beaches Memorial Services LLC D/B/A Beaches Memorial Park (F092357) (Jacksonville)

Ms. Simon – On July 22, 2016, the Board approved the acquisition of a licensed cemetery company, Cemetery Professionals, LLC d/b/a Beaches Memorial Gardens (F039753) located at: 1500 Main St, Jacksonville, FL by Beaches Memorial Services, LLC and the acquisition of this location to operate as a preneed branch under Ferreira Enterprises Inc. The preneed branch location is operating as: Ferreira Enterprises Inc. d/b/a Beaches Memorial Park under preneed main license #F019201. Beaches Memorial Services, LLC and Ferreira Enterprises Inc. acquired all of the assets and liabilities for both the cemetery and preneed for this location.

Beaches Memorial Services, LLC (BMS) seeks approval to transfer the merchandise and cemetery care and maintenance trust accounts FROM: SunTrust Bank TO: Sabal Trust Company (Tallahassee) as more specifically set forth in Attorney Wendy Wiener's letter dated August 26, 2016, and attachments to that letter. If approved, Sabal Trust is or will be the successor trustee and will operate under the FSI 1993 Master Trust Agreement and the FSI Care and Maintenance Trust Agreement, respectively. The Division recommends approval subject to conditions as follows:

- 1) That the representations of BMS, through its Attorney, Mrs. Wiener, as set forth in the attached letter dated August 26, 2016 be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Sabal Trust provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, stated as following:
 - a) That Sabal Trust provides a letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), F.S. to act as trustee of the trusts to be transferred to Sabal Trust pursuant to Mrs. Wiener's letter dated August 26, 2016.
 - b) A letter from Sabal Trust, signed and dated by one of its officers, stating:
 - That Sabal Trust provides a certificate stating the dollar amount of trust assets being transferred as identified in Mrs. Wiener's attached letter dated August 26, 2016.

- That Sabal Trust provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, stating separately for each trust, the dollar amount of the trust assets received by Sabal Trust, as referenced in Mrs. Wiener's attached letter dated August 26, 2016.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time for the above specified conditions, an additional 90 days, with a report to the Board regarding any extension granted.

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

(2) Approval of Trust and Preneed Sales Agreement
(a) Cooperative Funeral Fund, Inc. (CFFI) (Madison, CT)

Ms. Simon – Cooperative Funeral Fund, Inc. (CFFI), is not licensed under Chapter 497. CFFI acts in a capacity of a servicing agent. CFFI, through its Attorney, John Rudolph, seeks approval of six items, as follows:

- ATTCH A1: "Florida Master Trust Agreement-458," a preneed trust to operate under s. 497.458, Florida Statutes.
- ATTCH A2: "Florida Funeral Services Trust Participation Agreement-458," a form of agreement by which individual Florida preneed licensees agree to participate in the Trust that is ATTCH A1.
- ATTCH A3: "Preneed Agreement-458", a preneed contract form for use by Florida preneed licensees participating under ATTCHS A1 and A2.
- ATTCH B1: "Florida Master Trust Agreement-464," a preneed trust to operate under s. 464, Florida Statutes.
- ATTCH B2: "Florida Funeral Services Trust Participation Agreement-464," a form of agreement by which individual Florida preneed licensees agree to participate in the Trust that is ATTCH B1.
- ATTCH B3: "Preneed Agreement-464", a preneed contract form for use by Florida preneed licensees participating under ATTCHS B1 and B2.

ATTCH C is background materials regarding CFFI, including a disciplinary consent order relating the CFFI's initiation of activity in Florida prior to having approvals required under Chapter 497.

Subject to the conditions set forth below, the FCCS Division recommends:

- 1) Approval of the 458 trust and participation agreement and preneed sales agreement (ATTCHS A1-A3) in the above attachments; and
- 2) Approval of the 464 trust and participation agreement and preneed sales agreement (ATTCHS B1-B3) as identified in the above attachments.

Conditions recommended by FCCS Division:

- 1) That the representations of CFFI, through its Attorney, as set forth in Attorney's letter dated August 26, 2016, be deemed material to the Board's decisions herein.
- 2) That fully executed copies of the trust documents as identified above be provided to the Division within 60 days of this Board meeting.
- 3) That two full sized print-ready copies the preneed sales agreement be provided to the Division within 60 days of this Board meeting.

Mr. Mark Mannix – Mr. Chairman? This is Mark Mannix.

Chair – Just a moment Mr. Mannix. Is there a motion?

MOTION: Mr. Jones moved to approve the agreement subject to the conditions recommended by the Division. Mr. Helm seconded the motion.

Chair – Before we vote, Mr. Mannix?

Mr. Mannix – I just wanted to say thank you for the opportunity to say hello. There was a situation where a year ago we had signed up a funeral home and taken a couple of trusts. When I realized we were in violation, I stopped right away and proceeded through this process. We've been in the preneed business for well over 25 years and we've never had a blemish.

We're looking forward to supporting the Florida market. I appreciate you allowing me to talk to you today and I hope we can go forward. Thank you.

Chair – Thank you, Mr. Mannix. There's a motion before the Board for approval with conditions and it's been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? That motion carries.

B. Recommended for Approval without Conditions

(1) Pre-Construction Trust Agreement

(a) Boca Memorial Holdings, LLC d/b/a The Gardens (F088705) (Boca Raton)

Ms. Simon – The licensee has submitted for approval a Pre-Construction Master Trust Agreement (as referenced in letter dated August 30, 2016 from Kendall Hanno of Regions Bank). If approved, this trust agreement will be used in conjunction with the future construction of mausoleum(s) at the above licensed cemetery location. The Division recommends approval without conditions.

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

19. Executive Director's Report

A. 2017 Board Meeting Schedule (Action)

***BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
2017 Meeting Schedule***

ALL MEETINGS WILL BEGIN @ 10:00am

Thursday, January 5 th	Conference Call
Thursday, February 2 nd	Tallahassee
Thursday, March 2 nd	Conference Call
Thursday, April 13 th	Jacksonville
Thursday, May 18 th	Conference Call
Thursday, June 29 th	Tallahassee
Thursday, July 13 th	Conference Call
Thursday, August 3 rd	Orlando/Altamonte Springs
Thursday, September 7 th	Conference Call
Thursday, October 5 th	Tampa
Thursday, November 2 nd	Conference Call
Thursday, December 7 th	Tallahassee

Ms. Simon – We ask that the Board approve the schedule with the amendment noted that the meeting in April has been moved from April 6, 2017 to April 13, 2017.

MOTION: Mr. Hall moved to approve the 2017 Board meeting schedule. Mr. Knopke seconded the motion.

Chair – Mr. Knopke, I know that you had a conflict. Does this resolve your conflict, sir?

Mr. Knopke – Mr. Chairman, it does, and I appreciate the staff. The conflict was that the meeting was scheduled for the same time as the ICCFA main conference.

Chair – Good. So a motion's been made to approve with a change from April 6, 2017 to April 13, 2017 and it's been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? That motion carries.

B. Beaches Memorial Services, LLC (Action)

Ms. Simon – This is a request by Ms. Wiener on behalf of Beaches Memorial Services, LLC. In regards to this request made, I'd like to emphasize that there are no preneed contracts particularly tied to this account of approximately \$52k. As far as the Division can ascertain, this amount is simply tied to the entity without specifications as to the amount for each account. As expected, many claims against the CPTF have been made and this access to this account would help pay for those, as opposed to monies coming out of the CPTF. It appears that it would only be fiscally responsible to do as requested by Ms. Wiener and modify the terms and conditions as requested.

Mr. Hall – Mr. Chair, this is Mr. Hall. May I ask a couple of questions of Ms. Wiener for clarification?

Chair – Please do.

Mr. Hall – Ms. Wiener, are you there?

Ms. Wendy Wiener – I am.

Mr. Hall – Just to clarify for me, in paragraph 2, the account we're referring to in that first line, that is this \$52k we're referring to, correct?

Ms. Wiener – Correct.

Mr. Hall – Okay. In the next paragraph where we're talking about the markers and the care and maintenance and so forth, do we know what the balance is in that Care & Maintenance fund now and do we have a feel for these two (2) items we're talking about correcting burials, monuments, etc., do we have a guesstimate or feel of what kind of money we're talking about for repairs?

Ms. Wiener – The Board capped the amount that could be withdrawn from the Care & Maintenance Trust Fund at \$10k and this is not a request to change that cap. It's simply a request that instead of making a \$400 claim for a \$750 item that they be entitled to make claims that are related to the actual amounts. As it turns out in practice, many if not most of the claims, and Christine Moore is in the room so she can address this as necessary, but I think that more than half of the claims are actually for very small amounts; \$10 and \$20 and \$30 at a time. The Division is keeping track of that amount as against that \$10k. When that is depleted it will be depleted. Incidentally there is a significant amount more available for Care & Maintenance than the Board was originally notified about when it approved this original request. After the Board meeting, we learned that there was a Care & Maintenance account at SunTrust in addition to the one we knew about at FSI and that is the one that is the subject of the trust transfer request that you just did. So this certainly should not put the State in a worse position.

Mr. Hall – So we've got a total Care & Maintenance of approximately how much between the two (2) accounts?

Ms. Wiener – I think there's like \$280k at FSI and then another \$150 or something at SunTrust that we didn't know about originally. I'm just going off the top of my head so those numbers may be different.

Mr. Hall – That's fine. Is the damage to the monument stuff, is it that they weren't put there in the beginning?

Ms. Wiener – Correct.

Mr. Hall – Or is it that they're damaged from mowers, etc. or what?

Ms. Wiener – No, it's mostly where families ordered and paid monuments and dates of death and they were never provided. It's sort of the thing that brought the whole matter to the attention of the press and brought it to a head anyway.

Mr. Hall – Okay. Do you know, in paragraph 2, what they feel the cost is for correcting those burials where we have vaults exposed, they need some earth and so forth? Do they have a feel what they'll spend there?

Ms. Wiener – I don't know that we have a good number there. I will tell you it does not expose the State because that's money that can only be retrieved from the \$52 account that's being transferred over from SunTrust. So if for some reason that used up the entire \$52k, which is not what they anticipate, they don't have a number but I don't think it's \$52k, if it were to use all of that then they just wouldn't be able to claim anymore for that.

Mr. Hall – Okay. Thank you.

Ms. Wiener – Thank you.

Chair – Ms. Wiener?

Ms. Wiener – Yes?

Chair – This is Brandenburg. I have a question of you.

Ms. Wiener – Yes?

Chair – On Item 3, we still maintain the aggregate amount of \$10k.

Ms. Wiener – Correct.

Chair – So I feel like that cap is being maintained and I have no objection to the \$750 as opposed to the \$400. Do you anticipate that there will be any more requests for revision of the approval of acquisition?

Ms. Wiener – No. I don't anticipate that presently, but we are working hand in hand and on a daily basis with the Division on the issues that have been coming up since the new owners have taken over. So there could at some point be an issue that is unforeseen by us now that might necessitate a request, but it's been a good 60 days so we kind of feel like we're getting a handle on the types of issues that will arise. Like I said, I don't anticipate it right now but don't hold me to say that that rules out a request in the future.

Chair – Thank you.

Ms. Wiener – Thank you.

Chair – Board members is there a motion or any further discussion?

MOTION: Mr. Hall moved to approve the request. Mr. Knopke seconded the motion, which passed unanimously.

C. Proposed Amendment to Rule re Law and Rules Exam (Action)

Ms. Simon – This is a memorandum setting forth a rule change. The Division recommends approval of this rule change and requests that the Board approve and permit the Division to move forward with rulemaking pursuant to Chapter 120, F.S.

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

Mr. Tom Barnhart – And Ms. Simon, that’s just to open it up for development?

Ms. Simon – Under Chapter 120, yes sir.

Mr. Barnhart – Okay.

D. Request for Authorization to Commence Rulemaking - Change of Ownership Requiring Re-Licensure (Action)

Ms. Simon – The matter was initially presented to the Board at the September 2016 Board meeting. The Board authorized the Division to commence with rulemaking by holding a rule development workshop. The workshop was held on September 26, 2016. A summary of the workshop was attached to your package of information. As a result of the input received from the industry at the workshop, the Division has substantially revised the proposed rule as initially presented at the September Board meeting so that it would now read as indicated in the memorandum. The Division consisted of striking what was paragraph (b) and replacing it with the following information:

(b) For the purposes of the above identified license categories, a change of ownership occurs whenever a person or entity acquires an ownership interest of greater than 50% in the licensee or in a legal entity that directly or through subsidiaries owns the licensee, which person or entity did not previously have such an ownership interest of greater than 50%. Provided, in the case of a licensee owned by a corporation, LLC, or other legal entity that is part of a group of legal entities under common control, and the ultimate parent entity restructures the group, if the licensee's ultimate parent entity remains unchanged, there is no change of ownership, but a change of licensee name shall be filed with the Division, with the appropriate fee for issuance of a revised license certificate to reflect the different legal entity holding the license.

The Division recommends approval of this rule change and requests that the Board approve and permit the Division to move forward with rulemaking pursuant to Chapter 120, F.S.

MOTION: Mr. Jones moved to approve the request.

Mr. Barnhart – And they’re approving the language, correct?

Ms. Simon – And this is an approval of the language as well, Mr. Jones?

Mr. Jones – Yes ma’am.

Chair – This is Brandenburg and I second. There’s been a motion made to approve and it’s been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? That motion carries.

E. Rulemaking Cleanup Project (Action)

Ms. Simon – The rulemaking cleanup project continues to go on by the Office of General Counsel at the Department. The Division requests that the Board approve this rule change that has been appended to this item on the agenda.

Chair – Is there a motion?

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

Ms. Simon – Mr. Barnhart?

Mr. Barnhart – Ms. Simon, did you want to go back and talk about the SERC checklist for the Change of Ownership?

Ms. Simon – Absolutely. Thank you for the reminder. Under Item D, the proposed rule identifying when a change of ownership occurs, attached to those items was also a SERC checklist identifying the fact that the Division does not need to proceed forward on a SERC. We would request that the Board approve that SERC checklist.

Mr. Barnhart – And Board members, just as a reminder, the SERC checklist asks two (2) basic questions. One (1) is that the rule or rule change does not constitute an economic burden of \$200k or more in the first year, both in terms of increased regulatory costs or costs to the industry. The second question is that it does not involve an increased cost of \$1 million in the first five (5) years for both regulatory costs and costs to the industry. So, the Board has identified what they believe are the correct answers to that SERC checklist and your obligation is to vote that up or down. The Board does not think that there is going to be any economic impact or if it is it's very small and does not approach the standards required for a legislative ratification.

Chair – What would the motion be for up?

Mr. Barnhart – A motion to approve the SERC checklist indicating that no SERC is required.

MOTION: Mr. Jones moved to approve the SERC checklist indicating that no SERC is required. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Barnhart.

Mr. Barnhart – Yes sir.

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

Ms. Simon – This is the monthly report of fines and costs assessed and paid, which is information only. Any comments on that item?

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 October 6, 2016 Board Meeting
 Date of Report: September 21, 2016

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Randy Straghn	Aug-16	184682-16-FC	\$1,000	9/19/2016	Paid in Full	
Straughn & Son Tri-City	Aug-16	184654-16-FC	\$1,000	9/19/2016	Paid in Full	
Oxley-Heard Funeral Directors, Inc.	Aug-16	183577-15-FC	\$2,000	9/19/2016	Paid in Full	
Douglas Covell	Aug-16	183174-15-FC	\$2,000	9/19/2016	Note D	
Covell Funeral Home & Cremation Services	Aug-16	183168-15-FC	\$2,000	19-Sep-16	Note D	
Carriage Florida Funeral Holdings, Inc.,	Aug-16	190609-16-FC	\$2,000	9/19/2016	Paid in Full	
Affordable Monument Company	Jun-16	184198-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Patricia Narciso	Jun-16	184202-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Clifford N. Robinson d/b/a CN Robinson Memorial F	Jun-16	178019-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Clifford Nathaniel Robinson	Jun-16	178002-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Vanessa Franco	Jun-16	163242-14-FC	\$2,000	12-Aug-16	Paid in Full	
Randy Howard	Jun-16	162981-14-FC 163239-14-FC 163240-14-FC 163241-14-FC	\$4,500	12-Aug-16	Paid in Full	
Abbey Affordable Cremation & Funeral Services, Inc	Jun-16	169277-15-FC	\$1,000	12-Aug-16	Paid in Full	
Yvette Klausch	Jun-16	164630-14-FC	\$2,500	22-Aug-16	Paid in Full	
M&M Florida Enterprises Inc., d/b/a CFCSFC	Jun-16	162992-14-FC	\$1,500	12-Aug-16	Paid in Full	
Michael Tipton Phillips	Jun-16	162991-14-FC	\$2,000	12-Aug-16	Paid in Full	
Ronald Noble	Aug-15	134801-13-FC	\$2,500	8/1/2017	Note D	
James West	Feb-16	165110-14-FC & 165112-14-FC	\$2,500	3/14/2016	Note A	Recent request from the Division for Suspension due to non-payment
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.						

20. Chairman's Report (Verbal)

None

21. Office of Attorney General's Report (Verbal)

Mr. Barnhart – Just a quick update on rules. The 69K-7.0012, Care and Maintenance Trust Fund Withdrawals, is anticipated to be effective on October 27th or thereabout. We've answered all JAPC concerns and I believe they are fine with it now so that should be effective at the end of this month. The Embalmer Apprentice Program language, 69K-27.001 has been submitted. The language was just submitted this week and we anticipate hopefully that there's no problem with JAPC finding anything that concerns them about it, but the language has been submitted and it's going to be about twenty (20) days before we know for sure whether JAPC has any problems with that language. And of course the 69K-1.005 is what we talked about this morning. Do you have any questions about the rules?

Chair – No questions here.

Mr. Barnhart – Okay. Thank you.

22. Administrative Report

The information was provided on the Agenda.

23. Disciplinary Report

The information was provided on the Agenda.

24. Upcoming Meeting(s)

- A. November 3rd (Teleconference)
- B. December 1st (Tallahassee)

Ms. Simon – It is anticipated that on the December 1st meeting we will have the disciplinary items that were originally scheduled to be heard at the October meeting.

- C. January 5th (Teleconference)
- D. February 2nd (Tallahassee)

Chair – Thank you so much. Board members, thank you for your patience. Thank you for hanging in there today. We can't anticipate all of the technical difficulties that might occur. LaTonya and Ellen, thank you for rectifying everything. Board members, anyone have anything for the good of the cause?

Mr. Helm – Mr. Chairman, this is Helm. May I ask how everyone got the number to call in on?

Mr. Clark – It was emailed out, Mr. Helm.

Mr. Helm – Well, I'm sitting at home and I wouldn't get no email unless I'm at the office.

Mr. John Rudolph – Did anybody have any damage up in Jacksonville, Jody, from the hurricane?

Chair – We just had trees down. Debris at some of the cemeteries. No structural damage. No water damage at any of our other locations. A lot of power outages. Actually some that have still not been restored. We had to delay some services and we did that effectively. Now it's a cleanup of the trees, limbs and debris that are at the cemetery.

Mr. Rudolph – I saw a whole bunch of Texas utility trucks headed that way, so I hope they made it.

Chair – We sure appreciate everybody calling in. We really do.

Ms. Anderson – We were thinking about you in that storm.

Chair – Thank you. I appreciate that. Actually Jan and I were hunkered down in the house and as soon as I could get out I went around and surveyed our properties for an initial assessment and was very surprised to learn that we were intact.

Ms. Anderson – That was fortunate.

Chair – It was. Any other comments, Board members? Again, thank you so much. I always appreciate the work that you do and I appreciate your attentiveness and thank you again for hanging in today.

25. Adjournment

The meeting was adjourned at 11:25 a.m.