

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
November 1, 2018 - 10:00 A.M.

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

Mr. Jody Brandenburg, Chair – Good morning, everyone. Welcome to the Board of Funeral, Cemetery, and Consumer Services’ teleconference meeting. It’s November 1, 2018, at 10 A.M. Ms. Simon, will you please do your preliminary remarks and accomplish the roll call?

Ms. Ellen Simon – Yes, Mr. Chairman. My name is Ellen Simon. I am Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held, by teleconference, and notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to all interested persons. The call-in number was placed on the agenda. The Board staff present for this meeting are in the Claude Denson Pepper Building in Tallahassee FL. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared. Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board’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
Jean Anderson
Francisco “Frank” Bango
Andrew Clark
James “Jim” Davis {**ABSENT**}
Lewis “Lew” Hall
Powell Helm
Ken Jones
Darrin Williams {**ABSENT**}

Also noted as present:

Mary Schwantes, Executive Director
Tom Barnhart, Board Legal Advisor
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Nicole Singleton, Department Staff

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

Chair – Thank you. Would you move forward with the agenda, please.

2. 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.

3. Application(s) for Continuing Education Course Approval

A. Recommended for Approval without Conditions – Addendum B

- (1) *M.K. Jones & Associates, Inc. (9605)*
- (2) *National Funeral Directors Association (136)*
- (3) *Talk Health LCC (25808)*

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. Lew Hall moved to approve the applications. Mr. Powell Helm seconded the motion, which passed unanimously.

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

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

- (1) *Direct Disposer*
 - (a) *Conway, Lisa*
- (2) *Funeral Director (Internship and Exam)*
 - (a) *Budd, Brian L*
- (3) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Arbizu, Judith*
 - (b) *Boyles, Elizabeth M*
 - (c) *Boone, Vida B*
 - (d) *Romero, Jami L*
- (4) *Funeral Director and Embalmer (Endorsement and Exam)*
 - (a) *McBride, Kevin D.*
 - (b) *Green, Lacey M.*
 - (c) *Lacey, Shane M.*

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

5. Application(s) for Internship

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

- (1) *Funeral Director and Embalmer*
 - (a) *Coughlin, Kelly M F309256*
 - (b) *Kaminsky, Monica L F310437*
 - (c) *Meerova, Larisa F228773*
 - (d) *Milton, John G F313074*
 - (e) *Vazquez, Monica F311667*

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

6. Application(s) for Embalmer Apprentice

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

- (1) *Davis, Nicole M F309208*
- (2) *Dotson, Erika F317266*
- (3) *Ensor, Natalie F316605*
- (4) *Geter, Bethany A F317815*
- (5) *Guerrero, Ernesto F317792*
- (6) *Jones, Casey F176379*
- (7) *Lewis, Brandon J F313103*
- (8) *Norris, Mallory N F312530*

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) *England, Heather A*

Ms. Simon – This item has been withdrawn from the agenda.

7. Application(s) for Registration as a Training Facility

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

(1) SCI Funeral Services of Florida Inc d/b/a Volusia Memorial Funeral Home (F040628) (Ormond Beach)

(2) SE Cemeteries of Florida LLC d/b/a Orlando Personal Care Center (F265872) (Orlando)

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

8. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum G

Ms. Simon – The CPTF claims presented on the Addendum have been reviewed by the Division and the Division recommends approval for the monetary amounts so indicated.

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

9. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Brown & Bussey Funeral Services LLC (Pahokee)

Ms. Simon – An application for a Funeral Establishment was received on September 14, 2018. The application was complete when submitted. The Funeral Director in Charge will be Erica Smith (F165297). 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. Ken Jones moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Mr. Frank Bango seconded the motion, which passed unanimously.

(2) Dignity Funeral Services Inc d/b/a Coastal Cremations and Funeral Care (Lutz)

Ms. Simon – An application for a Funeral Establishment was received on September 27, 2018. The application was complete when submitted. The Funeral Director in Charge will be Scottie Garcia (F065570). 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.

Mr. Hall – Question, Mr. Chair?

Chair – Mr. Hall, go right ahead.

Mr. Hall – Maybe for the Division, Ms. Simon, I see the Dignity name coming up again that’s not affiliated with the firm from Houston. Looks like West Virginia. Is that creating any problems for the public in knowing who they’re actually doing business with?

Ms. Simon – The d/b/a for this entity is Coastal Cremations and Funeral Care, and I believe that that’s what they are doing business as. As a result, I do not believe that creates a conflict.

Mr. Hall – There’s nothing on signage or letterhead, that we’re aware of, that shows Dignity?

Ms. Simon – I am not sure. I would imagine not, because they are doing business as Coastal Cremations and Funeral Care.

Ms. Wendy Wiener – Mr. Hall?

Mr. Hall – Yes?

Ms. Wiener – This is Wendy Wiener. I represent Dignity and I would be happy to address that if the Chair would allow me to.

Chair – Go right ahead.

Ms. Wiener – This corporate entity actually was formed and was utilizing this name before SCI began to use its tradename of Dignity Memorial. There are many licensees in Florida owned by Dignity, which we have addressed this issue before the Board on many occasions. That having been said, the company does not operate using the name Dignity in its signage or in its business operations, but that is its corporate name and it has made peace with SCI over this in the past, would be the best way to put it.

Mr. Hall – In your knowledge, we've had no issues with misunderstandings of families who they're doing business with?

Ms. Wiener – I represent all of their entities in Florida and in other states and I have never had the question come up from a regulator or from a consumer.

Mr. Hall – Okay. Thank you.

Chair – Thank you, Ms. Wiener. Thank you, Mr. Hall.

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. Bango seconded the motion, which passed unanimously.

(3) The Life Celebration Center LLC (Tampa)

Ms. Simon – An application for a Funeral Establishment was received on September 19, 2018. The application was complete when submitted. The Funeral Director in Charge will be Ursala Staten (F044269). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

Mr. Knopke – Mr. Chair?

Chair – Yes?

Mr. Knopke – This is Mr. Knopke. How are you this morning?

Chair – I'm fine, Mr. Knopke. Did you have a question?

Mr. Knopke – I have a question to the Department.

Chair – Go right ahead.

Mr. Knopke – Ms. Simon, in looking at this application, the address is the same address that was previous denied at another meeting with a different applicant. I drive near this on a regular basis, so I'm kind of familiar with it. When I look through the package, I notice that the manager, or the contact person is a person called Immaculate C. Matt, and that kind of rang a bell. And then the more I looked through the package, I find that Zion Hill Mortuary and Dwayne Matt, who was turned down at the previous meeting for this location, is providing, I believe, embalming services for this new facility. And my question to y'all, is Mr. Matt involved in this at all? Because if he is and he was turned down before, I'm not sure what to do. Can you help me?

Ms. Simon – Mr. Knopke, we have not looked into whether Mr. Matt is involved with this application for a funeral establishment, so I'm not sure how to answer that question, except to say we can research it.

Mr. Knopke – Would that require a motion on my part to table this to the next meeting and do we have a deemer issue if I do that?

Ms. Simon – It looks like the application was submitted on September 19th. As a result, the deemer date would not be until the middle of December, so we would still be able to handle this matter during the December Board meeting.

MOTION: Mr. Knopke moved to table the application until the Department has a chance to see if there is any relationship at all here. Mr. Hall seconded the motion, which passed unanimously.

10. Application(s) for Removal Facility
A. Recommended for Approval without Conditions
(1) Sterling Trade Services LLC (Orlando)

Ms. Simon – An application for a Removal Service was received on September 12, 2018. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The removal service passed its inspection on October 4, 2018. The Division is recommending approval without conditions.

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

11. Application(s) for Transfer of Preneed License
A. Recommended for Approval with Conditions
(1) Shuler & Pender Funeral Service, Inc. (West Palm Beach)

Ms. Simon – The Department received the application on September 20, 2018 and no deficiencies were noted on the application. This is an application for the transfer of a preneed license from Shuler & Shuler LLC d/b/a Shuler’s Memorial Chapel under Barbara Carey-Shuler, former owner, to Shuler & Pender Funeral Service, Inc. d/b/a Shuler’s Memorial Chapel, under Craig A. Pender, Sr., current owner. This application is being filed due to a change of ownership of Shuler & Shuler LLC, whereas Ms. Shuler sold the funeral establishment to Mr. Pender, current sole owner and manager of the corporation. A completed background check of officers has revealed no criminal history.

Applicant has agreed to assume responsibility of all preneed contracts written under the preneed licensee (F047891), if approved. Applicant will continue to sell trust-funded preneed contracts through Funeral Services Inc (FSI) under Live Oak Banking Company, and utilize their approved pre-arranged funeral agreements.

An application for a change of ownership of the qualifying entity (License #F041285) was approved subject to conditions at the September 6, 2018 Board teleconference meeting; the new license number is F307261. The Division recommends approval subject to the condition that all preneed obligations of the preneed licensee under its current controlling party shall continue its obligations under its new controlling party.

MOTION: Mr. Jones moved to approve the application subject to the condition that all preneed obligations of the preneed licensee under its current controlling party shall continue its obligations under its new controlling party. Mr. Knopke seconded the motion, which passed unanimously.

12. Contract(s) or Other Related Form(s)
A. Recommended for Approval with Conditions
(1) Preneed Sales Agreements
(a) Boca Memorial Holdings, LLC d/b/a The Gardens (F088705) (Boca Raton)

Ms. Simon – Boca Memorial Holdings, LLC d/b/a The Gardens (Boca) submits the preneed sales agreement form included in your Board package for approval. The name of the agreement is The Gardens of Boca Raton Cemetery and Funeral Services Purchase Agreement (70/30). If this preneed sales agreement form is approved, it is to be used for the sale of trust-funded preneed by Boca. The Division recommends approval subject to the condition that two full-sized print-ready copies of each contract are received by the Division within 60 days of this Board meeting.

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

13. Executive Director's Report
A. Operational Report (Verbal)

Ms. Simon –Ms. Mary Schwantes?

Ms. Schwantes – Yes, thank you, Ms. Simon. Good morning. I wanted to give a quick Operational Report, particularly regarding Hurricane Michael and the Division's efforts. Before Hurricane Michael even got near Florida on October 10th, Division staff were busy assisting licensees in preparing for the storm. Our Tallahassee offices were closed from Tuesday through Friday of that week. Fortunately, just before leaving the office on Monday, Tallahassee staff prepared data for all licensee establishments in Florida which might encounter refrigeration issues as a result of power outages following the storm. This list provided information on Florida's approximately 1,200 licensed funeral, direct disposer, refrigeration, and cinerator establishments.

With more than half of our staff out on Tuesday, because both Tallahassee and Tampa offices were closed, the Division's employees in our Orlando, Ft. Lauderdale, and West Palm Beach offices continued the pre-hurricane responsibilities of the Division. Employees in these offices sent pre-hurricane notices to over 400 licensees in the 35 counties impacted by the Governor's Emergency Order relating to the storm. The notice essentially provided the licensees with important information regarding possible loss of refrigeration and additional information, which was coordinated with Ken Jones at the Department of health, on the process for filing death certificates during power outages.

Following the storm, we broke the 35 counties into 3 Tiers – with the 1st Tier incorporating the Panhandle and Big Bend areas of Florida – for purposes of making post-hurricane calls to the licensees to check on their status and any refrigeration or other issues encountered. Tallahassee offices remained closed for the week. Again, our Tampa, Orlando, Ft. Lauderdale and West Palm Beach staff took care of matters. On Friday, October 12th, employees from these offices called the approximately 150 licensees in the Tier 1 group. Again, that's the Panhandle and Big Bend areas. On Monday, October 15th, these employees made follow-up calls to the Tier 1 licensees which they were previously unable to reach and additionally called approximately 65 licensees in the Tier 2 group, which was primarily the central/coastal areas that were impacted by the storm. Based on the positive results from the Tier 2 group, we decided that we did not need to make post-hurricane calls to the Tier 3 group, which was the Tampa area licensees.

Of the 200+ licensees called, the majority had zero or minor issues from the storm and were operational right after the storm, which was fantastic news. Only about sixty-six (66) required further follow-up and, of those, fifteen (15) are in the Bay County area. On Wednesday, October 17th, teams from the Department's Division of Investigative and Forensic Services (DIFS) visited six (6) of the Panama City locations which could not be reached by phone and were of particular concern. The DIFS teams found that two (2) of these licensees incurred major damage to their buildings. These two (2) are currently non-operational. Our own Division investigative staff were able to get in to Panama City on Thursday, October 18th, and were able to view for themselves the damage to these two (2) entities and the majority of the others there. As you know, the Panama City area was particularly hard hit, with the majority of the licensees there incurring significant damage. The Panama City and Port St. Joe areas will require further follow-up on all licensees over the next several probably months, and the Division will be monitoring these areas closely.

I expect that we will have additional reports on damages and related issues in the future. In the meantime, however, I am very pleased to report that we have received positive feedback so far on our Division's hurricane efforts. There was closer coordination this time with the Department of Health, with very much thanks to Ken Jones, and, to some extent, with the various industry associations. And we have already discussed how additional improvements may be made to these types of COOP plans, for emergency purposes in the future. Any questions regarding the Hurricane efforts or any comments?

Chair – I think I probably speak for all the Board members on how proud we were of the Division's response to this tragic hurricane that devastated so many. When I hear your report, it just makes me very proud of the actions of the Division. So, certainly on my behalf, I thank you very much.

Ms. Schwantes – Thank you, Mr. Chair. If I may, Mr. Chair, continue the report?

Chair – Yes.

Ms. Schwantes – Very briefly regarding the public workshops, following the October 4th meeting in Miami, the third public workshop was held. It was very well attended and we received valuable input from industry representatives. The 4th public workshop will take place in Tampa on Wednesday, November 28, 2018, from 10:00 a.m. – 3:00 p.m. Again, additional information regarding the workshop is available on the Division’s website.

With apologies, I just received a text from our General Counsel, Chasity O’Steen, that I need to bring to the Board’s attention. Ms. Simon, if you could, and Mr. Barnhart, if you would help me with the appropriate procedure on this. The text message I received is that the CFO has signed off on extending the renewal period for the five (5) license types. Extension should be for somewhere in the 60-90 day window and only in counties that were under the State of Emergency. This needs to be proposed to the Board at today’s Board meeting. Unfortunately, I don’t have any additional information on that. I know Ms. Simon was in touch with the General Counsel’s Office earlier in the week. Do you have any additional information that you could add to that so we can get this matter to the Board today?

Ms. Simon – No, I do not have any additional information, but it may be appropriate at this time for the Board to motion to extend the renewals that are due by November 30th, for those licensees that have renewals due on November 30th, to delay renewal for 60 to 90 days, only in the counties that were under the State of Emergency.

MOTION: Mr. Jones moved to approve the 90-day extension for those license renewals, due by November 30th, only in the counties that were under the State of Emergency. Mr. Knopke seconded the motion, which passed unanimously.

Chair – Thank you.

Ms. Simon – Ms. Schwantes?

Ms. Schwantes – Mr. Chair, yes, thank you. My Operational Report has ended. Regarding the motion that just passed, thank you for letting us fit that in, in addition to the Operational Report and for your votes on that. Thank you.

Chair – Thank you for that report. Ms. Simon?

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

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
 November 1, 2018 Board Meeting
 Date of Report: October 22, 2018

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

14. Chairman's Report (Verbal)

Chair – The next meeting is December 6, 2018 in Jacksonville. I look forward to seeing everyone here.

Ms. Simon – Thank you, Mr. Chairman.

Chair – Thank you.

Ms. Simon – Is there anything else, Mr. Chairman?

Chair – No, that's all.

15. Public Comments (Verbal)

Ms. Simon – Are there any public comments to be submitted during this Board meeting? Hearing none.

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

Ms. Simon – Mr. Barnhart?

Mr. Tom Barnhart – Yes, thank you. Board members, the rule process is moving along pretty well. At your next meeting, we hope to have several proposed amendments for your consideration. Most of those will pertain to the changes in the law regarding the members of the United States Armed Forces, their spouses and recently discharged veterans. You handled a lot of it last meeting and then this next meeting will be some cleanup there, along with some of the changes that the Department is going to be proposing regarding applications. So, if there are no questions, that's the basis of my report.

Chair – Okay. Thank you, Mr. Barnhart.

17. Upcoming Meeting(s)

- A. December 6th (Embassy Suites by Hilton Jacksonville Baymeadows – Jacksonville)

18. Adjournment

Chair – Board members? Any thoughts?

Mr. Jones – Mr. Chair, if I may? This is Ken Jones.

Chair – Mr. Jones?

Mr. Jones – As the Division gave the report on the hurricane, from the Department of Health, Vital Statistics standpoint, I'd like to thank Mary and the Division. They were a great help to us in getting information out, working after the hurricane with funeral establishments that were damaged and needing to file records. So, I think we created a good COOP plan that both the Division and the Department of Health are using. I would, and I think Mary would, want comments from the funeral industry on things they saw or things they see where we can continue to improve. Again, I'd like to thank the Division for assisting us.

Chair – Thank you, Mr. Jones. Anyone else? Hearing none.

The meeting was adjourned at 10:29 a.m.