

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
November 7, 2019 - 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 7, 2019. Ms. Simon, as I call this meeting to order, would you make your preliminary remarks and do the roll call?

Ms. Ellen Simon – Yes, sir. My name is Ellen Simon. I am Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, November 7, 2019, and it is approximately 10:00 A.M. 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, which is made available to the public. 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 take the roll:

Joseph "Jody" Brandenburg, Chair
Keenan Knopke, Vice Chair
Jean Anderson
Andrew Clark
Lewis "Lew" Hall
Powell Helm
Ken Jones
Darrin Williams {DELAYED}

Also noted as present:

Mary Schwantes, Executive Director
Tom Barnhart, Board Legal Advisor (via phone)
LaTonya Bryant, Department Staff
LaShonda Morris, Department Staff
Misty Burch, Department Staff

Ms. Simon –Mr. Chairman, we have a quorum present for the business of the Board.

Chair – Thank you.

2. Action on the Minutes
A. October 3, 2019

Chair – Action on the minutes of the October 3, 2019, meeting?

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

Chair – I'd like to declare my affiliation with SCI Funeral Services of Florida, LLC. That affiliation will in no way affect my ability to make a fair and unbiased decision on any items coming before the Board today.

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

Ms. Simon – This item is informational only. Pursuant to s. 497.466, F.S., the applicants have been issued their licenses and appointments as preneed sales agents.

B. Recommended for Approval with Conditions

(1) Isaacs, Robin M (Appointing Entity: SCI Funeral Services of Florida LLC)

Ms. Simon – On August 28, 2019, the Appointing Entity applied electronically for the above named for licensure as a preneed sales agent, and no deficiencies were noted on the application. Thus, a temporary preneed sales agent license was issued for Ms. Isaacs, however, during the review of her background check it was revealed that she did in fact have reportable criminal history that required disclosing.

SCI Funeral Services of Florida, LLC, employer, was notified of Ms. Isaacs’ temporary preneed sales agent license suspension, and upon request, Ms. Isaacs provided the Division with a written explanation of the relevant criminal history, a completed Criminal History Form, and a copy of the court documentation regarding the final disposition of her case.

In 2015, Ms. Isaacs was charged with a misdemeanor Driving While License Was Suspended or Revoked (DWLS), and Failure to Appear (FTA) in court. As a result, a bench warrant was issued for Ms. Isaacs’ arrest. This criminal offense occurred in Suwanee County, Georgia. Upon learning of the warrant for her arrest, Ms. Isaacs contacted the Suwanee Municipal Court in Georgia, and was fined a total of \$1,500 in fees. Ms. Isaacs subsequently paid all the required fees and the warrant has been suspended as of to date. There are no other disciplinary issues in relation to this applicant. The Division recommends approval subject to the terms and conditions of the executed stipulation agreement, which calls for 12 full months of probation.

MOTION: Mr. Keenan Knopke moved to approve the application subject to the terms and conditions of the executed stipulation agreement, which calls for 12 full months of probation. Mr. Powell Helm seconded the motion, which passed unanimously.

4. Application(s) for Continuing Education Course Approval

A. Recommended for Approval without Conditions – Addendum B

(1) APEX Continuing Education Solutions (4201)

(2) International Cemetery, Cremation and Funeral Association (22808)

(3) National Funeral Directors Association (136)

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

Chair – I’d like to make a statement that often we don’t recognize this Committee. The Education Committee members are Andrew Clark, Gail Thomas-Dewitt, Tracy Huggins, Steven Miller, and Don Ray. Quite certain I speak for the entire Board when I thank you for serving and we appreciate your sage recommendations. Thank you.

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

5. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum C

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

MOTION: Mr. Knopke moved to approve all the claim(s), for the monetary amounts indicated. Mr. Jones seconded the motion.

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

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

(1) Direct Disposer

- (a) *Atamer, Avery R*
- (b) *Atamer Jr., Erol*
- (2) *Funeral Director and Embalmer – by Endorsement*
 - (a) *Brock, Kaelin B*
 - (b) *Cason III, Norman*
 - (c) *McDaniel, Kristopher P*
 - (d) *Oliver, Kendra L*
 - (e) *Reinoehl, Sarah S*
- (3) *Funeral Director and Embalmer – by Internship and Exam*
 - (a) *Batson, Ami D*
 - (b) *Milton, John G*
 - (c) *Seden, Omar*

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

7. Application(s) for Internship

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

- (1) *Funeral Director*
 - (a) *Koeze, Kristine V F285337*
- (2) *Funeral Director and Embalmer*
 - (a) *Conway, Brenna L F396767*
 - (b) *Cook, Skye N F394864*
 - (c) *Davis, Allie F395068*
 - (d) *King, Aubrey E F400212*
 - (e) *Padilla, Laura D F398229*
 - (f) *Percival, Elsie M F399534*
 - (g) *Post, Tyler L F392809*
 - (h) *Potter, Damion A F392729*
 - (i) *Sung, Oh Hyun F400344*
 - (j) *Sylvester, Simbryt F398216*
 - (k) *Tingley, Kelsey F397395*

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

8. Application(s) for Embalmer Apprentice

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

- (1) *Fields, Michael F397366*
- (2) *Hannans, Renata F395272*
- (3) *Kessler, Nicole F395372*
- (4) *King, Alexandria F394802*
- (5) *Moore, Jeremy W F394863*

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

9. Notification(s) of Change in Location

A. Informational Item – Addendum G

- (1) *Blue Angel Funeral Home USA LLC (F166680) (Pompano Beach)*
- (2) *Cremation Services of Polk County LLC (F078902) (Polk)*

Ms. Simon – This is an informational item. The only criteria for approval is that the new location pass inspection by the Division of Funeral, Cemetery, and Consumer Services.

10. **Application(s) for Centralized Embalming Facility**

A. **Recommended for Approval with Conditions**

(1) **Gallaher American Family Funeral Home LLC (Ft. Meyers)**

Ms. Simon – An application for a centralized embalming facility was received on September 6, 2019. The application was complete when submitted. The Funeral Director in Charge will be Steven Gerhardt (F042168). A background check of the principals revealed no relevant criminal history. The facility is recommended for approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff. I have asked the applicant, and the applicant is properly zoned for this business. His attorney, Mr. Drake, is on the phone. Yes?

Paul Drake – That is correct.

Ms. Simon – Mr. Drake?

Mr. Drake – Yes, thank you. My name is Paul Drake with the law firm of Grossman, Furlow & Bayo, representing Gallaher American Family Funeral Home. The zoning is accurate and my client is in the process of obtaining the business license, but according to Lee County, a funeral Board license is required before the county will issue the business license. This morning I sent Ms. Simon a screenshot of the computer for the Lee County employee at the licensing department that confirmed that the funeral home license is required in order to get the business license. I ask that the Board grant the centralized embalming facility application, and provide a license under the condition that my client gets the appropriate Lee County business license, but they need that license from the funeral Board first. We just need to have that under the condition and we'll take care of that as soon as we get a copy of the license from the Board. Thank you.

Chair – Thank you, sir. Board?

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

Mr. Helm – May I ask a question, Mr. Chair?

Chair – Yes, Mr. Helm?

Mr. Helm – Ms. Simon asked the lawyer if it's in the correct location and he didn't answer that question. He just said get the business license.

Ms. Simon – Actually, Mr. Helm, I confirmed with the applicant that the proper zoning was in place, and Mr. Drake has confirmed that as well.

Mr. Helm – Okay, thank you.

Ms. Simon – Sure.

Mr. Knopke – Mr. Chairman? Knopke here.

Chair – Yes, Mr. Knopke?

Mr. Knopke – Ms. Simon, is the Department okay with the proposed condition from the applicant's attorney?

Ms. Simon – Thank you for asking, Mr. Knopke. I do not see another way around it. According to Lee County, we need to license them before Lee County does. So, what I would request, perhaps, is a condition that within thirty (30) days after being licensed by the Board, the applicant submits proof of his business license.

Chair – We have a motion and a second before us. Would the make of the motion like to include that in the condition, in addition to passing an onsite inspection?

Mr. Jones – That would be fine.

Chair – Mr. Williams, on your second?

Mr. Williams – Yes.

Chair – Thank you. And all those in favor, aye?

Board members – Aye.

Chair – And any opposed. The motion carries. Let the record reflect that Mr. Williams is present for the meeting today.

Ms. Simon – Thank you.

11. Application(s) for Change of Ownership (Collective Coversheet)

A. Recommended for Approval with Conditions

(1) Florida's Finest Family Cremations LLC d/b/a Florida Family Cremations (Clearwater)

(a) Application(s) for Cinerator Facility

(b) Application(s) for Direct Disposal Establishment

(c) Application(s) for Transfer of a Preneed

Ms. Simon – Florida's Finest Family Cremations LLC, an LLC, seeks approval of an application for direct disposal establishment license (F085031) and a cinerator facility license (F085032) based upon a change of ownership, and an application for transfer of a preneed main license (F085031) at the below listed location. The change of ownership is due to a conversion from a corporation to a LLC. The fingerprints for the principals were returned without criminal history. More specifically, the entities that are being acquired is as follows:

- 1) Florida Family Cremations Inc, a licensed direct disposal establishment, license # F085031, physical address: 5840 Ulmerton Road Ste D, Clearwater
- 2) Florida Family Cremations Inc, a licensed cinerator facility, license # F085032, physical address: 5840 Ulmerton Road Ste D, Clearwater
- 3) Florida Family Cremations Inc, a licensed preneed main, license # F085031, physical address: 5840 Ulmerton Road Ste D, Clearwater

Included in your Board packets are the separate applications regarding the above listed properties. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at this location, the obligation to fulfill those preneed contracts will be assumed by the new owners. If approved, Applicant will continue to sell trust-funded preneed contracts through Argent Trust Company, administered by Funeral Services, Inc (FSI), and utilize their approved prearranged funeral contract forms. The Division recommends approval subject to the following conditions:

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

- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities, (if any), of the location(s) being acquired.
- 8) That the licensee registers the fictitious name for each establishment with the Division of Corporations and submit the filings of record to the Division staff.

Chair – Is there a motion or a question?

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

- (2) *LKDJBD Investments Inc d/b/a Daniels Funeral Home & Crematory (Live Oak)*
 - (a) *Application(s) for Cinerator Facility*
 - (b) *Application(s) for Funeral Establishment (2)*
 - (c) *Application(s) for Transfer of a Preneed*

Ms. Simon – LKDJBD Investments LLC, a corporation, seeks approval of the following: two applications for funeral establishment licensure (F040449 & F050169); an application for cinerator facility licensure (F040447) based upon a change of ownership; and an application for transfer of a preneed main license (F019288) at the below listed locations. The change of ownership is due to the acquisition of company stock by the current owner’s son and one of the funeral directors that works for the licensee. The fingerprints for the principals were returned without criminal history. More specifically, the entities that are being acquired is as follows:

- 1) Daniels Funeral Homes and Crematory Inc, a licensed funeral establishment, license # F040449, physical address: 408 Suwannee Avenue, Branford
- 2) Daniels Funeral Homes and Crematory Inc, a licensed funeral establishment, license # F050169, physical address: 1126 Ohio Ave N, Live Oak
- 3) Daniels Funeral Homes and Crematory Inc, a licensed cinerator facility, license # F04047, physical address: 1124 Ohio Ave N, Live Oak
- 4) Daniels Funeral Homes Inc, a licensed preneed main, license # F019288, physical address: 1126 Ohio Ave North, Live Oak

Included in your Board packets are the separate applications regarding the above listed properties. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at this location, the obligation to fulfill those preneed contracts will be assumed by the new owners (please see attached letter from Attorney, dated 7-16-2019). If approved, Applicant will continue to sell trust-funded preneed contracts through Argent Trust Company, administered by Funeral Services, Inc (FSI), and utilize their approved prearranged funeral contract forms. The Division recommends approval subject to the following conditions:

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

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

12. Application(s) for Direct Disposal Establishment

A. Recommended for Approval with Conditions

(1) *Just4Cremation.com LLC (Deland)*

Ms. Simon – An application for a direct disposal establishment was received by the Division on August 16, 2019. The application was incomplete when submitted and all deficiencies were satisfied on September 20, 2019. The Direct Disposer in Charge will be Harold Morrow (F078989). A background check of the principals revealed no relevant criminal history.

The establishment is recommended for approval subject to the terms & conditions outlined in the stipulation for licensure including a fine of \$2500, probation for a period of 12 months; and a passing onsite inspection of the establishment by a member of Division staff.

Just4Cremation.com was operating in June when our field staff went out for an inspection. I believe that Ms. Lankford is on the line.

Cheryl Lankford – I am.

Ms. Simon – Mr. Chairman?

Chair – Good morning, Ms. Lankford?

Ms. Lankford – Good morning.

Chair – Are you here to answer questions or do you want to address the Board?

Ms. Lankford – I'll answer questions or address. Whichever they prefer, sir.

Chair – How long was the establishment operating prior to the June date.

Ms. Lankford – We were never operating.

Ms. Simon – Excuse me, Ms. Lankford. I need to swear you in. Can you please raise your right hand to be sworn in?

Ms. Lankford – Okay.

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

Ms. Lankford – Yes, I am.

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

Ms. Lankford – My name is Cheryl Lankford.

Ms. Simon – And Ms. Lankford, if you would, please continue answering the Chairman's question.

Ms. Lankford – The facility was never opened for business. We put a billboard sign up. We never received phone calls. We never had any business. The billboards were taken down immediately and the website was taken down as well.

Chair – Thank you for the answer to that question. One more question. Is there a separate entrance for Just4Cremation or is the entrance through Lankford Funeral Home?

Ms. Lankford – Just4Cremation.com is located at 218 D. It is a suite of offices in Deland FL. Our funeral home is located at 220 E New York Ave, Deland FL.

Chair – Yes, I saw that on the paperwork. My only question, is there a separate entrance?

Ms. Lankford – Yes sir, there is a separate entrance.

Chair – Thank you very much.

Ms. Lankford – Yes sir.

Chair – That’s all the questions I have.

Mr. Knopke – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Knopke – I want to recuse myself from any discussions on this matter and from voting. Thank you, sir.

MOTION: Mr. Clark moved to approve the application subject to the terms & conditions outlined in the stipulation for licensure including a fine of \$2500, probation for a period of 12 months; and a passing onsite inspection of the establishment by a member of Division staff. Mr. Jones seconded the motion, which passed unanimously.

Chair – Thank you, Ms. Lankford.

Ms. Lankford – Thank you, Board.

13. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Mathews Serenity Funeral Home, Inc. (Ft. Lauderdale)

Ms. Simon – An application for a funeral establishment was received on October 4, 2019. The application was complete when submitted. The Funeral Director in Charge will be Willie Pearl Mathews (F084725). A background check of the principals revealed no relevant 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.

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. Helm seconded the motion, which passed unanimously.

(2) Professional Funeral and Cremation Services of North Florida LLC d/b/a Heritage Funeral and Cremation Services (Bunnell)

Ms. Simon – An application for a funeral establishment was received on October 11, 2019. The application was complete when submitted. The Funeral Director in Charge will be Adam Fischer (F065698). A background check of the principals revealed no relevant 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.

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

14. Application(s) for Preneed Main License

A. Recommended for Approval without Conditions

(1) Guiding Light Cremations LLC (West Park)

Ms. Simon – The Department received the application on September 23, 2019, which was incomplete at the time of submission. The application was completed as of October 11, 2019. The principal of the LLC is David Krohn. A completed background check of all principals was returned without criminal history. Applicant’s qualifying funeral establishment license (License # F059114) is located at the same address as the applicant. The Applicant had a preneed license that expired on June 30, 2019. The Applicant failed to renew the license at the appropriate time. However, since the time of July 1, 2019, Guiding Light Cremations has not sold any preneed and they have taken down all of their advertising for preneed. If approved, Applicant will sell trust-funded preneed contracts through Argent Trust Company, administered by Funeral Services, Inc (FSI), and utilize their approved prearranged funeral contract forms. The Division recommends approval without conditions.

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

(2) SW Florida Funeral and Cremation Services Inc. (Punta Gorda)

Ms. Simon – The Department received the completed application for preneed main licensure on August 16, 2019. The principals of the corporation are Peter Chubenko, Erick Chubenko, and Gregory Chubenko. A completed background check of all principals was returned without criminal history. Applicant’s qualifying funeral establishment license (License # F390733), located at the same address as the applicant, was issued as of September 13, 2019. If approved, Applicant will sell trust-funded preneed contracts through Argent Trust Company, administered by Funeral Services, Inc (FSI), and utilize their approved prearranged funeral contract forms. The Division recommends approval without conditions.

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

15. Application(s) for Preneed Branch License

A. Recommended for Approval without Conditions – Addendum H

Ms. Simon – Pursuant to s. 497.453, F. S., the applicant listed has applied for a preneed branch license. The application was complete without reportable criminal or disciplinary history. The Division is recommending approval.

Mr. Clark – Mr. Chairman? Mr. Chairman, this is Andrew Clark.

Ms. Simon – Mr. Chairman?

Chair – Yes? I’m here. Mr. Clark, did you want to address the Board?

Mr. Clark – Yes sir. Thank you. I just want to state, for the record, my affiliation with FPG of Florida and David C. Gross. I will be available for questions, but I’ll recuse myself from this matter.

Chair – Thank you for that declaration.

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

16. Application(s) for Removal Facility

A. Recommended for Approval with Conditions

(1) Halls Removal Services LLC (Jacksonville)

Ms. Simon – An application for a removal service was received on September 30, 2019. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The facility is recommended for approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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

(2) MS Elite LLC (Davie)

Ms. Simon – An application for a removal service was received on September 17, 2019. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The facility is recommended for approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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

17. Contract(s) or Other Related Form(s)

A. Recommended for Approval with Conditions

(1) Trust Transfer Request

(a) *Sea Pines Memorial Gardens Inc d/b/a Sea Pines Memorial Gardens (F039612) (Edgewater)*

Ms. Simon – Sea Pines seeks approval of the following proposed trust asset transfer: ClearPoint Florida Preeed Master Trust (70/30 trust) and the ClearPoint Cemetery Endowment Care Master Trust (Care & Maintenance Trust). These trusts are currently under ClearPoint Federal Bank & Trust and are moving to the FSI 1993 Master Trust, and the FSI Care & Maintenance Master Trust, under Argent Trust Company (Argent), respectively. If approved, Argent is or will be trustee. The Division recommends approval subject to the following conditions:

- 1) That the representations of Sea Pines, as set forth in Attorney's letter dated 10-6-2019 be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Argent provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b)), to act as trustee of the trust to be transferred pursuant to Attorney's letter dated October 6, 2019.
 - A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in Attorney's letter dated October 6, 2019.
 - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Attorney's letter dated October 6, 2019.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

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

(b) *The Evergreen Cemetery Association (F039440) (Jacksonville)*

Ms. Simon – Evergreen seeks approval of the following proposed trust asset transfer: Evergreen Cemetery Association Merchandise Trust Fund (70/30 trust) under Bank of America, N.A. to the FSI 1993 Master Trust and Participation and Servicing Agent Agreement under Argent Trust Company (Argent). If approved, Argent is or will be trustee. The Division recommends approval subject to the following conditions:

- 1) That the representations of Evergreen, as set forth in Attorney's letter dated September 17, 2019 be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Argent provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b)), to act as trustee of the trust to be transferred pursuant to Attorney's letter dated September 17, 2019.
 - A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in Attorney's letter dated September 17, 2019.
 - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Attorney's letter dated September 17, 2019.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

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

B. Recommended for Approval without Conditions

(1) Performance Bond(s)

(a) The Carriage Cemetery Services, Inc. d/b/a Forest Lawn Memorial Cemetery (Panama City)

Ms. Simon – This cemetery intends to construct a 120-crypt layout community mausoleum consisting of 24x2 true companions and 72 single crypts. Pursuant to s. 497.272, F.S., typically, a preconstruction trust must be put in place if sales are going to occur prior to completion. However, s. 497.272(8), F.S., provides that in lieu of the preconstruction trust fund, the cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator. The licensee has submitted for approval a performance bond, in lieu of a preconstruction trust, which is summarized within your Board packet. The cemetery agrees to complete said construction in accordance with the terms of the construction agreement located within your Board packet. The Division notes that the performance bond was signed by the Attorney in Fact on June 17, 2019, but the Division did not receive the bond and its supporting documents for approval until October 15, 2019. The Division recommends approval of the preconstruction performance bond without conditions.

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

18. Request(s) to Renew License

A. Recommended for Denial

(1) Scott, Vangie (F044038)

Ms. Simon – This item has been removed for this agenda and will be placed on the December agenda to be accompanied by the disciplinary matter.

19. Executive Director's Report

A. Operational Report (Verbal)

Ms. Simon – At this point, I will turn the meeting over to Mary Schwantes, the Executive Director.

Ms. Schwantes – Thank you. A quick update on the Board appointment process. The review process for all twenty-six (26) applications for the five (5) Board positions has been completed. I anticipate that the CFO's nominees will be provided notice in the near future. The next step in the application process will be for the nominees to complete the Governor's application forms, etc., which are available online. The nominees will be provided instructions with the notice coming from the Department. That concludes the Operational Report. Thank you, Mr. Chair.

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

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

Mr. Hall – On a couple at the bottom, it shows the date is not up yet, and if I'm looking at the due date, it has expired. Is that just old? On Holmes and Alberta, there's a D indicating that the date has not expired.

Ms. Simon – Are you talking about the last four (4) items on the addendum?

Mr. Hall – Yes, It has two (2) with the D, but the dates have expired.

Chair – In the righthand corner, there's a D.

Mr. Hall – The D would refer to the fact that the date has not expired but those are September 16, 2019, on Holmes and Alberta Leonardo.

Ms. Simon – That is an error. The payment has not been made. The time has expired and we will be looking at submitting those cases to the Office of the General Counsel for administrative action. Thank you for pointing that out, Mr. Hall.

Mr. Hall – Okay. Thank you.

Chair – Thank you, Mr. Hall.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 November 7, 2019 Board Meeting
 Date of Report: October 28, 2019

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Amiosgi, LLC d/b/a AC Marchbank Family Funeral Home	10/3/2019	243122-19-FC	\$300	11/25/2019		
Hickson Funeral Home	10/3/2019	230160-18-FC	\$3,250	11/25/2019		
Eugene Hickson	10/3/2019	230171-18-FC	\$4,750	11/25/2019		
Brown Memorial Funeral Home & Cremation Service, LLC	10/3/2019	243275-19-FC	\$300			
Eric L. Wilson Funeral & Cremation Services PA	10/3/2019	243598-19-FC	\$300			
Jay Johnson's Funeral Home	10/3/2019	243336-19-FC	\$300			
Manker Funeral Home	10/3/2019	243589-18-FC	\$300		Yes	
Thorne's Mortuary, Inc.	10/3/2019	243591-19-FC	\$300			
Bernardo Garcia Funeral Home (Hialeah) Inc.	10/3/2019	243338-19-FC	\$300			
Bernardo Garcia Funeral Home (Kendall) Inc.	10/3/2019	243340-19-FC	\$300			
Bernardo Garcia Funeral Home (Westchester) Inc.	10/3/2019	243487-19-FC	\$300			
DeLawrence Charles Blue	10/3/2019	24708-17-FC	\$2,000			
Ponte Vedra Valley, Inc.	10/3/2019	243547-19-FC	\$300			
AJ Manuel Funeral Home, Inc.	1-Aug-19	243587-19-FC	\$300	19-Sep-19	Yes	
AJ Manuel Funeral Home, Inc.	1-Aug-19	243599-19-FC	\$300	19-Sep-19	Yes	
Alphonso West Mortuary, Inc.	1-Aug-19	244891-19-FC	\$300	9/19/2019	Yes	
Cannon Funeral Home, LLC	1-Aug-19	243574-19-FC	\$300	19-Sep-19	Yes	
Dean Lopez Crematory	1-Aug-19	243540-19-FC	\$300	19-Sep-19	Yes	
Dean Lopez Funeral Home (Big Pine)	1-Aug-19	243538-19-FC	\$300	19-Sep-19	Yes	
Dean Lopez Funeral Home	1-Aug-19	243534-19-FC	\$300	19-Sep-19	Yes	
Final Waters LLC d/b/a Todd Ferreira Funeral Services	1-Aug-19	243523-19-FC	\$300	19-Sep-19	Yes	
L.C. Pottier Funeral Home:	1-Aug-19	243541-19-FC	\$300	19-Sep-19	Yes	
Stone Brothers Funeral Home, Inc	1-Aug-19	243593-19-FC	\$300	19-Sep-19	Yes	
Vior Funeral Home Inc.	1-Aug-19	243587-19-FC	\$300	19-Sep-19	Yes	
Holmes Funeral Directors	1-Aug-19	218173-19-FC	\$3,000	16-Sep-19	No	0
Alberta Leonardo	1-Aug-19	218178-19-FC	\$2,000	16-Sep-19	No	0
Derryck Theodis Richardson Jr.	1-Aug-19	221194-19-FC	\$1,500	16-Sep-19	Yes	
Heath Funeral Chapel, Inc.	1-Aug-19	243577-19-FC	\$300	16-Sep-19	Yes	
Heath Funeral Chapel, Inc d/b/a Polk County Crematory	1-Aug-19	243580-19-FC	\$300	16-Sep-19	Yes	
SCI Funeral Services of Florida LLC-Naples d/b/a						
Hodges Funeral Service of Naples Memorial Gardens	1-Aug-19	233405-18-FC	\$1,500	16-Sep-19	Yes	
SCI/Florida Memorial d/b/a Florida Memorial Gardens	1-Aug-19	209459-17-FC	\$2,000		Yes	
Florida Keys Crematory	1-Aug-19	243502-19-FC	\$300	16-Sep-19	Yes	
Miami Funeral Services & Crematories, Inc d/b/a National Funeral Homes	1-Aug-19	243639-19-FC	\$300	25-Sep-19	Yes	
Miami Funeral Services & Crematories, Inc d/b/a Auxiladora Funeraria Nacional	1-Aug-19	243636-19-FC	\$300	25-Sep-19	Yes	
BK's Removals	Jun-19	230157-18-FC	\$1,500	24-Aug-19	Yes	
Reed's Funeral Home	Jun-19	230173-18-FC	\$2,000	24-Aug-19	No	No longer licensed
Hubert C. Reynolds Junior	Jun-19	and 236982-18-	\$5,250	24-Aug-19	No	A
William Manker	18-Apr-19	209600-16-FC	\$10,000	5/27/2019	No	Immediate Final Order issued
Reynaldo Lampkins	12/6/2018	209645-16-FC	\$4,000	2/21/2018	No	Immediate Final Order issued

20. Chairman's Report (Verbal)

Chair – No report.

21. Public Comments (Verbal)

Ms. Simon – Are there any public comments to be made at this time on any items on this agenda? Hearing none.

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

A. Attorney General's Rules Report

Ms. Simon – Mr. Barnhart?

Tom Barnhart – Yes, Good Morning, Board members. What you see is a list of the rules that have been opened for development. We anticipate that at the December meeting, we will have several of these presented with the proposed language. Some of them are really simple and quick fixes. A few of them are not, but you will be seeing most of them at the Jacksonville meeting in December. Are there any questions about that? Plus, the SERC checklists if they are applicable. I don't think any of these are going to require a SERC statement. I think they'll be requiring a SERC checklist, which indicates that there's no significant impact on small business, but we'll get to that in December. Are there any questions?

Chair – Yes, Mr. Barnhart. I have a question. Which of these do you anticipate would require unusual attention?

Mr. Barnhart – I think the Division wants to make some changes to the internship training programs. Some of the internship rules will require simple fixes caused by the legislation that just passed. I anticipate, but I don't know if Ms. Schwantes or Ms. Simon has anything to add about this, but I think probably there would be some changes in the internships, some substantive things. The other things, for example, just require taking out language such as a trust company organized under Chapter 660. That was taken out of the statutes by the recent legislation. I don't think there's significant changes for the most part, and Ms. Schwantes or Ms. Simon can add to that.

Ms. Simon – I agree with Mr. Barnhart. I do not see the changes being detailed in nature. I believe that we will be able to get through them quickly once we get to the project.

Chair – Thank you

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
NOVEMBER 2019**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-7.015	Trust Agreements and Trustees.		08/12/2019(RD)	08/20/2019 Vol.45/No.162			
69K-18.001	Embalmer Intern Training Program.		08/12/2019(RD)	08/20/2019 Vol.45/No.162			
69K-18.002	Funeral Director Intern Training Program.		08/12/2019(RD)	08/20/2019 Vol.45/No.162			
69K-18.003	Concurrent Internships.		08/12/2019(RD)	08/20/2019 Vol.45/No.162			
69K-21.001	Licensure Procedure; Consequences of Operating Prior to Licensure.		09/26/2019(RD)	10/03/2019 Vol.45/No.193			
69K-21.005	Display of Licenses.		09/26/2019(RD)	10/03/2019 Vol.45/No.193			
69K-21.007	Responsibility of Funeral Director in Charge.		08/12/2019(RD)	08/20/2019 Vol.45/No.162			
69K-24.034	Operating Procedures for Refrigeration Services.		09/26/2019(RD)	10/03/2019 Vol.45/No.193			
69K-32.002	Approved Courses.		09/26/2019(RD)	10/03/2019 Vol.45/No.193			

Ms. Simon – Is that the end of your report, Mr. Barnhart?

Mr. Barnhart – Yes, it is.

23. Upcoming Meeting(s)

A. December 5th (Jacksonville – Embassy Suites by Hilton Jacksonville Baymeadows, 9300 Baymeadows Road)

24. Adjournment

Chair –Board members? Any questions, good of the cause? Hearing none.

The meeting was adjourned at 10:42 a.m.