

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
March 3, 2016 - 10:00 A.M.

1. Call to Order, Preliminary Remarks and Roll Call

Mr. Jody Brandenburg, Chair – Welcome everyone; this is the Board of Funeral, Cemetery and Consumer Services’ Teleconference meeting of March 3, 2016. Mr. Doug Shropshire, are you prepared to make your preliminary remarks and do the roll call?

Mr. Doug Shropshire – Yes sir. My name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. As the Chairman stated, today is Thursday, March 3, 2016. The time is approximately 10:00am. This is a public meeting of the Board of Funeral, Cemetery and Consumer Services. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting had been made available to interested persons. The meeting is occurring by Teleconference with some members of the public here with the Division staff here in the Pepper Building, in Tallahassee, Florida. The call in number has also been made available to the public. Members of the Board are participating by phone. My assistant, Ms. LaTonya Bryant, will take minutes of the meeting, which is being recorded. Board Counsel is also appearing by teleconference.

Persons speaking are requested to identify themselves for the record each time they speak. Persons speaking are requested to put their phones on mute and 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. Again persons please keep your phones on mute when you are not talking.

Mr. Brandenburg, I’ll take the roll and Board members will please respond clearly with “present”, as preferred, when I call their name:

PRESENT (via phone):

Joseph “Jody” Brandenburg, Chairman
Keenan Knopke, Vice-Chairman
Jean Anderson
Andrew Clark
James “Jim” Davis
Lewis “Lew” Hall
Powell Helm
Ken Jones
Richard “Dick” Mueller
Vanessa Oliver

Also noted as present:

Tom Barnhart, Board Legal Advisor (via phone)
Ellen Simon, Assistant Division Director
Deirdre Farrington, Department Counsel (via phone)
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
LaShonda Morris, Department Staff

Mr. Shropshire – Mr. Chairman all members of the Board are participating so there is a quorum for the business of the Board.

Chair – Good.

2. Action on the Minutes

A. February 4, 2016

Chair – Is there a motion on the minutes for the February 4, 2016 meeting?

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

3. Disciplinary Proceeding(s)

A. Settlement Stipulation(s)

(1) Waiver of Probable Cause

(a) Maignan, Nadine Ingreed: Case No. 179190-15-FC; Division No. ATN-25169 (F065703)

Mr. Shropshire – The allegations include but are not necessarily limited to the following. An investigation revealed that the Licensee is responsible for the funeral establishment transacting business under names other than the name by which it is licensed, such as Miami Beach Funeral Parlor and South Florida Beth Shalom Funerals. By so doing, it was determined that the funeral establishment advertised goods and services in a way that is misleading to the public. Further it was determined that the funeral establishment had failed to develop a complaint log. This is an informal hearing, according to provisions of ss. 120.569 and 120.57, F. S. The matter is presented here as an informal hearing. Subject having been served with the allegations and has denied the allegations or rather the factual allegations are not disputed. A summary of the matter so far is as follows: In December 2015, a signed Settlement Agreement was tendered to the Board; the terms of the proposed Settlement included a \$500 fine; the requirement that Respondent implement changes to her funeral establishment’s advertising signage and business documents, including all internet-based advertising to reflect on the names the entity is licensed under; and probation until those changes were implemented. At the December 2015 Board meeting, the Board rejected that proposed Settlement and made a counter-proposal of a \$1000 fine, two (2) years probation and the requirement that the Respondent ensure that the changes in the original Stipulation were made. The Respondent did not accept that counter-proposal. The Department has not received evidence that shows that the changes required by the Stipulation have been implemented. Accordingly, the Division recommends in this matter a fine of \$500. The Department is represented by its attorney Deirdre Farrington. The subject is represented by attorney Fredrick Freedman. Ms. Farrington?

Ms. Deirdre Farrington – Yes, I am present. I don’t have any further detail to add. I am ready for any questions if the Board has any.

Chair – Any questions for Ms. Farrington? Mr. Freedman?

Mr. Fredrick Freedman – Permission to speak Mr. Chair?

Chair – Please do.

Mr. Freeman – Thank you. Good morning to all of the Board members, Mr. Brandenburg, the Chair, Mr. Knopke, the Vice Chair and the rest of the members. My name is Fredrick Rick Freedman and I’m calling from my law office in Miramar FL. On December 3rd, as the speaker mentioned, your Board was presented with this case. They were actually presented with two (2) cases: 179190-15-FC, which is the case of Nadine Maignan, which is before you today; and the companion case, 179191, which is the company called Omega Discount Funeral and Cremation Services. The second case against Omega is not before the Board today. The Settlement Stipulation for Consent Order against the business, Omega, coined for a \$1000 was presented to the Board on December 3rd, accepted by the Board and that fine has been paid, by my client, in full, on time. The case before you today again is against my client, Nadine Maignan, the funeral director. We’re not disputing any of the facts of the case and we’re only here requesting that the Board reconsider the penalty proposed. I have a short presentation.

When I negotiated this matter with Ms. Farrington, the Stipulated Settlement for Consent Order negotiated called for a fine of \$500, no period of probation because of the fact that Ms. Maignan had corrected each of the violations cited by the inspector. On December 3rd, after presentation by Ms. Farrington, Mr. Knopke made a motion not to accept the Settlement. The vote was five (5) to three (3). Mr. Knopke then moved for a penalty that included a period of probation of two (2) years along with the enhanced fine of \$1000. Briefly, Ms. Maignan is forty-seven (47) years old. She has a bachelor’s degree in biology from Mount St. Clair University in New Jersey. She got that in the year of 2000. She then joined the United States Army and was stationed at Fort Polk LA. She spent five (5) years in the United States Army. She left there and in 2005, started working on her Masters degree in Biology at Barry University and an internship at the Veteran’s Administration, the VA Hospital, in South Florida.

For one (1) year she was a teacher in the Miami-Dade school system. She then went to mortuary school in 2008 and started working for Boyd-Pancier Funeral Home as an attendant. She spent three (3) years as an attendant at the funeral home before she got her funeral director's license. She then spent two (2) more years as a funeral director at Boyd-Pancier. Finally, in 2014, she opened up the company, Omega Discount. It was a small place in Little Haiti and then she moved to her current location in North Miami. In all of her years in the funeral industry, from 2009 to the present, this is the only contact she's ever had with the Board where she's been cited for any violations. In all of her years in the funeral industry, there's never been one (1) formal complaint by a member of the public filed as to her professional work. In the case before the Board, this results from an inspection that took place in August of 2015, a routine inspection. The inspector determined that certain violations were happening at Omega. This was not the result of a complaint by a member of the public. The inspector found that Omega was transacting business, as stated earlier, under names in addition to the name that they were licensed. They advertised goods and services that way and failed to adopt and implement standards for proper investigation. Notice was issued to Ms. Maignan and to the business, Omega. As soon as we were retained we contacted Ms. Farrington's office. Ms. Farrington suggested, as part of the stipulated settlement, that the period of probation be included but stated that it would be terminated upon proof that the corrections had been made to Omega. I asked Ms. Farrington if we are able to provide proof to her that everything was corrected before the December Board meeting ever occurred, would she agree to drop the period of probation from the stipulated settlement because there was no meaning at that point since she had gotten her house in order and of course we agreed to the \$500 fine. Pursuant to the discussions with Ms. Farrington, I advised my client that she should do the following acts: (1) get her license issued by the CFO, the Florida Department of Financial Services, with the correct name, North Miami Beach Funeral Parlor; apply for the registration of fictitious name and go to the Florida Department of Corporations to do so, and she did all of that; make sure that the outside sign on the business establishment only read North Miami Beach Funeral Parlor; we corrected the sign; (3) make sure that the inside sign had the correct operating name and the correct funeral director's name; we did so; (4) make sure that all printed material, including the general price list, business cards, letterhead, etc., showed only the name of North Miami Beach Funeral Parlor; we did so; and finally (5) that the internet webpage reflected only one business name, North Miami Beach Funeral Parlor; we did so. Now, this meeting of the Board that was held on December 3rd, the deadline to submit all of this material was Tuesday, November 24th, two (2) days before Thanksgiving. Unfortunately, through no fault of our law office, your Division did not mail the notice of the hearing with the deadline for us to submit the paperwork in time for us to submit the paperwork. We didn't even get the notice until a day after the deadline. That was the day before Thanksgiving. Our office was closed. Soon as we opened on the Monday after Thanksgiving, we submitted the paperwork, but by then it was two (2) days before the meeting. It did not make your packets so you did not have any of this material to show the proof that we had done everything and complied with everything even before your Board meeting on the 3rd. Once the Board meeting was held, as we said, the motion was made, rejected the total of \$500 and no probation and you asked for two (2) years probation and \$1000. Based on the fact that she's never had a complaint filed against Ms. Maignan, by any member of the public, that there's no past history and lack of any record of any discipline before this Board on Ms. Maignan; based on the fact that she's paid \$1000 fine on behalf of her business for the exact same violations that she is personally charged with; based on the fact that all the violations have been corrected as of November 30th, we are requesting that the Board entertain a motion to reduce the fine back to \$500, eliminate the two (2) years of probation and consider replacing the probation with a letter of reprimand. Mr. Chair, thank you for the time.

Chair – Thank you so much. Board members, any questions of Mr. Freedman?

Mr. Keenan Knopke – Mr. Chairman, this is Mr. Knopke.

Chair – Yes, Mr. Knopke?

Mr. Knopke – Mr. Freedman, thank you for your presentation and also please extend our Board's thanks to your client for her service to our country. My reasoning for, at the December Board meeting, offering a motion to deny the Settlement was my feeling was that Ms. Maignan should have known as a licensed funeral director as well as an owner of a business that you can't advertise different names. They've got to be, there's a protocol for that in place and she would have learned that or should have learned that in her attendance at mortuary school and in her law and rules exam in class. That was the reasoning behind it. I don't know that, uh, I reread the minutes and I think it reflected that. In regards to your request, that's up to the Board to decide not mine. I've got one (1) vote in it. Mr. Chairman, thank you for allowing me to make that comment.

Chair – Thank you Mr. Knopke. Any other Board statements, questions?

Mr. Lew Hall – Mr. Chair, this is Mr. Hall. Can I address a question to the Division?

Chair – Please do, Mr. Hall.

Mr. Hall – It's my understanding, I'm trying to find which electronic page it's on, but there's a referral to phones being transferred to a Mr. Rafaiy. Is Omega, is he the owner and is that the same individual that we've had disciplinary issues with, in the past?

Mr. Shropshire – This is Mr. Shropshire. Mr. Chairman, may I respond?

Chair – Please do.

Mr. Shropshire – I believe you are looking at the last page of the inspection form where there is a note, just above the signature that states, as I read it, "owner and FDIC of Omega Discount says phone numbers are to Rafaiy."

Mr. Hall – Correct. That's number 35. I just found it on the electronic copy.

Mr. Shropshire – It's my understanding that our inspector would have been referring to Mr. Rafaiy Alkhalifa. I don't at this point have any further information as to what exactly was meant by that. Perhaps Mr. Freedman or his client can enlighten us, sir. Mr. Freedman?

Mr. Freedman – I'm sorry. Mr. Hall, can I answer any questions of you, sir?

Mr. Hall – Correct. Can you clarify for us if this is the same individual that Mr. Shropshire is referring to and that maybe we've had some issues with, in the past on disciplinary items? Is that the same individual?

Mr. Freedman – I can't answer that question because I don't know. I can tell you that the business is owned partially by Ms. Maignan and partially by one other person, not Mr. Alkhalifa. I can tell you that he is not an owner of the business.

Mr. Hall – Would you know, it's my understanding that he's not a licensed individual, so would you know what reason the phones would be transferred to him?

Mr. Freedman – The only thing that I could think of would be that in South Florida you've got a combination of people speaking English, Spanish and Creole. I don't believe Ms. Maignan speaks Spanish and possibly somebody else would have been taking calls when a Spanish person spoke because I saw something on the website where they had different phone numbers whether it was an English, Spanish or Creole person calling in. I do remember that on the internet page in the advertising with three (3) different numbers based on whatever language the person was calling in on. That's the only thing that I can think of.

Mr. Hall – Okay.

Chair – Mr. Freedman, this is Jody Brandenburg. Recognizing that you represent Ms. Maignan, would she be able to answer that question to this Board's satisfaction?

Mr. Freedman – I would imagine that she would be able to answer that, yeah, why those numbers are they way they are. I wouldn't think she'd have any problem answering that question.

Chair – The reference to Mr. Rafaiy?

Mr. Freedman – And again, I don't have the number 35 or whatever is being referred to in my materials because I don't have the materials of course, but I just remember the internet page which has the three (3) phone numbers. I'm looking at them now and one says English, and one says Spanish and one says French. I don't see the name Rafaiy next to any of those three (3) numbers. I'm not sure what's being looked at.

Chair – Let me clarify that for you then.

Mr. Freedman – Yes sir.

Chair – On the inspection of 8/4/15, notes from the inspector indicate “owner and FDIC of Omega Discount say phone numbers are to Rafaiy.”

Mr. Freedman – Okay.

Chair – The inspector is indicating that the owner and the FDIC, which is Ms. Maignan, says phone numbers are to Rafaiy.

Ms. Farrington – Mr. Brandenburg, Deirdre Farrington here, if I may.

Chair – Yes ma’am? Yes?

Ms. Farrington – I am of course the prosecutor for the Department of Financial Services for Funeral, Cemetery and Consumer Services’ cases. I am looking at the phone numbers that are listed in the investigator’s report. We don’t have the investigator on the line today, but I have looked at the phone numbers listed in the report and I do not recognize those as telephone numbers that are listed for any establishment belonging to Rafaiy Alkhalifa.

Chair – Thank you.

Ms. Farrington – I obviously have not had the time while we’re on the line to look at the license for every facility that belongs to Mr. Alkhalifa. He owns I believe four (4) or five (5), but I can tell you that from materials that I have available right here, none of those phone numbers, the two (2) phone numbers listed in your material, don’t come back to any of the Alkhalifa establishments that I can identify at this very moment.

Chair – Thank you.

Mr. Hall – Mr. Chair, this is Mr. Hall.

Chair – And Mr. Freedman, can you assure us that he has no ownership interest in Omega?

Mr. Freedman – Yes, that I can assure you 100%.

Chair – Thank you. Mr. Hall?

Ms. Farrington – Deirdre Farrington, I can confirm, I’m sorry Mr. Brandenburg, may I interject also? I can confirm I had asked the investigator that same question and Mr. Alkhalifa is not involved in the operation of this funeral establishment.

Chair – Thank you, Ms. Farrington. Mr. Hall?

Mr. Hall – Just going by strictly memory and mine is not as good as it used to be, but it seems that there was an issue with some of his franchises or locations that a young lady was in and maybe some of them had even had some bankruptcy issues, etc., that she was unfamiliar with and was a VP or something to the company at the time, but with the name on there it brings alarm to me. Would counsel and their group agree to have her come in and clarify this at the next in person meeting if we postpone it?

Mr. Freedman – Are you saying for her to come to Tallahassee?

Mr. Hall – I think the next meeting is Jacksonville? Is it not?

Chair – Jacksonville.

Mr. Hall – Where she can give us some type of clarification and assurance on this.

Mr. Freedman – And again I of course have to speak to her. We've been trying to obviously, and the business, so you understand, is a small business that is not hugely profitable but the costs remain low and that's why I'm on the phone as opposed to flying into a meeting and charging her for airfare, hotel and rental cars, etc. and things like that. Is there a way for her to appear like I'm appearing now as opposed to the expense of having to appear in Jacksonville? And again, I'll ask her. I'm not saying she won't. I'm just trying to see if there are alternatives.

Mr. Tom Barnhart – Excuse me, Mr. Hall, this is Tom Barnhart. Would you consider an affidavit that was properly submitted that would be under oath?

Mr. Hall – Well counsel may even decide. My personal feeling is that Mr. Knopke's offer, due to the violations that were there and stuff, were fair. That's my opinion if I vote today. The concern that I have because of the problems we've had in the past and this individual's name showing up on this paper from our examiner concerns me. So I mean we can either let the Board vote today or if the group decides they want her to appear at the next teleconference or in person or whatever is economically easy on her, then that's fine with me, too.

Mr. Knopke – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Knopke – A question for Mr. Freedman. I assume Ms. Maignan is not on this call today.

Mr. Freedman – She's not on the call today, no sir.

Mr. Knopke – Okay. Alright, thank you, Mr. Chairman.

Mr. Shropshire – Mr. Brandenburg, Shropshire. May I briefly?

Chair – Mr. Shropshire?

Mr. Shropshire – Mr. Freedman, I just wanted to make sure you are aware of who Mr. Alkhalifa is and why the Board is concerned about his possible involvement?

Mr. Freedman – I've heard the name. Yes sir.

Mr. Shropshire – Yes, he's a convicted felon. Just wanted to make sure you were aware of that. Thank you.

Ms. Farrington – Deirdre Farrington, if I may add a point.

Chair – Please do.

Ms. Farrington – Mr. Brandenburg, while we're here I checked on the Department of State's website to look at the Articles of Incorporation for Omega. Nadine Maignan is the only officer or director listed of the corporation and I understand the Board's concern but I would bring to your attention that we have disciplined Omega. That today we are looking at the issue of discipline for Ms. Maignan's individual license.

Chair – Thank you for that clarification. Board, what is your pleasure, please? Is there a motion?

Mr. Knopke – Mr. Chairman, Mr. Knopke again with another question about the fact that we're being asked to reconsider what was originally done on December 3rd. Is that where we're going? The point or order, I guess, whatever.

Chair – Yes. The Stipulation that was proposed from that meeting, the settlement agreement was rejected by the Board and there was a counter-proposal made from the original stipulation and that was not accepted. We're here without an accepted

settlement agreement; one that was tendered to the Board and then the Board made a counter-proposal and the Respondent did not accept the counter-proposal.

Mr. Freedman – Mr. Chair, permission to speak, Mr. Freedman here.

Chair – Mr. Freedman?

Mr. Freedman – Thank you, and just to be clear, what we were simply asking pursuant to the statutes and the rules was we called it a Motion for Reconsideration of the Proposal. So we're asking any of the Board members, I guess would be, if they are willing to propose a motion to reconsider the stipulated proposal of whatever the fine and/or other penalties may be and we had suggested in our presentation that because Omega had already paid a \$1000 fine, and again that's been paid in full as of January 8th, that Ms. Maignan pay an additional \$500 fine and receive a letter of reprimand.

Mr. Barnhart – Mr. Brandenburg, this is Tom Barnhart.

Chair – Yes, Mr. Barnhart?

Mr. Barnhart – In my view there's not a Motion for Reconsideration because in my view the Board has not made a decision yet. We had proposed stipulations going back and forth but no decisions being made on that so this is strictly an informal hearing I think.

Chair – Thank you.

Mr. Powell Helm – Mr. Chair, this is Helm. May I address?

Chair – Mr. Helm?

Mr. Helm – Mr. Barnhart?

Mr. Barnhart – Yes?

Mr. Helm – Now I'm a little bit confused. So what right now is before us? What? Are we accepting something, are we denying something or are we going back to our original? What are we in a position to do here? What are we waiting for, if you understand what I'm saying?

Mr. Barnhart – We're considering this case, I believe, from scratch, in the sense that there's not an Administrative Complaint in front of us. There's a Waiver of Probable Cause where the Respondent has agreed that probable cause exists for violations of ss. 497.152(1)(a), 9(e) and 14(a), F.S., which is on page 8 of material. So we're here, I believe, on an informal hearing where there's been no prior determination.

Mr. Helm – Well let me ask you another question.

Chair – Excuse me just a moment, Mr. Helm. Mr. Barnhart?

Mr. Barnhart – Yes?

Chair – Would a motion be in order to accept the original Settlement Stipulation?

Mr. Barnhart – If Mr. Freedman is in support of that original stipulation, he could ask the Board to adopt it. I don't know if he is wanting to do that?

Mr. Freedman – Mr. Freedman here. Permission to speak?

Chair – Please.

Mr. Freedman – Is the question are we willing to accept the original \$500 with the no probation? Is that the question?

Chair – Yes.

Mr. Freedman – The answer, of course, is yes. We even suggested and offered an additional letter of reprimand to be included in that so the answer is certainly yes. To answer your question, yes.

Chair – Thank you. Board members, is there a motion?

Mr. Jones – This is Mr. Jones, if I could speak.

Chair – Mr. Jones, go ahead please.

MOTION: Mr. Jones moved to approve a \$500 fine and a letter of reprimand. Mr. Clark seconded the motion.

Mr. Barnhart – Is that in the form of a stipulation then?

Chair – Mr. Jones?

Mr. Jones – Yes sir?

Chair – Is that in the form of a stipulation?

Mr. Jones – Yes sir.

Chair – Thank you. And there was someone else that was wanting to speak and I missed them. I’m sorry?

Ms. Vanessa Oliver – This is Ms. Oliver and I concur with Mr. Jones’ motion.

Chair – Thank you. There’s been a motion made and it’s been seconded. All those in favor aye and any opposed? Not being able to see a show of hands, Mr. Shropshire will you record the vote?

Mr. Shropshire – Yes, Mr. Chairman. When I call your name, please say support or oppose and by saying support you would be in support of the motion that was just made and seconded: Ms. Anderson – support; Mr. Clark – support; Mr. Davis – support; Mr. Hall – oppose; Mr. Helm – oppose; Mr. Jones – support; Mr. Knopke – oppose; Mr. Mueller – oppose; Ms. Oliver – support; Mr. Brandenburg – support. So there’s one, two, three, four, five, six supports for the motion.

Chair – And the motion carries. Thank you, Mr. Freedman.

Mr. Freedman – Thank you, Mr. Brandenburg, the Chair and the rest of the Board members. Of course the fine will be paid as soon as we receive the paperwork. Thank you, sir.

Chair – Thank you, Ms. Farrington. We appreciate your work on this case.

Ms. Farrington – Thank you, sir. Have a good day.

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

Mr. Shropshire – 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.

5. Application(s) for Continuing Education Course

- A. *Recommended for Approval without Conditions – Addendum B*
 - (1) *American Academy McAllister Institute of Funeral Service (9808)*
 - (2) *Elite CME, Inc (113)*
 - (3) *Florida Cemetery, Cremation & Funeral Association (75)*
 - (4) *International Order of the Golden Rule (2201)*
 - (5) *National Funeral Directors and Morticians Association, Inc. (15608)*
 - (6) *National Funeral Directors Association (136)*
 - (7) *Selected Independent Funeral Homes (137)*

Mr. Shropshire – These are applications for Continuing Education Course approval. These submissions have been reviewed by your Continuing Education Committee. The majority of the Continuing Education Committee and the Division recommends approval of the applications for the number of hours indicated on Addendum B in the right hand corner entitled “Hours.”

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

Chair – Again I want to commend our CE Committee for the work that they do virtually month in and month out. Thank you.

- 6. **Application(s) for Approval as a Continuing Education Provider**
 - A. *Recommended for Approval without Conditions – Addendum C*
 - (1) *Graystone Associates, Inc. (25008)*
 - (2) *Quantum Global Advisors (25208)*

Mr. Shropshire – These are applications for Approval as a Continuing Education Provider. These submissions have been reviewed by your Continuing Education Committee. The majority of the Continuing Education Committee and the Division recommends approval of the applications.

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

- 7. **Application(s) for Florida Law and Rules Examination**
 - A. *Informational Item (Licenses Issued without Conditions) – Addendum D*
 - (1) *Funeral Director (Endorsement)*
 - (a) *Dorrell, George D*
 - (2) *Funeral Director (Internship and Exam)*
 - (a) *Moss, Matthew D*
 - (3) *Funeral Director and Embalmer (Endorsement)*
 - (a) *McCluskey, James T*
 - (b) *McKenna, Yvonne M*
 - (c) *Morrow, Monica M*
 - (d) *Wolsky, Lorn L*
 - (4) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Lavender, Russell T*
 - (b) *Powers, Sara M*

Mr. Shropshire – 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.

- 8. **Application(s) for Internship**
 - A. *Informational Item (Licenses Issued without Conditions) – Addendum E*
 - (1) *Funeral Director and Embalmer*
 - (a) *Harris, Darrenton D (F089014)*
 - (b) *Howarth, Jacob R (F088704)*

(c) *Lambert, Lindsay A (F082262)*

(d) *Noble, Sarah L (F077625)*

Mr. Shropshire – 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 Embalmer Apprenticeship

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

(1) *Graebner, Benjamin W (F088961)*

(2) *Holcomb, Michelle S (F088885)*

Mr. Shropshire – 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. Application(s) for Registration as a Training Agency

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

(1) *Eric L Wilson Funeral & Cremation Services PA (F065077) (Hollywood)*

(2) *Genesis Funeral Home and \$495 Cremation Center Inc (F053996) (Hollywood)*

(3) *Lighthouse View LLC d/b/a Grace Funeral Chapels (F079768) (Lauderhill)*

Mr. Shropshire – 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.

11. Notification(s) of Change of Location

A. Informational Item – Addendum H

(1) *Stevens Brothers Funeral Home (F041634) (Belle Glade)*

Mr. Shropshire – This is an informational item showing establishment change in location notifications.

12. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum I

Mr. Shropshire – The Division recommends approval of the claims for the amount indicated on the Addendum entitled “Amount Recommended.”

MOTION: Mr. Dick Mueller moved to approve the claims for the amount indicated on the Addendum entitled “Amount Recommended.” Mr. Hall seconded the motion, which passed unanimously.

13. Application(s) for Cinerator Facility

A. Recommended for Approval with Conditions

(1) *StoneMor Florida Subsidiary LLC d/b/a Florida Coast Crematory and Cremations (West Palm Beach)*

Mr. Shropshire – StoneMor Florida Subsidiary LLC applies herein for approval to acquire ownership of Florida Coast Crematory and Cremations Inc (Kenneth Conklin) (F062024). If approved, the Funeral Director in Charge will be Kenneth Conklin (F044095). All fingerprint information was returned without criminal history. Applicant's prior disciplinary record consists of a \$1,000 fine for late filing of financial statements regarding renewal of preneed license. The Division recommends 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 passes an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.
- 8) That there be receipt by the Division, within 45 days of this Board meeting, proof of Fictitious Name Registration by Applicant with the Florida Department of State.

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

Mr. Helm – Mr. Chairman?

Chair – Yes?

Mr. Helm – Am I the only one that's getting feedback?

Chair – I'm getting some but it's not intolerable.

Mr. Helm – Okay, because I'm hearing voices so I'm just wondering what I'm hearing.

Chair – Well you might want to get that checked out.

Mr. Knopke – What are they telling you, Powell?

Mr. Helm – That's one.

Chair – Mr. Helm, you made it too easy. I'm sorry.

Mr. Helm – Just remember, that's one.

Chair – I think that's strike three and I'm probably out.

Ms. Anderson – I was going to say I was hearing them too, but I take that back.

Mr. John Rudolph – And the fact is we're all hearing voices.

Chair – I can't wait to read the minutes of this meeting.

14. Application(s) for Direct Disposal Establishment

A. Recommended for Approval *with* Conditions

(1) Baldwin Brothers Memorial Care Services Inc d/b/a Hannah Cremation Service (Daytona Beach)

Mr. Shropshire – An application for a Direct Disposal Establishment was received on January 27, 2016. The application was complete when submitted. The Funeral Director in Charge will be Evans Baldwin (F059692). All fingerprint information was returned with criminal history for one of its principals.

Criminal History:

Evans P. Baldwin's criminal history has been presented to the Board in 2010 when he was granted a preneed agent license, at the June 27, 2013 board meeting when he applied for and was granted a Funeral Director Intern license and again at the July 11, 2013, October 3, 2013, November 7, 2013, March 6, 2014 and September 4, 2014 board meetings when he applied to be a principal of an Establishment. The preneed sales agent license was approved with conditions. He was ordered to be placed on two years' probation which was completed in May 2012. The Funeral Director Intern license was approved without conditions. The Funeral Establishment application was approved without conditions.

The criminal record of Evans Baldwin consists of one incident, as follows:

- On September 25, 2002 Applicant, then age 17, while driving a car at approximately 9 PM in Winter Park, struck a woman on a bicycle that he asserts he never saw, and caused her death. Applicant did not stop at the scene. Applicant asserts he pulled over at gas station a little way further on, and saw people apparently helping the victim, and heard emergency vehicles going to the scene, and decided to drive home. At home that same night he told his girlfriend that he had struck a bicyclist and he could hear her screaming. The next day, when his step-mother noticed the damage to the car Applicant had been driving, Applicant told her he had fallen out of a tree onto the car and damaged it. It was not until October 5, 2002 that Applicant told his parents the truth. His father went to see an attorney to obtain advice and representation for Applicant. On October 14, 2002 the attorney for Applicant delivered a letter to the highway patrol, revealing applicant's involvement, which the police were not previously aware of.
- Thereafter, on or about January 4, 2004 Applicant pled guilty to the felony charge of leaving the scene of an accident with death, in Florida Circuit Court, Orange County. His sentence included 5 years supervised probation, 150 hours of community service including 10 hours of speaking to groups in victim awareness programs using a photo of the victim, his driver's license was restricted to business driving for one year, he had to pay the victim's funeral costs, and court costs were imposed. He has successfully completed the court-ordered probation.

The Division recommends approval subject to 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 passes an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.
- 8) That there be receipt by the Division, within 45 days of this Board meeting, proof of Fictitious Name Registration by Applicant with the Florida Department of State.

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

(2) StoneMor Florida Subsidiary LLC d/b/a Avatar Cremation Services (Boca Raton)

Mr. Shropshire – StoneMor Florida Subsidiary LLC applies herein for approval to acquire ownership of Avatar Associates LLC (Kenneth Conklin) (F050426).

If approved, the Funeral Director in Charge will be Catherine Harrison (F043386). All fingerprint information was returned without criminal history. This direct disposal establishment is the qualifying entity for a preneed license (F038732). As stated in the letter from Kenneth Lee, dated February 1, 2016, StoneMor Florida Subsidiary LLC will assume all existing preneed liabilities of this location. Applicant's prior disciplinary record consists of a \$1,000 fine for late filing of financial statements regarding renewal of preneed license.

The Division recommends approval subject to 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 passes an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.
- 8) That there be receipt by the Division, within 45 days of this Board meeting, proof of Fictitious Name Registration by Applicant with the Florida Department of State.

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

(3) StoneMor Florida Subsidiary LLC d/b/a Avatar Cremation Services (North Palm Beach)

Mr. Shropshire – StoneMor Florida Subsidiary LLC applies herein for approval to acquire ownership of Avatar Associates LLC (Kenneth Conklin) (F040800).

If approved, the Funeral Director in Charge will be Gerald Perlick (F043615). All fingerprint information was returned without criminal history. This direct disposal establishment is the qualifying entity for a preneed license (F038732). As stated in the letter from Kenneth Lee, dated February 1, 2016, StoneMor Florida Subsidiary LLC will assume all existing preneed liabilities of this location. Applicant's prior disciplinary record consists of a \$1,000 fine for late filing of financial statements regarding renewal of preneed license.

The Division recommends approval subject to 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 passes an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.
- 8) That there be receipt by the Division, within 45 days of this Board meeting, proof of Fictitious Name Registration by Applicant with the Florida Department of State.

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

15. Application(s) for Funeral Establishment
A. Recommended for Approval with Conditions
(1) *La Paz Funeral Home Inc (Miami)*

Mr. Shropshire – An application for a Change of Ownership for the funeral establishment was received on December 28, 2015. The application was incomplete when received. All deficient items were returned on January 26, 2016. The Funeral Director in Charge will be Delmar Fuqua (F020732). All fingerprint information was returned without criminal history. This funeral establishment is not the qualifying entity for a preneed license. The Division recommends approval subject to condition(s) as follows:

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

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

(2) *Love and Grace Funeral and Cremation Services LLC (Fort Lauderdale)*

Mr. Shropshire – An application for a Funeral Establishment was received on January 7, 2016. The application was incomplete when submitted. All deficient items were received on February 19, 2016. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Saraita Marcelin-Anderson (F045430). The Division recommends approval subject to condition that the establishment passes an onsite inspection by a member of Division Staff.

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

(3) Palm Cremation and Burial LLC d/b/a Sunset Point Funeral Home (Clearwater)

Mr. Shropshire – An application for a Change of Ownership for the funeral establishment was received on February 5, 2016. The application was complete when received. The Funeral Director in Charge will be Keenan Knopke (F044080). All fingerprint information was returned without criminal history. This funeral establishment is the qualifying entity for a preneed license (F062913). As stated in the letter from Wendy Weiner, dated February 5, 2016, Palm Cremation and Burial LLC will assume all existing preneed liabilities of this location. The Division recommends approval subject to condition(s) as follows:

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

Mr. Knopke – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Knopke – Just for the record, I want to recuse myself since I'm partied to the transaction.

Chair – Thank you.

Mr. Hall – Does that mean he's for or against?

Chair – Mr. Knopke, I do have one question.

Mr. Knopke – Yes sir?

Chair – On page 12, a list of the principals, there's only one principal listed. Is that correct?

Mr. Knopke – Let me get to page 12. That is, I believe, correct. I'm in the wrong folder. Sorry, bear with me.

Chair – Take your time; under the identification of principals.

Mr. Knopke – The electronic page 12, Jody?

Chair – Yes, it is Section 2 on page 12.

Mr. Knopke – Yes, that's it. I am the principal and the LLC manager. The wholly owned Palm is the wholly owned subsidiary of Curlew Hills Memory Gardens, Inc. I represent both parks. Does that answer the question?

Chair – Yes.

MOTION: Mr. Jones 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, which passed unanimously.

Mr. Knopke – Thank you.

16. Application(s) for Monument Establishment Retailer and Monument Retail Sales Agreement(s) (Nationwide Monuments, Inc.)

- A. Recommended for Approval without Conditions**
 - (1) Application(s) for Monument Establishment Retailer**
 - (a) Nationwide Monuments, Inc. (Pensacola)**

Mr. Shropshire – This application is being filed for a new monument establishment retailer license. The application was received on January 29, 2016, and all deficiencies were resolved as of February 10, 2016. The sole owner of the establishment will be: Floyd Garrett. If approved, Applicant will utilize the attached monument retail sales agreement which is also being presented for approval at this teleconference meeting.

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

- B. Recommended for Approval with Conditions**
 - (1) Monument Retail Sales Agreement**
 - (a) Nationwide Monuments, Inc. (Pensacola)**

Mr. Shropshire – Nationwide Monuments, Inc 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 was just approved. The Division recommends approval subject to the condition that two full sized print-ready copies are received by the Department within 60 days of this Board meeting.

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

Mr. Helm – Mr. Chairman?

Chair – Yes?

Mr. Helm – I know we're fixing to come up on monument sales agents, but is anyone from Nationwide on the line?

Mr. Floyd Garrett – Yes sir, permission to speak. This is Floyd Garrett.

Mr. Helm – Are you aware you have to have a sales agent?

Mr. Garrett – Yes sir. They told me to apply for the establishment retailer license first and then go for the sales agent. I wanted to do it all at once.

Mr. Helm – Thank you.

Chair – Mr. Helm, does that answer your question sir?

Mr. Helm – Yes sir.

Chair – Thank you so much. Sir thank you for your response.

Mr. Garrett – Thank you.

17. Application(s) for Monument Establishment Sales Agent License
A. Informational Item (Licenses issued without Conditions) – Addendum J

Mr. Shropshire – 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.

18. Application(s) for Preneed Main License
A. Recommended for Approval without Conditions
(1) Heritage Memorial Company d/b/a Lewis W Mohn Funeral Home & Cremation Services (Seminole)

Mr. Shropshire – The Department received the application on February 1, 2016 and no deficiencies were noted on the application. The principals and co-owners of will be: William R. Miller and Ralph W. Hegner, Jr. A completed background check of all officers revealed no criminal history. Applicant obtained its current qualifying funeral establishment license (#F087536) as of November 19, 2015. It should also be noted that Applicant entered into a Disciplinary Order concerning its failure to file an application prior to a change of ownership of the funeral establishment that occurred in August 2015 in violation of ss. 497.380 (12) (a), and agreed to pay a fine in the amount of \$1,000 (Please see attached November 5, 2015 Board Meeting Minutes). To date, Applicant has satisfied all stated conditions of the Disciplinary Order and there are no further issues concerning Applicant. If approved, Applicant will sell trust and insurance-funded preneed through Funeral Services, Inc. (FSI) and Funeral Directors Life Insurance Company and utilize their approved pre-arranged funeral agreements. 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 | = \$ | 367,601 |

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

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

Mr. Shropshire – Pursuant to statute, these Applicants meet the qualifications and the Division recommends approval of these Applicants for branch licensure.

Mr. Knopke – Mr. Chairman?

Chair – Yes, Mr. Knopke?

Mr. Knopke – Let the record reflect that I’m associated with Curlew Hills Memory Gardens, Inc., and that association does not cause me to recuse myself at this point and I can make a fair and impartial decision.

Chair – Thank you so much. Is there a motion?

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

20. Application(s) for Removal Facility
A. Recommended for Approval with Conditions
(1) LWN Removal Services Inc (Ocoee)

Mr. Shropshire – An application for a Removal Service was received on December 21, 2015. The application was incomplete when submitted. All deficient items were returned on February 1, 2016. Fingerprints for all principals have been returned with no criminal history. Jasmin, has it passed the inspection?

Ms. Jasmin Richardson – At the time of this, it hadn’t. I’m not sure.

Mr. Shropshire – The Division recommends approval subject to condition that the facility passes an onsite inspection by a member of Division Staff.

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

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

A. Recommended for Approval with Conditions

(1) Request(s) for Approval of Trust and Preneed Sales Agreement Forms

(a) Cooperative Funeral Fund, Inc (Madison, CT)

Mr. Shropshire – This item has been taken off of the agenda for further discussions with the Applicant.

(2) Request(s) to Transfer Trust

(a) Pershing Industries, Inc d/b/a Vista Memorial Gardens (F039523) (Miami Lakes)

Mr. Shropshire – Pershing, through its Attorney, seeks approval to transfer its cemetery care and maintenance trust assets, all as more specifically set forth in the Attorney’s letter dated February 4, 2016. Pershing seeks approval to transfer its Future Maintenance Trust Agreement from Fiduciary Trust International of the South to Comerica Bank & Trust National Association (Comerica), wherein Comerica is or will be the successor trustee, all as more specifically set out in the letter from Attorney, dated February 4, 2016. Comerica will continue to operate under the existing trust agreement.

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

- 1) That the representations of Pershing, through its Attorney, as set forth in Attorney’s letter February 4, 2016, be deemed material to the Board’s decisions herein.
- 2) That within 90 days of this Board meeting Comerica provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, stated as following:
 - a) That Comerica 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), to act as trustee of the trusts to be transferred to Comerica pursuant to Attorney’s letter dated February 4, 2016.
 - b) A letter from Comerica, signed and dated by one of its officers, stating:
 - That Comerica provides a certificate stating the dollar amount of trust assets being transferred as referenced in Attorney’s attached letter dated February 4, 2016.
 - That Comerica provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Attorney’s attached letter dated February 4, 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.

Mr. Mueller – Mr. Brandenburg?

Chair – Yes, there’s a question? I’m sorry.

Mr. Mueller – Yes, Mr. Brandenburg, its Dick Mueller.

Chair – Yes, Mr. Mueller?

Mr. Mueller – I recall that when one of the conditions of Pershing’s agreement previously was that some real estate be placed into trust and I’m not competent to read the agreement to satisfy myself that the new trustee or, well I don’t even know how to phrase the question such that the real estate is protected and is still part of the new trust.

Mr. John Rudolph – Mr. Chairman, this is John Rudolph. I represent the Applicant and I can answer the question.

Chair – Please, Mr. Rudolph.

Mr. Rudolph – Comerica is willing to accept the real property into their trust and they have a real property investment section that will manage that.

Mr. Mueller – Mueller, again. Does that satisfy them? Mr. Barnhart or Ms. Simon, do they have an opinion about that?

Mr. Shropshire – Mr. Chairman, this is Shropshire. May I respond?

Chair – Please do, Mr. Shropshire.

Mr. Shropshire – The statute involved limits the real estate holdings to 25% of the total of trust property and the last time we looked at the trust, which was in relation to the recent settlement of certain disciplinary matters regarding Pershing Industries, they met that requirement so the present situation is in accordance with the statutes.

Mr. Mueller – Thank you all.

Chair – Thank you.

MOTION: Mr. Knopke moved to approve subject to the condition recommended by the Division. Ms. Anderson seconded the motion, which passed unanimously.

22. Executive Director's Report

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

Mr. Shropshire – Are there any questions concerning the report? There was no response.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 March 3, 2016 Board Meeting
 Date of Report: February 22, 2016

| Licensesee | Board Meeting | Case No. | Total Fine & Cost Due | Date Due | Paid in Full? | Comments |
|---|---------------|--------------------------------|------------------------------------|---|---------------|---|
| Buy and Sell Cemetery | Dec-14 | 154941-14-FC | \$62.50 \$62.50 \$62.50 \$62.50 | payment/ \$62.50 First installment payment (paid) | Paid in full | As of February 2016-Licensesee has provided sufficient evidence that liens have been paid and the Consent Order is now fully satisfied. |
| John Gallaher | Apr-15 | 157224-14-FC | \$3,166 | 7/8/2015 | Note A | The Division is reviewing the matter and expects closure within the next two months. The licensesee has paid \$250 |
| Ronald Noble | Aug-15 | 134801-13-FC | \$2,500 | 8/1/2017 | Note D | |
| Carol Y. Washington d/b/a Washington Funeral Home | Dec-15 | 162139-14-FC | \$600 | 1/14/2016 | Paid in Full | |
| Mullins Memorial Funeral Home & Cremation Service, LLC | Dec-15 | 179182-15-FC | \$1,500 | | Paid in full | |
| Shannon David Mullins | Dec-15 | 179184-15-FC | \$1,500 | | Paid in full | |
| Omega Discount Funeral & Cremation Services, Inc. | Dec-15 | 179191-15-FC | \$1,000 | | Paid in Full | |
| Funeraria Latina Emanuel | | 150334-14-FC | \$3,000 | 2/11/2017 | Note D | |
| Dwayne Matt | Dec-15 | 128718-14-FC | \$500 | 1/15/2016 | Paid in full | |
| Zion Hill Mortuary, Inc. | Dec-15 | 158720-14-FC | \$500 | 1/15/2016 | Note A | Under review |
| Mullins Memorial Funeral Home & Cremation Services LLC | Dec-15 | 179182-15-FC | \$1,500 | 1/15/2016 | Paid in Full | |
| James Stewart | Dec-15 | 162138-14-FC | \$600 | 1/22/2016 | Paid in Full | |
| Fritz Duvigneaud | Dec-15 | 150332-14-FC | \$1,500 | 2/11/2016 | Note D | |
| Carriage Florida Holdings, Inc. | Feb-16 | 166408-15-FC | \$2,250 | | Note D | |
| Manker Funeral Home | Feb-16 | 182008-15-FC | \$1,000 | | Note D | |
| William Manker | Feb-16 | 182006-15-FC | \$1,000 | | Note D | |
| James S. Moore | Feb-16 | 181961-15-FC | \$3,000 | | Note D | |
| Smooore Enterprises | Feb-16 | 181954-15-FC | \$2,000 | | Note D | |
| James West | Feb-16 | 165110-14-FC & 165112-14-FC | \$2,500 | | Note D | |
| William E. Welborn | Feb-16 | 177485-15-FC | \$1,000 | | Note D | |
| Culley's Meadow Wood Funeral Home | Feb-16 | 177497-15-FC | \$1,000 | | Note D | |
| John Edgley | Feb-16 | 161118-14-FC | \$2,000 | | Note D | |
| Edgley Crematory, Inc. d/b/a Edgley Cremation Services | Feb-16 | 161120-14-FC | \$2,000 | | Note D | |
| Stonemor Florida L.L.C., d/b/a Edgewater-New Smyrna Cemetery | Feb-16 | 166455-15-FC | \$5,000 | | Note D | |
| Stonemor Florida L.L.C., d/b/a Deland Memorial Gardens | Feb-16 | 164658-14-FC | \$7,500 | | Note D | |
| SCI Funeral Services of Florida d/b/a/ Dignity Memorial Funeral & Cremation Services | Feb-16 | 182011-15-FC | \$1,000 | | Note D | |
| Rolling Oaks Cemetery and Cremation Gardens L.L.C., d/b/a Rolling Oaks Cemetery | Feb-16 | 165096-14-FC | \$2,250 | | Note D | |
| 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, licensesee kept on this report 3 months, showing Paid in Full, and then dropped off report; also licensesee 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. | | | | | | |

23. **Upcoming Meeting(s)**
- A. April 7th (Jacksonville – DoubleTree by Hilton-Jacksonville Airport)
 - B. May 19th (Teleconference)

- C. June 30th (Tallahassee)
- D. July 7th (Teleconference)
- E. August 4th (Altamonte Springs – Embassy Suites Hotel Orlando-North)
- F. September 1st (Teleconference)
- G. October 6th (Tampa – DoubleTree by Hilton-Tampa Airport-Westshore)
- H. November 3rd (Teleconference)
- I. December 1st (Tallahassee)

24. Adjournment

The meeting was adjourned at 10:56 a.m.