

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
April 13, 2017 - 10:00 A.M.
Doubletree by Hilton Jacksonville Airport
2101 Dixie Clipper Drive
Jacksonville FL 32218

1. Call to Order, Preliminary Remarks and Roll Call

Mr. Jody Brandenburg, Chair –Welcome to the Board of Funeral, Cemetery, and Consumer Services’ April 13, 2017 meeting, at the Doubletree Hilton at the Jacksonville Airport. I want to call the meeting to order. Ms. Ellen Simon, will you please make your opening remarks and do the roll call?

Ms. Ellen Simon – Yes sir. Mr. Chairman, my name is Ellen Simon. I am Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. Today is April 13, 2017 and it is 10:00am. This is a public meeting of the Board of Funeral, Cemetery and Consumer Services. Notice of this meeting has been published in the Florida Administrative Register. An agenda for this meeting has been made available to interested persons and extra copies are located on the side of this meeting room. This meeting is occurring in Jacksonville FL. Ms. LaTonya Bryant is recording this 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 Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. At this time, Mr. Chairman, I’d like to call the roll.

Chair – Please do.

Ms. Simon:

Joseph “Jody” Brandenburg, Chairman
Keenan Knopke, Vice Chair
Jean Anderson
Francisco “Frank” Bango
Andrew Clark
James “Jim” Davis {**ABSENT**}
Lewis “Lew” Hall
Powell Helm
Ken Jones
Vanessa Oliver {**ABSENT**}

Also noted as present:

Mary Schwantes, Director
Tom Barnhart, Board Legal Advisor
James “Jim” Bossart, Department Counsel
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff

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

Chair – Thank you. I’d like to introduce the new Director of the Division of Funeral, Cemetery and Consumer Services, Mary Schwantes. {APPLAUSE} We’re very glad to have Mary with us for her very first in person, live Board meeting. Mary will address us later on in the meeting.

2. Action on the Minutes
A. March 2, 2017

Chair – The first item on our agenda is the action on the minutes from March 2, 2017.

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

3. Old Business

- A. Application(s) for Embalmer Apprenticeship**
 - (1) Recommended for Denial (Criminal History)**
 - (a) Simmons, Lenord**

Ms. Simon – Is Lenord Simmons here? Can you please step forward? The applicant submitted an application to become an Embalmer Apprentice on November 10, 2016. The application was incomplete when submitted. All deficient items were received by the Division on December 14, 2016. The applicant submitted a fingerprint card which was returned indicating a criminal history to wit:

- In February 2007, Mr. Simmons pled no contest to possession of cocaine. Mr. Simmons was sentenced to 90 days in jail (31 days credited) with court costs and fees totaling \$531.50.

The application was submitted to the Board at the February 2, 2017 Board meeting. At that time the Board voted to delay the application to the next in-person Board meeting. Sir, can you please raise your right hand and be sworn in?

Mr. Lenord Simmons – Yes ma’am.

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

Mr. Simmons – Yes I do.

Chair – Good morning.

Mr. Simmons – Good morning, Mr. Chairman.

Chair – Do you want to address the Board or do you want to answer questions that the Board may have, or both?

Mr. Simmons – Both.

Chair – Both?

Mr. Simmons – Yes.

Chair – Please address the Board.

Mr. Simmons – First of all, I would like to say good morning. Thank you for the opportunity and considering my application.

Chair – Speak up.

Mr. Simmons – Ok. I understand that I do have a conviction from nine (9) years ago. I have made many positive strides since then and have truly turned my life around. I settled down and had a family of my own; a wife and two (2) children, ages 5 and 6, which I’m very proud of. I am very excited to get back into the funeral service business where my father and my other family members have been working since before I was born, but the past several years I have been volunteering at multiple local organizations including The Greater New Jerusalem Baptist Church, The Sulbacher Center, which is a local homeless shelter, and the American Heart Association among others. My plan for the future, should this Committee grant my request, is to attend St. Petersburg College in St. Petersburg FL. They have an eighteen month Associates of Funeral Service program that includes hands on experience while preparing for the national and state licensing exam. I have also already spoken with the admission office at the college, but I’m awaiting approval of this apprentice license prior to formal enrollment. I am confident that given the opportunity I will demonstrate that I am rehabilitated from my 2008 conviction, I do not pose a risk to the insurance-buying public, that I am fit and trustworthy to engage in the business of insurance and that I am otherwise qualified for licensure. I promise that if given the opportunity I will complete my internship successfully. Thank you.

Chair – Thank you. Board members?

Mr. Keenan Knopke – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Knopke – I'm reading through your statement that's in the packet and it says you were with a group of other people when you were arrested, your car and several other cars. Was that a chase or something or was it a sting or what were the circumstances that got y'all pulled over to begin with?

Mr. Simmons – Well, I was hanging with some individuals and I guess the State Trooper noticed that we were looking a little suspicious so he went to investigate us and when he went to investigate us he discovered that we were involved in...

Mr. Knopke – Were you a cocaine user at the time?

Mr. Simmons – Uh, yes sir.

Mr. Knopke – Have you used cocaine since then?

Mr. Simmons – No sir.

Chair – Anything else, Mr. Knopke?

Mr. Knopke – Not at the moment. Thank you.

Chair – Mr. Simmons, has your civil rights been restored?

Mr. Simmons – I'm in the process of having them restored right now. I'm waiting on the State of Florida to approve it.

Chair – So you've completed everything and you've submitted all of the documentation that you need to submit?

Mr. Simmons – Yes sir. Actually I was granted my rights back during the time when Charlie Crist was Governor. As soon as Rick Scott came into office he took them back from me, so I had to reapply to get them back so that's what I'm waiting on right now.

Mr. Lew Hall – Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – Are you currently required by your current employer to do routine drug testing or anything of that nature with them?

Mr. Simmons – Yes sir.

Mr. Hall – And you've been clean all of those times?

Mr. Simmons – Yes sir.

Mr. Hall – You mentioned going to school, but do you understand that the application you have now is for embalmer apprenticeship?

Mr. Simmons – Yes sir.

Mr. Hall – And that you would have to come back before the Board to apply for the funeral director side when that time comes?

Mr. Simmons – Yes sir.

Mr. Hall – Ok.

Chair – And the Board has a discretion to change any decision that might be rendered today, in the future. So this is just for this granting of an embalmer apprenticeship program.

Mr. Simmons – Yes sir.

Chair – And I think that's the point that Mr. Hall was emphasizing.

Mr. Andrew Clark – Mr. Chairman?

Chair – Yes, Mr. Clark?

Mr. Clark – You said that your intention is to apply to mortuary school. Where are you at in that process?

Mr. Simmons – I have already applied. I just wasn't accepted until I get approved by this Board to be able to obtain my license.

Mr. Clark – Did you know you can go to mortuary school without this license?

Mr. Simmons – No sir I did not know that.

Mr. Knopke – It's a risk.

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

Chair – Very, very good luck to you. I know that if you do go to school you have to come back before us again and I certainly hope there's nothing on your record during that time period, so all the best to you.

Mr. Simmons – Thank you so much, Mr. Chairman and the Board. Thank you sirs and ma'am.

Chair – Thank you.

Mr. Simmons – Am I excused, sir.

Chair – Yes.

Mr. Simmons – Thank you, sir.

Chair – You're welcome. Good luck.

4. Disciplinary Proceedings

A. Settlement Stipulation(s)

(1) *Torres, Samantha (Formerly Samantha Ann Gonzalez): Case No. 2017-2-3-400; Division No. ATN-28724 (F062027 – Funeral Director and Embalmer)*

Ms. Simon – Is Samantha Torres here? I was not under the impression she would be attending this meeting. On or about November 4, 2016, the Subject's scores from the National Board Examination were invalidated and are no longer recognized as

a valid measure for entry-level competence. She had originally taken the test on December 18, 2009. The Division is proffering the Settlement Agreement that's in your packet. The settlement is for the Subject's license to be suspended until such time as she again takes the National Board examination as passes. The Division recommends that you accept the Settlement Agreement.

Mr. Hall – Just a question?

Chair – Mr. Hall?

Mr. Hall – There were several students, if I'm not mistaken, that came back to us where this was an issue in the past, correct?

Ms. Simon – Yes sir.

Mr. Hall – So they just got to retake it and then come back? We haven't heard from her since? Did we make notice to her? Has she responded back to you at all.

Ms. Simon – I have spoken with her on numerous occasions and that's what lead to the Settlement Stipulation that's before you.

MOTION: Mr. Hall moved to approve the Settlement Stipulation, which calls for the Subject's license to be suspended until such time as she again takes the National Board examination as passes. Mr. Helm seconded the motion, which passed unanimously.

(2) West, Hunter James: Case No. 197862-16-FC; Division No. ATN-27661 (F049908 – Funeral Director and Embalmer) – Probable Cause Panel B

Ms. Simon – This is a disciplinary case that will be presented by James Bossart. Mr. Bossart?

Mr. James Bossart – Mr. Chairman?

Chair – Please.

Mr. Bossart – Thank you, sir. My name is James Bossart. I am the attorney for the Department of Financial Services in this matter. In the case of Hunter James West, Case No. 197862-16-FC, the investigation of this matter supports allegations that Hunter James West is liable for the following violations. Mr. West is a licensed funeral director and embalmer under Chapter 497 and has been issued license number F049908. On August 25, 2016, Mr. West, in the Manatee County Circuit Court, entered a plea of nolo contendere to the charges of Burglary of an Unoccupied Dwelling and Grand Theft of a Motor Vehicle. Mr. West was placed on two years' probation and ordered to pay restitution in the amount of \$667. Based upon the foregoing plea, Mr. West has violated section 497.152(2), Florida Statutes. The Respondent entered into a proposed Settlement Stipulation for a fine of \$1,000, which is within the disciplinary guidelines of the Division and probation for 2 years. The Department recommends that you approve this Settlement.

Mr. Helm – Did you say two (2) years of probation also?

Mr. Bossart – Yes sir. He's presently serving it now if I have my dates correct.

Ms. Wendy Wiener – But the Stipulation also calls for two (2) years of probation for this Board.

Mr. Bossart – Oh okay.

Chair – Ms. Wiener, did you want to address the Board or are you here to answer questions?

Ms. Wiener – Simply here to answer any questions.

Chair – Thank you.

Ms. Jean Anderson – Mr. Chairman, I'm recusing myself. I served on Probable Cause Panel B.

Chair – Thank you for that. Anybody else serve on that Panel? My question is, has the restitution been made back to the funeral home that was burglarized?

Ms. Wiener – It has not yet. The restitution is a condition of the termination of probation. Mr. West is actually in the process of getting back the job with Brown and Sons, the affected funeral establishment. He interviewed with them earlier this week. The interview went great. He believes that he will be reemployed and as soon as he is reemployed, he will be making that restitution payment, but technically the restitution is not yet due. Its due at the end of his probationary term and he is well aware of it. I spoke to him yesterday and he said he's received a lot of financial support from his family and he felt like that restitution was something that he personally wanted to pay back and so he was waiting until he was employed again to make that payment.

Chair – Thank you. Mr. Hall?

Mr. Hall – I certainly believe Ms. Wiener, but I'm having a difficult time understanding grand theft, breaking and entering, no restitution paid and Brown and Sons is looking to hire him back?

Ms. Wiener – Yes. So Mr. West wanted to be here today, but fortunately for him, because it's a great thing, his case was referred to the Drug Offender Court Program and he had a mandatory court attendance this morning, which happened to be from 10:00 until 12:00, so it made it very impossible for him to be here this morning, but the situation was this. He went to work for Brown and Sons, close family friends during his whole growing up. He knows the family, knows the sons of Brown and Sons. They're actually his contemporaries. He got into a substance abuse situation and they said to him, listen, we're going to terminate your employment until such time as you can get yourself clean and then your job will be here waiting for you. As people who have substance abuse problems will sometimes do, he made a series of bad decisions immediately thereafter. He went out one night, went on a bender, went to the funeral home, broke the door open, took the service van, took the credit card, continued on his bender, ended up abandoning the vehicle in a parking lot, as you read in your Board packet, and was subsequently arrested for the situations. He has, however, kept in close contact with the people from Brown and Sons. They understand the situation. I'm told that someone in their family had sort of a similar situation. So, because of their history of knowing Mr. West and his family for so long they are still close to him and have always indicated an intent to rehire him. As I said, he went this week and I think Mr. Simon had actually confirmed that he had been this week for a job interview with them. He felt like it went great and that they were going to work out some financial terms and that he would likely be reemployed with them, so that's the situation.

Mr. Hall – Is he also been doing random drug testing?

Ms. Wiener – He has. This is the other great thing, which I didn't really know too much about the Drug Offender Court Program, but learned through handling his matter, when your case is diverted to drug offender program it's almost like entering a really stringent AA program. He has random drug tests twice a week, at least. He can have them up to five (5) times a week, 's Monday through Friday, but they call you they say be here within two (2) hours to drop. So he has twice a week drug tests, he's obligated to have a sponsor, he's obligated to attend like substance abuse meetings. He's also obligated to attend education and finally, he has mandatory court appearances once a month, in the drug court where the court system reviews where he is in the program, so that's what's happening. But yes and actually he dropped, I think he's dropped twice this week he said already.

Chair – Mr. Jones?

Mr. Jones – Based on that, how long will that last? The drug testing, Wendy?

Ms. Wiener – I believe it lasts through the term of his probationary period. I think that's in your Board packet.

Mr. Jones – On our two (2) year probation, I'd like for the Board to know he continues to pass those. If he fails one (1), we know about it.

Ms. Wiener – Sure.

Mr. Jones – That's part of his probation that he continues passing the drug tests.

Ms. Wiener – Is that in our probationary stipulation right now? Do we know?

Mr. Jones – I don't think it is.

Chair – No.

Ms. Wiener – I believe that would be acceptable to him.

Chair – Are you accepting that on behalf of your client?

Ms. Wiener – Yes.

Chair – Thank you.

Mr. Jones – Thank you.

Chair – So will that be part of your motion?

MOTION: Mr. Knopke moved to approve the Settlement Stipulation with an administrative fine of \$1,000, probation for 2 years and with the condition that Mr. West continues to pass his drug tests during the drug offender probation period.

Ms. Wiener – And Ellie, we can work out the language to amend that part.

Ms. Simon – Mr. Barnhart, is that okay?

Mr. Tom Barnhart – Yes. Which frequency would you like to have that done?

Ms. Simon – It would be whatever the frequency is that would take place during drug offender probation, because that is what we're talking about. Right, Mr. Jones?

Mr. Jones – Correct.

Ms. Wiener – And that can be up to five (5) times a week, Monday through Friday. It's at least twice a week. You don't know when it is. They say come now and you go now.

Mr. Barnhart – When did you say the criminal sanctions were up? Are they completed like within the next six (6) months?

Ms. Wiener – No, no.

Mr. Bossart – August 16, 2018.

Mr. Barnhart – So about a year.

Ms. Simon – Mr. Chair, if I may. The language that may be in the Final Order would be something to the effect of the Settlement Agreement is accepted with the additional term that the license passes all drug offender probation drug testing.

Ms. Wiener – Sure. That would be fine.

Ms. Simon – And if not, if he does not pass then it will be considered a violation.

Mr. Barnhart – But your probation is for two (2) years. Is the criminal court in just one (1) year?

Ms. Wiener – No, it was a two (2) year probation, but it runs through August 2018, so he's got another eighteen (18) months.

Mr. Barnhart – So a year and a half of the two (2) years would be acceptable to the Board?

Chair – Yes. Through the offender probation.

Mr. Barnhart – Okay.

Mr. Helm – I thought Ken wanted it to run the full two (2) years?

Mr. Jones – If I can get a year and a half, and at that point I'm satisfied. I just don't want to know that there's a failed drug test while we have him on probation and we know nothing about it, because at that point he's going to come back before us that has him on probation. I would accept the year and a half.

Ms. Wiener – I agree and we can certainly make that more specific in the document. I think there is some broad wording at the end of the Stipulation that would require him to report that anyway, but we're perfectly comfortable with that. No problem.

Chair – We have a motion and it's been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed?

Mr. Hall – No.

Chair – One opposed, and the motion carries.

Ms. Wiener – Thank you.

Chair – Thank you. I intentionally delayed until these cases came before us to make an important introduction. I want you to please recognize Professor Robert Dean and all the students in the Funeral Service Program here at Florida State College Jacksonville and please stand. {APPLAUSE} They are the future of funeral service and we applaud you and we applaud what you're doing at your school, Mr. Dean. The cases that we had come before us today all involved substance abuse and we see that throughout when we have licensees coming before us for disciplinary purposes. The root cause of much of it is substance abuse, so I wanted to remind the students that taking the wrong path and making unwise decisions not only affects you and your family right now, but also affects your career. So please remember that you came to a State Board meeting one day and we had cases before us and we reminded you that with many of our cases, the root cause is substance abuse. So, best of luck to you. Good luck in your careers.

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

Ms. Simon – This item is informational only. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

6. Application(s) for Continuing Education Course Approval
A. Recommended for Approval without Conditions – Addendum B
(1) American Academy McAllister Institute of Funeral Service (9808)
(2) Apex Continuing Education Solutions (4201)

- (3) *Batesville Casket Company (13409)*
- (4) *Cremation Association of North America (16008)*
- (5) *Education Workers Group (11208)*
- (6) *FuneralCE (43)*
- (7) *Independent Funeral Directors of Florida (135)*
- (8) *International Order of the Golden Rule (2201)*
- (9) *National Funeral Directors Association (136)*
- (10) *SCI Management - Dignity University (99)*
- (11) *Selected Independent Funeral Homes (137)*
- (12) *Stericycle, Inc. (8805)*

Ms. Simon – These courses have been reviewed by the CE Committee and the Continuing Education Committee, as well as the Division, recommends approval of the applications for the number of hours indicated. Please make note of the additional item.

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

- 7. **Application(s) for Florida Law and Rules Examination**
 - A. *Informational Item (Licenses Issued without Conditions) – Addendum C*
 - (1) *Funeral Director– by Internship and Exam*
 - (a) *Cason, Catherine V*
 - (2) *Funeral Director and Embalmer – by Endorsement*
 - (a) *Banes, Lori B*
 - (b) *Rinearson, Kristy A*
 - (c) *Thomas, Justin W*
 - (3) *Funeral Director and Embalmer – by Internship and Exam*
 - (a) *Adams, Jonathan M*
 - (b) *Gregory, Christine A*
 - (c) *Hawk, Damarion J*
 - (d) *Pierre, Guy – Wesley*

Ms. Simon – This item is informational only. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

- B. *Recommended for Denial (Criminal and Adverse Licensing History)*
 - (1) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Speights, Lisa M*

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

- 8. **Application(s) for Internship**
 - A. *Informational Item (Licenses Issued without Conditions) – Addendum D*
 - (1) *Funeral Director*
 - (a) *Weimer, Daniel V (F081816)*
 - (2) *Funeral Director and Embalmer*
 - (a) *Allison, Myles T (F152025)*
 - (b) *Avila, Dunay (F153283)*
 - (c) *Booth, Cadence M (F145227)*
 - (d) *Fontil, Raymonde (F153748)*
 - (e) *Hernandez, Andrea C (F155197)*
 - (f) *Leston, Agustin A (F151339)*
 - (g) *Malivert, Johann (F147966)*
 - (h) *Vargas, Lydzamadia (F154233)*
 - (i) *Vega, Jacqueline M (F086912)*

(j) *Wong, Jessica (F154306)*

Ms. Simon – This item is informational only. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

Chair – One of the reasons that the Board delegated the authority to the Division is because the background checks, the criminal history and everything that has to be done by the Division is very thorough. So we said that we want to get these candidates to work as soon as possible, not wait two (2) months for a Board meeting. So if the application is clear and without question, they have the discretion to move forward with the licensing. Those with deficiencies or questions about their history or backgrounds do come before the Board for action. So, we delegated that authority to get people to work.

9. Application(s) for Embalmer Apprenticeship

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

- (1) *Gilder, Levi C (F153792)*
- (2) *Lee, Solomon (F089238)*
- (3) *Saldarriaga, Yuliana (F086173)*
- (4) *Sturgis, Robert A (F074555)*

Ms. Simon – This item is informational only. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

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

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

- (1) *Funeraria Graceland, Graceland Funeral Home (F084968) (Miami)*
- (2) *Gary Panoch Funeral Home & Cremations of Boca Raton (F040155) (Boca Raton)*
- (3) *Johnson’s Memorial Chapel Inc. (F060084) (Boynton Beach)*

Ms. Simon – This item is informational only. Pursuant to the delegation of authority by the Board, the Division has previously approved these items.

B. Recommended for Approval with Conditions (Waiver of Rule)

- (1) *Beckman-Atlantic Funeral Homes & Crematory Inc. d/b/a Beckman-Williamson Funeral Homes & Crematory (Cocoa Beach) (F135560)*

Ms. Simon – Beckman-Atlantic Funeral Homes & Crematory Inc. d/b/a Beckman-Williamson Funeral Homes & Crematory’s application for a Funeral Establishment license based upon a Change of Ownership was approved at the December 1, 2016 Board meeting. Applicant submitted a petition requesting that the training agency status of this location be continued. This matter was published in the Florida Administrative Register on March 15, 2017. The Division is recommending approval so that the training agency status of said locations be continued under the new owners, provided there has been no dispute by the public within 30 days of the date the request was published.

Chair – Thank you. Ms. Wiener?

Ms. Wiener – Just here for questions.

MOTION: Mr. Knopke moved to approve the waiver with the condition that there has been no dispute by the public within 30 days of the date the request was published. Ms. Anderson seconded the motion, which passed unanimously.

(2) Foundation Partners of Florida LLC d/b/a Steele’s Family Funeral Services (Winter Haven)

Ms. Simon – Foundation Partners of Florida LLC d/b/a Steele’s Family Funeral Services’ application for a Funeral Establishment license based upon a Change of Ownership was approved at the March 2, 2017, Board meeting. Applicant has submitted a petition requesting that the training agency status of this location be continued. This matter was published in the Florida Administrative Register on March 10, 2017. The Division is recommending approval so that the training agency status

of said locations be continued under the new owners, provided there has been no dispute by the public within 30 days of the date the request was published.

Mr. Clark – Mr. Chairman?

Chair – Mr. Clark?

Mr. Clark – I just want to state for the record my affiliation with Foundation Partners Group of Florida and I will not be participating in the discussion or voting on this matter.

Chair – Thank you.

MOTION: Mr. Knopke moved to approve the waiver with the condition that there has been no dispute by the public within 30 days of the date the request was published. Mr. Hall seconded the motion, which passed unanimously.

(3) *Foundation Partners of Florida LLC d/b/a Sun City Center Funeral Home (Sun City) (F145736)*

Ms. Simon – Foundation Partners of Florida LLC d/b/a Sun City Center Funeral Home’s application for a Funeral Establishment due to a Change of Ownership was approved at the December 1, 2016, Board meeting. Applicant has submitted a petition requesting that the training agency status of this location be continued. This request was published in the Florida Administrative Register on March 10, 2017. The Division is recommending approval so that the training agency status of said locations be continued under the new owners, provided there has been no dispute by the public within 30 days of the date the request was published.

Mr. Clark – I just want to state for the record my affiliation with Foundation Partners Group of Florida and I will not be participating in the discussion or voting on this matter.

MOTION: Mr. Jones moved to approve the waiver with the condition that there has been no dispute by the public within 30 days of the date the request was published. Mr. Helm seconded the motion, which passed unanimously.

11. Consumer Protection Trust Fund Claims

A. *Recommended for Approval without Conditions – Addendum G*

Ms. Simon – The Division recommends that these claims be approved for the monetary amounts indicated.

Mr. Knopke – Mr. Chairman, I have a question. We have listed as, on the second page, the claimant, the beneficiary and the defaulting seller all being Norma Spencer. It seems a little odd to me. I talked with Ms. Simon about it and she was going to get back to me and she just informed me that she didn’t get a chance to look it up, so I would ask that we take that one off this list and put it on the next list.

Chair – Is that a motion?

MOTION: Mr. Knopke moved to approve the claim(s), with the exception of Norma Spencer, for the monetary amounts indicated. Ms. Anderson seconded the motion, which passed unanimously.

Chair – Mr. Knopke?

Mr. Knopke – Yes?

Chair – As an educational opportunity, would you be able to or would you care to tell those in the audience, particularly the students, about the Consumer Protection Trust Fund; how it came about, how it’s used and the standing of it, since you were one of the authors of it?

Mr. Knopke – You’re catching me off guard here. I’ll attempt and when I start to see eyes or heads falling to the side I’ll realize I’ve rambled too long here. With due respect, the Consumer Protection Trust Fund was set up years ago and it’s funded by preneed contracts being sold. It currently has somewhere close to about \$8 million in it, give or take a dollar or two. Over the years, the Legislature has attempted or we in the Industry have thought the Legislature would raid it and use that money for general revenue funds. Fortunately, it’s small enough that, from a legislative standpoint, it doesn’t hit a level of notice, but for us, it is very important because it does protect consumers when people licensed in our industry to make preneed sales don’t do what the law says they’re supposed to do and that is to trust money and trust it in the appropriate amounts. It protects the consumer and in that it’s hopefully that the consumer is made as whole as they possibly can be made when they have that need. Over the years we’ve seen a lot of little companies, fortunately not so many big companies, come before us where they’ve walked out on consumers. That’s what I look at it as. They took the money and ran. I can tell you having talked to some of the people, over the years, that did it said you know it’s just a couple of thousand dollars and then it was another couple of thousand dollars and before you know it they got into some really serious money and there was no way to catch up. The thing about it is it’s like everything else in life. Don’t make that first mistake. In these cases, the money is there. The staff of the Department does a wonderful job prosecuting people, but like everything in life, you’re relied upon to do the right thing, whether it’s in business or your personal life. So, that being said, it was set up years ago to protect the consumers. Our role up here is to make sure that the consumers are protected but also that the Department reviews their claims to make sure that they’re correct too and that they’ve got the documentation for it. I hope that answers your call on the short notice, Mr. Chairman.

Chair – It does. Thank you for responding to that educational opportunity. Ms. Simon, we’d like to revisit the Consumer Protection Trust Fund that’s before us today.

Ms. Simon – Yes. On Item #11 regarding Mr. Knopke’s comment on Norma Spencer. This was indeed a claim upon Beaches and it was a request for a cancellation so we request that that be approved as well.

Chair – I make a motion to reopen...

Mr. Barnhart – I’ve got a question about it. Can I ask a question?

Ms. Simon – Yes sir.

Mr. Barnhart – There were seven (7) claims where there’s a reduction code of 4 (Claims reduced by amount of trust funds available). Is that because the trust fund amount for that particular licensee was exhausted or what does that mean?

Ms. Simon – Mr. Barnhart, I’m unable to provide you with that information right now.

Mr. Barnhart – Okay.

MOTION: The Chair moved to reopen Item #11. Mr. Hall seconded the motion, which passed unanimously.

MOTION: The Chair moved to approve all the claim(s), including Norma Spencer, for the monetary amounts indicated. Mr. Jones seconded the motion.

Mr. Knopke – Just a question?

Chair – Yes?

Mr. Knopke – In doing this, are we setting a new precedent here or not, in the fact that we’re approving a reimbursement on a desire to cancel? I guess not. We’ve done that before. I’m not against it. I just want to make sure if we’re setting a new precedent then we understand that that’s what we’re doing.

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

Board members – Aye.

Chair – And any opposed? And the motion carries.

Ms. Wiener – Mr. Chairman, Wendy Wiener. I'm counsel for the new owners of Beaches. Mr. Knopke, that was part of the Stipulation in this particular case when they took over ownership. So, while it is somewhat unusual, you will continue to see these with regard to the failure of Cemetery Professionals. Thank you, Mr. Chair.

Chair – Thank you.

12. Application(s) for Broker of Burial Rights License
A. Recommended for Approval without Conditions
(1) Funeris Capital Group LLC (Oakland Park)

Ms. Simon – The application was received on February 27, 2017 and deficiencies were noted on the application. All items were resolved as of March 6, 2017. The Department completed a background check of Applicant's principal and owner, Yves Robert Pierre, which revealed no criminal history. The Division recommends approval without conditions.

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

13. Application(s) for Direct Disposal Establishment
A. Recommended for Approval with Conditions
(1) Cremation Care Providers of Central Florida LLC (Kissimmee)

Ms. Simon – An application for a Direct Disposal Establishment was received on February 6, 2017. The application was complete when submitted. The Funeral Director in Charge will be Kevin Strong (F075752). All fingerprint cards have been returned with no criminal history. The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

14. Application(s) for Funeral Establishment
A. Recommended for Approval with Conditions
(1) American Burial & Cremation Service Inc. d/b/a Larry Taylor Funeral and Cremation Services (Punta Gorda)

Ms. Simon – An application for a Funeral Establishment license due to a Change of Ownership was received by the Division on January 17, 2017. The application was incomplete when received. All deficient items were received on February 17, 2017. The Funeral Director in Charge will be Larry Taylor (F046813). The fingerprint card for the principal was returned with no indicia of criminal history. The establishment passed its inspection on March 2, 2017. The establishment is recommended for 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 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.

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

(2) Baldwin Brothers Memorial Care Services Inc. d/b/a Baldwin Brothers (Ocala)

Ms. Simon – An application for a Funeral Establishment was received on March 15, 2017. The application was complete when submitted. The Funeral Director in Charge will be Cory Allen (F055311). All fingerprint cards for the principals of the establishment have been returned; one with criminal history that the Board has reviewed on previously submitted applications as indicated below.

Criminal History:

Evans P. Baldwin’s criminal history was presented to the Board on the following occasions: in 2010 when he was approved for a preneed agent license; at the June 27, 2013 Board meeting when his Funeral Director Intern license was approved; and again at the July 11, 2013, October 3, 2013, November 7, 2013, March 6, 2014, September 4, 2014, and October 1, 2015, 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 on Evans Baldwin consists of one incident, as follows:

- On September 25, 2002, Applicant, then age 17, while driving a car at approximately 9:00 P.M. 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, heard emergency vehicles going to the scene, and decided to drive home. At home that same evening, he told his girlfriend that he had struck a bicyclist and that 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, a one-year restriction on his driver’s license for business purposes only, payment of the victim’s funeral costs, and court costs. He successfully completed the court-ordered probation.

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. 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.

Mr. Knopke – Mr. Chairman?

Chair – Yes?

Mr. Knopke – Let the record reflect that my brother’s president of Baldwin Brothers and that will not impact my ability to make a fair and impartial decision.

Chair – Thank you, Mr. Knopke. So, there’s been a motion made and it’s been seconded to approve subject to passing an onsite inspection. And all those in favor, aye?

Board members – Aye.

Chair – And any opposed? And that motion carries.

(3) Blackburn – Curry Funeral & Cremation LLC (Macclenny)

Ms. Simon – An application for a Funeral Establishment was received on March 17, 2017. The application was complete when submitted. The Funeral Director in Charge will be James Curry II (F043263). There are no indicia of criminal history for the principals of the establishment. The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

Mr. Hall – Question, Mr. Chair?

Chair – Yes sir, Mr. Hall.

Mr. Hall – All the answers to the disciplinary criminal history are marked “no” and I wasn’t sure what the multiple previous accounts were. Do we know what that was?

Chair – On what page are you?

Mr. Hall – The very first page. As far as disciplinary records on principals “no: and it checks that all the way through, but in the Division remarks it says “fingerprint cards have been returned with criminal history (seen on multiple previous applications),” but I don’t have it in my packet what those were.

Chair – That’s a good catch. I don’t remember addressing that.

Ms. Simon – Mr. Chairman? Ms. Richardson?

Ms. Jasmin Richardson – I’m not sure.

Ms. Simon – This is Item #14 (3) Blackburn.

Chair – Let me show you right here. I’ll show you right here. On the Division’s remarks, al fingerprints were returned with criminal history.

Ms. Richardson – It was from the previous....

Chair – It’s a typo? It’s a clerical error?

Ms. Richardson – Yes.

Chair – It’s a clerical error, Mr. Hall. Good catch. Thank you.

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

(4) Foundation Partners of Florida LLC d/b/a Hiers-Baxley Funeral & Cremation Life Event Center (The Villages)

Ms. Simon – An application for a Funeral Establishment was received on March 1, 2017. The application was complete when submitted. The Funeral Director in Charge will be Lisa High (F068883). There are no indicia of criminal history for the principals of the establishment. The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

Mr. Clark – Mr. Chairman?

Chair – Mr. Clark?

Mr. Clark – Again, I have an affiliation with Foundation Partners Group and I will not be participating in the discussion or voting on this matter.

Chair – Thank you.

MOTION: Mr. Hall 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.

(5) Hadley – Brown Funeral Home LLC (Ocala)

Ms. Simon – An application for a Change of Ownership for the Funeral Establishment was received on March 13, 2017. The application was incomplete when received. All deficient items were received on March 24, 2017. The Funeral Director in Charge will be Jessica Hadley (F044225). The fingerprint for the principal was returned with no criminal history. The Division is recommending approval subject to the condition(s) as follows:

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully 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 passes an onsite inspection by a member of Division Staff.

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

Chair – At this time, I'd like to declare my affiliation with SCI Funeral Services of Florida. This affiliation, in no way, will affect my ability to make fair and impartial decisions on anything coming before this Board today.

(6) SCI Funeral Services of Florida LLC d/b/a Palm Harbor Life Celebration Centre (Palm Harbor)

Ms. Simon – An application for a Funeral Establishment was received on March 14, 2017. The application was complete when submitted. The Funeral Director in Charge will be Alana Maus (F081210). All fingerprint cards were returned with no criminal history. The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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.

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

Ms. Simon – All the applications were completed without reportable criminal or disciplinary history. The records indicate that the applicants qualify for branch licensure. The Division is recommending approval.

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

16. Application(s) for Removal Service

A. Recommended for Approval with Conditions

(1) M. Maisano Mortuary Removal and Transport LLC (Naples)

Ms. Simon – An application for a Removal Service was received on February 22, 2017. The application was incomplete when submitted. All deficient items were returned on March 8, 2017. All fingerprint cards have been returned with no criminal history. The removal service is recommended for approval subject to the condition that the removal service passes an onsite inspection by a member of Division Staff.

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

B. Recommended for Approval without Conditions

(1) Sherell Hardaway (Miami)

Ms. Simon – An application for a removal service was received on March 6, 2017. The application was complete when submitted. All fingerprint cards have been returned with no criminal history. The removal service passed its inspection on March 20, 2017. The Division is recommending approval.

MOTION: Mr. Hall moved to approve the application.

Chair – There’s a question. Mr. Helm?

Mr. Helm – No, he had a question.

Mr. Knopke – I have a question.

Chair – Oh, I’m sorry. Mr. Knopke?

Mr. Knopke – What name are they going to operate under for a business name? Is it going to be Sherell Hardaway? I guess that’s what it’s going to be. It just seems like...it seems odd.

Ms. Simon – That’s apparent on the application.

Mr. Knopke – That answers the question. Thank you.

Chair – Anything else, Mr. Knopke?

Mr. Knopke – No sir. I’m good. Thank you.

Chair – Thank you. There’s been a motion made to approve and is there a second?

Mr. Knopke – Second.

Chair – And it’s been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? The motion carries.

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

A. Recommended for Approval with Conditions

(1) Preneed Sales Agreement(s)

(a) Ponte Vedra Valley Inc. (F039646) (Ponte Vedra Beach)

Ms. Simon – Ponte Vedra Valley Inc. submits an amended preneed sales agreement form for approval: Burial Rights and Related Merchandise and Services Purchase Agreement. If the form is approved, it is to be used for the sale of trust-funded preneed contracts by this preneed licensee and its related preneed branches. The Division is recommending approval subject to the condition that two full sized print-ready copies of each contract are received by the Department within 60 days of this Board meeting.

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

B. Recommended for Approval without Conditions

(1) Preconstruction Performance Bond(s)

(a) SCI Funeral Services of Florida LLC d/b/a Hillcrest Memorial Park (F039477) (West Palm Beach)

Ms. Simon – SCI Funeral Services of Florida, LLC (SCI) intends to construct a new mausoleum at its Hillcrest Memorial Park (F039477) location, in West Palm Beach. Pursuant to s. 497.272, F. S., typically, a pre-construction 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 pre-construction 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 pre-construction trust. The mausoleum project and the bond is summarized as follows:

Project: 228 Crypt Mausoleum – 228 single crypts
Bond Amount: \$270,000
Bond Number: K0957167A
Surety Company: Westchester Fire Insurance Company

Cemetery agrees to complete said construction in accordance with the construction agreement dated February 24, 2017, with Ken Dear, Inc. The Division recommends approval of the pre-construction performance bond without conditions.

MOTION: Mr. Hall moved to approve the pre-construction performance bond. Mr. Bango seconded the motion, which passed unanimously.

18. Related Items – Cheryl L. Lankford (DeLand)

A. Recommended for Approval without Conditions

(1) Application(s) for Monument Establishment Retailer License

Ms. Simon – The application was received on February 3, 2017, and all deficiencies were resolved as of February 21, 2017. A completed background check revealed no criminal history. This application is being filed by Ms. Lankford for a new monument establishment retailer license, and if approved, will operate as a sole proprietorship at the above specified location. The Division is recommending approval.

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

(2) Monument Retail Sales Agreement(s)

Ms. Simon – Cheryl L. Lankford, sole proprietor, submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through the monument retailer establishment which application is also being presented at this Board meeting. The Division is recommending approval subject to the condition that the Board approves the application for monument retailer establishment license; and 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. Ms. Anderson seconded the motion, which passed unanimously.

19. **Related Items – Premier Granite LLC (Immokalee)**

A. **Recommended for Approval without Conditions**
(1) Application(s) for Monument Establishment Builder License

Ms. Simon – The Department received the application on February 21, 2017 and all deficiencies were resolved as of March 10, 2017. A background check of all officers was completed which revealed no criminal history. An initial inspection was conducted by the Division as of March 24, 2017, and Applicant passed the inspection with no deficiencies noted. If approved, Applicant will operate as a monument establishment builder at the above specified location. The Division is recommending approval.

Mr. Helm – Question?

Chair – Mr. Helm?

Mr. Helm – I’m sorry but I must ask this question. Was there anything done with activity before he got his license?

Ms. Simon – We’re unaware of that, Mr. Helm. I don’t believe that that has been looked through unless that information is on the application. I don’t have that information for you.

Mr. Helm – I called y’all. I don’t remember the day, but he has applied for his license so....

Ms. Simon – Mr. Helm, what I can say is if you asked me to look into this I did check with Ms. Morris.

Mr. Helm – Okay.

Ms. Simon – I don’t have that information available for you right now.

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

Mr. Hall – May we ask questions, Mr. Chair?

Chair – Please do.

Mr. Hall – Do you think there’s something in the background that these needs to be tabled until we...

Mr. Helm – No, I think the man didn’t realize he needed a license. That’s what I think.

Chair – Any other questions or comments? There’s been a motion made to approve and it’s been seconded and all those in favor, aye?

Board members – Aye.

Chair – And any opposed? That motion carries.

(2) Monument Retail Sales Agreement(s)

Ms. Simon – Premier Granite LLC submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its monument builder establishment whose application is also being presented at this Board meeting. The Division is recommending approval subject to the condition that the Board approves the application for monument builder establishment license; and 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. Ms. Anderson seconded the motion, which passed unanimously.

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

Ms. Simon – For the first item, I will turn the meeting over to Mary Schwantes, our new Division Director.

Ms. Mary Schwantes – Thank you. I'm very glad to be here and proud, very proud to be a part of the Division team. It's a great group of people. They work very hard for the Industry and for the consumers. I've asked for the Operational Report to be added to every agenda for the Board going forward, in order that we may provide you with an update on Division activities and projects. I think that's important for keeping both the Board and the Industry apprised of what we are doing. So, as the Division of Funeral, Cemetery and Consumer Services, we want our primary focus to be on quality customer service and that's customer service not just for the consumers, but also for the Industry and the Board. One way to do that is through the appropriate regulation of the Industry and that includes increased and improved communications, again, with you all, as the Board members, with Industry and with the consumers. In 2016, there were about 200k deaths in Florida. As the Division, we regulate twenty-two (22) types of licenses and in 2016 that equated to 10,0004 total licenses. We handled, on our 1-800 and main line only, (this does not include phone calls or inquiries handled by our field staff; this is just our Tallahassee office) almost 11,000 calls from consumers that included complaints and also from Industry members. It could have been licensing questions, any number of questions, 11,000 calls. As of the end of February, there were almost 7000 calls, so for this year, we're well on our way to exceeding the 2016 numbers. Our revenue, which comes from the fees and fines, including citations and other fines, is approximately \$3 million a year. Of this, the latest budgets have been about \$2.4 million a year. So we have been operating within the budget. A little bit about our organization. Our current staffing is twenty-five (25) full-time employees, plus two (2) OPS employees, who will also shortly be full-time. We have requested legislative approval for six (6) more full-time employees. These employees are needed to promote efficiencies in our operations and better provide services to you all. We've done a little bit of reorganization in or to effectuate some of our goals toward these improved efficiencies. Some of these started before I came on board in February. There was the creation of the Investigation Unit. That was created, I believe, right before the end of the year, November or around then. It is supervised by Nicole Singleton and there are four (4) investigators and these are all field staff employees. Their focus is on investigations and coordination with the Department's Legal Section regarding forwarded cases. The Assistant Director, Ellie Simon, will continue to oversee that branch as well as coordinating all matters relating to Board issues and rulemaking. We have recently created another unit, Licensing, Preneed and Consumer Services Unit. That was created effective April 1st and it will be supervised by Paul Rantuccio. He has five (5) staff members reporting to him now. The focus for that unit will be on budget, finances and improved customer service in all of the areas that they handle. That is kind of a wide-range of areas that is handled by that unit, but there will be a lot of cross-training involved there, as well. The third unit that we have is the Inspections and Examinations Unit, supervised by Thurman Lowe. Currently there are ten (10) field staff assigned to Mr. Lowe. We are in the process of dividing that unit by function area. So there will be a unit supervised by a new supervisor that handles nothing but examinations and another one that handles nothing but inspections. Now having said all of that, I know that many of you are familiar with our field staff. They will all be cross trained. They will all be responsible and able to perform each of the different functional areas, but by doing this separation, they will also be able to develop further expertise in their assigned areas. We have several projects that are going on, and since I mentioned cross training, I wanted to tell you about a recent training opportunity we were able to provide. The entire Division had not been together in one (1) room, face to face as we are sitting here today, since 2009. We brought all field staff to Tallahassee and for a full day, this was just on April 5th, we had a Division meeting in the morning, followed by updates on legislative changes from 2016 and other statutory issues. In the afternoon we had a demonstration of technology that is used by field staff by the Department of Business and Professional Regulation who came on and were able to show us how tablets are used out in the field by their field staff. The Department's Office of Inspector General provided a presentation on investigative tips and the Department's own Legal staff provided training on the legal processes involved, as they apply to the cases that we actually forward to them for further prosecution. The goal for all of this is because we would like to have quarterly Division meetings with, as the Board does, some are telephonic and some are face to face. We would like to have at least two (2) meetings a year that are face to face with the other ones being by Skype or however we can arrange it using the most advanced technology so that we don't have the travel cost incurred, but in that way provide both training opportunity for our staff and also an important opportunity for them to be able to sit down, talk to each other about issues that come up in the field that they're not normally able to discuss open forum,

if you will, so that there's more consistency in how they approach certain issues when they're out in the field. And it can be anything as simple as the placement of the certificate or the licenses to much more in depth issues. I think having that opportunity to discuss so that there is consistency applied is extremely important both to us and to you. In that way we are also reviewing all the policies and procedures and updating them. This will include updates to older examination and field staff manuals. Development of them as needed so that, again, we have better cross training opportunities as well. There will be continued updates as technology changes, which brings us to the biggest project and that has to do with our technology. Currently, the Division has five (5) systems that are all access database based. That is five (5) opportunities for multiple data entry points and for multiple opportunities for errors. The fact that the Division has operated so successfully for so many years with some of this technology is a true testament to both the former Division Director and to the current staff. However, it's time to update. It's past time to update, in all fairness. We would like to have one (1) system, well I keep saying one (1) system to rule them all or one (1) ring to rule them all, if you're a hobbit fan like I am. Anyway, one (1) system for all purposes so that there's one data entry point so that access is available at many levels. The ultimate idea would be that field staff would be able to go onsite with a tablet, which has the picture taking ability, the ability to send whatever is input automatically to Tallahassee, which would go into the main system, so that's your one (1) data point entry. They would have access immediately there onsite to the history, but beyond that, the Industry members would be able to go online and review their own individual history regarding their licenses. So a lot more interaction online, both for the community and for our staff, should certainly result in smoother operations and follow up in Tallahassee, as well. Right now we have our Information Technology Office has business analysts looking at our systems where they meet with us regularly going over, I can't tell you how many times Ellie and I have gone over our processes already with about two (2) to three (3) people from scratch and they go through your processes over and over and over again. The idea is that when they look at that they try to figure out which system will best meet your needs, or systems, if necessary, but the idea is that we would get to one (1). So that is ongoing. We are in the process of purchasing tablets and portable printers for our field staff. We want them to get used to using the tablets. We are also purchasing new recording equipment for these meetings and a new conference telephone. There's updates that are needed in all of these areas is what I'm getting at. So, information technology, the needs are expensive. I cannot tell you right now, because the analysis is still going on, what the cost will be for this system or systems that we need to have, but we can certainly expect an increase. It will be needed to our budgetary needs for licenses, maintenance, etc. going forward. Again, we believe that this will result in improvements not only for our staff and for efficiencies that we're able to do, but also improvements for the community, particularly as we're able to have more interactive online ability added for the Industry, which leads me finally to a project that we have going on regarding rulemaking. The Legislature required some information from the different Departments regarding our fines and regarding our ongoing Notices of Non-Compliance. Tom Barnhart, the attorney for the Board, will give more information about this in a little bit, but as a result of that project, we started taking a look at two (2) of the rules, two (2) rule areas I should say. It's actually six (6) rules. 69K-30 and 69K-11. These are the rules that regard the fines. 69K-30 were the fines that were basically generated as a result of the services that were provided by the Department of Business and Professional Regulation, when it merged with the Department back in 2005, those rules were brought in as is and put among the other rules. 69K-11 were the fines that were the result of what the Department regulated, which is primarily the preneed contracts. There's a need at this time, partly as a result of that project and again Tom will give more information about it in a minute, there's a need that time to merge those rules. There are six (6) rules involved. What we want to do is open up 69K-30, which are the more defined rules regarding the fines. There's more to them. Merge 69K-11, the older Department rules, into that. As a result of opening it up we are also suggesting that the fines be raised and we wanted to give you a heads up on that. Again, we have ongoing and future anticipated expenses, particularly in the technology area and as a result of which we are going to need more money. So, with that, I again want to point out that we are looking for ways to improve our efficiencies. We are looking for ways to provide better customer service and one (1) thing that we definitely would like is to hear more from the Industry. I would love to hear input from Industry, from consumers as well, on ideas or suggested improvements for ways that we can better serve you. To that end, I invite anyone to give me a call. My contact information is on our website. I look forward to hearing from you on any suggestions and with that I think I am done, unless there are questions. {APPLAUSE}

Chair – Board members, any questions? We appreciate the presentation. It was refreshing and we look forward to a continuing wonderful relationship.

Ms. Schwantes – Thank you, Mr. Chairman.

Chair – Thank you.

B. Pershing Industries, Inc. D/B/A Vista Memorial Gardens (Miami Lakes) (Informational)

Ms. Simon – The next item on the agenda is Pershing Industries, Inc. d/b/a Vista Memorial Gardens.

Mr. Hall – Question, Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – Can we request that those financials, when they come in, be released to the Board, not just the Division?

Chair – Which financials?

Mr. Hall – On Pershing, on Vista. I think that, it said in my notes that we received the first one, but I don't remember receiving that. It must have just went to the Division. When they come in can they be released to the Board?

Ms. Simon – I will look into that. Yes, sir.

Mr. Hall – Thank you.

Chair – Thank you, Mr. Hall.

Ms. Simon – Mr. Brandenburg, at a previous meeting this year you had asked for a status update as to the Consent Order and the terms of the Consent Order issued against this licensee. I provided to the Board members a status check, a written status check regarding each of those terms and each of those terms have been met. I did not know if you had any additional questions.

Chair – I don't have any additional questions. Board members, after reviewing this, does it raise any questions that you may have for the Division that they may be answered now or at a later time?

Mr. Knopke – Mr. Chairman, I will ask Ms. Simon, based upon what was approved, is it safe to assume that the Department is satisfied that they are meeting the conditions and so forth that were agreed upon?

Ms. Simon – Yes sir.

Mr. Knopke – Thank you.

Chair – Good question, good answer. Thank you. We appreciate that report and we look forward to receiving additional reports at times we may request from time to time.

Ms. Simon – Absolutely.

Char – Thank you.

C. Retail Installment Seller License (Informational)

Ms. Simon – I wanted to give an update to the Board regarding this matter. It appeared that whenever there is a retail installment contract entered into, which means whenever there is any type of deferred payment, the entity may need to have licensure under Chapter 520, F.S., licensure as a retail installment seller under the Office of Financial Regulation. We are looking into that right now and we are delving further with the Office of Financial Regulation, as well as the Industry, to determine the steps that actually need to be taken and I wanted to let the Board members know that this was going on. If there are any questions, perhaps I can answer them.

Chair – Thank you. Any questions?

D Report: Payment of Disciplinary Fines and Costs (Informational)

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 April 13, 2017 Board Meeting
 Date of Report: March 20, 2017

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
John W. Harmon III	Feb-17	198972-16-FC	\$1,000	3/22/2017	Paid in Full	
Harmon Funeral Home, Inc.	Feb-17	198968-16-FC	\$1,500	3/22/2017	Paid in Full	
Ana Alicia Logan	Dec-16	183122-16-FC	\$1,000	1/8/2017	Paid in Full	
Damon Baker	Dec-16	196641-16-FC	\$2,500	3/8/2017	Note D	Discussions taking place between the OGC and the Division.
Derryck Richardson	Dec-16	197853-16-FC	\$1,000	1/8/2017	Paid in Full	
Cremations of Greater Tampa Bay	Dec-16	192741-16-FC	\$2,000	1/9/2017	Paid in Full	
Gregory Dunphy	Dec-16	196605-16-FC	\$2,500	1/11/2017	Not current	Forwarded to the OGC to take action
Ross Family Mortuary	Dec-16	196632-16-FC	\$1,000	1/8/2017	Payment due by 2/15/17 not	
Auxiliadora Funcria Nacional	Dec-16	175615-15-FC	\$4,000	1/8/2017	Paid in Full	
Cremations of Greater Tampa Bay	16-Dec	192741-16-FC	\$2,000	1/8/2017	Paid in Full	
Clarence P. Wilson Junior	Jun-16	169221-15-FC	\$1,500	10/9/2017	Paid in Full	
Affordable Monument Company	Jun-16	184198-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Patricia Narciso	Jun-16	184202-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Clifford N. Robinson d/b/a CN Robinson Memorials	Jun-16	178019-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Clifford Nathaniel Robinson	Jun-16	178002-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Ronald Noble	Aug-15	134801-13-FC	\$2,500	8/1/2017	Note D	
James West	Feb-16	165110-14-FC & 165112-14-FC	\$2,500	3/14/2016	Note A	License surrendered
A. When payment in full becomes past due, the FCCS Division works with the DFS Legal Division to enforce payment. B. Once fines and costs are paid in full, licensee kept on this report 3 months, showing Paid in Full, and then dropped off report; also licensee dropped off report after disciplinary action filed due to nonpayment of the fine and costs. C. The Order re this case is still in process, so no Due date is not yet established. D. Due date has not passed, as of the date of this report. E. As of the date of this report, monthly payments were current.						

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

Mr. Helm – Yes.

Ms. Simon – Yes sir?

Chair – Mr. Helm?

Mr. Helm – I’m sorry, but that Ronald Noble has been on there forever and it keeps saying it’s not past the due date. When is the due date?

Ms. Simon – Yes sir. That’s a very good question. The Settlement Agreement was for a two (2) year period, I believe and I don’t believe that the fine needed to be paid until the end of the period. I could take it off of this report. I just have kept it on here because it’s not yet due.

Mr. Helm – Well I guess it does say the due date is 8/1/2017.

Chair – Right, August.

Ms. Simon – Yes sir.

Mr. Helm – Is that the reason it’s been on there that long because that was their agreement with you?

Ms. Simon – That was part of the agreement. I can just put it back on the agenda in August.

Chair – I'd prefer that you leave it on, because there's a possibility that it could be paid before then and I think we'd all like to know that. Thank you.

Ms. Simon – Yes sir.

Chair – Any questions on this? Any other questions on this? Thank you for that report.

21. Chairman's Report (Verbal)

Chair – Our next meeting, LaTonya, is?

Ms. Richardson – May 18th.

Chair – Teleconference?

Ms. LaTonya Bryant – Yes.

Chair – And then the next in person meeting is in Tallahassee on?

Ms. Richardson – June 29th.

Chair – June 29th. Thank you. Again I want to commend, as usual, the Board for the work that you do and the preparedness that you demonstrate at every meeting. It is so evident, so thank you all so much. A wonderful contribution. Thank you for that.

Ms. Simon – Thank you, sir.

22. Office of Attorney General's Report

A. Section 120.695, F.S. Certification Requirement (Informational)

Ms. Simon – The next item on the agenda is the Office of Attorney General's Report. Mr. Barnhart?

Mr. Barnhart – Good morning. Thank you. As you can see, s. 120.695(2), F.S., is requiring us to review our rules for notices of noncompliance and the good news is we already have rules providing for such, both in Chapter 11 and Chapter 30, but as is mentioned before, the strategy that I think we're going to have going forward is to open up the three (3) rules that are in Chapter 30 and move over the provisions of Chapter 11 rules. Then once we get everything in place the way we would like to do it and get Board approval after that then we would be repealing the rules in Chapter 11 so that everything is in one (1) chapter regarding discipline, citations and notices of noncompliance. For the next meeting in May, the strategy is to have a good draft for you to be able to look at and start discussing in regard to these rules and then in June when we have the in person meeting in Tallahassee, hopefully the Board members will feel comfortable enough with all of the material to approve finally everything we want to do for those rules. So what I'd like to do, and if you have any questions we can handle questions before we take a vote, but I'm going to ask you in a little while to authorize us to open up the three (3) rules in Chapter 30, that's 30.001, 30.021 and 30.003, for development so we can start working on those. In the meantime, if you can review the rules to look at possibly adding to and in some cases you might want to take away from the existing rules of noncompliance, but what the Legislature is wanting us to do is to identify all the rules, as you see they've provided a definition of what they think minor violations are, for which a notice of noncompliance must be the first enforcement action. A violation of a rule is a minor violation if it does not result in economic or physical harm to a person or adversely affect public health, safety, or welfare or create a significant threat of such harm. So when you look at the notices of noncompliance rule is this, 30.021 and 11.002, the idea is that we're going to be merging those, with your approval. If you have any questions I'll be glad to try and answer them.

Chair – Thank you. Board members? Mr. Knopke?

Mr. Knopke – Mr. Barnhart, in the general sense, what you're talking about doing is doing this via conference call as opposed to an in person meeting?

Mr. Barnhart – Just the draft. Not for a vote or approval, but just a draft for discussion and we'll have further discussion in June at the in person meeting.

Mr. Knopke – Again, I guess, conference calls generally, in my opinion, are not got for discussions. They, for all the reasons that I don't need to go into, but they just don't lead to a good discussion where everybody gets to be heard or the potential for everybody to be heard. I'm requesting that y'all, I know that y'all need to move this forward, but at the same time either schedule a separate rules meeting to take this up where we can do it in person or put it off until the June meeting to do it in person.

Mr. Barnhart – Well the one thing we do have to address before the June meeting is your notices of noncompliance. So we could possibly take that first and get that done because of the requirements of the Florida Statutes for reporting such, but the idea is to just get everything in writing to you. We don't have to have that much discussion about it at the telephone meeting, but I wanted to get everything out just so you could have it and be studying it for about a month or so before our next live meeting.

Mr. Knopke – I like the idea of getting it out, but unfortunately this Board has not had a series of regular rules meetings in years and even though you're opening just a piece of the puzzle, my guess is, well from past history, let's put it that way, our older rules meetings years ago became quite lively and were very not animated but they were very to the point and people spoke and participated. Again, my concern is, and I know it's not the Department's or your attempt to shut that down or push it off, but the reality is that's what it may appear to be.

Mr. Barnhart – Some of the options could be you could have a workshop a day before the meeting in Tallahassee, for example. Maybe the afternoon before the Board meeting is scheduled. There's different ways you could address. I was just thinking of the travel cost and such. If you had it anywhere in the State, there's going to be a lot of travel cost involved if it's something other than a Board meeting or in conjunction with the Board meeting, but that would be up to the Board and the Division staff I think.

Mr. Knopke – Not to go back and forth, but I will. The rules meeting, that's in essence the roadmap that everybody's going to follow. It's the nuts and the bolts. If you have it in Tallahassee, then the staff travel is pretty limited. For those in the Industry that feel that rules are important, they'll be there. That goes with their operation of doing their business or whatever. Again, I would encourage you all, and y'all do what you want, but to do a rules meeting in advance of the May meeting and not try to do it on a conference call and in advance of the June meeting, but that's your call. I'm done.

Mr. Barnhart – In advance of the May meeting I don't think we would be ready really to have everything for you. Before the June meeting, I think that would be possible. What would you suggest for the time and location of such a workshop?

Mr. Knopke – Are you talking about me?

Mr. Barnhart – Yes.

Mr. Knopke – Have it in Tallahassee, but I wouldn't do it the day before. Get your information together, disseminate it, have a meeting, if it's two (2) weeks before. Something to the effect not just the same day or the day before and not try to do it on a conference call.

Mr. Barnhart – So possibly two (2) weeks before the Board meeting in Tallahassee?

Mr. Knopke – Yes. Something to that effect.

Ms. Wiener – Mr. Chairman?

Chair – Let's see if any of the Board members have any other comments or questions. Ms. Wiener?

Ms. Wiener – Thank you. On behalf of the Industry members that I represent and those sort of sitting around me in the room, exactly to Mr. Knopke’s point. This Industry really wants to cooperate with the Division in rulemaking. We would rather be able to participate on the frontend rather than to litigate a proposed rule on the backend and so I think Mr. Knopke’s idea would be exactly what the Industry would be looking for. An ability to participate in a rule workshop, have input, be able to engage before the rule comes to the Board and that way it can move through the process much more quickly. If we work out our problems on the frontend, it will actually make rulemaking go much more quickly for the Division because the mandatory time periods will just click by without having to be stopped and started again as that process moves forward so we encourage you to take Mr. Knopke’s recommendation under consideration.

Chair – Thank you. Any other comments? Thank you Mr. Barnhart. You were going to request a motion?

Mr. Barnhart – Yes. I’d like to have a motion that you allow us to open up the three (3) rules in Chapter 30 for development at this point. You’re not committing to anything, at all. That’s the first step.

MOTION: The Chair moved to authorize the Division to open up the three (3) rules in Chapter 30 (30.001, 30.021 and 30.003) for development. Mr. Jones seconded the motion, which passed unanimously.

Mr. Barnhart – Thank you.

Chair – Anything else to report to us today?

23. Administrative Report

The information was provided on the Agenda.

24. Disciplinary Report

The information was provided on the Agenda.

25. Upcoming Meeting(s)

- A. May 18th (Teleconference)
- B. June 29th (Tallahassee)
- C. July 13th (Teleconference)
- D. August 3rd (Embassy Suites by Hilton Orlando North -Altamonte Springs)
- E. September 7th (Teleconference)
- F. October 5th (DoubleTree by Hilton Tampa Airport Westshore)
- G. November 2nd (Teleconference)
- H. December 7th (Tallahassee)

26. Adjournment

Chair – Board members, anything for the good of the cause? Happy things going on?

Mr. Knopke – Mr. Chairman?

Chair – Yes?

Mr. Knopke – For those who aren’t Facebook friends with Ms. Simon, I believe yesterday was her birthday. {APPLAUSE}

Chair – Anything else? Board members I request that right after the meeting adjourns, Mr. Dean wants a photograph of the Board members and the students out in the garden then we’ll come back and pick up. Anything else? Ms. Schwantes?

Ms. Schwantes – No sir.

The meeting was adjourned at 11:27 a.m.