

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES**  
**TELECONFERENCE MEETING**  
**April 30, 2015 - 10:00 A.M.**

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

Mr. Jody Brandenburg, Chair – I would like to call to order the Board of Funeral, Cemetery and Consumer Services' Teleconference meeting. It is April 30, 2015. Mr. Doug Shropshire, will you make the usual preliminary remarks for the record and then call the roll.

Mr. Doug Shropshire – Yes, Mr. Chairman. My name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, April 30, 2015. 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, 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. Participants are respectfully reminded that the Board Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. All persons participating by phone, other than the Chair and Board members while speaking, are asked to place their phones on mute at all times while listening. I repeat, please place your phones on mute at all times while listening. We ask this to enhance the audio quality of the Teleconference. If any Member or participant is disconnected they can call back to the same number called initially. Participants are respectfully reminded of the necessary protocol that only one person may speak at the time.

At this time I will 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 (in person)  
Jean Anderson  
James "Jim" Davis  
Lewis "Lew" Hall  
Powell Helm  
Ken Jones  
Vanessa Oliver

**ABSENT:**

Andrew Clark  
Richard "Dick" Mueller

**Also noted as present:**

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

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

2. **Action on the Minutes**

A. *April 2, 2015*

Chair – Is there a motion?

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

3. **Old Business**

A. *Recommended for Approval without Conditions*

(1) *Application(s) for Change of Ownership*

(a) *Marvin C Zanders Funeral Home Inc (Apopka)*

Mr. Shropshire – The owner of the Marvin C Zanders Funeral Home, Marvin Zanders, died on December 12, 2010. An application for approval of a change of ownership of Marvin C. Zanders Funeral Home came before the Board on April 3, 2011. In said application his daughter, Helen Zanders, with one Omar Williams, sought to be recognized and approved as the sole principals of the funeral establishment, pursuant to the Will of Marvin Zanders. At the Board meeting, one Beverly Zanders came forward and testified to the Board that she was Marvin Zanders' oldest daughter, and that Will that Helen Zanders relied upon was not valid. The Board tabled the application until a decision by a court of competent jurisdiction was returned.

On February 26, 2015 the Division received from Attorney John Ellis, a copy of a court judgment upholding the will by which Helen Zanders claims ownership. The Division recommends approval of the application for change of control of the Marvin C Zanders Funeral Home, recognizing Helen Zanders as owner of said funeral establishment.

**MOTION:** Mr. Hall moved to approve the application recognizing Helen Zanders as owner of said funeral establishment. Ms. Vanessa Oliver seconded the motion, which passed unanimously.

(2) *Request(s) for Waiver of Rules 69K-18.002 and 69K-18.003, Florida Administrative Code*

(a) *Jones, Vancinia L*

Mr. Shropshire – This Applicant appears before the Board at this meeting seeking to be afforded a second internship. Applicant's original application for concurrent internship license came before this Board at its February 9, 2012 Board meeting. The Division recommended denial because of a criminal record. However, the Board ultimately approved the application.

The Applicant is now requesting a waiver of the provisions of rules 69K-18.002 and 69K-18.003, Florida Administrative Code, which allow for only one internship per lifetime for a funeral director and embalmer Applicant. The Applicant began her internship in March 2013 and requested a renewal of her licensure in October 2013. The Division believes the following statutes and rules are applicable:

An Applicant for an **embalmer** license by examination, must serve a one year embalmer internship; see 497.368(2)(b). Section 497.370 controls embalmer internship; that statute says nothing about extending or renewing an embalmer internship.

An Applicant for **funeral director** license must also serve a one year internship, see 497.373(2)(c). Funeral director internships are controlled by s. 497.375, and subsection (4) of that statute expressly provides that a funeral director internship may be extended for an additional 12 months "*due to illness, personal injury, or other substantial hardship beyond her or his reasonable control....*"

497.377 Concurrent internships.—

(6) No person shall be issued more than one concurrent internship license in their lifetime.

A person may only be issued one concurrent internship license, and only one funeral director internship license, in their lifetime. See rules 69K-18.003(6); and 69K-18.002(10). Section 120.542(2), Florida Statutes, which provides as follows:

Variations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

On February 4, 2015, the Applicant appeared before the Board to demonstrate why she was deserving of a renewal of her licensure. She provided the following:

My name is Vancinia Levone Jones. I was here before to get an internship. I completed nine (9) months at McWhite's Funeral Home, in which I endured hardship, harassment and I also filed a case with EEOC with Natasha Nelson. She has also refilled for retaliation because there is evidence of retaliation. I filed a case with her a year ago. I also sent the Board a letter stating what I was going through at the funeral home. It was submitted to Jasmin Richardson. I noticed that in a year I had not heard anything from the Board and I emailed the Director of the Board. In turn, the Assistant Director, Ms. Ellen Simon, gave me a call the same day and told me that they did not receive that information as a complaint. It was placed in my monthly reporting. Jasmin had placed it in the monthly reporting instead of putting it with a complaint. So she told me that she did have the complaint in front of her. She told me to pull up the email and file a complaint and submit the letter again. I was contacted by a young lady a year after the effect on Facebook. She stated that she was Mr. McWhite's niece. She wanted to get my EEOC investigator's name and number. She wanted to also file a case against him for the same matter. There is another young lady that has also submitted a letter to you all, the Board Members. She asked for Ms. Ellen Simon's email and I gave it to her. Her name is Ashley Monroe. I submitted the information from EEOC. I submitted the letter from Ashley Monroe. I also have a funeral home in Delray, Strong and Sons Funeral Home, that will allow me to complete and finish my internship. I also submitted a letter from the Director. I drove here by myself from Pompano Beach FL, 448 miles. This is not just a job to me. This is a passion that I have. I have no family in the funeral business and I am alone. My uncle, Bishop Howard McMillan, is here with me. He is a resident of Tallahassee FL. My cousin Rosa Tucker had to take her husband to the VA's office and was not able to be here today but she is letting me lodge in her home. I am asking the Board to please, please give me another chance to complete the internship. I endured hardship at McWhite's. At Strong and Sons, the door is open for me. They are willing to let me complete the internship. Please consider and let me do another year. I promise I will not let you down. If you look at the reviews you can see what I went through at that place. I have letters that are backing me up. I have evidence. It is not hearsay. I ask you to please consider and allow me to complete my internship. I drove this long ways because I have a passion for this. It is not just a job to me. I really have a passion. I am straight out of Miami-Dade College. All I wanted to do was just do a career that I have a passion for. I tried to complete my internship. I did the nine (9) months but due to the circumstances I could not. I endured harassment and all. I filed cases. I have even informed Jasmin Richardson with a letter a year ago and nothing was said. So I even emailed the Director a year after and that is when the young lady came to me and asked me for the information so that she could go through the same channels that I went through because he has to be stopped. He knows that we are vulnerable. He knows that we need this internship to get our license and I had to put up with this. Now I have to drive all the way back home, 448 more miles back to Pompano. Please do not let me go without having this internship, please! Strong and Sons is waiting on me. They are waiting to allow me to complete the internship. Please! I am asking you to please take this into consideration. Thank you.

Following the Applicant's statement, the Board tabled the application and the Applicant waived any applicable deemer provisions. Additionally, it was recommended that the Applicant file a request for variance or waiver of the applicable rules. The Division believes the request for waiver in this matter should be granted for the following reasons:

- 1) The purpose of the statute will still be served by permitting the Applicant to serve another one year internship.
- 2) The Applicant demonstrated that the application of the rule would create a substantial hardship.

The Division is recommending approval of the request for the waiver of the provision providing for only one (1) internship per lifetime.

**MOTION:** Ms. Oliver moved to approve the request for the waiver. Mr. Jim Davis seconded the motion, which passed unanimously.

Mr. Hall – Mr. Shropshire, when we have a case like this where there are accusations from multiple people, is there any action taken against the training facility’s license or the license of the establishment when it can be proven that this has happened? Does the Division ever look at any action like that?

Mr. Shropshire – Let me initially at least refer this to Ms. Simon. Ms. Simon, you had looked into that, had you not?

Ms. Ellen Simon – Yes I did. Apparently in this case it was first reported to either PERC or another employment hearing type facility and they found insufficient evidence to proceed forward with charges regarding this funeral establishment. So because of that the Division would take no further action.

Mr. Shropshire – Well, because of that we had not taken any action and did not believe there would be evidentiary basis to make anything stick is the bottom line.

Mr. Hall – I saw it from the EOC on the report but I knew there were multiple people. If we have something that sticks like that do we take action generally?

Mr. Shropshire – I do not recall.

Mr. Hall – If we have something that is positive from the EOC, I did not know whether in the past we had taken action against training facility licenses or establishment licenses on an issue like that.

Mr. Shropshire – I do not actually recall any prior factual scenario like this but I think that if we did have something that we thought was actionable, yes, we would certainly investigate and take action as possible.

Mr. Hall – Thank you. I just wanted clarification on that.

**4. Application(s) for Preneed Sales Agent**

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

Mr. Shropshire – The application(s) presented are clean and have been approved by the Division. 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) Cape School, Inc. (4401)
- (2) Florida Cemetery, Cremation & Funeral Association (75)
- (3) Independent Funeral Directors of Florida Inc. (135)
- (4) Kates-Boylston Publications (17208)
- (5) National Funeral Directors Association (136)
- (6) New Jersey Funeral Service Education Corp (7002)
- (7) Stericycle, Inc. (8805)

Mr. Shropshire – The majority of the Continuing Education Committee and the Division recommends approval of the application(s) for the number of hours indicated on Addendum B in the right hand corner.

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

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

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

- (1) Funeral Director (Endorsement)
  - (a) Falvey, Brian E
- (2) Funeral Director and Embalmer (Endorsement)
  - (a) Savage, Peter G

- (b) Stathers, Mark A*
- (c) Wiley, Russell D*
- (4) Funeral Director and Embalmer (Internship and Exam)*
- (a) Mayfield, John A*

Mr. Shropshire – The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

***B. Recommended for Approval with Conditions (Criminal History)***

- (1) Funeral Director and Embalmer (Internship)*
- (a) Foster Jr, Amos J*

Mr. Shropshire – An application for a Combination Funeral Director and Embalmer License by Internship was submitted on April 1, 2015. The application was complete when submitted. The Applicant's fingerprint submission was returned with criminal history. This criminal history was reviewed at the December 5, 2013 Board meeting, minutes included. Also, the Board approved an extension request for Mr. Amos' internship at the June 26, 2014 meeting, minutes included.

In 1998 Applicant pled no contest to a Third Degree Felony of Utterance of Forged Check. He was sentenced to 1 day credited jail time and probation for one year, six months. The Division is recommending approval subject to the condition of 12 months probation once Funeral Director and Embalmer license is issued.

**MOTION:** Mr. Jones moved to approve the application subject to the condition of 12 months probation once Funeral Director and Embalmer license is issued. Ms. Oliver seconded the motion, which passed unanimously.

Mr. Amos Jerome Foster, Jr. – I have just one (1) question about the probation.

Chair – Yes Mr. Foster, go right ahead.

Mr. Foster – When I came before the Board for my internship I was placed on probation for twelve (12) months so would I continue to be on probation again for another twelve (12) months with my license? From what I understood was once I successfully completed the probation the first time I would not be on it again. I could be wrong but I am just trying to get clarification.

Chair – I do not think that the Board would say that you would not be put on an additional twelve (12) month probation. Mr. Shropshire?

Mr. Shropshire – I do not recall that having been said, Mr. Foster. That would be unusual under our practice.

Mr. Foster – I understand. I thought when I did the first probation during my internship, which I am doing now, there would not be a second one (1), but I respect that.

***(b) Jay, Ahmadd S***

Mr. Shropshire – An application for a Funeral Director and Embalmer license was submitted on March 12, 2015. The application was complete at the time of submission. The Board previously approved Mr. Jay's Concurrent Internship license at the April 3, 2014 Board meeting, minutes included.

Applicant has a criminal history. In 2004 Mr. Jay pled no contest to a third degree felony of resisting arrest with violence in 2004. He advises that the incident occurred during Spring break in Daytona Beach. The police stopped the car he was riding in; he got out, was searched by the police, and the situation escalated, ending with the police tazing him. Mr. Jay served 30 days in jail and was placed on one year probation.

The Division is recommending approval without conditions because it did not involve an honesty issue.

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

**7. Application(s) for Internship**

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

- (1) *Funeral Director*
  - (a) *Jensen Jr, Christian E (F027166)*
- (2) *Funeral Director and Embalmer*
  - (a) *Feacher, Terona S (F083675)*
  - (b) *Lavender, Russell T (F083512)*
  - (c) *Powers, Sara M (F083623)*
  - (d) *Wheeler, Daniel J (F083458)*

Mr. Shropshire – The application(s) 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 Embalmer Apprenticeship**

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

- (1) *Jensen Jr, Christian E (F027166)*

Mr. Shropshire – The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

**9. Application(s) for Registration as a Training Agency**

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

- (1) *Miami Memorial LLC d/b/a Funeraria Memorial Plan San Jose (F081147) (Hialeah)*

Mr. Shropshire – The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

**B. Recommended for Approval without Conditions (Adverse Licensing History)**

- (1) *Coleman's Mortuary (F040636) (Hastings)*

Mr. Shropshire – An application to become a Training Facility was received on March 25, 2015. The Applicant does have reportable Adverse Licensing History:

- 1) In December 2012, the Division alleged the Licensee sold a preneed contract without a license. The Division and Licensee entered a settlement stipulation and was placed on probation for one year and agreed not to enter into any pre need funeral contracts without first obtaining and holding a valid pre need license.

The establishment is recommended for approval without conditions.

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

**10. Notification(s) of Change in Location**

**A. Informational Item – Addendum G**

- (1) *Samuel's Funeral Home Inc (F074729) (Miami)*

Mr. Shropshire – This item is informational only and does not require Board action.

**11. Consumer Protection Trust Fund Claims**

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

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

Mr. Knopke – Mr. Shropshire, on the first page of the attachment we have Doris Del Valle, Rafael Del Valle and then further down on that page Doris Del Valle again as claimants. The first two (2), Doris Del Valle and Rafael Del Valle are they asking for refunds of preneed or are these deliveries?

Mr. Shropshire – They are asking for refunds. They are husband and wife, Doris and Rafael. Doris made a claim on behalf of her mother, Olga Lucas and provided a power of attorney to represent her mother who is elderly.

Mr. Knopke – So these are requests preneed refunds, correct?

Mr. Shropshire – Yes sir.

Mr. Knopke – Ok. I did not realize we made preneed refunds.

Mr. Shropshire – Yes sir, we do.

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

**12. Application(s) for Broker of Burial Rights License**  
**A. Recommended for Approval without Conditions**  
**(1) Memorial International, LLC (Miami)**

Mr. Shropshire – The application was received on January 20, 2015 and deficiencies were noted on the application. A deficiency letter was sent to the Applicant on January 28, 2015, and all items of deficiency were resolved as of April 15, 2015. The Department completed a background check of Applicant which revealed no criminal history.

It should be noted that Applicant answered ‘Yes’ to Section 6, question (a) *“Have you ever had any death care industry license revoked, suspended, fined, reprimanded, or otherwise disciplined by any regulatory authority in Florida or any other state or jurisdiction?”* Please see below referenced notations regarding this disclosure:

- In 2003, a Cease and Desist Order was issued against the Applicant and its sole owner and principal, Pablo Cevallos. Mr. Cevallos was ordered to do the following:
  - Immediately cease and desist from all sales of preneed contracts as well as the sale of all funeral or cemetery services, merchandise, or burial rights.
  - Immediately cease and desist from receiving any funds tendered on account of contracts, services, merchandise or burial rights referenced above, and refund the same to the tenderer.
  - Provide the Department with an accounting of all funds received by them from consumers from the inception of the business operations set forth in the Notice of Intent to Issue Cease and Desist Order, and the proposed disposition of all such funds, within 90 days of the entry of this Consent Order.
  - Provide a report on proposed restructured business operations for review by the Department.
  - Submit a proposed letter for the Department’s approval to be sent to every consumer with whom they have contracted with within 90 days after entry of this Consent Order. The letter should advise that the customer is entitled to a full refund of all amounts paid for funeral and cemetery services, merchandise and burial rights and how, when and where they can claim the refund.
  - Upon approval of the proposed letter by the Department, respondent is to immediately send a copy of the letter to each consumer with whom they have entered into contracts
  - Provide a refund to each person who makes a request therefore in accordance with the terms of the letter as referenced above
  - Arrange with one or more licensed providers of funeral and cemetery services, merchandise and burial rights for the fulfillment of any executor contracts that become due thereafter.

The Division cannot find any papers related to the 2003 matter, other than what is included in this Board package. The Division's has no records of any complaints against Pablo Cevallos, or Memorial International. Applicant indicates that all conditions of the Order issued in 2003 have been satisfied as of to date (please see attached statement from Mr. Cevallos, principal of Applicant herein). The Division has no information inconsistent with Applicant's assertion. To date, there have been no other issues or actions concerning this Applicant. This item has been the subject of a supplemental set of materials provided to the Board on April 27, 2015 providing a screenshot of the Applicant's website, at least the front page of that website, a translation of statements made on the website and a statement by Division staffer Lashonda Morris concerning the application. I believe we may have a representative of the Applicant on the line. The Division does recommend approval of this application without conditions.

Chair – Who is the representative of Memorial International on the line with us?

Mr. Raul Mayorqen – I am the translator for Mr. Cevallos and he is here next to me.

Chair – Mr. Shropshire, how are we going to do the swearing in?

Mr. Shropshire – Mr. Mayorqen, it is our standard practice to swear the witness in so I will give you the oath and if you would repeat it to Mr. Cevallos. Ask him to raise his right hand. Do you solemnly swear that the testimony you are about to give to the Board in this matter will be the truth, the whole truth and nothing but the truth so help you God?

Mr. Pablo Cevallos – Yes.

Mr. Shropshire – Will you please state your full name for the record?

Mr. Cevallos – Pablo Cevallos.

Mr. Knopke – I will direct the questions to Mr. Cevallos. In looking through the information that has been translated from the website that was sent out in a supplemental package, I read there that “We are the company largest funeral assistance in Latin America.” Are they going to provide any type of funeral assistance in the United States like embalming, cremations or are they going to arrange for any of those things in the US.

Mr. Mayorqen – No, he will not be.

Mr. Knopke – Ok. Further down on the translation it talks about offering plans, “support plans individual international funeral celebration: Coverage Burial National and International; Transfer of bodies at the global level; Service for expatriation and repatriation funeral.” How is he going to be involved in that in the United States.

Mr. Mayorqen – He has that in different countries, however not in the United States.

Mr. Knopke – So he would not do any of that arranging or facilitating in Florida?

Mr. Mayorqen – No, he would not be.

Mr. Knopke – I will ask this question again in a different way. Under that same website under “Values” they talk about the “Use of visual rooms for up to 24 hours in the city required; Décor in the rooms of vigil with floral arrangements; Celebration of the religious service; Delivery of a book reminder.” If they are advertised on the website that would imply that they are going to be offered or available in Florida. Is he going to make arrangements locally in Miami with companies to do that or is he going to do it.

Mr. Mayorqen – He only wants the license for the brokerage rights to sell.

Mr. Knopke – What is he going to broker if he is given a license?

Mr. Mayorqen – Columbarium spaces.

Mr. Knopke – And where will he be selling these?

Mr. Mayorqen – Here in Florida.

Mr. Knopke – Will he be acting as a cemetery then?

Mr. Mayorqen – Yes.

Mr. Knopke – So he is going to be a cemetery that sells columbarium spaces in Florida, correct?

Mr. Mayorqen – Yes sir.

Mr. Knopke – Then Mr. Shropshire I would assert that he needs a cemetery license and not a broker license unless he is an independent on the street. He says he is going to be in the cemetery business.

Mr. Mayorqen – We are applying for that one afterwards. We will be applying for a cemetery license.

Mr. Knopke – Where will that cemetery be?

Mr. Mayorqen – Miami FL.

Mr. Knopke – Will this be a new cemetery or will he be acquiring a cemetery?

Mr. Mayorqen – It is an existing cemetery in Miami.

Mr. Knopke – So he wants the broker's license so that he can go ahead and start selling for that cemetery or for him to acquire that cemetery?

Mr. Mayorqen – Yes, to start selling for that cemetery.

Mr. Shropshire – Mr. Cevallos, do you currently own a cemetery?

Mr. Mayorqen – No sir.

Mr. Shropshire – Does your firm/business own a cemetery?

Mr. Mayorqen – No, not in the State of Florida.

Mr. Shropshire – Can you provide us the name of the cemetery you anticipate acquiring.

Mr. Mayorqen – Graceland Memorial Park.

Mr. Shropshire – Are you in discussions with the owner to purchase that cemetery?

Mr. Mayorqen – Yes we are.

Mr. Shropshire – Do you currently own an inventory of columbarium spaces?

Mr. Mayorqen – They are to be built.

Mr. Shropshire – So you are seeking a broker's license to sell spaces that are not yet built?

Mr. Mayorqen – Yes, that is correct.

Mr. Knopke – Whose contract would you write these sales on?

Mr. Mayorqen – On Graceland's.

Mr. Knopke – So effectively what you would be is a sales counselor or salesperson for Graceland?

Mr. Mayorqen – Yes sir, indeed.

Mr. Shropshire – I think that at the least you have a substantial misunderstanding of the legal requirements involved. You could go to the current owner of Graceland and ask to be authorized to sell existing columbarium spaces acting essentially as their employee but I do not believe that you can represent them to sell new spaces under a broker's license. I think perhaps what you need to do is wait to allow us to table this application and discuss with you what application you actually need. Would you be agreeable to tabling this application and allow the Division to talk to you?

Mr. Mayorqen – They wanted to seek the license for brokerage.

Mr. Shropshire – Well I have a feeling that and I just suggest this with all due respect that you may be facing a denial of this application if you press the matter today and it may be unfortunate and unnecessary.

Mr. Mayorqen – Ok, we will let you discuss it further and we will wait on you guys to look further into the matter. When would we be expecting the next meeting?

Mr. Shropshire – Well, before we go there though, is the legal advisor on the line?

Mr. Tom Barnhart – Yes.

Mr. Shropshire – Mr. Barnhart, would you perhaps advise concerning the deemer issue and ask them if they waive that?

Mr. Barnhart – If the translator can explain this to the Applicant. We need specifically a waiver of what is called the deemer clause. It is the provision in Chapter 120.60, F.S. that requires the Board to approve or deny an application within ninety (90) days of a complete application. In order for the Board to table it, we would ask that you waive that deemer clause.

Mr. Mayorqen – Yes, we waive it.

Mr. Shropshire – Ok. Mr. Cevallos, the Division office will be back in contact with you early next week to discuss this matter and at this time I would suggest that the Board table this item.

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

Mr. Mayorqen – Is it possible to do the application as a salesperson through Graceland now?

Chair – I believe the answer to your question is yes. Mr. Shropshire?

Mr. Shropshire – Allow us to discuss it with you after this Board meeting.

Mr. Mayorqen – Excellent.

Mr. Hall – If the Division could, please be more inquisitive about the questions Mr. Knopke asked in reference to the funeral services that they are promoting on the website.

Mr. Shropshire – Yes sir. Your point is understood and we certainly will.

### **13. Foundation Partners of Florida LLC**

Mr. Shropshire – The following are various applications by Foundation Partners of Florida LLC for change of ownership and control of various entities. The Division recommends that the Board table this item and the Division will re-present it at the first June meeting.

*A. Application for New Direct Disposal Establishment (Right Choice Cremations)*

Mr. Shropshire – An application for a Direct Disposal Establishment was received on April 9, 2015. The application was complete when submitted. The Funeral Director in Charge will be Mark Carlson (F044930). The fingerprint cards for all principals were returned with no criminal history. The establishment is recommended for approval with the condition that the establishment passes an onsite inspection by a member of Division Staff.

Mr. Knopke – Was this application received timely and was the Division given the opportunity to review it accordingly as you would with any application?

Mr. Shropshire – Well it was received April 9, 2015.

Mr. Knopke – So that was 20+ days ago. Where my question really goes is if we are jumping down to Item B that is being recommended by the Division to table or defer. If we are going to recommend tabling the parent company I would ask that we consider deferring this application because why would we approve something underneath the parent if we already want to defer something for the parent company?

Mr. Shropshire – Your point is well taken. They submitted this essentially separate from the larger package that follows this which is why we presented it separately but if the Board is inclined to take it up as a connected joint matter, the Division certainly has no objection to that, so I recommend that we consider Items 13A and B together.

Chair – We will consider 13A and B together.

*B. Recommendation to Defer or Table Certain Recent Applications Related to Change of Control/Ownership*

Ms. Wendy Wiener – May I address the Board members?

Chair – Please do.

Ms. Wiener – I represent Foundation Partners, however, I did not have a hand in submitting either of these applications. The people at the company that submitted the applications submitted them believing that there was a May Board meeting. They know that the Board meets monthly so they assumed that the May meeting was actually in May. That was a total miscalculation and an error on their part but that was what they anticipated. At this time, it is my understanding that the nuts and bolts of the applications are without question and that the questions that exist are related to the change in the ultimate controlling entity. We have exchanged some correspondence with Mr. Shropshire on that point and I make note for the Board that this deal must close by the 31<sup>st</sup> of May or there will be significant financial consequences for the Licensee. Just very, very briefly to explain the situation, there was some uncertainty about whether these applications needed to be submitted at all because while there could certainly be an argument that there is a change in ownership and control, the way that the Division's forms is written, the information about the ultimate controlling parent is not actually sought as it is in some other regulatory applications so they did submit the applications. The change is not actually a change in control. The situation is that the two (2) principals that ran the investment fund that owns Foundation Partners are with a different investment fund now, so the people in control of the ultimate parent actually are still in control of the ultimate parent. There is no change there. There is no change anywhere below that that would impact the Florida Licensees. The local ownership and management continues to be the same and will continue to be the same. So I would ask that the Board consider approving the applications subject to Mr. Shropshire ensuring that he is comfortable with the information that has been provided on the ultimate owner or that will be provided. We have traded a round of correspondence but if he has additional questions we will move with super alacrity to get answers to him so that the approval could be finalized by May 31<sup>st</sup>, which I believe is only a few days before the recommendation for their approval. They would be deferred until approval on June 4<sup>th</sup> and we are simply asking that you take that formal step this month because there is no May meeting and then allow Mr. Shropshire the opportunity to inquire further if he has further inquiries about the new investment fund.

Chair – Mr. Shropshire, would you care to comment on that?

Mr. Shropshire – The Division cannot provide the Board any advices or recommendation as to whether the representations of the attorney for the Applicants is correct as to whether the applications are in good shape and whether there are only minor issues because we have not completed our review of these applications and our former deficiency letter period has not expired yet, the thirty (30) days in which we have to issue a deficiency letter. I think that the Board can see that the Division having to push back against what is becoming increasing more frequent. People dropping these application packets on the Division and in effect are asking us to drop everything to look at their packet so we can get it on the next Board meeting agenda. We try very hard to facilitate the Licensee's and their business realities but it just seems to be getting worse and worse. We do it for one (1) person and then the next month someone gives us one (1) that is two (2) or three (3) days even less notice. Then they want to know what the big deal is as it is only a day less than the last time me granted the request. So we are pushing back quite frankly. The Division would not refuse to accept the proposal that Ms. Wiener makes if the Board is inclined to approve the matters with that condition. The condition being that if the Division is comfortable with it the approval would be finalized on the Division's issuance of a written statement to that affect but if the Division cannot get comfortable it would come back to the Board at its June meeting. The Division wants to stress that this probably will be the last time we would do this. We just have to urge the Industry to recognize that they have to build the required review time into their schedules in these transactions. We just run out of time. We only have a limited staff and there is no way for us to look at these without having to drop everything and that is not fair to other Applicants. That is a lot of verbiage and a longwinded reply to say that we will agree in this instance to Ms. Wiener's request if the Board is so inclined to grant it.

Mr. Barnhart – The approval with conditions works fairly well if there are just one (1) or two (2) specific things that need to be finalized and can be finalized pretty quickly but where it involves a comprehensive review of a lot of different requirements I do not know that that works very well. I just wanted to throw that out there to you.

Chair – Mr. Barnhart, thank you for that sage advice. We appreciate that very much. Ms. Wiener, can you please elaborate on the May 31<sup>st</sup> deadline that seems to be looming out there?

Ms. Wiener – The Board has the underlying transaction document. I do not have it handy but I believe it is probably in the Board packet. It is a long document but there are financial consequences that occur. You know, it is just one of those business transactions that has a go hard date on May 31<sup>st</sup> or there are some significant financial consequences. I do not disagree with the comments made by Mr. Shropshire and I absolutely encourage my clients to submit early and if I have any control in submitting applications, I do so as early as possible and I think Staff would confirm that that is generally the case. As to Mr. Barnhart's issue, while the Division cannot at this time, as Mr. Shropshire said, confirm that there are only a couple of items to be identified in the conditions, deficiency letters were issued on all of the applications and all of those deficiencies have been cleared for about probably ten (10) days or so ago. I would represent to the Board that based on my client's communication with Division staff they do not believe there are any significant hurdles. The applications themselves do not really contemplate a change in anything because, as I mentioned, this is a change in ultimate parental ownership four (4) levels up from the Applicant. The applications themselves are just applications like any other change of stock ownership application where the Applicant is actually the existing Licensee.

Mr. Hall – Mr. Shropshire, if I understand your comment that if the Board approves this but gives you complete authority to decide whether it goes forward or not by the May 31<sup>st</sup> deadline, you are comfortable with that. I know you are probably going to feel pressure either way as there is a lot of material to go through but if Ms. Wiener can satisfy you during that period, do I hear you saying that you are ok with that if you have the ultimate authority to say no I did not get through the material or I need more time?

Mr. Shropshire – Yes, Mr. Hall, your understanding is correct.

**MOTION:** Mr. Knopke moved to delegate authority to the Division to approve the application by May 31<sup>st</sup> or bring it back to the Board in June. Mr. Hall seconded the motion, which passed with one (1) dissenting vote.

**14. Application(s) for Funeral Establishment**  
**A. Recommended for Approval with Conditions**

*(1) Gallaher Services of Florida Inc (Ft Myers)*

An application for a Funeral Establishment was received on February 17, 2015. The application was incomplete when submitted. All deficient items were returned on March 3, 2015. The Funeral Director in Charge will be Jason Razler (F025721). The fingerprint cards for all principals were returned with no criminal history. The establishment passed its inspection on March 20, 2015.

The application was placed on the April 2, 2015 Board meeting but was withdrawn by the Division because of pending disciplinary action. Mr. John Gallaher (F042170) was placed on two years' probation, fined \$3,166.66 and was ordered not to be FDIC of any establishment while license was on probation.

The establishment is recommended for approval subject to the condition that John Gallaher shall not serve as FDIC of the funeral establishment at 10080 Intercom Drive, or at any other funeral establishment, while his funeral director & embalmer license F042170 is on probation.

Mr. Knopke – Mr. Shropshire, in looking through the application and from the disciplinary action before, it would appear that Mr. Gallaher is the 100% shareholder in this new business. Is that correct?

Mr. Shropshire – I know that Ms. Ronick has no ownership interest in this new one. He is probably the 100% owner but I cannot absolutely confirm that.

Mr. Knopke – As the 100% owner, whether he is the FDIC or the door opener, he has control and can direct whatever he wants to direct whether he is directing it as the owner or the FDIC. I have a problem with that. Here is a guy that we just disciplined for operating without the license, without an FDIC and we are getting ready to give him a new business license to operate and he is in charge. I will be voting against as I think that is a bad precedent to set.

Mr. Shropshire – I certainly understand your concerns, Mr. Knopke. The Division is primarily concerned because Mr. Gallaher, in those prior cases, indicated that the reason he did not supervise was because he was so sick. We sent one (1) of our investigators out subsequent to last month's meeting and he does not, in our opinion, appear health wise up to supervising. That is really primarily why we put this condition in here. I do not know that that has any impact at all on your thinking but that was primarily why we did it. He cannot have his cake and eat it too.

Chair – I will call the Board members' attention to the rather compelling letter from the Funeral Director in Charge, Jason A Razler, which is the last page of the application packet.

Mr. Knopke – I was impressed by Mr. Razler's letter and his citations and understanding of the statute but at the end of the day he is an employee and if he does not do what the owner says he can easily asked to leave and they go looking for another one (1), and that in and of itself is where my rub is.

Chair – Mr. Knopke, that is no different than virtually any funeral establishment in the State where the Funeral Director in Charge is not the owner.

Mr. Knopke – That is true Mr. Chairman, but we just a month or so ago just disciplined the owner, his then business and what appears maybe to be a former employee now quite severely for violating the statute. Now today we are looking at giving him a new ticket again. It is a problem for me.

Mr. Hall – I have to agree with Mr. Knopke. There were some serious charges, signed contracts by this individual not his FDIC were left behind at the funeral home and it just happened. So to turn around and give him a ticket to go forward on another one (1), I have an issue with it, too.

**MOTION:** Mr. Knopke moved to deny the application based on the Licensee's disciplinary history. Mr. Hall seconded the motion, which passed unanimously.

*(2) Your Traditions LLC d/b/a Your Traditions Cremation & Funeral Chapel (Sarasota)*

Mr. Shropshire – An application for a Funeral Establishment was received on March 9, 2015. The application was incomplete when submitted. All deficient items were returned on March 24, 2015. The Funeral Director in Charge will be Scott Kinne (F058621). The fingerprint cards for all principals 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. Jones moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Ms. Oliver seconded the motion, which passed unanimously.

**15. Application(s) for Monument Establishment Sales Agent License**  
*A. Informational Item (Licenses Issued without Conditions) – Addendum I*

Mr. Shropshire – The application(s) 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.

**16. Application(s) for Monument Establishment Retailer License**  
*A. Recommended for Approval without Conditions*  
*(1) Affordable Monument Company, LLC (Titusville)*

Mr. Shropshire – This application is being filed for a new monument establishment retailer license. The application was received on March 13, 2015 and a deficiency letter was sent to the Applicant on March 23, 2015. All deficiencies were resolved as of March 27, 2015. A background check of all officers revealed no criminal history. If approved, Applicant will utilize the attached monument retail sales agreement which is also being presented for approval at this meeting.

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

*(2) Dan E. Evans d/b/a Evans Monument Company (Pensacola)*

Mr. Shropshire – This application is being filed for a new monument establishment retailer license. The application was received on February 3, 2015 and deficiencies were noted. A deficiency letter was sent on February 12, 2015 and the Applicant resolved all deficiencies as of March 30, 2015. A background check of all officers revealed no criminal history. If approved, Applicant will utilize the attached monument retail sales agreement which is also being presented for approval at this teleconference meeting. The Division understands that the Applicant may be on the line and would like to ask him a question or two (2) if he is on the line.

Chair – Is Mr. Evans or someone representing the Applicant on the line?

Mr. Dan Evans – Yes sir, Mr. Chairman, I am.

Chair – Mr. Shropshire, would you please swear Mr. Evans in?

Mr. Shropshire – Please raise your right hand. Do you swear that the testimony you are about to give in this matter will be the truth, the whole truth and nothing but the truth so help you God?

Mr. Dan E Evans – Yes it is.

Mr. Shropshire – Mr. Evans, your residence, if I understand correctly is at 6291 Mocking Bird Lane, Pensacola?

Mr. Evans – That is correct.

Mr. Shropshire – The business location would be 619 N Devilliers Street, Pensacola?

Mr. Evans – Yes sir that is correct.

Mr. Shropshire – I apologize for not having been able to get with you before this meeting and I do not mean to embarrass you at all. We went to the website of the Escambia County Property Appraiser and the structure at 619 N Devilliers Street, Pensacola is zoned as mixed use business and residential. The Property Appraiser has a couple of photos of the property on their website. It shows a Central Life Insurance Office and apparently it may have some apartments in the back. Can you explain how you are going to use that building or place in the building?

Mr. Evans – Well the building, after Central Life, was New America Press, a newspaper office. They have two (2) parts to it. Where I am, there are two (2) doors there in the front of the building and I am on the left hand side. My office has nothing to do with their office. It is divided and actually there is no one else in the building but me now.

Mr. Shropshire – What kind of activities do you anticipate conducting in your monument establishment business from that office?

Mr. Evans – My sales, any sales that I have. All of my records and everything will be kept in that office.

Mr. Shropshire – Do you have any equipment to deliver the monuments and so forth?

Mr. Evans – Yes I do. I have been in the vault business for over thirty (30) years. I have two (2) vault trucks.

Mr. Shropshire – The Division recommends approval of this application Mr. Chairman.

Mr. Helm – Mr. Evans, on your application under Section 9, you indicated you have a display area.

Mr. Evans – Yes, I do. There is one on the side of the building.

Mr. Helm – Is there something there now.

Mr. Evans – No, there is nothing there now. It is a concrete area with nothing on it. There is nothing there. I can put my displays right there on the side.

Mr. Helm – Do you mind elaborating on what you will be putting there?

Mr. Evans – I will put some monuments there. A double monument and a single monument to give the consumer an idea of what they are buying. They can see the monuments themselves.

Mr. Helm – How many monuments will you have there?

Mr. Evans – I will probably have about six (6) monuments on display.

Mr. Helm – Were you waiting to get this approval before you did your display area?

Mr. Evans – Yes. I have not done anything. I was waiting for approval.

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

### ***(3) Dependable Cemetery Service, LLC (Lake Butler)***

Mr. Shropshire – This application is being filed for a new monument establishment retailer license. The application was received on March 5, 2015 and a deficiency letter was sent to the Applicant on March 9, 2015. All deficiencies were resolved as of March 20, 2015. A background check of all officers revealed no criminal history. If approved, Applicant will utilize the attached monument retail sales agreement which is also being presented for approval at this meeting.

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

**17. Application(s) for Monument Retail Sales Agreement**

**A. Recommended for Approval with Conditions**

**(1) Affordable Monument Company, LLC (Titusville)**

Mr. Shropshire – Affordable Monument Company, LLC submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its monument retailer establishment whose application is also being presented at this Board teleconference meeting. The agreement is recommended for 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. 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. Hall seconded the motion, which passed unanimously.

**(2) Dan E. Evans d/b/a Evans Monument Company (Pensacola)**

Mr. Shropshire – Dan E. Evans d/b/a Evans Monument Company submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its monument retailer establishment whose application is also being presented at this Board teleconference meeting. The agreement is recommended for 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. Jones 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. The Chair seconded the motion, which passed unanimously.

**(3) Dependable Cemetery Service, LLC (Lake Butler)**

Mr. Shropshire – Dependable Cemetery Service, LLC submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its monument retailer establishment whose application is also being presented at this Board teleconference meeting. The agreement is recommended for 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. 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. Oliver seconded the motion, which passed unanimously.

**18. Application(s) for Refrigeration Facility**

**A. Recommended for Approval with Conditions**

**(1) Tri County Mortuary Transfer Services (Fort Pierce)**

Mr. Shropshire – An application for a Refrigeration Facility was received on October 16, 2014. The application was incomplete when submitted. All deficient items were returned on February 25, 2015. The fingerprint cards for all principals 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. Ms. Oliver seconded the motion, which passed unanimously.

**19. Executive Director's Report**

**A. Extension Granted - Gendron Funeral & Cremation Services, Inc. (Informational)**

Mr. Shropshire – The Applicant is asking the Board to authorize a further extension until July 7, 2015. A motion may be in order Mr. Chairman to authorize the Division to extend the transaction deadline to July 7, 2015.

April 14, 2015

Doug Shropshire, Director  
Division of Funeral, Cemetery and Consumer Services  
[Doug.Shropshire@myfloridacfo.com](mailto:Doug.Shropshire@myfloridacfo.com)

**Re: Gendron Funeral & Cremation Services Inc.  
Change of Ownership for Funeral Establishment  
H&P Memorials, Inc. d/b/a Anderson-Patterson Cremation & Funeral Services**

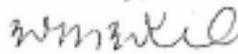
Dear Doug:

As you know, we represent Gendron Funeral & Cremation Services, Inc. (Gendron). On January 8, 2015, the Board approved the funeral establishment application submitted by Gendron, with the condition that the transaction close within 60 days (i.e., March 9, 2015). On February 5, 2015, we requested an additional 60 days to close, or until May 8, 2015.

Our client has notified us that the parties will require additional time to close. Therefore, we would like to request a second extension of 60 days, until July 7, 2015, to enable Gendron to complete the transaction.

Please let us know if you require additional information.

Sincerely,



Wendy Russell Wiener

Approved for 30 days only (90 days  
from 3-9-15). That is, extended  
to 6-7-15.

-DAS

Doug Shropshire, Director  
Funeral & Cemetery Division  
850-413-4096

PS: The Bd only  
authorized me to  
grant 90 days  
total extension.

**MOTION:** Mr. Knopke moved to authorize the Division to extend the transaction deadline to July 7, 2015. Mr. Jones seconded the motion, which passed unanimously.

Mr. Helm – Mr. Chairman, do I see that congratulations are in order for the attorney at law?

Ms. Wiener – Are you referring to my change in employment, Mr. Helm?

Mr. Helm – I am.

Ms. Wiener – Well, thank you very much. I recently became a partner at Broad and Cassel, a statewide law firm, and I am very excited to be here.

*B. DFS Legal Division, Rules Cleanup Project (Informational)*

**MEMORANDUM**  
**Department of Financial Services**  
**Division of Funeral, Cemetery, and Consumer Services**

TO: Board Members (Board of Funeral, Cemetery, and Consumer Services)

FROM: Doug Shropshire, Division Director 

RE: Rulemaking Cleanup project

Date: April 30, 2015

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The Legal Division of the Department of Financial Services continues its project to review all rules of all DFS Divisions, to ensure that the rules meet the current standards of rulemaking statutes in Chapter 120, Florida Statutes, and the current standards of the Florida Administrative Code.

As part of that project the DFS Legal Division has identified for change the revisions set out in the attached materials.

I do not believe the changes are substantive.

This is an informational item.

*C. Procedures Regarding Processing Applicants with Criminal Records to the Board*

INTER-OFFICE MEMORANDUM  
PRIVILEGED AND CONFIDENTIAL

TO: Doug Shropshire  
FROM: Ellen Simon, Assistant Director  
DATE: April 21, 2015  
SUBJECT: Procedures regarding processing applicants with criminal records to the board

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On June 26, 2014, an in-person board meeting was held in Tallahassee, Florida. As part of the Executive Director's Report, there was discussion regarding the requirement that applicants for licensure under Chapter 497, Florida Statutes, that had a criminal history were required to have their application heard at an in-person board meeting, which was the procedure at the time. However, at that meeting the board decided that applicants with criminal histories involving only misdemeanor crimes, such as Driving Under the Influence or other traffic infractions, can have their applications heard at either in-person board meeting or telephonic meetings.

As a follow up to that meeting, a memorandum was included in the agenda for the August 2014 meeting which memorialized the discussion. This item was informational only, and presented at the following board meeting. This memorandum provided that the new procedure would permit applicants with a criminal history including only a first time driving or boating DUI, that did not include injury to persons or property, to have their application heard at an in-person board meeting.

A review of the minutes from the June 2014 board meeting has revealed that the exact language of the board's directives was limited to applicants only with "DUI's and traffic infractions." In point of fact, traffic infractions are not crimes and would have never been taken into account as part of a criminal record

Subsequent to that memo, further review of this matter has indicated that the board did not want to limit this new procedure to applicants who had DUIs. Instead, the Board wanted that all applicants with first time criminal traffic infractions, which did not result in damage to person or property, to be included on agendas at either teleconference meetings or in-person board meetings.

As a result, the procedure being implemented by the Division beginning April 2015 is that all applicants for licensure under Chapter 497, Florida Statutes, with the following criminal history, may have their application considered at either an in-person Board meeting or a Board meeting held by telephonic conference:

A criminal history which only includes a first time misdemeanor criminal traffic violation within the previous five years which does not involve personal injury or property damage, including but not limited to Driving Under the Influence (DUI) [316.193], Driving without a valid driver's license [322.03], driving without insurance [324.221], willful and wanton reckless driving (WWRD) [316.192], driving on a suspended drivers license [322.34], and having an expired tag of more than six months [320.07].

Chair – I think that certainly captures the essence of what the Board had in mind on that. Thank you, Ms. Simon for your clarification on that.

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

Monthly Report of Fine and Costs Assessed and Paid  
 Division of Funeral, Cemetery and Consumer Services  
 April 30, 2015 Board Meeting  
 Date of Report: April 16, 2015

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Cemetery Professionals, LLC dba Beaches Memorial Gardens and Cemetery Professionals, LLC dba Beaches Memorial Park	Jun-12	110156-10-FC & 110157-10-FC	\$5,250 \$5,000 38,859.57	9/6/2012 12/7/2012 35 mo pymts	YES YES Status Pending	Licensee monthly restitution payments are current.
Carriage Florida Holdings, Inc., d/b/a Forest Lawn Memorial Cemetery	Feb-15	159822-14-FC	\$2,250	3/25/2015	Yes	
Carriage Florida Holdings, Inc., d/b/a Evergreen Memorial Park	Feb-15	159824-14-FC	\$2,250	3/25/2015	Yes	
Carriage Florida Holdings, Inc., Garden of Memories	Feb-15	159820-14-FC	\$2,250	3/25/2015	Yes	
Rick Groover	Feb-15	162136-14-FC	\$1,000	3/25/2015	Yes	
SCI Funeral Services of Florida, Inc. Groover Funeral Home at Mansion Memorial Park	Feb-15	162135-14-FC	\$1,000	3/18/2015	Yes	
Daniel A. Newsome d/b/a Gravesites L.L.C.	Feb-15	147250-14-FC	\$2500 fine/ \$4,850 restitution	3/19/2015	No payments made.	License Revoked. Because the license was revoked, the Division will not be asking for legal action to be taken on the violation of the court order. If the entity ever seeks re-licensure, the fine would have to be paid before licensure is granted.
Buy and Sell Cemetery	Dec-14	154941-14-FC	\$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50	\$62.50 Initial payment/ \$62.50 First installment payment (paid)	On time	
Jay Monument & Vault a/k/a Jay Monument & Vault Inc.	Oct-14	153256-14-FC	\$5000 and 13 years of renewal fees	11/24/2014	No	No license. Legal is in the process of taking action.

Janorise Stone	Nov-14	144432-13-FC	\$1,500	12/25/2014	No	Request to take legal action on consent order violation for failure to pay fines submitted
Rogers Funeral Home	Dec-14	150303-14-FC	\$3,000	January 23, 2015	No.	Legal action pending
Delvis Rogers	Dec-14	150301-14-FC	\$3,500	January 23, 2015	No	Legal Action pending
Barney Skinner	Apr-15	154935-14-FC	\$1000 fine/\$1000 restitution	5/8/2015	Note D	License revoked. Because the license was revoked, the Division will not be asking for legal action to be taken on the violation of the court order. If the entity ever seeks re-licensure, the fine would have to be paid before licensure is granted.
Able Monument Company	Apr-15	154939-14-FC	\$1000 fine/\$1000 restitution	5/8/2015	Note D	License revoked. Because the license was revoked, the Division will not be asking for legal action to be taken on the violation of the court order. If the entity ever seeks re-licensure, the fine would have to be paid before licensure is granted.
Georgina Ronick	Apr-15	157226-14	\$3,166	7/8/2015	Note D	
John Gallaher	Apr-15	157224-14-FC	\$3,166	7/8/2015	Note D	
Gallaher Services, Inc.	Apr-15	157220-14-FC	\$3,166	7/8/2015	Note D	
New Horizon Funeral Chapel & Cremation, Inc.	Apr-15	154917-14-FC	\$3,500	5/9/2015	Note D	
<p>A. When payment in full becomes past due, the FCCS Division works with the DFS Legal Division to enforce payment.</p> <p>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.</p> <p>C. The Order re this case is still in process, so no Due date is not yet established.</p> <p>D. Due date has not passed, as of the date of this report.</p> <p>E. As of the date of this report, monthly payments were current.</p>						

Mr. Helm – On Cemetery Professionals, where do we stand on that?

Ms. Simon – We are getting close to final payment. I have been in contact with Amanda Rayan, who has been making payments. Most recently the payments have been made to Ms. Wiener’s office as opposed to directly to the victim in the matter. I think that the last payment was actually made last month.

Ms. Wiener – I believe that the Licensee is current on their payments at this time. As Ms. Simon said, the payments are coming to my office now to get forwarded to Riverview because there were some logistical situations that we needed to address. Most recently, Cemetery Professionals actually asked for a payoff amount so we are getting close to the end. There may be one (1) or two (2) payments left to be made and they are on time.

**20. Upcoming Meeting(s)**

- A. June 4<sup>th</sup> (Teleconference)
- B. June 25<sup>th</sup> (Tallahassee)
- C. July 9<sup>th</sup> (Teleconference)
- D. August 6<sup>th</sup> (Altamonte Springs – Hilton Orlando/Altamonte Springs)

**21. Adjournment**

The meeting was adjourned at 11:09 a.m.