

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
May 19, 2016 - 10:00 A.M.

1. Call to Order, Preliminary Remarks and Roll Call

Mr. Jody Brandenburg, Chair – Good Morning everyone. Welcome to the Board of Funeral, Cemetery and Consumer Services. This is a Teleconference meeting of May 19, 2016, about 10 a.m. Mr. Doug Shropshire, will you make your preliminary remarks and roll call?

Mr. Doug Shropshire – Yes sir. My name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. Persons participating by phone are asked to put their phones on mute. Please put your phones on mute. Today is May 19, 2016. I am Director of the Division of Funeral, Cemetery, and Consumer Services. 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. The teleconference number has been distributed to the public. My assistant, Ms. LaTonya Bryant, will be taking minutes and recording the meeting.

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. Again all persons participating by phone, other than while actively speaking, are asked to put their phones on mute in the interest of audio quality of the teleconference. If any member or other participant gets disconnected they can of course call back to the same number that they called initially. All participants are respectfully reminded of the necessary protocol that only one person may speak at a time.

At this time, I'll take the roll:

PRESENT (via phone):

Joseph "Jody" Brandenburg, Chairman
Keenan Knopke, Vice-Chairman
Jean Anderson
Francisco "Frank" Bango
Andrew Clark
James "Jim" Davis
Lewis "Lew" Hall
Powell Helm
Ken Jones
Vanessa Oliver

Also noted as present:

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

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

Chair – Thank you.

2. Action on the Minutes

A. April 7, 2016

The Chair – The first item on the agenda is action on the minutes from the April 7, 2016 meeting.

Mr. Shropshire – Jean, were you getting worried I was going to forget you again?

Ms. Jean Anderson – Yes, I thought I'd slipped off the list.

Mr. Shropshire – I'm sorry Mr. Chairman.

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

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

Mr. Shropshire – The applications presented are clean and have been approved by the Division. This item is informational only and does not require Board action.

4. Application(s) for Continuing Education Course
A. Recommended for Approval without Conditions – Addendum B
(1) Elite CME, Inc. (113)
(2) Florida Cemetery, Cremation & Funeral Association (75)
(3) Florida Morticians Association (23208)
(4) Funeral Service Academy (23408)
(5) FuneralCE (43)
(6) Independent Funeral Directors of Florida Inc. (135)
(7) International Order of the Golden Rule (2201)
(8) National Funeral Directors Association (136)
(9) New Jersey Funeral Service Education Corp. (7002)
(10) Newcomer Funeral Service Group (25408)

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

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

5. Application(s) for Approval as a Continuing Education Provider
A. Recommended for Approval without Conditions – Addendum C
(1) Talk Health LCC (25808)

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

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

6. Application(s) for Florida Law and Rules Examination
A. Informational Item (Licenses Issued without Conditions) – Addendum D
(1) Direct Disposer
(a) Vinci, Laura M
(2) Embalmer (Internship and Exam)
(a) Allgood, Angela S
(3) Funeral Director (Internship)
(a) Gumm, Lawrence F
(b) Hawk, Nicole M

- (c) *McCall, Debra A*
- (4) *Funeral Director and Embalmer (Endorsement)*
 - (a) *Bollheimer, Alyse*
 - (b) *Ergler, Amanda M*
 - (c) *Hammerl, Ana*
- (5) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Hudson, Shante' L*
 - (b) *Johnson, Darrell D*
 - (c) *Knowles, Trenise R*
 - (d) *Maus, Alana*
 - (e) *Meagher, Sean M*
 - (f) *Noonan, Debbie J*
 - (g) *Scrivens-Johnson, Sonya J*

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

B. Recommended for Approval without Conditions (Criminal History)

- (1) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Pinkston, Brittany*

Mr. Shropshire – An application for a Funeral Director and Embalmer license was submitted on April 19, 2016. The application was complete when submitted. The fingerprint card information returned with a criminal history. Her internship license was approved with this criminal history on April 2, 2015. In 2011, Ms. Pinkston pled guilty to Driving with Unlawful Alcohol content. Her license was suspended and was fined \$415.50. The Division is recommending Approval without conditions.

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

7. Application(s) for Internship

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

- (1) *Funeral Director*
 - (a) *Glowacke, Michelle M F090503*
 - (b) *Miller, Rene S F052294*
- (2) *Funeral Director and Embalmer*
 - (a) *Blum, Cherie A F090114*
 - (b) *Pescatore, Linda S F089926*
 - (c) *Russell, Miranda L F089959*
 - (d) *Schmaltz, Donald F090501*
 - (e) *Smith, Julie G F090578*
 - (f) *Torres, David E F089960*
 - (g) *Zamora, Alejandra E F090502*

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

B. Application(s) to Renew Internship

- (1) *Recommended for Approval without Conditions*
 - (a) *Jensen Jr, Christian E (F027166) (Course of Study)*

Mr. Shropshire – Mr. Jensen’s Funeral Director Internship license was issued on April 14, 2015 and expired April 14, 2016. On March 28, 2016, he submitted an application to renew the internship to continue the Course of Study for a period of up to one year. The Division is recommending approval without conditions, as it is allowable under the statute.

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

(b) Pulda, Kelley A (F083924) (Awaiting Results)

Mr. Shropshire – Ms. Pulda’s Funeral Director Internship license was issued on April 25, 2015 and expired April 25, 2016. On April 14, 2016, she submitted an application to renew the internship for a period of up to one year. She is awaiting a passing score of the Florida State Examination. The Division is recommending approval without conditions. This is an allowable reason for extending internship.

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

8. Application(s) for Embalmer Apprenticeship

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

- (1) Begley, Matthew N (F090498)***
- (2) Flowers Jr, Michael D (F090499)***
- (3) Gendron, Amanda L (F081729)***
- (4) Speach Jr, Albert J (F051913)***

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

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

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

- (1) Evergreen Funeral Home LLC d/b/a Evergreen Funeral Home and Crematory (F083626) (Jacksonville)***
- (2) Frank Donald Terry Jr d/b/a All Veterans-All Families Funerals & Cremations (F072611) (Sarasota)***
- (3) Heritage Memorial Company d/b/a Lewis W Mohn Funeral Home & Cremation Services (F087536) (Seminole)***
- (4) Shane Obert Funeral Home Inc. (F054861) (Chipley)***
- (5) Stonemor Florida Subsidiary LLC d/b/a Palm Beach National Chapel (F073379) (Lake Worth)***

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

10. Notification(s) of Change of Location

A. Informational Item – Addendum H

- (1) Professional Funeral Services of Northwest Florida LLC d/b/a Davis Watkins Funeral Home (F039983) (Fort Walton Beach)***
- (2) RFK LLC d/b/a A Cremation Service of the Palm Beaches (F068102) (Boynton Beach)***

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 I

Mr. Shropshire – The Division recommends that these claims be approved for the amounts indicated in the column titled “Amount Recommended.”

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 Change of Ownership (Faith Funeral Chapel Funeral Services, LLC)

A. Recommended for Approval with Conditions (Collective Coversheet)

- (1) Applications for Cinerator Facility, Funeral Establishment and Transfer of a Preneed License**
 - (a) Faith Chapel Funeral Services LLC d/b/a Faith Chapel North Funeral Home (Cantonment)**
 - (b) Faith Chapel Funeral Services, LLC d/b/a Faith Chapel Funeral Homes & Crematory (Cantonment)**
 - (c) Faith Chapel Funeral Services, LLC d/b/a Faith Chapel Funeral Homes & Crematory (Pensacola)**
 - (d) Faith Chapel Funeral Services, LLC (Pensacola)**

Mr. Shropshire – Faith Chapel Funeral Services, LLC (FCFS), a limited liability company, seeks approval for an application for a change of ownership of 2 funeral establishments (F072631 and F072632), a cinerator facility (F072728), and an application for transfer of a preneed main license (F019273) at the below listed locations. The change of ownership is due to a change of control of the LLC wherein the current owner, Michael Slayton Campbell Atwood, is transferring 50% of the membership units to his business partner, Teresa K. Atwood. The fingerprints for the principals were returned without criminal history. More specifically, the entities that are being acquired is as follows:

- 1) Faith Funeral Chapel Funeral Services, LLC d/b/a Faith Chapel North Funeral Home, a licensed funeral establishment, license # F072631, physical address: 1000 Hwy 29 S, Cantonment
- 2) Faith Funeral Chapel Funeral Services, LLC d/b/a Faith Chapel Funeral Home, a licensed funeral establishment, license # F072632, physical address: 100 Beverly Parkway, Pensacola
- 3) Faith Funeral Chapel Funeral Services, LLC d/b/a Faith Chapel North Funeral Home, a licensed cinerator facility, license # F072728, physical address: 1000 Hwy 29 S, Cantonment
- 4) Faith Funeral Chapel Funeral Services, LLC, a licensed preneed main, license # F019273, physical address: 100 Beverly Parkway, Pensacola

Enclosed herein, are the separate applications regarding the above listed properties. If approved, Applicant is assuming responsibility for all outstanding preneed contracts that have previously been issued by or for fulfillment at the above referenced preneed establishment. The Division has no record of disciplinary action in regard to FCFS. Documentation establishes that Michael and Teresa Atwood (principals and co-owners of applicant herein) filed for Ch. 7 bankruptcy in 2003. This was a personal bankruptcy action that was discharged as of May 2003 by the Southern District Court of Mississippi. Mr. and Mrs. Atwood have provided a notarized statement and court documentation evidencing the disclosed bankruptcy. Applicant will continue to sell insurance-funded preneed contracts through Forethought Life Insurance and National Guardian Life Insurance Company, and to utilize their approved prearranged funeral contract forms. The Applicant's financial statement as of December 31, 2015 reflects the following:

Outstanding Preneed Contracts to be acquired	= \$ 352,682
Required Net Worth	= \$ 40,000
Reported Net Worth	= \$ 181,500

The Division is recommending approval subject to the following conditions:

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

- 6) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.

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

13. Application(s) for Change of Ownership (Gallaher American Family Funeral Home LLC)

A. Recommended for Approval with Conditions (Collective Coversheet)

(1) Applications for Centralized Embalming Facility and Funeral Establishment

(a) Gallaher American Family Funeral Home LLC (Fort Myers)

(b) Gallaher American Family Funeral Home LLC (Fort Myers)

Mr. Shropshire – An application for a Change of Ownership for the Funeral Establishment and Centralized Embalming facility was received on April 11, 2016. The Funeral Director in Charge for the Funeral Establishment will be Rowena Gallaher (F042458) and the Funeral Director in Charge for the Centralized Embalming Facility will be David Engh (F046462). All fingerprint information was returned without criminal history. This funeral establishment is not the qualifying entity for a preneed license.

The change of ownership took place prior to Board approval and a copy of the Bill of Sale evidencing same is enclosed. As a result, the Applicant violated sections 497.380(12)(a), and 497.385(1)(g)1., Florida Statutes. This factual scenario is distinguishable from one where there is a change in location. Accordingly, a stipulation for licensure calling for a \$1,000 fine and one (1) year of probation for each licensee has been signed by the applicant and the Division Director, and that stipulation is enclosed.

The Division is recommending approval subject to the condition(s) as follows:

- 1) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 2) That the Applicant is subject to the terms & conditions of the attached stipulation for licensure. (One year's probation and \$1000 fine for each license)

Mr. Knopke – Mr. Chairman?

Chair – Yes, Mr. Knopke?

Mr. Knopke – How are you this morning, sir?

Chair – Doing good.

Mr. Knopke – Is this Gallaher any relationship to the Gallaher from the last in public meeting and the one that's been ongoing for a year? Do we know?

Mr. John Rudolph – This is John Rudolph representing Gallaher, and no it's not.

Mr. Knopke – Thank you very much.

Mr. Rudolph – Thank you.

Chair – Anything else, Mr. Knopke?

Mr. Knopke – No thank you. That's good with me.

Chair – Good.

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

Chair – Please.

Mr. Shropshire – I should point out that the Division’s recommendation includes approval of the application and approval of the attached stipulation, which calls for a \$1000 fine and a one-year probation for each of the licensees because the change of ownership took place prior to Board approval. So by approving this you’ll be approving the application and the disciplinary stipulation.

Chair – And that stipulation was included in the Board packet?

Mr. Shropshire – Yes sir.

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

- 14. Application(s) for Change of Ownership (Jacobs Funeral Services, LLC)**
 - A. Recommended for Approval with Conditions (Collective Coversheet)**
 - (1) Applications for Funeral Establishment and Preneed Main License**
 - (a) Jacobs Funeral Services, LLC d/b/a Boca Raton Funeral Home and Cremation Service (Boca Raton)**
 - (b) Jacobs Funeral Services, LLC d/b/a Boca Raton Funeral Home & Cremation Service (Boca Raton)**

Mr. Shropshire – Jacobs Funeral Services, LLC d/b/a Boca Raton Funeral Home & Cremation (JFS), a limited liability company, seeks approval for an application for a change of ownership of a funeral establishment and an application for transfer of a preneed main license (License # F040152) at the below listed location. The change of ownership is due to a change of control of the LLC wherein the members Harry Hahamovitch and Charles Posternack have been removed as officers. The current officers and members of the LLC will be: Garrett Jacobs and Matthew Maschler. The fingerprints for the principals were returned without criminal history.

Jacobs Funeral Services, LLC d/b/a Boca Raton Funeral Home & Cremation, a licensed funeral establishment and preneed main, license # F040152, physical address 19785 Hampton Dr., Suite #1, Boca Raton. Enclosed herein, are the separate applications regarding the above listed property. If approved, Applicant is assuming responsibility for all outstanding preneed contracts that have previously been issued by or for fulfillment at the above referenced funeral establishment. The Division has no record of disciplinary action in regard to JFS. Applicant will sell trust-funded preneed contracts through First Florida Trust (Sabal Trust Company), administered by Funeral Services, Inc. (FSI) and Independent Funeral Directors of Florida, Inc. (IFDF), and to utilize their approved prearranged funeral agreement forms. The Applicant’s financial statement as of December 31, 2015 reflects the following:

Outstanding Preneed Contracts to be acquired	= \$ 490,145
Required Net Worth	= \$ 60,000
Reported Net Worth	= \$ 82,398

The Division is recommending approval subject to the following conditions:

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

6) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.

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

Mr. Helm – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Helm – No, it’s me, Mr. Helm or Powell or whatever you want to say.

Chair – I’m sorry, Mr. Helm.

Mr. Helm – This is for the Division. On the previous one you just did, you said that Matthew Maschler and Garrett Jacobs are going to be the two (2) replacements in the change in ownership?

Mr. Shropshire – Yes.

Mr. Helm – Well my letter only lists Matthew Maschler.

Mr. Shropshire – Just a second. I believe that Garrett Jacobs is already on there, isn’t he, as an officer, so the change...

Mr. Helm – Well the letter is signed by Garrett Jacobs but... And I looked for another one and I didn’t see it.

Mr. Shropshire – He signs as Owner LFD, so that’s my impression, Mr. Helm that he is...

Mr. Rudolph – This is John Rudolph and I represent them and yes Garrett Jacobs is an owner and so is Matt Maschler.

Mr. Helm – So Garret is going to, the two (2) of them are going to, Matthew and Garret are taking the other two (2) spots.

Mr. Rudolph – Yeah, they’re, I mean Garret owned Jacobs Funeral Home and so yes he is; they’re going to be in there.

Mr. Helm – Okay.

Chair – Anything else, Mr. Helm?

Mr. Helm – No, I’m good.

Chair – Thank you.

15. Application(s) for Change of Ownership (Knauff Funeral Homes, LLC)

A. Recommended for Approval *with* Conditions (Collective Coversheet)

(1) Applications for Cinerator Facility, Funeral Establishment and Transfer of a Preneed License

(a) Knauff Funeral Homes LLC d/b/a Knauff Funeral Home and Crematory (Chiefland)

(b) Knauff Funeral Homes, LLC (Chiefland)

(c) Knauff Funeral Homes, LLC (Williston)

(d) Knauff Funeral Homes, LLC (Williston)

Mr. Shropshire – Knauff Funeral Homes, LLC (KFH), a limited liability company, seeks approval for an application for a change of ownership of two funeral establishments (F041278 and F041279), a cinerator facility (F041277), and an application for transfer of a preneed main license (F041279) at the below listed locations. The change of ownership is due to a change of control of the LLC wherein the current owner, Joseph Knauff, Jr. is transferring 100% of the membership units to his business

partner, Juanita Knauff. The fingerprints for the principals were returned without criminal history. The Funeral Establishments and Cinerator Facility passed inspections on May 2, 2016.

More specifically, the entities that are being acquired is as follows:

- 1) Knauff Funeral Home & Crematory, a licensed cinerator facility, license # F041277, physical address: 715 W Park Ave, Chiefland
- 2) Knauff Funeral Home, a licensed funeral establishment, license # F041278, physical address: 715 W Park Ave, Chiefland
- 3) Knauff Funeral Home, a licensed funeral establishment, license # F041279, physical address: 512 E Noble Ave, Williston
- 4) Knauff Funeral Home, a preneed main, license # F041279, physical address: 512 E Noble Ave, Williston

Enclosed herein, are the separate applications regarding the above listed properties. If approved, Applicant is assuming responsibility for all outstanding preneed contracts that have previously been issued by or for fulfillment at the above referenced funeral establishment. The Division has no record of disciplinary action in regard to KFH. Applicant will continue to sell trust-funded preneed contracts through First Florida Trust (Sabal Trust Company), administered by Funeral Services, Inc. (FSI), and to utilize their approved prearranged funeral contract forms.

The Applicant's financial statement as of December 31, 2015 reflects the following:

Required Net Worth	= \$	10,000
Reported Net Worth	= \$	570,436

The Division is recommending approval subject to the following conditions:

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

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

16. Application(s) for Change of Ownership (Luke137, LLC)

A. Recommended for Approval with Conditions (Collective Coversheet)

(1) Applications to Acquire Control of an Existing Cemetery and Preneed Main License

(a) Zadak, Inc. d/b/a Glenwood Memorial Cemetery (Riviera Bch)

(b) Luke137, LLC (Riviera Bch)

Mr. Shropshire – LUKE137, LLC (LUKE137), herein submits an application for Change of Control of an Existing Cemetery Company for the above named cemetery property, and an Application for a Preneed License to operate as a preneed main licensee. The cemetery company and preneed location being acquired are licensed as named at the above specified location. The application was received by the Division on March 17, 2016 and the application was complete with no deficiencies. A completed background checks of all officers revealed no criminal history. The current principal and officers will be: Daunte L. Fields and Shauntay King, co-owners and managing members of the limited liability company. The change of control will be

accomplished via an asset purchase agreement, wherein LUKE137 will acquire all of the assets and liabilities for the above named cemetery location from Zadak, Inc. If this application for a change of control and a new preneed license are approved, Applicant will operate under the license name: LUKE137, LLC d/b/a Glenwood Memorial Cemetery.

The care and maintenance trustee report for CY 2014 is attached. The cemetery report appears to be in line with the reported gross sales for CY 2014 for the listed property being acquired. The Applicant's financial statement as of March 14, 2016 reflects the following:

Required Net Worth	= \$	50,000
Reported Net Worth	= \$	60,000

Reference the requirement of 497.264(2)(k): "*(k) The applicant [to acquire control of a licensed cemetery] shall demonstrate by clear and convincing evidence that the applicant has the ability, experience, financial stability, and integrity to operate a cemetery*" The manager of Luke137 (the acquiring entity) is one Janine Ondina, who is and has been employed at Glenwood Cemetery for 16 years (12 as Comptroller, and the last 4.5 years as general manager of the cemetery). Accordingly, it appears that the requirement of 497.264(2)(k) has been satisfied.

The Division is recommending approval subject to the following conditions:

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

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

17. **Application(s) for Change of Ownership (Professional Funeral and Cremation Services of North Florida LLC)**
 - A. **Recommended for Approval with Conditions (Collective Coversheet)**
 - (1) **Applications for Cinerator Facility, Funeral Establishment**
 - (a) **Professional Funeral and Cremation Services of North Florida LLC d/b/a Heritage Cremation Care Center (Bunnell)**
 - (b) **Professional Funeral and Cremation Services of North Florida LLC d/b/a Heritage Funeral and Cremation Service (Bunnell)**

Mr. Shropshire – Professional Funeral and Cremation Services of North Florida LLC, a limited liability company, seeks approval for an application for a change of ownership of a funeral establishment, Heritage Funeral & Cremation Service LLC (F076188) and a Cinerator facility, Heritage Funeral & Cremation Service LLC (F072749). Adam Fischer (F065698), will be the Funeral Director in Charge of both the Funeral Establishment and Cinerator Facility. They have also submitted an application for a preneed branch office that is on a separate agenda. The establishment is the qualifying entity for a preneed license. A letter from the attorney, Wendy Wiener, dated on April 27, 2016 states the new owners will assume the preneed liabilities and assets associated with the business. The fingerprints for the principals were returned without criminal history.

More specifically, the entities that are being acquired is as follows:

- 1) Heritage Funeral & Cremation Service LLC, a licensed funeral establishment, license # F076188, physical address: 7770 South Hwy 1 Unit D, Bunnell, FL 32110.
- 2) Heritage Funeral & Cremation Service LLC, a licensed Cinerator facility, license # F072749, physical address: 7770 South Hwy 1 Unit D, Bunnell, FL 32110.

The Division is recommending approval subject to the following conditions:

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

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

18. Application(s) for Direct Disposal Establishment

A. Recommended for Approval with Conditions

(1) *Tillman Cremation Services LLC (Jacksonville)*

Mr. Shropshire – An application for a Direct Disposal Establishment was received on April 8, 2016. The application was complete when submitted. The Funeral Director in Charge will be Melissa Tillman (F063974). Fingerprints 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. Helm moved to approve the application subject to the condition that the establishment 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) *Beacon Direct Cremation Inc. d/b/a Beacon Direct Cremation (Clearwater)*

Mr. Shropshire – An application for a Direct Disposal Establishment was received on March 11, 2016. The application was incomplete when submitted. All deficient items were returned on April 6, 2016. The Funeral Director in Charge will be John Kuge (F046942). Fingerprints for all principals were returned with no criminal history. The establishment passed its inspection on April 19, 2016. The establishment is recommended for approval without conditions.

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

19. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) *Davis and Davis Funeral Services LLC (Gulfport)*

Mr. Shropshire – An application for a Change of Ownership for the funeral establishment was received on April 21, 2016. The application was complete when received. The Funeral Director in Charge will be Tina Hadley (F033608). All fingerprint information was returned without criminal history. This funeral establishment is not the qualifying entity for a preneed license. The establishment does have an adverse licensing history file. September 29, 2015 the establishment (F073831) received a citation for failure to notify the Board of an FDIC change. The establishment was fined \$250.

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 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. 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.

B. Recommended for Approval without Conditions
(1) Aventura Funeral Home Inc. (North Miami Beach)

Mr. Shropshire – An application for a Funeral Establishment was received on April 12, 2016. The application was complete when submitted. The Funeral Director in Charge will be Myrna Lopez (F043976). The establishment passed its inspection on May 5, 2016. The establishment is recommended for approval without conditions.

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

(2) Integrity Funeral Services of Tampa FL Inc. (Tampa)

Mr. Shropshire – An application for a Funeral Establishment was received on March 11, 2016. The application was complete when submitted. The Funeral Director in Charge will be Gloria Castillo (F078525). The establishment passed its inspection on April 14, 2016. The establishment is recommended for approval without conditions.

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

(3) Rosetta S Blackshear d/b/a Grace Memorial Funeral Home + Cremation Services (Lake Butler)

Mr. Shropshire – An application for a Funeral Establishment was received on April 8, 2016. The application was complete when submitted. The Funeral Director in Charge will be Raphael Colley (F061568). The establishment passed its inspection on May 2, 2016. The establishment is recommended for approval without conditions.

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

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

Mr. Shropshire – The applications presented are clean and have been approved by the Division. This item is informational only and does not require Board action.

21. Application(s) for Preneed Branch License

A. Recommended for Approval without Conditions – Addendum K

Mr. Shropshire – The Division recommends that these Applicants be approved for branch licensure.

MOTION: Mr. Jones moved to approve the application. Mr. Hall seconded the motion.

Mr. Clark – Mr. Chairman?

Chair – I’m sorry?

Mr. Clark – Sorry. This is Andrew Clark.

Chair – Mr. Clark?

Mr. Clark – I just wanted to state for the record that I do have an affiliation with FPG Florida, LLC and Right Choice Cremations, but that affiliation will not prevent me from making a fair and impartial decision.

Chair – Thank you for that disclosure. We appreciate that. There’s been a motion made and seconded. All those in favor, aye? Any oppose? I’m sorry? Is someone speaking in the back? Is that a Board member on the vote?

Mr. Shropshire – Mr. Chairman, that’s feedback on us taking and you talking.

Chair – If you’re not directly {unclear} the call, please mute your phone. Thank you. Next item?

22. Application(s) for Removal Facility

A. Recommended for Approval with Conditions

(1) Elite Removal Services (Miami)

Mr. Shropshire – An application for a Removal Facility was received on March 16, 2016. The application was complete when submitted. Fingerprints for principals 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. Hall moved to approve the application subject to the condition that the facility passes an onsite inspection by a member of Division Staff. Mr. Jones seconded the motion, which passed unanimously.

B. Recommended for Approval without Conditions

(1) Legacy Transport Service LLC (Panama City)

Mr. Shropshire – An application for a Removal Facility was received on April 5, 2016. The application was complete when submitted. The establishment passed its inspection on May 4, 2016. The establishment is recommended for approval without conditions.

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

Chair – We’re having a little difficulty here with the voice {unclear}. I’m trying to work through it until the end of the meeting. Again anyone out there not directly involved in a conversation, mute your phone. Unless anyone objects, I’m moving forward.

(2) Mortuary Response Transportation LLC (Ft Lauderdale)

Mr. Shropshire – An application for a Removal Facility was received on April 4, 2016. The application was complete when submitted. The establishment passed its inspection on May 6, 2016. The establishment is recommended for approval without conditions.

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

(3) Quality Removal Inc. (Miami)

Mr. Shropshire – An application for a Removal Service was received on March 9, 2016. The application was incomplete when submitted. All deficient items were returned on April 4, 2016. Fingerprints for all principals have been returned with no criminal history. The Division is recommending approval without conditions.

Mr. Shropshire – Jasmin, has this entity passed its inspection?

Ms. Jasmin Richardson – Yes. It's not on there?

Mr. Shropshire – It's not on there but Jasmin advises that it's passed its inspection so the Division recommends approval without conditions.

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

23. Application(s) for Transfer of Preneed Main License

A. Recommended for Approval with Conditions

(1) Pinecrest Mariner Boulevard, Inc. d/b/a Pinecrest Funeral Chapel (Spring Hill)

Mr. Shropshire – The Department received the application on March 23, 2016 and deficiencies were noted on the application. All deficiencies were resolved as of April 11, 2016. The sole principal and owner of the corporation will be: Theodore C. Kaduk. Completed background checks of all officers revealed no criminal history. Applicant is filing this application due to a change of ownership of the qualifying funeral establishment license (#F073184) via an asset purchase agreement. The application for the qualifying funeral establishment license was approved subject to conditions at the April 7, 2016 Board meeting. If this application for transfer of preneed license is approved, Applicant will continue to honor any existing preneed contracts written under the current preneed licensee and continue to sell trust-funded preneed contracts through Funeral Services Inc. (FSI) under First Florida Trust (Sabal Trust Company), and utilize their approved pre-arranged funeral agreements. The Applicant's financial statements as of December 31, 2015 reflect the following:

Outstanding Preneed Contracts to be transferred	= \$	342,404
Required Net Worth	= \$	40,000
Reported Net Worth	= \$	110,770

The Division is recommending approval subject to the condition(s) as follows:

- 1) That the Board approve this Application for Transfer of Preneed License subject to all stated conditions of approval of the application for a change of ownership of the qualifying funeral establishment license, approved at the April 7, 2016 Board meeting.
- 2) That all preneed obligations of the preneed licensee under its current controlling party shall continue as its obligations under its new controlling party.

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

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

A. Recommended for Approval with Conditions

(1) Preneed Sales Agreement(s)

(a) Miami Memorial, LLC d/b/a Memorial Plan Miami Memorial Park (F081269) (Miami)

Mr. Shropshire – Miami Memorial, LLC (Miami) submits the attached amended preneed sales agreement form for approval. If the form is approved, it is to be used for the sale of trust-funded preneed contracts by the above named 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.

Mr. Frank Bango – Mr. Chairman, this is Frank Bango. I would like to recuse myself.

Chair – Thank you, Mr. Bango.

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. Hall seconded the motion, which passed unanimously.

(b) National Guardian Live Insurance Company (NGLIC) (Madison, WI)

Mr. Shropshire – NGLIC submits the attached preneed sales agreement and price guarantee addendum forms for approval: Prefunded Funeral Agreement (Form PN-3492-FL 03/16) and Price Guarantee Agreement (Form 3813-PGA 03/16). If the forms are approved, they are to be used for the sale of insurance-funded preneed contracts by various licensed preneed establishments and their related preneed branches. NGLIC received approval for authorization of the sale of insurance products from the Florida Office of Insurance Regulation as of October 2, 1967, and is currently active. 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. Jones 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. Hall seconded the motion, which passed unanimously.

(2) Request(s) to Transfer Trust

(a) Ernest C. Gagnon, Jr. d/b/a Northwood Funeral Home (F019248) (West Palm Beach)

Mr. Shropshire – Ernest C. Gagnon, Jr. d/b/a Northwood Funeral Home, through its representative, Ernest C. Gagnon, Jr., seeks approval to transfer its preneed funeral trust assets, all as more specifically set forth in the letters dated March 10, 2016 from Mr. Gagnon, and March 21, 2016 from Justin Wilson of Live Oak Bank.

Proposed Trust Transfers

Northwood Funeral Home seeks approval to transfer its preneed funeral trust account: Northwood Funeral Home Preneed Funeral Trust (Chapter 639) from Regions Bank to Live Oak Banking Company (Live Oak), wherein Live Oak is or will be the successor trustee, all as more specifically set out in the letter from Mr. Wilson, dated March 21, 2016. Live Oak will continue to operate under the existing trust agreement.

The Division is recommending approval subject to the condition(s) as follows:

- 1) That the representations of Northwood Funeral Home, through its representative, Mr. Gagnon, as set forth in his letter dated March 10, 2016, and Mr. Wilson of Live Oak Bank's letter dated March 21, 2016, copies attached hereto, is deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board meeting Live Oak provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, stated as following:
 - a) That Live Oak provides a letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b)), to act as trustee of the trusts to be transferred to Live Oak pursuant to the above letters dated March 10, 2016 and March 21, 2016 from Mr. Gagnon and Mr. Wilson, respectively.
 - b) A letter from Live Oak, signed and dated by one of its officers, stating:
 - That Live Oak provides a certificate stating the dollar amount of trust assets being transferred as referenced in Mr. Wilson's attached letter dated March 21, 2016.

- That Live Oak provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Mr. Wilson's attached letter dated March 21, 2016.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time for the above specified conditions, an additional 90 days.

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

(b) Funeral Services, Inc. (FSI) (Tallahassee)

Mr. Shropshire – FSI, through its representative, Meiko Whitfield, seeks approval of the below proposed trust asset transfer, as set forth in the attached letter dated March 15, 2016.

Proposed Trust Transfer

FSI, on behalf of John R. Robinson d/b/a Memorial Park Cemetery (formerly licensed under License # F039385), seeks approval of the transfer of a cemetery care and maintenance trust account: Memorial Park Cemetery Care and Maintenance Trust Fund Agreement under SunTrust Bank, to the FSI Master Care and Maintenance Trust Agreement under Sabal Trust Company (Sabal), as administered by Funeral Services Inc. (FSI). If approved, Sabal is or will be trustee, all as more specifically set out in the attached letter from Mrs. Whitfield, dated March 15, 2016.

The Division is recommending approval subject to the condition(s) as follows:

- 1) That the representations of Mrs. Whitfield, as set forth in letter dated March 15, 2016 from FSI, copy attached hereto, be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board meeting, Sabal provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, stated as following:
 - a) That Sabal provides a letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trusts to be transferred to Sabal pursuant to letter dated March 15, 2016 from FSI.
 - b) A letter from Sabal, signed and dated by one of its officers, stating:
 - That Sabal provides a certificate stating the dollar amount of trust assets being transferred as referenced in attached letter dated March 15, 2016 from FSI.
 - That Sabal provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as referenced in attached letter dated March 15, 2016 from FSI.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

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

(c) Heath Funeral Chapel Inc. (F070575) (Lakeland)

Mr. Shropshire – Heath Funeral Chapel, through its representative, William L. Schichtel, Jr., seeks approval to transfer its preneed funeral trust assets, all as more specifically set forth in the letters dated March 10, 2016 from Mr. Schichtel, and March 21, 2016 from Justin Wilson of Live Oak Bank.

Proposed Trust Transfers

Heath Funeral Chapel seeks approval to transfer its preneed funeral trust account: Heath Funeral Chapel Preneed Funeral Trust (Chapter 639) from Regions Bank to Live Oak Banking Company (Live Oak), wherein Live Oak is or will be the successor trustee, all as more specifically set out in the letter from Mr. Wilson, dated March 21, 2016. Live Oak will continue to operate under the existing trust agreement.

The Division is recommending approval subject to the condition(s) as follows:

- 1) That the representations of Heath Funeral Chapel, through its representative, Mr. Schichtel, as set forth in his letter dated March 10, 2016, and Mr. Wilson of Live Oak Bank's letter dated March 21, 2016, copies attached hereto, is deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board meeting Live Oak provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, stated as following:
 - a) That Live Oak provides a letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b), to act as trustee of the trusts to be transferred to Live Oak pursuant to the above letters dated March 10, 2016 and March 21, 2016 from Mr. Schichtel and Mr. Wilson, respectively.
 - b) A letter from Live Oak, signed and dated by one of its officers, stating:
 - That Live Oak provides a certificate stating the dollar amount of trust assets being transferred as referenced in Mr. Wilson's attached letter dated March 21, 2016.
 - That Live Oak provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Mr. Wilson's attached letter dated March 21, 2016.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time for the above specified conditions, an additional 90 days.

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

(d) Oosco Funeral Homes, Inc. d/b/a Beth Shalom Chapel (F070584) (Orlando)

Mr. Shropshire – Oosco Funeral Homes, Inc. d/b/a Beth Shalom Chapel (Oosco), through its representative, William Adams, seeks approval to transfer its preneed funeral trust assets, all as more specifically set forth in the letters dated March 10, 2016 from Mr. Adams, and March 21, 2016 from Justin Wilson of Live Oak Bank.

Proposed Trust Transfers

Oosco seeks approval to transfer its preneed funeral trust account: Oosco Funeral Homes, Inc. Preneed Funeral Trust (Chapter 639) from Regions Bank to Live Oak Banking Company (Live Oak), wherein Live Oak is or will be the successor trustee, all as more specifically set out in the letter from Mr. Wilson, dated March 21, 2016. Live Oak will continue to operate under the existing trust agreement.

The Division is recommending approval subject to the condition(s) as follows:

- 1) That the representations of Oosco, through its representative, Mr. Adams, as set forth in his letter dated March 10, 2016, and Mr. Wilson of Live Oak Bank's letter dated March 21, 2016, copies attached hereto, is deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board meeting Live Oak provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, stated as following:
 - a) That Live Oak provides a letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b), to act as trustee of the trusts to be transferred to Live Oak pursuant to the above letters dated March 10, 2016 and March 21, 2016 from Mr. Adams and Mr. Wilson, respectively.
 - b) A letter from Live Oak, signed and dated by one of its officers, stating:
 - That Live Oak provides a certificate stating the dollar amount of trust assets being transferred as referenced in Mr. Wilson's attached letter dated March 21, 2016.
- 3) That Live Oak provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Mr. Wilson's attached letter dated March 21, 2016.
- 4) That the Board's executive director, for good cause shown, may extend the compliance time for the above specified conditions, an additional 90 days.

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

(e) Overstreet of Florida, LLC (and related preneed branches) (F039340) (Tallahassee)

Mr. Shropshire – Overstreet, through its representative, Art Kimbrough, and Justin Wilson of Live Oak Bank, seeks approval of a proposed preneed trust agreement and cemetery care and maintenance trust agreement, and approval to transfer certain preneed trust assets, all as more specifically set forth in Exhibit A of Mr. Kimbrough's letter dated 2-13-2016, and in Mr. Wilson's letter dated March 11, 2016.

Item 1) The Proposed New Preneed Trust Agreement and Cemetery Care and Maintenance Trust Agreement

Overstreet seeks approval of the following new trust agreements:

Proposed new preneed trust agreement entitled "*Preneed Funeral Trust Agreement of Overstreet of Florida, LLC.*"

Proposed new cemetery care and maintenance trust agreement entitled, "*Cemetery Care and Maintenance Trust Agreement of Overstreet of Florida, LLC.*"

Item 2) Proposed Trust Transfers

Overstreet seeks approval to transfer two (2) preneed trust accounts and a care and maintenance account: Abbey Funeral Home Preneed Funeral Trust (Chapter 497), Tallahassee Memory Gardens Preneed Funeral Trust (Chapter 497), and Tallahassee Memory Gardens Care and Maintenance Trust, from Regions Bank. Live Oak Banking Company is or will be the successor trustee and will operate under the above proposed new trust agreements, if approved, all as more specifically set out in the letter from Mr. Wilson, dated March 11, 2016.

The Division is recommending approval subject to the condition(s) as follows:

- 1) That the representations of Overstreet, through representative, Mr. Kimbrough and Mr. Wilson of Live Oak Bank, as set forth the attached letters dated February 3, 2016 and March 11, 2016, respectively, be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board meeting Live Oak Bank provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, stated as following:
 - a) That Live Oak Bank provides a letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trusts to be transferred to Live Oak Bank pursuant to Mr. Wilson's letter dated March 11, 2016.
 - b) A letter from Live Oak Bank, signed and dated by one of its officers, stating:
 - That Live Oak Bank provides a certificate stating the dollar amount of trust assets being transferred as identified under Attachment 4, as referenced in Mr. Wilson's attached letter dated March 11, 2016.
 - That Live Oak Bank provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as referenced in Mr. Wilson's attached letter dated March 11, 2016.
- 3) Fully executed copies of the trust agreements identified in Item 1 above.
- 4) That the Board's executive director, for good cause shown, may extend the compliance time for the above specified conditions, an additional 90 days.

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

(f) Roberts Funeral Home of Dunnellon, Inc. (F019306) (Dunnellon)

Mr. Shropshire – Roberts Funeral Home of Dunnellon, Inc., through its representative, Kenneth E. Roberts, seeks approval to transfer certain preneed funeral trust assets, all as more specifically set forth in the letters dated March 15, 2016 from Mr. Roberts, and March 21, 2016 from Justin Wilson of Live Oak Bank.

Proposed Trust Transfers

Roberts Funeral Home seeks approval to transfer three (3) preneed funeral trust accounts: Security Plans, Inc. Preneed Funeral Trust #1 (Chapter 639), Security Plans, Inc. Preneed Funeral Trust #2 (Chapter 639), and Security Plans, Inc. Preneed Funeral Trust #3 (Chapter 497) from Regions Bank to Live Oak Banking Company (Live Oak), wherein Live Oak is or will be the successor trustee, all as more specifically set out in the letter from Mr. Wilson, dated March 21, 2016. Live Oak will continue to operate under the existing trust agreements.

The Division is recommending approval subject to the condition(s) as follows:

- 1) That the representations of Roberts Funeral Home, through its representative, Mr. Roberts, as set forth in his letter dated March 15, 2016, and Mr. Wilson of Live Oak Bank's letter dated March 21, 2016, copies attached hereto, is deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board meeting Live Oak provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, stated as following:
 - a) That Live Oak provides a letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trusts to be transferred to Live Oak pursuant to the above letters dated March 15, 2016 and March 21, 2016.
 - b) A letter from Live Oak, signed and dated by one of its officers, stating:
 - That Live Oak provides a certificate stating the dollar amount of trust assets being transferred as referenced in Mr. Wilson's attached letter dated March 21, 2016.
 - That Live Oak provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Mr. Wilson's attached letter dated March 21, 2016.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time for the above specified conditions, an additional 90 days.

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

(g) StoneMor Florida LLC/StoneMor Florida Subsidiary, LLC (F038725) (Daytona Beach)

Mr. Shropshire – StoneMor seeks approval of the below proposed trust asset transfers, and appointment of successor trustee as more specifically set forth in Attorney's letter dated April 12, 2016.

Background

On November 5, 2015, the Board approved acquisitions by StoneMor of the above named locations for two (2) funeral establishments and a licensed cemetery company, as well as the licensing of these locations as preneed branches under StoneMor's preneed main license (F038725). StoneMor acquired all of the assets and liabilities for both the cemetery and preneed for these locations.

Item 1) Proposed Trust Transfers

StoneMor seeks approval of the transfer of its existing preneed and cemetery trust assets as it relates to StoneMor only: The FSI Care & Maintenance Master Trust, FSI 1993 Trust Agreement (70/30 trust), FSI 1978 Master Trust (70/30 trust), FSI 1988 Master Trust (70/30 trust), and IFDF Alternative Master Trust A (90/10 trust) from Sabal Trust Company (Sabal), as administered by Funeral Services Inc. (FSI) to the Forethought Federal Savings Bank Florida Preneed Master Trust for StoneMor Florida Subsidiary LLC (and Related Preneed Licensees) and the Forethought Federal Savings Bank Florida Perpetual Care Master Trust for StoneMor Florida LLC, StoneMor Florida Subsidiary LLC (and Related Licensees) under Regions Bank. If approved, Forethought is or will be trustee, all as more specifically set out in Attorney's letter dated April 12, 2016.

Item 2) Approval of Successor Trustee

StoneMor seeks approval of appointment of Regions Bank, N.A. (Regions) as successor trustee for its existing preneed trust assets as it relates to StoneMor under the First Florida Trust Agreement (90/10 trust), as identified in the attached letter from Attorney dated April 12, 2016.

The Division is recommending approval subject to the condition(s) as follows:

- 5) That the representations of StoneMor, as set forth in Attorney's letter dated April 12, 2016, copy attached hereto, be deemed material to the Board's decisions herein.
- 6) That within 90 days of this Board Meeting Forethought provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications, stated as following:
- c) That Forethought provides a letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trust to be transferred pursuant to Attorney's letter dated April 12, 2016.
- d) A letter from Forethought, signed and dated by one of its officers, stating:

- That Forethought provides a certificate stating the dollar amount of trust assets being transferred to the trust, as referenced in Attorney's attached letter dated April 12, 2016.
 - That Forethought provides acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as referenced in Attorney's attached letter dated April 12, 2016.
- 7) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

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

*(3) Trust Agreement(s) and Preneed Sales Agreement(s)
(a) Cooperative Funeral Fund Inc. (Madison, CT)*

Mr. Shropshire – This item has been withdrawn from the agenda.

Chair – Thank you.

25. Executive Director's Report
A. Rulemaking for 69K-7.0012 (Action Required)

Mr. Shropshire – This is an informational item concerning the continuing rulemaking work by the Department of Financial Services' Legal staff. The work is not substantive and is procedural to get the rules into compliance with technical requirements of the Florida Administrative Code.

Mr. Tom Barnhart – Mr. Shropshire?

Chair – Yes?

Mr. Tom Barnhart – This is Tom Barnhart. We need to vote officially again on the language plus the SERC Checklist.

Mr. Shropshire – No, I believe that Item 25. A. is Department rulemaking. No? I'm sorry. You're correct Mr. Barnhart. There is a vote needed. Two (2) votes needed.

Mr. Barnhart – If we could take a vote on the proposed language.

Mr. Helm – Is there a motion to approve proposed language or rule change?

Chair – Is there a motion?

Mr. Shropshire – Mr. Chairman?

MOTION: Mr. Knopke moved to approve the language.

Mr. Shropshire – Mr. Chairman?

Chair – Yes?

Mr. Shropshire – If I may? I totally misconstrued this item. This is not the item I was thinking of, which is the procedural and ongoing effort by the Department's Legal staff. This is the uni-trust proposed rule that the Board voted on last month to initiate rulemaking but the legal advisor properly noted that since it wasn't on the agenda the safe thing to do would be to bring it back on the agenda today as an official item and vote on it. I totally misrepresented it in my initial presentation and with that being said Sir, please proceed.

MOTION: Mr. Knopke moved to approve the language presented at the last Board meeting. Mr. Hall seconded the motion, which passed unanimously.

Chair – Mr. Knopke?

Mr. Knopke – Yes sir?

Chair – Did you have an additional motion?

Mr. Knopke – As soon as Mr. Shropshire reminds me the procedure for doing it I will.

Chair – Thank you.

Mr. Barnhart – This is Tom Barnhart and I can run you through the SERC Statement. If I may, Mr. Chairman?

Chair – Please.

Mr. Barnhart – Ms. Simon and Mr. Shropshire have prepared a SERC Checklist. That should be the last few pages of your file there. And to implement that new statute, they have determined that there’s no economic impact to small businesses. You can see through the checklist that they’ve gone through and answered all the necessary questions. So they determined that there’s no economic impact on small businesses and the motion I think that you should have is the motion to adopt the SERC Checklist stating that no SERC Statement is required.

MOTION: Mr. Knopke moved to adopt the SERC Checklist stating that no SERC Statement is required. Mr. Helm seconded the motion, which passed unanimously.

Chair – Thank you Mr. Barnhart.

Mr. Barnhart – You’re welcome, Sir.

B. Legislative Issues re Anti-Trust Litigation (Informational)

Mr. Shropshire – This is an informational item that relates back to a presentation concerning Anti-Competitive and Anti-Trust issues and the legal exposure of Board members to private lawsuits concerning those issues and coverage of immunity and representation of Board members by the State in such a litigation. This is just an issue wherein I, as Executive Director and Division Director, advised our Department Legislative team of this issue and urged them to seek legislation to address this issue. Although, frankly I think we all know that the better solution would be comprehensive legislation for all Board’s, but in any event this is just an informational item.

C. Procedure for Amending Preneed Trusts re “Viable Option” Language (Informational)

Mr. Shropshire – This is an information memorandum concerning preneed trust documents that have to be amended to delete the viable option language in the trust documents and indicates that the Division did not believe that those have to be approved since the mere formality, they would have to be approved.

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

Mr. Shropshire – This is an information report.

26. Upcoming Meeting(s)

A. June 30th (Tallahassee)

B. July 7th (Teleconference)

Chair – I would like to welcome our newest Board member, Mr. Frank Bango. Mr. Bango resides in South Florida. We want to welcome you aboard this Board. I'll take the liberty of saying really, really good Board members and we're glad to have you with us, Mr. Bango. Would you like to say anything?

Mr. Bango – Just that I'm happy to be on the Board and thank you Mr. Chairman.

Chair – We look forward to seeing you at the June 30th meeting in Tallahassee and then of course the July 7th Teleconference. Board members, any comments? Any good of the cause?

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

Chair – Yes, Mr. Barnhart?

Mr. Barnhart – The next two (2) meetings are like seven (7) days apart. Is that intentional that there's a telephone meeting seven (7) days after the live meeting?

Chair – Yes, it was. Mr. Shropshire?

Mr. Barnhart – Okay. It just seemed close together.

Chair – Right. Mr. Shropshire?

Mr. Shropshire – Yes sir? We're constantly searching for new ways and we've always had two (2) meetings in June. These are closer than usual but there's an effort to try at the first meeting, which is the big preneed renewal meeting and there's going to be certain items that because of the press of business we won't be able to get onto that June 30th agenda and we don't want to delay people in getting their licenses so we set a meeting as soon as possible thereafter, July 7th.

Mr. Barnhart – Okay, I just wanted to check that. Thank you Mr. Chairman.

Chair – Thank you. Anything else? Again, thank you everyone for being on the call. Your input is important.

27. Adjournment

The meeting was adjourned at 10:48 a.m.