

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
July 10, 2014 - 10:00 A.M.

1. Call to Order, Preliminary Remarks and Roll Call

Mr. Jody Brandenburg, Chair, called the meeting to order at 10:00 am. The Chair requested that Mr. Anthony Miller, Assistant Director, make the usual prefatory comments for the record and then take the roll.

As a preliminary matter, let me state for the record that my name is Anthony Miller. I am Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, July 10, 2014. I am standing in for Douglas Shropshire, the Division Director, who is out of the office today. The time is approximately 10:00am. This is a public meeting of the Board of Funeral, Cemetery and Consumer Services. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting had been made available to interested persons. The meeting is occurring by Teleconference with some members of the Public here with the Division staff here in the Pepper Building, in Tallahassee, Florida. The call in number has also been made available to the public. Members of the Board are participating by phone. My assistant Ms LaTonya Bryant, will take minutes of the meeting, which is being recorded. Board Counsel is also appearing by teleconference.

Persons speaking are requested to identify themselves for the record each time they speak. 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" or "yo", as preferred, when I call their name:

PRESENT (via phone):

Joseph "Jody" Brandenburg, Chairman

Keenan Knopke, Vice-Chairman

Jean Anderson

Andrew Clark

James "Jim" Davis

Lewis "Lew" Hall

Powell Helm

Ken Jones

Richard "Dick" Mueller

Vanessa Oliver

Also noted as present:

Lawrence "Larry" Harris, Board Legal Advisor (via phone)
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
LaShonda Morris, Department Staff

Mr. Chairman we have a quorum and the Board may proceed to address the matters on the agenda.

The Chair confirmed that all Board members had received their packets in a timely manner.

2. Old Business

(NONE)

3. Application(s) for Preneed Sales Agent

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

The application(s) 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) International Cemetery & Funeral Association (74)*
- (2) M.K. Jones & Associates, Inc. (9605)*
- (3) National Funeral Directors and Morticians Association, Inc. (15608)*
- (4) National Funeral Directors Association (136)*
- (5) The Dodge Institute for Advanced Mortuary Stu (81)*

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. Lew Hall moved to approve the application(s). Mr. Ken Jones 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) Matthews International (20611)*

The majority of the Continuing Education Committee and the Division recommends approval of the application(s) on Addendum C.

MOTION: Ms. Jean Anderson moved to approve the application(s). Mr. Jim Davis 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) *Funeral Director and Embalmer (Endorsement)*
(a) *Crofoot, John R*
(b) *Pike, Gregory M*
(c) *Seaman, Kaitlyn B*
(2) *Funeral Director and Embalmer (Internship and Exam)*
(a) *Morris, Brian R*
(b) *Poulard, Sendy*
(c) *Roosevelt, Steven D*
(d) *Wilkes, Brandon D*

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.

7. **Application(s) for Internship**
A. *Informational Item (Licenses Issued without Conditions) – Addendum E*
(1) *Funeral Director*
(a) *Tompkins IV, Arthur S*
(2) *Funeral Director and Embalmer*
(a) *Mastro, Karen (F079505)*

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 F*
(1) *Marcotullio, Judy A (F079506)*

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 G*
(1) *Stonemor Florida Subsidiary LLC d/b/a Lohman Funeral Home Daytona (Daytona) (F071085)*

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.

10. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum H

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

MOTION: Mr. Dick Mueller moved to approve the claim(s) for the amount indicated on Addendum G entitled “Amount Recommended.” Mr. Andrew Clark seconded the motion, which passed unanimously.

11. Application(s) for Direct Disposal Establishment

A. Recommended for Approval with Conditions

(1) Crevasse’s Simple Cremation Inc (Ocala)

An application for a Direct Disposal Establishment was received on May 19, 2014. The application was incomplete when submitted. All deficient items were received on June 13, 2014. The fingerprint cards for all principals were returned without criminal history. The Funeral Director in Charge will be Daniel Geoghagan (F045344).

The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

Mr. Hall stated that there were some questions at the last meeting regarding the balance sheet and income statements and questioned whether any additional information was provided to the Division.

Ms. Lashonda Morris stated that the questions pertained to the preneed main license and would be addressed at the August meeting.

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

12. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Degusipe West Orange LLC d/b/a Degusipe Funeral Home & Crematory (Ocoee)

An application for a Funeral Establishment was received on May 14, 2014. The application was incomplete when submitted. All deficient items were received on June 23, 2014. The fingerprint cards for all principals were returned without criminal history. The Funeral Director in Charge will be Guy Dalton (F043773).

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. Clark moved to approve the application subject to the condition that the establishment passes an on-site inspection by a member of Division Staff. Mr. Keenan Knopke seconded the motion, which passed unanimously.

(2) Lighthouse View LLC d/b/a Grace Funeral Chapels (Lauderhill)

An application for a Funeral Establishment was submitted on June 13, 2014. The application was complete when submitted. The Funeral Director in Charge will be Joanna Cadet (F045432). This funeral establishment is the qualifying entity for a preneed Licensee and an application for a Preneed License has already been submitted. The preneed Licensee name and license number are Lighthouse View LLC (F019487).

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. Davis moved to approve the application subject to the condition that the establishment passes an on-site inspection by a member of Division Staff. Mr. Hall seconded the motion, which passed unanimously.

(3) Rahming – Poitier Funeral Directors Corp (Deerfield Beach)

An application for a Funeral Establishment was received on May 9, 2014. The application was incomplete when submitted. All deficient items were received on June 11, 2014. The fingerprint cards for all principals were returned without criminal history. The Funeral Director in Charge will be Michael Williams (F045425).

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 on-site inspection by a member of Division Staff. Ms. Anderson seconded the motion, which passed unanimously.

13. Application(s) for Monument Establishment Retailer License and Retail Sales Agreement(s)

A. Recommended for Approval without Conditions

(1) Bradford Monuments and Memorials, Inc (Starke)

This application is being filed for a new monument establishment retailer license. The application was received on June 16, 2014 and deficiencies were noted. A deficiency letter was sent on June 24, 2014 and the Applicant resolved all deficiencies as of June 25, 2014. If approved, Applicant will utilize the attached monument retail sales agreement which is also being presented for approval at this meeting.

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

B. Recommended for Approval with Conditions

(1) Bradford Monuments and Memorials, Inc. (Starke) (Retail Sales Agreement)

Bradford Monuments and Memorials, Inc submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its monument retailer establishment whose application is also being presented at this Board meeting. The Division recommends approval subject to the condition that two full sized print-ready copies are received by the Department within 60 days of this Board meeting.

The Chair questioned whether there was anyone present representing Bradford Monuments and Memorials, Inc.

Mr. Miller requested that the representative raise his right hand to be sworn in. "Do you swear or affirm that the testimony you give will be the truth, the whole truth and nothing but the truth so help you God?"

Mr. Michael Condurelis answered, "I do."

Mr. Helm stated that in the right hand corner of the contract there are two (2) spots for contract numbers: No. _____ and CONTRACT #.

Mr. Condurelis stated that the number up top (No. _____) would be the number of contracts that they actually have and the CONTRACT # would be the actual contract number given to the customer.

Mr. Helm questioned whether the numbers would be the same number.

Mr. Condurelis stated that it would be the same number.

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. Jones seconded the motion, which passed unanimously.

(2) Bronze Memorials Monuments & Markers, LLC (Port St. Lucie)

This application is being filed for a new monument establishment retailer license. The application was received on May 13, 2014 and all items of deficiency were resolved deficiencies as of July 1, 2014. It should be noted that the background check for James Savage, majority member of the LLC (90% ownership) was returned without criminal history, and the background checks for both Theresa Savage and Roxann Gillard, minority members of the LLC, (5% membership), are pending receipt to the Division. If approved, Applicant will utilize the attached monument retail sales agreement which is also being presented for approval at this meeting. The Division recommends approval subject to the condition that the background checks for members, Theresa Savage and Roxann Gillard are returned to the Division without criminal history.

MOTION: Mr. Clark moved to approve the application subject to the condition that the background checks for members, Theresa Savage and Roxann Gillard are returned to the Division without criminal history. Mr. Hall seconded the motion, which passed unanimously.

(3) *Bronze Memorials Monuments & Markers, LLC (Port St. Lucie) (Retail Sales Agreement)*

Bronze Memorials and Monuments, 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 meeting. The Division recommends approval subject to the condition that two full sized print-ready copies are received by the Department within 60 days of this Board meeting. However, there was some follow up that the Division requested of the Applicant.

The Chair questioned whether there was anyone present representing Bronze Memorials Monuments & Markers, LLC. There was a negative response.

Mr. Knopke stated that he was the one who posed the questions to the Division and requested to put them on the record.

The Chair concurred.

Mr. Knopke made the following comments:

- 1) The contract lists the Purchaser's name, Interment Rights Owner's name and ship to cemetery address. It implies that all of the monuments or memorials will be shipped directly to the cemetery.
- 2) There is no space on this contract for a layout of any nature (the name of the deceased, what they want on the monument or anything like that).
- 3) There is no place for a contract number.
- 4) The "Product Description" implies that they are only selling upright granite memorial grey with a particular design and a grey and granite base.
- 5) *"This memorial meets all of the cemetery rules and regulations as of the date of this contract and I agree to a delivery and installation date no later than..."*, but there is no place to put the cemetery name, so there is no way to know which cemetery's regulations they are agreeing to.
- 6) This appears to be a scam because if you look at the business address, 1775 SW Gatlin Blvd Ste 203, Port St Lucie FL, it could be building #203 or the location could be on the second floor. It would be hard to deliver a monument there on the second floor.

Mr. Knopke added that this is just a bad contract.

Mr. Miller stated that Mr. Helm had some comments that he would like to put on the record.

Mr. Helm made the following comments:

- 1) I agree with Mr. Knopke on the "Ship to Cemetery Address."

- 2) SOLD TO: Interment Rights Owner – “SOLD TO:” needs to be removed because the contract may or may not be sold to the Interment Rights Owner.
- 3) The “Product Description” is misleading as it implies they are only going to sell grey monuments.
- 4) Regarding Mr. Knopke’s concern about there being no place on the contract for a layout, the contract states that *“Nothing will be manufactured until approval of drawing from owner and cemetery.”* It is not a very good way of doing it, but it is there. It needs to be on this contract.
- 5) It is doubtful that they would only be selling a Grey Granite Base.
- 6) “Installation within 10 Days” definitely needs to be stricken because it is not a part of what is required.

Mr. Miller stated that the Division would work with the Applicant in regards to the Board members’ concerns. Perhaps, at a later date, the Applicant will submit a new agreement that would meet the Board’s approval. Mr. Miller added that there was lengthy discussion on the agreement and if denied, that would serve as the basis for denial.

The Chair questioned whether a denial would have any negative effect on the Applicant submitting a new agreement for an upcoming meeting.

Mr. Larry Harris stated that there is no reason why a denial today would be with prejudice that is that they would not be able to re-file at any time they wanted to with a new contract that satisfies the Board’s concerns. Another way to do it is to table this matter and instruct the Applicant to work with the Division to revise the contract, submit a revised contract and then maybe the agreement could be presented at the August meeting.

MOTION: Mr. Knopke moved to deny the agreement based on the questions and concerns raised by the Board members. Mr. Mueller seconded the motion, which passed unanimously.

Mr. Mueller questioned the 3.5% Process and Handling fee.

Mr. Miller stated that the Division did not see any prohibition to this fee.

Mr. Mueller questioned whether the fee would be subject to sales tax.

Mr. Miller stated that he could follow up with the Applicant for an answer to Mr. Mueller’s question.

Mr. Knopke questioned whether the Applicant would be able to operate and sell monuments and memorials now that the contract has been denied.

Mr. Miller responded, “No.”

Mr. Knopke requested that the Division advise the Applicant against making sales on their website.

Mr. Miller stated that the Division would follow up on this concern as well.

14. Application for Monument Establishment Sales Agent
A. Informational Item (Licenses issued without Conditions) – Addendum I

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.

15. Application(s) for Preneed Main License
A. Recommended for Approval without Conditions
(1) Lighthouse View, LLC (Lauderhill)

The Department received the application on June 13, 2014 and no deficiencies were noted on the application. A completed background check of all officers revealed no criminal history and the sole principal and owner will be Beth Maizes.

This application is being filed as a result of a change in ownership of the qualifying funeral establishment license (License # F040802) due to the death of Mr. Isaac Maizes, and transfer of 100% membership interest to Ms. Maizes, daughter (please see attached letter dated March 25, 2014 from Joe F. Pedreira, Manager). Applicant held a preneed license under License # F019487 as of March 2004 until June 30, 2014. The application for change of ownership of the qualifying funeral establishment license is also being presented at this Board teleconference meeting. Applicant will continue to sell trust-funded preneed through Independent Funeral Directors of Florida (IFDF), and will continue to use approved IFDF pre-arranged funeral agreements. The Division recommends approval of the application.

The Applicant's financial statements as of December 31, 2013 reflect the following:

Outstanding Preneed Contracts	= \$	2,275,052
Required Net Worth	= \$	100,000
Reported Net Worth	= \$	1,006,383

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

16. Application(s) for Preneed Branch License
A. Recommended for Approval without Conditions – Addendum J

The Division recommends approval of the application(s).

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

UPDATE ON ITEM NOT INCLUDED ON THE AGENDA

The Chair stated that he would like to address the Board regarding the proposed Disciplinary Settlement Stipulation with Pershing Industries and Vista Funeral Home. During our last Board meeting, a motion passed to defer the item and for one Board member to compile considerations and concerns expressed by the Board members in order to try and come up with a settlement agreement that is workable. I asked Lew Hall to be the Board member to communicate directly with Doug Shropshire. These considerations and concerns must be directly related to a revised settlement agreement. Mr. Anthony Miller will you give the Board a brief synopsis of Mr. Hall's compilation?

Mr. Miller read the following into the record:

Summary of matters to be addressed in preparing revised Vista-Pershing Settlement Stipulation

1. Increase fine.
2. Fine paid within 30 days of the Board's Order.
3. Fine increases the longer it takes to totally correct the deficit.
4. Settlement to require payment to trust of lost earnings on the funds not properly deposited to trust.
5. Per Board Member Vanessa Oliver's comment, get North Carolina properties into trust or some other arrangement whereby the Licensee cannot unilaterally change the plan, mortgage the assets, or sell the assets and abscond with the proceeds.
6. Licensee will pay to have an independent audit to verify that the approximately \$984,600 (from sale of Maurice Revitz house) has actually been put in trust and determine that it was properly credited.
7. Licensees to provide a copy of the closing statement on the sale of the Maurice Revitz home (which was Pledge #3).
8. At next Board meeting, provide Board with the financial statements regarding renewal of the preneed license.
9. Matter should be referred to the appropriate state attorney's office for whatever action they feel appropriate.

Mr. Miller stated that he would email the information to the Board members after the meeting.

Ms. Michele Hood questioned whether the list would be available to the public as well.

Mr. Miller stated that the list would be a part of the Board minutes. Once the minutes are published, the public would have access to it.

Mr. John Rudolph, representing Vista, questioned whether he would be provided a copy of the list.

Mr. Miller stated that all parties would be provided a copy of the list as this is in the context of settlement discussions.

17. Executive Director's Report

A. Extension(s) Granted – NorthStar (Informational)

GARDNER, BIST, WIENER, WADSWORTH, BOWDEN,
BUSH, DEE, LAVIA & WRIGHT, P.A.
ATTORNEYS AT LAW
1300 THOMASWOOD DRIVE
TALLAHASSEE, FLORIDA 32308

MICHAEL P. BIST
GARVIN B. BOWDEN
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MURRAY M. WADSWORTH, JR.
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OF COUNSEL:
MURRAY M. WADSWORTH

*BOARD CERTIFIED REAL ESTATE ATTORNEY

June 27, 2014

Doug Shropshire, Director
Division of Funeral, Cemetery and Consumer Services
Doug.Shropshire@myfloridacfo.com

**Re: NorthStar Funeral Services of Florida, LLC
NorthStar Cemetery Services of Florida, LLC**

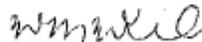
Dear Doug:

As you know, we represent NorthStar Funeral Services of Florida, LLC, and NorthStar Cemetery Services of Florida, LLC (NorthStar). On March 6, 2014, the Board approved the funeral establishment and cemetery license applications submitted by NorthStar, with the condition that the transactions close within 60 days (i.e., May 5, 2014). On March 19, 2014, we requested an extension for time to close, until July 3, 2014, and this extension was granted.

Our client has notified us that the closing will not occur by July 3, 2014. Therefore, we are requesting an additional 60 days to complete the transactions, until September 2, 2014.

Please let us know if you require additional information.

Sincerely,



Wendy Russell Wiener

Approved

DSS 6-27-14

Doug Shropshire, Director
Funeral & Cemetery Division
850-413-4098

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

Monthly Report of Fine and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 July 10, 2014 Board Meeting
 Date of Report: June 30, 2014

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 Current	Licensee monthly restitution payments are current. On 6/30/14, Division received confirmation from Riverview that restitution payment for April, May, and June was received. Therefore, monthly restitution payments are now current.
Affiliated Funeral Service	Feb-14	137272-13-FC	\$1,500	6/2/2014	No	See Note A; when payment in full becomes past due, Division will coordinate with the DFS Legal to enforce payment. On 6/24/14, Division sent file to DFS Legal requesting appropriate action be taken for alleged failure to comply with the Board's order.
Deliria Holmes	Apr-14	133746-01-FC	\$1,666.66 \$250 \$1,666.67 \$1,666.67	4/20/2014 5/15/2014 6/20/2014 8/20/2014	Yes Yes Yes See Note D	
Holmes Funeral Directors	Apr-14	133745-13-FC	\$1,666.66 \$250 \$1,666.67 \$1,666.67	4/20/2014 5/15/2014 6/20/2014 8/20/2014	Yes Yes Yes See Note D	
Baldwin Brothers Memorial Care Services, Inc.	Apr-14	141482-13-FC	\$500	6/2/2014	Yes	
James Baldwin	Apr-14	141490-13-FC	\$500	6/2/2014	Yes	
Barry Meyers	Apr-14	141496-13-FC	\$1,000	6/2/2014	Yes	
Tri-City Diversified Services, Inc.	Apr-14	141495-13-FC	\$750	6/2/2014	Yes	
David Woodward	Apr-14	141498-13-FC	\$500	6/2/2014	Yes	
Ruth Yeats	Apr-14	141487-13-FC	\$1,000	6/2/2014	Yes	
David-Russell Funeral Home	Jun-14	149527-14-FC	\$500		See Note C	
Alphonso West Mortuary, Inc.	Jun-14	144438-13-FC	\$2,500		See Note C	
Debra West Mortuary, Inc.	Jun-14	144434-13-FC	\$2,500		See Note C	
Hickson Funeral Home	Jun-14	146249-12-FC	\$2,000		See Note C	
Eugene Hickson	Jun-14	146247-12-FC	\$2,000		See Note C	
Guerry Funeral Home of Macclenny, LLC	Jun-14	143487-13-FC	\$1,500		See Note C	
William Guerry	Jun-14	143486-14-FC	\$500		See Note C	
A. When payment in full becomes past due, the FCCS Division works with the DFS Legal Division to enforce payment. B. Once fines and costs are paid in full, licensee kept on this report 3 months, showing Paid in Full, and then dropped off report; also licensee dropped off report after disciplinary action filed due to nonpayment of the fine and costs. C. The Order re this case is still in process, so no Due date is not yet established. D. Due date has not passed, as of the date of this report. E. As of the date of this report, monthly payments were current.						<i>Off July Bd Mtg</i> <i>DAZ July Bd</i>

- 18. Upcoming Meeting(s)**
- A. August 7th (Hilton Orlando/Altamonte Springs)
 - B. September 4th (Teleconference)
 - C. October 2nd (Embassy Suites – Tampa/Brandon)

19. Adjournment

The meeting was adjourned at 10:40 a.m.