

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
August 3, 2017 - 10:00 A.M.
Embassy Suites Orlando - North
225 Shorecrest Drive
Altamonte Springs FL 32701

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

Mr. Jody Brandenburg, Chair –Welcome to the Board of Funeral, Cemetery, and Consumer Services. It's August 3, 2017. We're in Altamonte Springs and I want to call this meeting to order. Preliminary remarks and roll call, Ms. Simon, please?

Ms. Ellen Simon – Yes, thank you, Mr. Chairman. My name is Ellen Simon. I am Assistant Director for 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 has been made available to interested persons and extra copies are located in the meeting room here. This meeting is occurring in Altamonte Springs FL. Ms. LaTonya Bryant is recording this meeting and minutes will be prepared. Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board's Chairman, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. At this time, Mr. Chairman, I will take the roll:

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

Also noted as present:

Mary Schwantes, Director
Tom Barnhart, Board Legal Advisor
James "Jim" Bossart, Department Counsel
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Thurman Lowe, Department Staff
Tina Williams, Department Staff
Miriam Del Valle, Department Staff
Elena Rodrigues, Department Staff

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

Chair – Thank you. I'm concerned that those of you are not able to hear. Are you able to hear okay?

Unidentified speaker – Better than usual.

Chair – Say it again.

Unidentified speaker – Better than usual.

Chair – Okay. You probably hear better than I can.

2. Action on the Minutes

A. June 29, 2017

Chair – The next item on our agenda is the action on the minutes from June 29, 2017. Let's take them separately. June 29th, is there a motion?

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

B. July 13, 2017

Chair – The first item on our agenda is the action on the minutes from July 13, 2017.

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

3. Old Business

A. Recommended for Approval with Conditions

- (1) Application for Preneed License Renewal**
 - (a) CEP Investment Inc. (Hudson)**

Ms. Simon – This application for renewal was originally presented at the June 29, 2017 meeting. However, the licensee, at that time, contacted the Division explain that their principal and owner, Mr. Prevatt had been hospitalized for the last few months, and this resulted in the late preneed filing. Our office spoke with his office on Tuesday and we learned at that time that he was in the hospital preparing for a heart transplant. She also informed us that they have had an FDIC since Mr. Prevatt has been hospitalized, from February to June. That FDIC was David Cohen and our records are being updated to reflect that. The Division recommends that the preneed license be granted assuming that the Board extends the stated conditions in the existing personal guarantee of the licensee's preneed obligations. That personal guarantee is one that I passed out before the meeting, as it was not a part of your Board package; and that you accept the current Statement of Personal Assets and Liabilities by the Licensee's principal, and their agreement to voluntarily trust 100%. Lastly, I would suggest to the Board that the issue remains of the \$1000 late fee and the licensee has requested that the late fee be waived.

Mr. Knopke – Mr. Chair?

Chair – Yes, Mr. Knopke?

Mr. Knopke – Let me just state for the record that I have known Clarence Prevatt, Jr. for the better part of my life. Not as a close friend, but I did date his sister once. Knowing him personally does not affect my ability to make a fair and impartial decision on this matter.

Chair – Thank you.

Mr. Knopke – But I wanted it for the record.

Chair – Ms. Oliver, I sense you have a comment or question.

Ms. Vanessa Oliver – I think that we should take the two (2) motions separately. I am in favor of approving the preneed license.

Chair – Is that a motion?

Ms. Oliver – Yes.

MOTION: Ms. Oliver moved to approve the application for preneed renewal subject to the conditions recommended by the Division. Mr. Jones seconded the motion, which passed unanimously.

Chair – Now to address the late fee. Ms. Oliver, any comments on that?

Ms. Oliver – How late were they in reapplying?

Ms. Simon – They were substantially late in reapplying and it was a \$1000 late fee, which is the cap.

Chair – That's the max where it's capped out.

Mr. Knopke – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Knopke – I'm not in favor of waiving the late fee. I'm not making that as a motion, I'm just commenting. From April to our Board meeting is quite an extended period of time. There was plenty of time there for somebody there to at least notify us that there was an issue as well as an attempt to send something in. Even if it's incomplete, the effort has been made.

MOTION: Chair moved to deny the request for the waiver of late fee. Mr. Lew Hall seconded the motion, which passed unanimously.

Ms. Simon – Mr. Chairman, in that regard, if you would agree or if someone would make a motion that his preneed license be suspended if he fails to pay the \$1000 late fee. However, that suspension be lifted for thirty (30) days, in order for him to make that payment. If he has made that payment within thirty (30) days, his preneed license will remain in effect and if he hasn't within thirty (30) days it will be suspended.

Chair – Good suggestion. Is there a motion to that effect?

MOTION: Mr. Hall moved that his preneed license be suspended if he fails to pay the \$1000 late fee. However, that suspension be lifted for thirty (30) days, in order for him to make that payment. If he has made that payment within thirty (30) days, his preneed license will remain in effect and if he hasn't within thirty (30) days it will be suspended. Mr. Helm seconded the motion.

Chair – Mr. Knopke?

Mr. Knopke – I'd like to offer an amendment to that motion and give the Department staff the option to extend it for another thirty (30) days if not paid based upon his surgery or health during that time period. Knowing Mr. Prevatt, his FDIC probably doesn't have the authority to write a check or make that payment.

Chair – I sure hope they don't turn off his power.

Mr. Knopke – I'm just saying, that's a substantial thing, so either give Ms. Simon or Ms. Schwantes the authority to extend it for another thirty (30) days, if they deem it appropriate. No different than we do on closing of a sale of business or something. If there's no second, there's no second and that's fine too.

Chair – The amended motion dies for lack of a second. All those in favor of the original motion, aye?

Board members – Aye.

Chair – And any opposed? And that motion carries. Thank you for that suggestion.

Ms. Simon – Thank you, Mr. Chairman.

4. **Disciplinary Proceedings:**

A. **Settlement Stipulation(s)**

(1) **Waiver of Probable Cause**

(a) *Fred Hunter (Fred Hunter Memorial Services, Inc.): Case No. 206109-17-FC; Division No. ATN-27134 (F019312 – Preneed Main)*

Ms. Simon – Mr. Bossart will be presenting from the Office of the General Counsel.

Mr. Jim Bossart – Thank you. May I proceed, sir?

Chair – Please do, Mr. Bossart.

Mr. Bossart – I'm Jim Bossart, and I represent the Department of Financial Services before the Board this morning. This is the case of Fred Hunter. Fred Hunter is a business name. Its actual name is Fred Hunter Memorial Services, Inc., but the license is issued in the name Fred Hunter. The Department recommends that this Settlement Stipulation, requiring the Respondent to pay a \$750 administrative and \$250 in investigative costs, be approved. The Respondent, Fred Hunter, is a licensed funeral establishment, license number F019312, doing business in Hollywood, Florida. The Department conducted an investigation of Respondent's activities in the death care industry. As a result of the investigation, it was determined that Respondent failed to disclose the price of flowers on its general price list. This would be a violation of s. 497.152(12)(b), Florida Statutes. The Respondent has entered into this stipulation to pay a \$750 administrative and \$250 in investigative costs. The Department recommends that you approve this stipulation.

MOTION: Mr. Helm moved to approve the Settlement Stipulation, requiring the Respondent to pay a \$750 administrative and \$250 in investigative costs. Mr. Hall seconded the motion, which passed unanimously.

Chair – Ms. Wiener, did you want to address the Board?

Ms. Wendy Wiener – I was simply here to answer any questions.

Chair – Thank you.

(2) **Probable Cause Panel A**

(a) **Related Cases – Division No. ATN-27748**

1. *Manker, William E.: Case No. 200600-16-FC; Division No. ATN-27748 (F043671 – Funeral Director and Embalmer)*

Ms. Simon – This case will also be presented by Mr. Bossart.

Mr. Bossart – Mr. Chairman?

Chair – Please.

Mr. Bossart – I'm Jim Bossart, and I represent the Department in the case of William E. Manker, Case No. 200600-16-FC. William E. Manker, license number F043671 is the owner and FDIC of Manker Funeral Home, a Florida business licensed under Chapter 497, Florida Statutes and operating under the same name as a funeral establishment, license number F041821 in Miami, Florida. During an annual inspection, September 28, 2016, the licensee funeral establishment was found in violation of the following:

- 1) Respondent's preparation room was not maintained in a clean and sanitary manner, in violation of section 497.380(1), Florida Statutes, and Rule 69K-21.003, Florida Administrative Code.
- 2) Respondent failed to maintain reports of cases embalmed and bodies handled, in violation of section 497.382(1), Florida Statutes.
- 3) Respondent failed to have a complaint log and failed to have procedures for the handling of complaints, in violation of section 497.152(14)(a), Florida Statutes.

- 4) Respondent failed to have the prices of caskets for sale clearly marked on the casket, in violation of section 497.152(12)(f), Florida Statutes, and Rule 69K-21.003(7), Florida Administrative Code.

The Respondent has entered into the proposed stipulation to pay a \$1500 administrative fine and \$250 in investigative costs. However, it's come to my attention that Mr. Manker and his funeral home were disciplined on February 10, 2016, for failing to have a biohazard contract, in violation of the Department of Health Rule. Both he and the funeral home were fined \$1000. This information was inadvertently omitted from your investigation file. The Department recommends the entry of the \$1500 administrative fine, however, because of the violation of the prior Consent Order, and enhanced penalty would certainly be appropriate, if the Board wishes to consider that.

Chair – Thank you.

Mr. Knopke – Mr. Chairman, let me recuse myself. I'm on Probable Cause Panel A.

Chair – Thank you for that. I appreciate that. Any discussion? I have some comments, at some point.

Mr. Hall – Is anyone here from the group?

Chair – Anyone here representing William Manker? William Manker? William Manker? Hearing no response.

Mr. Jones – I have one question, Mr. Chair.

Chair – Yes?

Mr. Jones – I noticed the probation in the package here. When did the probation stop?

Mr. Bossart – It was for one year. That would have been February 10th of this year.

Mr. Jones – So it would have stopped February of...

Mr. Bossart – 2017.

Mr. Jones – 2017?

Mr. Bossart – Yes. He violated the previous Order.

Chair – The inspection was September 2016.

Mr. Jones – While he was on probation?

Mr. Bossart – Yes.

Mr. Jones – That's what I wanted to clarify.

Chair – Why no mention of the violations of preneed funerals without a preneed license?

Mr. Bossart – I considered that.

Chair – That's one of the most egregious things that we see that can come before us.

Mr. Bossart – I considered that, sir, but after reviewing the evidence, the contracts were anywhere from twenty (20) to thirty (30) years old and there were no witnesses or any way to authenticate the documents to get them into evidence. They were also represented in the file as being at-need contracts, written as preneed contracts, though there is no real evidence to

demonstrate that that's actually the case. So I made the decision that I wouldn't be able to prevail at DOAH, on a count for preneed contracts and I might possibly be opening up the Board to attorney's fees. So that was my reasoning.

Chair – And also, it appears to me, when you read the investigative report that Mr. Manker himself didn't even know how to access the casket price list or the caskets on the computer and there's no indication that he was waiting on families and he's the only licensed person there.

Mr. Bossart – That's correct.

Chair – And his son and daughter were running the business and neither of those two (2) are licensed. Was there any consideration for unlicensed activity?

Mr. Bossart – I don't recall any file evidence as to unlicensed activity. He may have made the comment that his son and daughter were running it but I don't recall any actual allegations.

Chair – I can tell by this case that the investigator put a lot of time, energy and effort into this case and I'm really not comfortable with a \$1500 fine, \$250 fees and a one (1) year probation. Mr. Hall?

Mr. Hall – I would agree with the Chair. When you look at the file, there's FTC violations, there's multiple violations from our part. If you look at the pictures of that prep facility, I can't comprehend anybody's family member going into that prep facility.

Mr. Bossart – That was my concern, sir. The prep facility is filthy.

Mr. Hall – The embalming machine is sitting on the floor. My bet would be that it doesn't work. There's a gravity flow unit above that in the picture. He fixed the holes in the wall, but the place is absolutely filthy.

Mr. Bossart – Yes.

Mr. Hall – I'm trying to figure out why we wouldn't move for revocation.

Mr. Bossart – I believe the penalty guidelines, even if this was considered a second offense because of the prior Order, you could move for revocation. The maximum fine is \$5000.

Mr. Hall – With the multiple violations and such that he has here, Mr. Barnhart, with the prep facility and the conditions, they're not even close to playing by the rules. Is there any reason you see that would prevent us from doing that?

Mr. Tom Barnhart – Well, but what you have in front of you right now is a stipulation, so if you don't agree with it then you can provide guidance back to the prosecutor to see if he can get a stronger stipulation or if there's no hope for a stipulation, then they can go either formal or informal hearing route.

Chair – So, the direction would be to reject the Settlement Stipulation and then go in a different direction from there if that's what you want, as a Board.

MOTION: Mr. Hall moved to reject the Settlement Stipulation. Ms. Oliver seconded the motion, which passed unanimously.

Mr. Barnhart – Do you wish to provide any guidance as to what might be an acceptable stipulation?

Chair – This doesn't have to be in the form of a motion?

Mr. Barnhart – No. If you have some thoughts about what might be acceptable as a stipulation next time, you might give some guidance to the prosecutor.

Chair – Well, Mr. Hall mentioned revocation and I think there is some compromise between revocation and continuing to operate, and that's a suspension for some period of time.

Mr. Bossart – May I make a comment, sir?

Chair – Please.

Mr. Bossart – With experience of the DOAH, I don't feel there's quite enough evidence to get a revocation from the Division on a second offense. If he were to violate Chapter 497, F.S., a third time, say another failed inspection, I'd feel quite confident they would revoke his license, but at the moment, it would be more like a suspension or even a maximum fine.

Chair – Thank you. I appreciate that. Did you personally meet with Mr. Manker? I don't think he's represented by counsel.

Mr. Bossart – No he's not, sir. No, I've never met with Mr. Manker.

Mr. Helm – Mr. Chair, is there any way we could put the two (2) together, while we're doing this?

Mr. Barnhart – No. Each one needs to be handled separately.

Chair – I think a lot of the same discussion would apply, but this is, because Mr. Manker is the FDIC, and then the other one is for the funeral establishment, so I would advise we take them separately.

Mr. Helm – Okay.

Mr. Jones – Are you looking for a proposal right now?

Mr. Barnhart – Just some guidance, not a proposal. Just some thoughts about how Mr. Bossart can bring back a stipulation, which might be acceptable to the Board members.

Mr. Jones – My thoughts are a \$3000 fine, two (2) year suspension. He was on probation when he did this, so there's a thought.

Mr. Barnhart – With prior discipline, that would go a long ways toward a recommended penalty, whether it was informal or formal and then you've got aggravating circumstances that could certainly be brought up to increase the penalty.

Mr. Jones – Correct.

Mr. Barnhart – If revocation or suspension was not in the range of penalties, you could use aggravating circumstances to increase that penalty, if they're present and you find that they're so present.

Chair – And then, would you please counsel the Board on what happens if they reject any more stringent action towards a Settlement Stipulation?

Mr. Barnhart – Okay. There are two (2) things that could happen. Once the Administrative Complaint is responded to, they can either request a formal or informal hearing. If they identify disputed issues of material fact, then it should go to DOAH for the assignment of an administrative law judge to conduct a formal hearing. If they don't want to go to that length or possibly take that kind of approach, they can ask for an informal, which would come before the Board, but they would have to agree that there's no disputed issues of material fact.

Chair – And again, as Mr. Helm reminded us, this is just for Mr. Manker and his license. Next we'll take up the establishment and their license. So, I think the Board pretty well agrees on a suspension of his license and a probationary period of time and a substantial fine. Mr. Hall?

Mr. Hall – Does the Division have a timeframe they would feel comfortable with to re-inspect it to see if these issues have been remedied? Is there a timeframe that you all would need to go in and re-inspect.

Ms. Simon – I expect that we will be going in to re-inspect shortly after this meeting. However, I don't know how that would impact the settlements from here on out, or that would impact any case that was taken to DOAH. At this point, it's really up to the prosecutor to determine whether a settlement can be reached and bring it back before the Board or if necessary take the case to DOAH or take it before the Board as an informal hearing.

Chair – Thank you. So, without any other comment, just to summarize, we rejected the Settlement Stipulation and then several other conditions that the Board members would like to see come forth on a subsequent Settlement Stipulation.

Mr. Bossart – This is a counter-offer, isn't it?

Mr. Barnhart – I wouldn't recommend a counter-offer, because you're so far apart of this at this point. I think you should go back for further negotiations.

Mr. Bossart – Square one?

Mr. Barnhart – Yes, that would be my recommendation.

Chair – Any other comments on this case before we move to the next one? Moving forward.

2. Manker Funeral Home: Case No. 200632-16-FC; Division No. ATN-27748 (F041821 – Funeral Establishment)

Ms. Simon – Mr. Bossart?

Mr. Bossart – Yes. This is Jim Bossart with the Department of Financial Services. Manker Funeral Home is a Florida business licensed under Chapter 497, Florida Statutes and operating under the same name as a funeral establishment, license number F041821 in Miami, Florida. William E. Manker is the owner and FDIC of Manker Funeral Home. During an annual inspection, September 28, 2016, the licensee funeral establishment was found in violation of the following:

- 1) Respondent's preparation room was not maintained in a clean and sanitary manner, in violation of section 497.380(1), Florida Statutes, and Rule 69K-21.003, Florida Administrative Code.
- 2) Respondent failed to maintain reports of cases embalmed and bodies handled, in violation of section 497.382(1), Florida Statutes.
- 3) Respondent failed to have a complaint log and failed to have procedures for the handling of complaints, in violation of section 497.152(14)(a), Florida Statutes.
- 4) Respondent failed to have the prices of caskets for sale clearly marked on the casket, in violation of section 497.152(12)(f), Florida Statutes, and Rule 69K-21.003(7), Florida Administrative Code.

The Respondent has entered into the proposed stipulation to pay a \$1500 administrative fine and \$250 in investigative costs. As I said earlier, his license, the funeral home's license was also disciplined in the prior action in 2015 and paid a \$1000. So technically, the funeral home has violated the Consent Order in that case, too.

Chair – Thank you. Board? Discussion? Motion? What's your pleasure?

Mr. Helm – Can we just make a motion to reject the offer of the Stipulation?

Chair – If you'd like. Is that a motion?

MOTION: Mr. Helm moved to reject the Settlement Stipulation. Mr. Hall seconded the motion, which passed unanimously.

Mr. Barnhart – Are there any recommendations that would be different from the previous case that you'd like to see for the funeral home?

Mr. Helm – I think so, because you don't want to suspend the funeral home license, then you wouldn't have any business. You did say suspension, didn't you, Ken?

Mr. Jones – I had recommended the \$3000 and two (2) year probation.

Mr. Helm – I thought you said suspension.

Chair – And suspension?

Mr. Jones – I had a two (2) year probation. I threw suspension out, but I didn't put a timeline on it.

Chair – I didn't know you through the two (2) year probation out.

Mr. Jones – I'm sorry. It was two (2) year probation, \$3000 fine and suspension with no specification. I'm sorry if it was unclear.

Mr. Bossart – May I ask who's being suspended? You'd like Mr. Manker to be suspended?

Mr. Jones – That was on the previous.

Chair – Let's go back to the previous.

1. Manker, William E.: Case No. 200600-16-FC; Division No. ATN-27748 (F043671 – Funeral Director and Embalmer)

Chair – In your notes also the recommended direction from the Board is a license suspension. Did you have that down?

Mr. Bossart – Yes, I wrote two (2) year suspension.

Mr. Jones – I have two (2) year probation with \$3000 fine.

Mr. Helm – You said suspension.

Mr. Jones – Did I say suspension?

Mr. Bossart – I believe you did say suspension.

Mr. Jones – Oh, I apologize. I meant probation.

Chair – By the way, that was good discussion. Thank you, Mr. Jones.

Mr. Jones – Thanks. Sorry.

Chair – Counsel advises that we should go back to the first case and see if there are any Board members that do recommend suspension.

Mr. Barnhart – For individual?

Chair – Yes, I do.

Mr. Helm – I do.

Chair – Several do. Certainly the majority do, on the individual case, Mr. Bossart.

Mr. Bossart – Two (2) year suspension? May I ask if there is any flexibility on the suspension or two (2) years?

Chair – I think there may be flexibility on the length of time, but I don't know that we have consensus on not suspending, but we do have a consensus on suspending.

2. *Manker Funeral Home: Case No. 200632-16-FC; Division No. ATN-27748 (F041821 – Funeral Establishment)*

Chair – Now we're on the funeral establishment license. What are your thoughts on the stipulation that you'd like to see come back before this Board? Ms. Oliver?

Ms. Oliver – I would consider something that would involve giving them thirty (30) days to clean up and correct all the deficiencies and then pass an onsite inspection. If they don't pass it then suspension. So give them an opportunity to correct the deficiencies, but it sounds pretty egregious.

Chair – I don't know if this could be included in it, but I'd like to see some evidence of the licensed activity and consumer contractual agreements. Who's executing those? Is Mr. Manker or his son or daughter or whomever is meeting with the family and executing all the documents that are involved in funeral arrangements or cremation arrangements. Because if he didn't know, with questioning, the most basic information on how to access his arrangement conference and caskets and prices. Someone must be doing that. Any other questions or comments?

Mr. Bossart – Is there a penalty for the funeral home, sir? A suggested penalty?

Mr. Helm – Are you talking about an amount?

Mr. Bossart – Yes. A suspension or a fine?

Mr. Helm – I think the same thing, \$3000, would be a place to start.

Chair – And what about suspension? I think Ms. Oliver mentioned thirty (30) day suspension?

Mr. Helm – No, thirty (30) days to get it cleaned up then suspension.

Ms. Oliver – If they can correct the deficiencies, and I don't know if thirty (30) days is a reasonable time frame or not for the Department to get down there and conduct another inspection, but some length of time where they have an opportunity to correct the deficiencies and if they don't then suspension.

Mr. Andrew Clark – But even if they do, they would be on probation?

Ms. Oliver – Definitely.

Chair – They may be able to correct it during the time that their license is suspended.

Mr. Bossart – Is there a time for the suspension or is it suspension until compliant?

Mr. Hall – If I understand, I think you want a two (2) year probation and during that period, within thirty (30) days, if you go back and it's cleaned up, they're still on two (2) year probation, but they've got thirty (30) days to clean it up or they're suspended. Is that right?

Ms. Oliver – That's my recommendation.

Chair – Suspended for what length of time? Is it totally, no changes and not in compliance? One hundred eighty (180) days? One hundred eighty (180) days.

Mr. Bossart – Six (6) months.

Chair – Okay. Next case, unless there's any comments on this case. Thank you, Mr. Bossart.

5. Application(s) for Preneed Sales Agent

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

Ms. Simon – This item is informational only. Pursuant to s. 497.466, F.S., the applicants have been issued their licenses and appointments as preneed sales agents.

B. Recommended for Approval with Conditions (Criminal History)

(1) Colson, Joshua Ryan (Appointing Entity: Carriage Florida Holdings, Inc.)

Ms. Simon – On June 20, 2017, the applicant submitted an application for licensure as a preneed sales agent. Due to criminal history identified in the application, no temporary preneed sales agent license was issued. The relevant criminal history is that on or about January 13, 2012, Mr. Colson pled guilty to OWI (4th within 5yrs) in Jefferson County, Wisconsin, and his sentence included 8 months in jail, ignition interlock devise for 36 months, AODA treatment as recommended and payment of court cost & fines in the amount of \$3,056.00.

The Department's assessment is that if issued a preneed sales agent license, Mr. Colson would not pose an unreasonable risk to the members of the public who might deal with him in preneed transactions provided that he adheres to the terms of the stipulation agreement entered into on July 12, 2017. The Division recommends approval subject to the terms & conditions of the executed stipulation for licensure which includes that the licensee be on 12 full months of probation, and the \$1,000 fine be paid in full before the license is issued.

Mr. Helm – Mr. Chair, can I think out loud on this one?

Chair – Of course, Mr. Helm.

Mr. Helm – I'm not in favor of fining someone that doesn't have a license yet, because I think it's kind of like charging them and saying here you pay this money and then you can come on in. I see no letters, other than where he's employed at, where he's quit drinking or anything like that, and I realize that you just can't let someone come in like this and not have some sort of stipulation. For the lack of a better term, I would make a motion to deny this one.

MOTION: Mr. Helm moved to deny the application.

Chair – There a motion on the floor. I believe that motion fails for lack of a second.

Mr. Barnhart – Excuse me, Mr. Helm. Did you mean that you were not in agreement with the fine, but you would support the application if certain conditions on probation were included, or were you against the application in its entirety?

Mr. Helm – I have nothing in mind that tells me where he showed that he'd quit drinking or anything. I would think a little harder on it, but my biggest problem with it is I understand the fine but I don't think it's right for us to fine somebody that doesn't have a license already that we're not in control of.

Mr. Barnhart – Is there anything that could be put in the conditions of probation that would satisfy you?

Mr. Helm – I guess you could say there would be, but I don't know what it is at the moment. I don't know what we can put in.

Ms. Simon – If I may, Mr. Chairman? I apologize for interrupting. As I mentioned to you on the telephone, before this meeting, we had tried to impose restrictions during the last Board meeting for an application on preneed license and those restrictions included that he was not to drive for work when he had a DUI history, and the Board was not inclined to accept those recommendations. I think that that would make my fears for the public much calmer. That would be my concern. That he would be driving potential clients, consumers, as well as other people within the industry and I would think that if he was unable to drive for work, perhaps that would be a condition that the Board might approve of.

Ms. Jean Anderson – Mr. Chairman? Would it be possible for us to put him on this twelve (12) full months of probation with random testing? Is there a way to do random testing when it's alcohol? I don't know if random testing works that well.

Chair – I'm not sure either.

Ms. Simon – We do not have the facilities in order to do random drug testing unfortunately.

Chair – Yes?

Mr. Knopke – Whenever it's my turn.

Chair – It's your turn.

Mr. Knopke – Thank you. Mr. Helm, I have some struggles with this as well, but since Mr. Colson has signed the agreement. His employer, I believe Carriage Services, through their management, have recommended him and they are the ones that are responsible for him, i.e. Carriage as well as the management. And in his letter dated July 11th, he talks about that he's not the same person as he was before. He explains what he did that night with friends and he also states in there that he carries a breathalyzer in his car just to remind him of what he previously did five (5) or (6) years before. I'm inclined to make a motion to approve the settlement as offered.

Mr. Helm – The only thing that bothers me is it wasn't the first time, it was the fourth time.

Mr. Knopke – I understand, but...

Mr. Helm – And it was five (5) years ago. I realize that too, so I mean I just have a problem with a \$1000 fine.

Mr. Knopke – I'm not going to go down that road with you. He's paid his price to society. The State of Florida must have given him a driver's license, or somebody has and said go drive. Whatever conditions that are and his employer's willing to accept whatever financial responsibility there is if he goes and does something seriously bad, which I hope he does not.

2nd MOTION: Mr. Knopke moved to approve the application subject to the terms & conditions of the executed stipulation for licensure which includes that the licensee be on 12 full months of probation, and the \$1,000 fine be paid in full before the license is issued. Mr. Clark seconded the motion.

Chair – There's a motion to approve as presented on the attached stipulation and it's been seconded. Any other discussion? All those in favor, aye?

Mr. Barnhart – I think there's a comment.

Chair – I'm sorry I didn't recognize you.

Ms. Oliver – I'm with Mr. Helm on this one. I'm just struggling a little bit with that \$1000 preemptive fine; because you did something in your past and you want to apply to us now we're going to penalize you for that. I don't know how I'm going to vote on this one, but I do struggle with that \$1000 preemptive fine.

Chair – We do have a motion and we have a second, and soon we'll have a vote and we'll be able to record our votes on that. Mr. Hall? Good discussion. All good. All good.

Mr. Hall – I've got to agree with Powell, too. I don't understand how we can fine before. I expressed in the last Board meeting where we had the same issue as Ms. Simon brought up. The fact that there's been four (4) of them and they've been as serious as they've been and there's been jail time, etc., it concerns me. As Keenan says though, if this company picks him up, it's up to them and their insurance to protect the public from that. I'd like to think we could somehow do that. Are we too far reaching in that when do? We talked about that last meeting. We may be. I'm shocked that Carriage is looking at it, but that's their business decision to decide that. So, this is a difficult one.

Chair – Yes, it is. Yes, it is. And we're charged with making that decision and we always say that we pray for the wisdom of Solomon. Any other discussion? We have a motion to approve the stipulation and it's been seconded. All those in favor, aye?

Board members – Aye.

Chair – And all those opposed?

Board members – No.

Chair – The no's win. So, the motion did not carry. Is there a subsequent motion?

Ms. Oliver – I would make a motion to approve the stipulation, so long as we eliminate the \$1000 fine.

Mr. Hall – Question?

Chair – Mr. Hall?

Mr. Hall – Ms. Simon, since we don't have the facilities to do that, can we require of the applicant to provide you, through his expense and facilities, a quarterly or six (6) month report back to us, at his expense?

Ms. Simon – Thank you, Mr. Hall. I learned that I made a mistake. That we do have the ability to do that. However, this is a stipulation and it's one thing if we drop one (1) of the terms of the stipulation, but if we're adding another one, this stipulation has to go back to the applicant.

Mr. Hall – Okay. Do we know if he's still required by the State to do any of this anyway through this past history he has? I know it's thirty-six (36) months on his probation's up.

Ms. Simon – I would suspect not.

Mr. Hall – Okay. Well, while I would like to see it happen and I understand but then it goes back to Carriage again, so it's their liability, so I would second her motion.

Mr. Jones – Does it have the probation in it?

Mr. Helm – Yes.

Chair – Everything that we discussed before with the exception of the \$1000 fine. Kind of like Mr. Helm's first motion. So, any other discussion?

3rd MOTION: Ms. Oliver moved to approve the application subject to the terms & conditions of the executed stipulation for licensure which includes that the licensee be on 12 full months of probation, but exclude the \$1,000 fine. Mr. Hall seconded the motion, which passed unanimously.

Chair – Good deliberation. Thank you all for participating.

6. Application(s) for Continuing Education Course Approval

A. Recommended for Approval without Conditions – Addendum B

- (1) *APEX Continuing Education Solution (4201)*
- (2) *Batesville Casket Company (13409)*
- (3) *Education Workers Group (11208)*
- (4) *Florida Cemetery, Cremation & Funeral Association (75)*
- (5) *Miami-Dade College Funeral Service Dept. (114)*
- (6) *National Funeral Directors Association, Inc. (136)*

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the courses presented have been reviewed by the CE Committee and the Committee, as well as the Division, recommends approval of the applications for the number of hours indicated.

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

Chair – I think it's appropriate at this point in time that I disclose my affiliation with SCI Funeral Services of Florida and that affiliation will in no way affect my ability to make fair and impartial decisions on any issues coming before this Board today.

7. Application(s) for Approval as a Continuing Education Provider

A. Recommended for Approval without Conditions – Addendum C

- (1) *Clark & Robb PA (30208)*
- (2) *Kates-Boylston Publications (29810)*

Ms. Simon – The firms listed have been reviewed by the CE Committee and the Committee, as well as the Division, recommends approval of these applications to become CE providers.

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

8. Application(s) for Florida Law and Rules Examination

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

- (1) *Funeral Director and Embalmer – by Endorsement*
 - (a) *Byrd, Andrew R*
 - (b) *Young, Jason D*
- (2) *Funeral Director and Embalmer – by Internship and Exam*
 - (a) *Johnson, Norma J*

Ms. Simon – This is an informational item. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved these applications.

B. Recommended for Approval without Conditions (Criminal History)

- (1) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Jones III, Jack L*

Ms. Simon – Mr. Jones previously held a Funeral Director and Embalmer license (F026107) that expired on August 31, 2001, and submitted an application to reinstate his license on November 22, 2016. The application was deficient when submitted and all deficient items were returned on July 1, 2017. A background check of revealed the following relevant criminal history.

- In October 2011, Mr. Jones pled no contest to Larceny, a felony. He was sentenced to three years of probation, and fines & costs.

The Division is recommending approval without conditions.

Chair – Is Mr. Jones here? Jack Jones?

Mr. John Rudolph – No, but I represent him.

Chair – Thank you. The Board may have questions, or we would be glad to listen to anything that you would want to address the Board with.

Mr. Rudolph – Well, I believe that he should get this license.

Chair – Thank you. Anything else?

Mr. Helm – I have a question. Does he have to take any kind of test since it's been that long a period from 2001 to 2016? I'm just asking.

Ms. Simon – Yes, he does.

Mr. Helm – Okay.

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

Mr. Rudolph – Thank you.

Chair – Thank you, Mr. Rudolph.

9. Application(s) for Internship

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

- (1) *Embalmer*
 - (a) *Jensen Jr, Christian E F027166*
 - (2) *Funeral Director and Embalmer*
 - (a) *Bickelhaupt, Tracie A F050769*
 - (b) *Johnson II, Efren L F183656*
 - (c) *Little-Griffiths, Carla D F186895*
 - (d) *Robinson, Deborah E F076144*
 - (e) *Santilli, Cassandra F183896*
 - (f) *Van Vliet, Michelle L F183879*
 - (g) *Villano, Gina F184633*

Ms. Simon – This is an informational item. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved these applications.

B. Recommended for Approval without Conditions (Criminal History)

- (1) *Funeral Director and Embalmer*
 - (a) *Deneault, Tabitha*

Ms. Simon – An application for a Concurrent Intern license was received by the Division on May 31, 2017. The application was incomplete when submitted. All deficient items were returned on June 22, 2017. A background check revealed relevant criminal history in that in August 2013, Ms. Deneault pled no contest to Reckless use of alcohol. She was sentenced to one year of probation, a substance abuse evaluation, DUI school, the Victim Impact Panel, 50 hours of community service and fines & costs. The Division is recommending approval without conditions.

Chair – Mr. Hall?

Mr. Hall – I want to disclose my affiliation with Tabitha. I'd be happy to answer any questions in reference to her employment, but will recuse myself from the vote.

Chair – Thank you, Mr. Hall.

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

Chair – Good luck.

10. Application(s) for Embalmer Apprenticeship

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

- (1) *Connors, Solaey B F184652*
- (2) *Gonzalez, Jazmin F084881*

(3) Slagle, Meghan A F087919

Ms. Simon – This is an informational item. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved these applications.

11. Application(s) for Change in Location

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

- (1) *Baldwin Brothers Memorial Care Services Inc. d/b/a Baldwin Brothers (Ocala) (F080777)*
- (2) *Baldwin Brothers Memorial Care Services Inc. d/b/a Baldwin Brothers (Orlando) (F078706)*

Ms. Simon – This is an informational item. Pursuant to ss. 497.380(12)(b), 497.604(7), 497.606(7), F.S., the establishments have applied for a change of location. The Board has requested that it be notified of these changes in location. Accordingly, the addendum has been provided to the Board. No approval, by the Division or the Board, is required.

12. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum H

Ms. Simon – The CPTF claims presented on the Addendum have been reviewed by the Division and the Division recommends approval for the monetary amounts so indicated.

MOTION: Mr. Hall moved to approve all the claim(s), for the monetary amounts indicated. Mr. Jones seconded the motion, which passed unanimously.

13. Application(s) for Monument Establishment Sales Agent License

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

Ms. Simon – This item is informational only. Pursuant to s. 497.554(3)(a), F.S., the applicants have already been issued licensure as monument establishment sales agents.

14. Application(s) for Preneed Branch License

A. Recommended for Approval with Conditions – Addendum J

Ms. Simon – The applicants have applied for a preneed branch license. The applications were completed without reportable criminal or disciplinary history. It appears that the applicants qualify for branch licensure. The Division is recommending approval.

Chair – Mr. Clark?

Mr. Clark – Mr. Chairman, I'd like to disclose my affiliation with FPG of Florida and I will not participate in the discussion or vote.

Chair – Thank you. Board?

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

15. Application(s) for Centralized Embalming Facility

A. Recommended for Approval with Conditions

- (1) *SE Cemeteries of Florida LLC d/b/a Orlando Personal Care (Orlando)*

Ms. Simon – An application for a Centralized Embalming Facility was received on June 29, 2017. The application was complete when submitted. The Funeral Director in Charge will be John Guelde (F045244). A background check of the principals revealed no relevant criminal history. The establishment is recommended for approval subject to the condition(s) as follows:

- 1) That the establishment register the fictitious name with the Division of Corporations and submit completed registration to our Division.
- 2) That the establishment passes an onsite inspection by a member of Division Staff.

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

16. Application(s) for Change of Ownership – Baldwin Brothers Southwest LLC

A. Recommended for Approval *with Conditions – Collective Coversheet for Various Applications*

- (1) *Direct Disposal Establishment*
 - (a) *Baldwin Brothers Southwest LLC d/b/a Affordable Cremations (Fort Myers)*
- (2) *Funeral Establishment*
 - (a) *Baldwin Brothers Southwest LLC d/b/a Affordable Cremations (Fort Myers)*
- (3) *Cinerator Facility (new)*
 - (a) *Baldwin Brothers Southwest LLC d/b/a Baldwin Brothers (Fort Myers)*
- (4) *Funeral Establishment (new)*
 - (a) *Baldwin Brothers Southwest LLC d/b/a Baldwin Brothers (Fort Myers)*

Ms. Simon – Baldwin Brothers Southwest LLC, a limited liability company, seeks approval of four applications for licensure; one for a Direct Disposer Establishment & one for a Funeral Establishment based upon a change of ownership, and for licensure of one new Funeral Establishment & one new Cinerator Facility.

Relevant criminal history exists for one principal, Evans P. Baldwin. The Board previously reviewed this history on numerous occasions: in 2010 when he was approved for a preneed agent license; in 2013 when his Funeral Director Intern license was approved; and again at the July 11, 2013, October 3, 2013, November 7, 2013, March 6, 2014, September 4, 2014, October 1, 2015 & April 2017, Board meetings when he was listed as a principal of an Establishment.

Mr. Baldwin's preneed sales agent license was approved with conditions: he was ordered to be placed on two years of probation which was completed in May 2012. The Funeral Director Intern license was approved without conditions. The Establishment applications were approved without conditions. The criminal record on Evans Baldwin consists of one incident, as follows:

- On September 25, 2002, Mr. Baldwin, then age 17, while driving a car at approximately 9:00 P.M. in Winter Park, and struck a woman on a bicycle, causing her death. Applicant did not stop at the scene. Thereafter, on or about January 4, 2004, Applicant pled guilty to the felony charge of leaving the scene of an accident with death, in Florida Circuit Court, Orange County. His sentence included 5 years supervised probation, 150 hours of community service, which included 10 hours of speaking to groups in victim awareness programs using a photo of the victim, a one-year restriction on his driver's license for business purposes only, payment of the victim's funeral costs, and court costs. He successfully completed the court-ordered probation.

The separate applications for licensure of the four businesses were provided to the Board. If approved, Applicant is acquiring all preneed assets and liabilities for these locations and is assuming responsibility for any outstanding preneed contracts that have previously been issued. More specifically, the entities that are being acquired is as follows:

- 1) Stuart Group Inc. d/b/a Affordable Cremations a licensed direct disposal establishment, license #F040129, physical address: 3323 N Key Drive Unit 8, North Fort Myers, FL 33903; FDIC – Paul Gales #F042161
- 2) Stuart Group Inc. d/b/a Affordable Cremations, a licensed funeral establishment, license #F051206, physical address: 1605 Colonial Blvd, Fort Myers, FL 33907; FDIC – Randall Stuart #F044745
- 3) Baldwin Brothers Southwest LLC, d/b/a Baldwin Brothers, a new licensed Cinerator facility, physical address: 4320 Colonial Blvd, Fort Myers, FL 33966; FDIC – Lorn Wolsky #F089240
- 4) Baldwin Brothers Southwest LLC, d/b/a Baldwin Brothers, a new licensed funeral establishment, physical address: 4320 Colonial Blvd, Fort Myers, FL 33966; FDIC – Lorn Wolsky #F089240

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(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.

Chair – Thank you.

Mr. Knopke – Mr. Chairman?

Chair – Mr. Knopke, I was just calling on you, sir.

Mr. Knopke – Oh, thank you. Let disclose my relationship to my brother, who signed the application and is a principal in the business as described. That relationship with my brother does not affect my ability to make a fair and impartial decision or discussion on this matter.

Chair – Thank you.

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

Ms. Wiener – Questions only.

Chair – Hard work.

Ms. Wiener – It is and I'm going to stay put because the next few are mine, as well. I'm here just for questions.

17. Application(s) for Change of Ownership – Cremation Service of Florida LLC

A. Recommended for Approval with Conditions – Collective Coversheet for Various Applications

- (1) **Cinerator Facility**
 - (a) *Cremation Service of Florida LLC (San Mateo)*
- (2) **Direct Disposal Establishment**
 - (a) *Cremation Service of Florida LLC (Gainesville)*
- (3) **Preneed License**
 - (a) *Cremation Service of Florida LLC (Gainesville)*

Ms. Simon – Cremation Service of Florida LLC (CSFL), a limited liability company, has submitted applications for direct disposal establishment licensure (F040902) and cinerator facility licensure (F041962). Also submitted is an application for a preneed main license (Addendum). The applications are being submitted due to a change of ownership of the direct disposal establishment and cinerator. A background check of the principal(s) for the business revealed no relevant criminal history. More specifically, the entities that are being acquired is as follows:

- 1) Southern Crematory Inc. d/b/a Worth Cremation Services of Florida, a licensed direct disposal establishment, license # F040902, physical address: 3731 NW 40th Terrace, Suite B, Gainesville

- 2) Southern Crematory Inc., a licensed cinerator facility, license # F041962, physical address: US 17 S, San Mateo

The Board members received the separate applications regarding the above listed properties and application for a preneed main license. If approved, Applicant will sell preneed through Funeral Services Inc. (FSI) and use its approved prearranged funeral agreement. Applicant is acquiring all preneed assets and liabilities for these locations and is assuming responsibility for any outstanding preneed contracts that have previously been issued by or for fulfillment at the above referenced locations. The Division has no record of disciplinary action in regards to CSFL. The Applicant's financial statements as of April 30, 2017 reflects the following:

Outstanding Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	138,407

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(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.

Chair – I'm sorry I didn't recognize you on the last one. Do you want to address the Board or are you here for questions?

Ms. Wiener – Simply here for questions.

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

18. Application(s) for Change of Ownership – Foundation Partners of Florida LLC

A. Recommended for Approval with Conditions – Collective Coversheet for Various Applications

- (1) Cemetery
 - (a) Foundation Partners of Florida LLC d/b/a Sunnyside Cemetery, Inc. (St Petersburg)
- (2) Cinerator Facility
 - (a) Foundation Partners of Florida LLC d/b/a Cremation Tribute Center (St Petersburg)
- (3) Funeral Establishment
 - (a) Foundation Partners of Florida LLC d/b/a Alifetribute Funeral Care (Gulfport)
 - (b) Foundation Partners of Florida LLC d/b/a Alifetribute Funeral Care (Largo)
 - (c) Foundation Partners of Florida LLC d/b/a Alifetribute Funeral Care (Tampa)
 - (d) Foundation Partners of Florida LLC d/b/a Anderson McQueen Funeral Home (St Petersburg)
 - (e) Foundation Partners of Florida LLC d/b/a Anderson McQueen Funeral Home (St Petersburg)
 - (f) Foundation Partners of Florida LLC d/b/a E James Reese Funeral Home & Crematory (Seminole)

Ms. Simon – Foundation Partners of Florida LLC (Foundation Partners) a limited liability company, seeks approval for the following businesses to be licensed based upon a change of ownership: six Funeral Establishments, one Cinerator Facility, and

one cemetery (as well as the ability to transact cemetery business). Furthermore, the applicant seeks to license three Preneed Branch locations (please see Addendum). A background check of the principal(s) for the business revealed no relevant criminal history. More specifically, the entities that are being acquired is as follows:

- 1) Sunnyside Cemetery, Inc., a licensed Cemetery, License #F063658, physical address: 5300 19th St N, St Petersburg, FL 33714
- 2) Premier Care of Florida Inc. d/b/a Cremation Tribute Center, a licensed Cinerator facility, License #F063605, physical address: 7820 38th Avenue North, St Petersburg, FL 33710; FDIC – Ira Kirkwood #F044538
- 3) Premier Care of Florida Inc. d/b/a Alifetribute Funeral Care, a licensed funeral establishment, license #F063606, physical address: 5601 Gulfport Blvd, Gulfport, FL 33707; FDIC – Jeffrey Myers #F042459
- 4) Premier Care of Florida Inc. d/b/a Alifetribute Funeral Care, a licensed funeral establishment, license #F063607, physical address: 716 Seminole Blvd, Largo, FL 33770; FDIC – Hallie Shoeman #F045261
- 5) Premier Care of Florida Inc. d/b/a Alifetribute Funeral Care, a licensed funeral establishment, license #F069901, physical address: 4040 Henderson Blvd, Tampa, FL 33629; FDIC – Alan Medina #F060609
- 6) Premier Care of Florida Inc. d/b/a Anderson McQueen Funeral Home, a licensed funeral establishment, license #F063609, physical address, 7820 38th Ave N, St Petersburg, FL 33710; FDIC – John Anders #F043309
- 7) Premier Care of Florida Inc. d/b/a Anderson McQueen Funeral Home, a licensed funeral establishment, license #F063608, physical address, 2201 Dr. MLK St N, St Petersburg, FL 33704, FDIC – Aimee Wojciechowski #F053522
- 8) Premier Care of Florida Inc. d/b/a E James Reese Funeral Home & Crematory, a licensed funeral establishment, license #F063610, physical address, 6767 Seminole Blvd, Seminole, FL 33772; FDIC – John Bunnell #F042077

The Board members received the separate applications regarding the above listed properties. If approved, Applicant is acquiring all preneed assets and liabilities for these locations and is assuming responsibility for any outstanding preneed contracts that have previously been issued by or for fulfillment at the above referenced locations. The Division has no record of disciplinary action in regard to Foundation Partners.

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(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.
- 8) That all fictitious names be registered with the Division of Corporations and confirmation of registration to the Division.

Mr. Clark – Mr. Chairman?

Chair – Yes, Mr. Clark?

Mr. Clark – I wanted again to disclose my affiliation with FPG of Florida and I will not be participating in discussion or voting in this matter.

Chair – Thank you. Are you available for questions?

Mr. Clark – Absolutely.

Chair – Thank you.

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

Ms. Wiener – Just here for questions.

Chair – Was there any consideration for a request for continuation of the training agency?

Ms. Wiener – We do expect to be submitting something on that shortly. I think once we move a little closer to closing, the new owner will be making a determination about which of the locations need to remain training agencies, so that's still open.

Chair – Thank you. I just didn't see it and wanted to make sure we got that in there. I would have asked Mr. Clark, but he recused himself. Congratulations.

19. Application(s) for Change of Ownership – Orange City Leasing Inc.

A. Recommended for Approval with Conditions – Collective Coversheet for Various Applications

(1) Funeral Establishment

(a) Orange City Leasing Inc. d/b/a Lankford Funeral Home & Crematory (Deland)

(2) Transfer of a Preneed License

(a) Orange City Leasing Inc. d/b/a Lankford Funeral Home & Crematory (Deland)

Ms. Simon – Orange City Leasing Inc. d/b/a Lankford Funeral Home & Crematory, a Florida company, seeks approval for an application for licensure of a funeral establishment (F040329). It also seeks approval of an application for transfer of a preneed license. The applications are being submitted due to a change of ownership of the funeral establishment. A background check of the principals for the business revealed no relevant criminal history. More specifically, the entity that is being acquired and transferring its preneed license is as follows:

- Orange City Leasing Inc. d/b/a Lankford Funeral Home, a licensed funeral establishment, license # F040329, and preneed license #F038704, physical address: 220 E New York Avenue, DeLand 32724; FDIC – Cheryl Lankford #F046556

The Board members received the applications regarding the above listed property. If approved, Applicant will sell preneed through Homesteaders Life Insurance Company and use its approved prearranged funeral agreement. Applicant is acquiring all preneed assets and liabilities for this location and is assuming responsibility for any outstanding preneed contracts that have previously been issued at the above referenced location. The Division has no record of disciplinary action in regard to Applicant. The Applicant's financial statements as of December 31, 2016 reflects the following:

Outstanding Preneed Contracts	= \$	2,692,704
Required Net Worth	= \$	100,000
Reported Net Worth	= \$	618,014

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(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.
- 8) That the fingerprint results for principal Danielle Flowers returns without criminal history.

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

20. Application(s) for Change of Ownership – Watts Funeral and Cremation Center LLC

A. Recommended for Approval with Conditions – Collective Coversheet for Various Applications

(1) Funeral Establishment

(a) Watts Funeral and Cremation Center LLC d/b/a Watts Funeral and Cremation Center (San Mateo)

(2) Training Agency (Waiver of Rule)

(a) Watts Funeral and Cremation Center LLC d/b/a Watts Funeral and Cremation Center (San Mateo)

Ms. Simon – Watts Funeral Home and Cremation Center LLC, a limited liability company, seeks a funeral establishment license and registration as a training facility based upon a change of ownership. A background check of the principals for the business revealed no relevant criminal history.

The Board members received the separate applications regarding the above listed properties. If approved, the Applicant is acquiring all preneed assets and liabilities for location listed below and is assuming responsibility for any outstanding preneed contracts that have previously been issued. More specifically, the entities that are being acquired is as follows:

- 1) Watts Funeral Home and Cremation Center Inc., a licensed funeral establishment, License #F041894, 720 S US Highway 17, San Mateo, FL 32088; FDIC – Margaret Watt #F020032
- 2) Watts Funeral Home and Cremation Center Inc., a registered training facility, License #F041894, physical address: 720 S US Highway 17, San Mateo, FL 32088; FDIC – Margaret Watt #F020032

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(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.
- 8) That the Petition relating to continuation of training agency status be approved, so that the training agency status of said locations be continued under the new owners, provided there has been no dispute by the public within 30 days of the date waivers were published.

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

21. Application(s) for Change of Ownership – Wolf Funeral Services Inc.

- A. Recommended for Approval with Conditions – Collective Coversheet for Various Applications
- (1) *Cinerator Facility*
 - (a) *Wolf Funeral Services Inc. d/b/a Central Florida Crematory of Lakeland (Lakeland)*
 - (2) *Funeral Establishment*
 - (a) *Wolf Funeral Services Inc. d/b/a Lanier Funeral Home (Lakeland)*

Ms. Simon – Wolf Funeral Services Inc., a Florida company, seeks approval of their applications for licensure of a funeral establishment and a cinerator facility. These applications are based upon a change in ownership. A background check of the principals for the business revealed no relevant criminal history.

The Board members received the separate applications regarding the above listed properties. If approved, Applicant is acquiring all preneed assets and liabilities for these locations and is assuming responsibility for any outstanding preneed contracts that have previously been issued by the above referenced locations. More specifically, the entities that are being acquired is as follows:

- 1) Lanier Funeral Home, a licensed funeral establishment, License #F040533, physical address: 717 W Griffin Rd, Lakeland, FL 33804; FDIC – Howard Johnson #F048139
- 2) Central Florida Crematory of Polk County, a licensed Cinerator facility, License #F041196, physical address: 725 Griffin Rd, Lakeland, FL 33805; FDIC – Howard Johnson #F048139

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(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.

Mr. Knopke – Mr. Chairman?

Chair – Yes, Mr. Knopke?

Mr. Knopke – Let me recuse myself from this application, simply for the fact that I was contacted by one of the principals of the purchasing party, as he thought I may have some influence with the Department staff to get it on a particular agenda. Rather than risk anything, I'll step to the side on this one.

Chair – Did you exercise that influence?

Mr. Knopke – I inquired with Jasmin, who advised very quickly that she was busy with license renewals and that it was in the order that it should be in. She was kind and said thank you very much and I said thank you very much.

Chair – So there was an attempt?

Mr. Knopke – No, I inquired about where it was in the process. I want it clear but at the same time I don't want it to be considered undue influence or anything else.

Chair – Thank you. I appreciate that disclosure. Thank you very much.

Mr. Knopke – Jasmin did the exact right thing that I expected her to do, too.

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

22. Application(s) for Direct Disposal Establishment

A. Recommended for Approval with Conditions

(1) Cremations America Central Florida LLC (Kissimmee)

Ms. Simon – An application for a Direct Disposal Establishment license, due to a Change of Ownership, was received by the Division on June 5, 2017. The application was incomplete when received. All deficient items were received on July 7, 2017. The Funeral Director in Charge will be Josette Freyre (F047649). A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition(s) as follows:

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

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

23. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Kronish, Sunshine & Company Inc. (Boca Raton)

Ms. Simon – An application for a Funeral Establishment was received on June 20, 2017. The application was incomplete when submitted. All deficient items were returned on July 11, 2017. The Funeral Director in Charge will be Keith Kronish (F043802). A background check of the principals revealed no relevant 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: Chair moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Mr. Knopke seconded the motion, which passed unanimously.

Mr. Rudolph – Thank you, Mr. Chairman.

Chair – Thank you, Mr. Rudolph.

(2) SE Cemeteries of Florida LLC d/b/a Baldwin Fairchild at Chapel Hill (Orlando)

Ms. Simon – An application for a Funeral Establishment was received on June 29, 2017. The application was complete when submitted. The Funeral Director in Charge will be John Guelde (F045244). A background check of the principals revealed no relevant criminal history. The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

24. Request(s) to Renew License (Criminal History)

A. Recommended for Approval without Conditions

(1) *Beresky, Carly F057653*

Ms. Simon – Ms. Beresky has applied to renew her Funeral Director and Embalmer license (F057653). The relevant criminal history is that in December 2016, Ms. Beresky pled no contest to DUI with property damage. She was sentenced to 50 hours' community service, twelve (12) months' probation, six (6) months suspended license and \$1736.04 in fines. The Division is recommending approval without conditions

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

(2) *Larson, Randal A F044601*

Ms. Simon – Mr. Larson has applied to renew his Funeral Director and Embalmer license (F044601). Mr. Larson answered no to the criminal history question in error, as explained in the enclosed letter. The relevant criminal history is that in February 2016, Mr. Larson pled guilty to DUI. He was sentenced to nine months' probation, fine of \$1000, vehicle impounded for ten (10) days, 50 hours' community service, ignition interlock device for six (6) months, fingerprints taken in court and driver's license revoked for six (6) months. The Division is recommending approval without conditions

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

(3) *Politano, Donald J F042166*

Ms. Simon – Mr. Politano has applied to renew his Funeral Director and Embalmer license (F042166). The relevant criminal history is that in June 2016, Mr. Politano was found guilty of DUI. His driver's license was revoked for six (6) months, placed on probation for twelve (12) months, ordered to attend DUI school, fifty (50) hours of community service and fines of \$983. The Division is recommending approval without conditions

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

B. Recommended for Denial

(1) *Knauff Jr, Joseph F043258*

Ms. Simon – Mr. Knauff has applied to renew his Funeral Director and Embalmer license (F043258) on June 12, 2017. Mr. Knauff answered "no" to the criminal history question; however, an internal criminal history check revealed a felony conviction:

- One June 7, 2017, Mr. Knauff pled no contest to the crime Written Threat to Kill, a felony. He has been placed on Drug Offender probation for 36 months and must undergo a drug and alcohol evaluation to determine if treatment is necessary. He was also ordered to pay \$265 in costs.

The Division is recommending denial based on the felony conviction as well as the licensee not disclosing the information.

Chair – Is Mr. Knauff here? Mr. Knauff? Hearing no response.

MOTION: Mr. Hall moved to deny the application. Mr. Helm seconded the motion, which passed unanimously.

Mr. Barnhart – Mr. Chairman, can I get the Board members to include the reasons? I was looking at ss. 497.141(5)(a), which puts the burden on the applicant to show that he's not a danger to the public and 497.142(10)(a), F.S., which requires the disclosure which he did not do.

Mr. Helm – I didn't hear what he said first. Do you want to add that to the motion?

Mr. Barnhart – Yes, as the reasons.

Chair – As the reason for the denial.

Mr. Helm – That will be fine.

Chair – And the second? Does the second also include that? Again, all those in favor, aye?

Board members – Aye.

Chair – And any opposed? From now on, perhaps when the Division recommends a denial, can you site the statute or rule that you base that denial on?

Ms. Simon – Yes sir.

25. Executive Director's Report

A. Operational Report (Informational)

Ms. Simon – We will hear from the Director, Ms. Schwantes.

Ms. Mary Schwantes – Thank you, and good morning. I have a couple of things to bring up today. I'm going to start with an introduction of some very important people to our Division, and that is some of our field staff. Well, first of all, you all know Jasmin Richardson and LaTonya Bryant. They do a fantastic job. They come with us to all these Board meetings, and we really appreciate their help. Going forward, at the Board meetings, when the Board meetings are near one of our headquarters (Tampa, Orlando, Ft. Lauderdale), I am asking our staff in the field to join us so that those who have not had the opportunity to meet some of our staff will be able to and so that they have the experience and pleasure of attending a Board meeting. So, without further ado, and if you'd stand up when I call your name, Thurman Lowe. I think a lot of you know Thurman. He's been with the Division for many, many years and is the supervisor of all of our field staff. And with him today, we have Elena Rodriguez, who is also based in our field staff. All field staff are cross trained. I think Elena is primarily doing inspections. So, they're all cross trained in the different categories but do specialize in certain categories. And now I'm very proud to announce promotions for the next two (2) ladies. These ladies have been with the field staff for a number of years, as well, and have been promoted to supervisors. They will be reporting to Thurman, as well, but also heading their own units. So, Tina Williams will be heading the Financial Examination Unit and Miriam Del Valle will be heading the Inspection Unit. So I want to congratulate them. I hope that you all have a chance to talk with them at your leisure after the meeting and welcome all to the Board meeting.

A few housekeeping issues about the Division. For those who've visited us, you may know that our Tallahassee office is set up kind of in an L-shape, and there's one door at one end and a door at the other end, and both doors use key locks. So what happens is that during the day, these doors are unlocked and anybody can come in. As a result of a recommendation from the operational review that we just had and as an added safety and security measure for both our employees and the records that we maintain, we have added Sonitrol card readers to those doors. Sonitrol card readers, if you're not familiar, work similar to the hotel locks. You need to have a badge, in order to get in. Only employees will have badges. So, for those visiting our offices going forward, if you would please check in with the receptionist downstairs and have them call up or you can call up. Use your cellphone to call up to one (1) of the employees upstairs. We'll meet you at the third floor elevator and bring you into the office that way. Again, it's for the security of the employees and the records. We've had a couple of instances lately where there were actually some consumers who came through during lunch hour when there were not as many employees there. The visibility, with it being an L-shape, is not really good. We appreciate your cooperation with that. Again, give us a call in advance, set up an appointment if you want to, or call us from downstairs and we'll make sure you get in.

We are sending out a letter to the industry and wanted to give you all a heads up. The deadlines for submitting applications or issues that need to come before a Board meeting, all items have to be reviewed and completed twenty-five (25) days before the Board meeting. So, we'll be sending something out as a reminder of those deadlines and strictly enforcing the deadlines. That's in fairness to all of the applicants and also to allow our staff sufficient time to review and to prepare issues for presentation for the Board. So again, we appreciate your cooperation regarding the deadlines and be looking for that notice to come out soon.

Mr. Helm – Mary, is that deadline set in concrete? No exceptions?

Ms. Schwantes – Pretty much.

Mr. Helm – No exceptions?

Ms. Schwantes – We're going to try to strictly enforce it.

Mr. Helm – You will give some leeway?

Ms. Schwantes – There is some leeway given, as you don't have a choice sometimes.

Mr. Helm – That's what I wanted to hear.

Ms. Schwantes – But, it is our hope that industry will comply with the deadlines, because that is the easiest way to get everything presented and prepared for this Board. Speaking of deadlines, the Board appointment process is well underway. There are five (5) Board members, including our Chair and Vice Chair, who's terms expire at the end of September. Last month, we sent notice to the industry and we posted information, regarding the application process, on our website. It is a little bit more of a complicated process than it has been in prior years and that is because of a change in the Governor's Office regarding the way that they want to take applications. They now only want to take applications online. So, if you are interested or know anyone who might be interested, I encourage all to apply as soon as possible. We've only received a few applications so far. The deadline is Wednesday, August 16th. The information that is online details the spaces which will become available. For example, we have a consumer space that will become available that Ms. Oliver will be vacating. We also have another consumer space that will become available for a CPA. Mr. Davis is not here with us today, but his term also expires at the end of September. So, by statute, the process is as follows. We receive the applications and we present all qualified applicants to the CFO. The CFO reviews the applicants and will nominate three (3) for each vacancy. Those nominations, again three (3) for each vacancy, are then taken to the Governor's Office, and the Governor is the one who actually appoints the new member. We hope that and anticipate right now that new members will be appointed and announced prior to the October Board meeting, which takes place in Tampa. All current Board members, however, have indicated their willingness to serve beyond the term expirations in case it takes a little bit longer to go through this process, and we very much appreciate their assistance in that regard. So, Wednesday, August 16th, please get your applications in.

I want to talk about the rulemaking status just briefly. You all are all aware we had a Rules Committee meeting scheduled for this afternoon, but unfortunately, due to an emergency situation, we had to cancel that meeting. We apologize for the very short cancellation notice, but appreciate your patience with that. Because it involved a very detailed process, with importance the rules that are being reviewed at the point now are very detailed and have a lot of interest to the industry and of course to the Division, it was deemed that the best course of action would be to cancel and reschedule the meeting that was scheduled for today. So, the next Rules Committee meetings will take place as follows. We've scheduled two (2) in advance. One will be Friday, August 18th, in Tallahassee, with details about time and location to be sent out. And the second will be Friday, September 8th, in Jacksonville. Again, those notices will be sent out and also published within the next few days. I've had a question come up about what's the process from there. We have what we expect to be two (2) more Rules Committee meetings, during which time we hope to go through the remainder of the rule draft and make any additional changes. After that, we will have a Rulemaking Workshop, which puts it back into the formal administrative lawmaking, rulemaking process. That will be open for public comment. We will probably have a period of time after that accepting writing comment. After that, it goes back to the Rules Committee for final review, I hope, and then ultimately to the Board, for approval. So that's the process that we intend to follow. Again, we expect to have at least two (2) more Rules Committee meetings prior to going back to that Rulemaking Workshop process.

Finally, just kind of a minor thing, it came to my attention that there was some historical information regarding the Board's Committees that was located on our website, and while it's important to have historical information, that probably was not the best place to keep it and it cause confusion. There are only four (4) active Committees of the Board, at this time. That would be the two (2) Probable Cause Panels, the Continuing Education Committee, and the Rules Committee. So all other information has been removed from the website regarding historical Committees and I think that Mr. Barnhart may have more to say about how committees are established by the Board and the length of time that they should be expected or how often they need to be renewed. That concludes my report. Thank you very much.

Chair – Thank you.

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

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

Monthly Report of Fines and Costs Assessed and Paid
Division of Funeral, Cemetery and Consumer Services
August 3, 2017 Board Meeting
Date of Report: July 24, 2017

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Hunter James West	Apr-17	197862-16-FC	\$1,000	6/9/2017	Paid in Full	
Affordable Monument Company	Jun-16	184198-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Patricia Narciso	Jun-16	184202-15-FC	\$1,000	Monthly payments of \$83	Payments are current	
Jeannette Royal	Jun-16	164613-14-FC	\$5,000	12-Jan-16	Note A	
Ronald Noble	Aug-15	134801-13-FC	\$2,500	8/1/2017	Paid in Full	
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.						

26. Chairman's Report (Verbal)

Chair – I just want to say that our next in person meeting of this Board is October in Tampa and it's quite possible that this Board will look a lot different than it does today. So I want to take the opportunity to recognize this Board and how diligent you are in your efforts, how prepared you always are. I always admire your preparedness and readiness on each issue that comes before us. So, I wanted to recognize that and recognize that it could be an entirely different look with the next Board. So thank you all. That's all I have.

27. Office of Attorney General's Report

A. Attorney General's Rules Report

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

Mr. Barnhart – The only thing I have to add on the Rules Report is that I believe there's going to be some proposed language for minor amendments to Rule 69K-21.003, F.A.C. That'll be done before the next meeting. At that time, I think we'll also

have a SERC Checklist to be presented to you as well. Of course, the rules above that, we're still working on, so there are no changes right now to those rules.

Chair – We always appreciate your counsel.

Mr. Barnhart – Thank you.

Chair – Thank you so much. You're certainly additive to this Board and their decisions and thank you for that.

Mr. Barnhart – You're welcome.

28. Administrative Report

The information was provided on the Agenda.

29. Disciplinary Report

The information was provided on the Agenda.

30. Upcoming Meeting(s)

- A. September 7th (Teleconference)
- B. October 5th (DoubleTree by Hilton Tampa Airport Westshore - Tampa)
- C. November 2nd (Teleconference)
- D. December 7th (Tallahassee)

31. Adjournment

Chair – Board members?

Mr. Hall – Mr. Chair, just one quick question?

Chair – Yes sir?

Mr. Hall – Speaking of safety and stuff earlier from Mary, the inspection that we're requesting for the establishment in Miami, I think in our reports there was some inappropriate advances on that inspection. Can we request either two (2) inspectors to go on that or some how provide protection for that inspector?

Chair – What a good suggestion.

Ms. Schwantes – Thank you.

Chair – Thank you for that. Any other comments? Anything at all? Ms. Olver?

Ms. Oliver – Mr. Chair, thank you. I just wanted to thank you all. I really enjoyed my service on this Board. It's been an honor to serve alongside you all. I have learned so much, and Mr. Chair you've just been amazing over my time here. So I just want to thank you all and thank the staff and wish you all good luck.

Chair – Thank you.

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