

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
September 7, 2017 - 10:00 A.M.

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

Mr. Jody Brandenburg, Chair – Good morning everyone. Welcome to the Board of Funeral, Cemetery, and Consumer Services’ teleconference Meeting. It’s September 7, 2017. I’m calling this meeting to order. Ms. Simon, would you make the preliminary remarks and do the roll call, please?

Ms. Ellen Simon – Yes Mr. Chairman. My name is Ellen Simon. I’m the Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. It is 10:00 A.M. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Service. The meeting is held by teleconference. Notice of the meeting has been duly published in the Florida Administrative Register. An agenda for the meeting has been made available to interested persons. The call in number was placed on the agenda. The Board’s staff present for this meeting are in the Claude Denson Pepper Building, in Tallahassee FL. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared. Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. At this time, Mr. Chairman, I will call the roll:

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

Also noted as present:

Mary Schwantes, Executive Director
Tom Barnhart, Board Legal Advisor (via phone)
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Lashonda Morris, Department Staff
Nicole Singleton, Department Staff

Ms. Simon – Mr. Chairman we have a quorum for the business of the Board.

Mr. Chair – Thank you.

2. Action on Minutes

A. August 3, 2017

Chair – The first item on our agenda is the action on the minutes from the August 3, 2017 meeting.

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

3. Application(s) for Preneed Sales Agent

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

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

4. **Application(s) for Continuing Education Course Approval**
 - A. **Recommended for Approval without Conditions – Addendum B**
 - (1) *International Cemetery, Cremation, and Funeral Association (22808)*
 - (2) *International Order of the Golden Rule (2201)*
 - (3) *Kates-Boylston Publications (29810)*
 - (4) *National Funeral Directors Association (136)*
 - (5) *The Dodge Institute for Advanced Mortuary Stu (81)*

Ms. Simon – The courses presented have been reviewed by the Continuing Education Committee and the Committee, as well as the Division, recommends approval of the applications for the number of hours indicated on Addendum B.

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

5. **Application(s) for Florida Law and Rules Examination**
 - A. **Informational Item (Licenses Issued without Conditions) – Addendum C**
 - (1) *Direct Disposer*
 - (a) *Johnson, Ashley A*
 - (b) *Violante II, Matthew J*
 - (2) *Funeral Director– by Internship and Exam*
 - (a) *Bates, Tiki H*
 - (3) *Funeral Director and Embalmer – by Endorsement*
 - (a) *Andrews, Helen*
 - (4) *Funeral Director and Embalmer – by Internship and Exam*
 - (a) *Bradwell, Antonio M*
 - (b) *Johnson, Norma J*
 - (c) *Prosoco, Laurel R*

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

6. **Application(s) for Internship**
 - A. **Informational Item (Licenses Issued without Conditions) – Addendum D**
 - (1) *Funeral Director*
 - (a) *Centeno-Bermudez, Claudia F188653*
 - (b) *Davis, Reginald L F188553*
 - (2) *Funeral Director and Embalmer*
 - (a) *Harclerode, Caitlin J F195991*
 - (b) *Mingorance, Roxanne C F191903*
 - (c) *Rubio, Hector J F188910*
 - (d) *Sturdivant, Jacqueline F193956*

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

7. **Application(s) for Embalmer Apprenticeship**
 - A. **Informational Item (Licenses issued without Conditions) – Addendum E**
 - (1) *Gacek, Christopher J F090784*
 - (2) *Gendron, Amanda L F081729*

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

8. Notification(s) of Change of Location

- A. Informational Item (Licenses issued without Conditions) – Addendum F**
(1) Strong & Jones Funeral Home Inc. (Tallahassee) (F041596)

Ms. Simon – This item is informational only. Pursuant to ss. 497.380(12)(b), 497.604(7) and 497.606(7), F.S., the establishment(s) notified the Division of a change of location of their establishment. The requisite inspection has been conducted.

9. Consumer Protection Trust Fund Claims

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

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

MOTION: Mr. Jones moved to approve the claim(s) for the amount indicated on the Addendum G. Mr. Frank Bango seconded the motion, which passed unanimously.

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

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

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.

11. Application(s) for Cinerator Facility

- A. Recommended for Approval with Conditions**
(1) Marion Nelson Funeral Home Inc. (Lake Wells)

Ms. Simon – An application for a Cinerator Facility was received on August 4, 2017. The application was complete when submitted. The Funeral Director in Charge will be John Nelson (F029390). A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition that the cinerator facility passes an onsite inspection by a member of Division Staff.

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

Mr. John Nelson – This is John Nelson with Marion Nelson Funeral Home. Thank you ladies and gentlemen and I will sign off. Thank you.

Chair – Thank

12. Application(s) for Direct Disposal Establishment

- A. Recommended for Approval with Conditions**
(1) All Veterans – All Families Cremations LLC (Englewood)

Ms. Simon – An application for a Direct Disposal Establishment was received on August 8, 2017. The application was complete when submitted. The Funeral Director in Charge will be Cathleen Cornish (F086469). A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. The applicant is on the conference call.

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. Jones seconded the motion, which passed unanimously.

Chair – Congratulations Ms. Cornish.

Ms. Cathleen Cornish – Permission to speak to the Board, please? This is Cathy Cornish.

Chair – Yes.

Ms. Cornish – I just want to say thank you very much, and please everyone be safe. I'm signing off. Thank you, again, very much.

Chair – Thank you.

13. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) *Bell's Funeral Home Port St Lucie LLC d/b/a Bell's Funeral Home & Cremation (Port St Lucie)*

Ms. Simon – An application for a Funeral Establishment was received on July 24, 2017. The application was complete when submitted. The Funeral Director in Charge will be Charles Spates (F053084). A background check of the principals revealed no relevant criminal history. The Division is recommending 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. Clark seconded the motion, which passed unanimously.

(2) *F&R Service Group LLC d/b/a Forbes Funeral and Cremation Servicers (Crawfordville)*

Ms. Simon – An application for a Funeral Establishment was received on August 7, 2017. The application was incomplete when submitted. All deficient items were returned on August 17, 2017. The Funeral Director in Charge will be Jeffery Eichacker (F044317). A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

(3) *Shalom Funeral & Cremation Services Co d/b/a Cherfils Funeral Home (Hollywood)*

Ms. Simon – An application for a Funeral Establishment was received on August 7, 2017. The application was incomplete when submitted. All deficient items were returned on August 17, 2017. The Funeral Director in Charge will be Robert Brown (F046425). A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

14. Application(s) for Preneed Main License

A. Recommended for Approval without Conditions

(1) *Kronish, Sunshine & Company, Inc. d/b/a Kronish Funeral Services (Boca Raton)*

Ms. Simon – The Department received the application on June 20, 2017 and all deficient items were resolved as of August 11, 2017. The officers and principals of the corporation will be: Mark Sunshine, Keith Kronish, Max Urlich, Robert Blum, and Christopher G. Lally. A completed background check of all officers revealed no criminal history. Applicant's was approved for its qualifying funeral establishment license subject to passing of inspection at the August Board meeting. If approved, Applicant will sell trust-funded preneed through First State Trust Company/Citibank N.A., administered by Cooperative

Funeral Fund, Inc. (CFFI), and utilize its approved pre-arranged funeral agreement. The Applicant's financial statements as of May 31, 2017, reflects the following:

Outstanding Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	640,465

The Division is recommending approval.

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

Mr. John Rudolph – This is John Rudolph. Thank you.

Chair – Thank you, Mr. Rudolph.

15. Application(s) for Refrigeration Service
A. Recommended for Approval with Conditions
(1) Arcelays Funeral Services LLC (Opa-Locka)

Ms. Simon – An application for a Refrigeration Service was received on July 24, 2017. The application was complete when submitted. A completed background check revealed that the principal for the applicant had a criminal history, to-wit:

- The principal and owner of the LLC will be Andres J. Arcelay. Mr. Arcelay disclosed that he pled guilty to felony charges of armed battery, sexual assault, and false imprisonment in 1998. As a result, he was sentenced to 2 years of community control, 5 years of probation, and counseling. Mr. Arcelay has also provided court documentation and all sanctions and penalties have been completed and satisfied. This criminal history was seen at the March 2017 and June 2017, Board meetings when the applicant applied, and was approved with conditions, for a Preneed Main License and approved for a Cinerator Facility license.

The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

Mr. Knopke – Mr. Chairman?

Chair – Yes, Mr. Knopke?

Mr. Knopke – Can I ask a question of the Department?

Chair – Please do.

Mr. Knopke – Good morning, Ms. Simon.

Ms. Simon – Good morning.

Mr. Knopke – The question is the charges back in 1998 are serious. They're almost twenty (20) years old. You all aren't concerned about that action occurring again would be what I read into your recommendation to approve with the condition. Correct?

Ms. Simon – There was also the matter that an application including this individual's criminal history, has previously been submitted to the Board, both in March 2017 and June 2017, so it is assumed that the Board was comfortable with the past history.

Mr. Knopke – Okay. Again, I wanted to ask. I gathered that. I didn't recall the other applications.

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

16. **Application(s) for Removal Service**

A. **Recommended for Approval with Conditions**

(1) ***Arnex LLC d/b/a Apollo Mortuary Transport (Hialeah)***

Ms. Simon – An application for a Removal Service was received on July 17, 2017. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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

(2) ***Capital Transport Services LLC (Tallahassee)***

Ms. Simon – An application for a Removal Service was received on August 10, 2017. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

MOTION: Ms. Jean Anderson moved to approve the application subject to the conditions that the facility passes an onsite inspection by a member of Division Staff. Mr. Hall seconded the motion, which passed unanimously.

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

A. **Recommended for Approval with Conditions**

(1) ***Cemetery Preneed Trust Agreement(s) and Preneed Sales Agreement(s)***

(a) ***Cooperative Funeral Fund, Inc. (Madison, CT)***

Ms. Simon – CFFI, through its Attorney, John Rudolph, seeks approval of two trust agreements, as more specifically set forth in Attorney's correspondence dated August 7, 2017. Additionally, CFFI is a full service preneed and perpetual care fund management company, and SEC-Registered Investment Advisor, notice filed in Florida since May 2012.

CFFI seeks approval of a merchandise and services trust agreement, entitled "*Cemetery Merchandise and Services Trust Agreement*" (Form #: FLCemTrstAgrmt20170802) and a master preneed trust agreement, entitled "*Cemetery Master Trust Agreement*" (Form#: FLCemTrstAgrmt20170802).

The Division is recommending approval subject to the following conditions:

- 1) That the representations of CFFI, through its Attorney, as set forth in Exhibit A, be deemed material to the Board's decisions herein.
- 2) That fully executed copies of the trust documents as identified above be provided to the Division within 60 days of this Board meeting.

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

Ms. Simon – And that was for both the cemetery preneed trust agreement and the preneed sales agreement.

(2) ***Preneed Funeral Trust Agreement(s)***

(a) ***Forethought Life Insurance Company (Indianapolis, IN)***

Ms. Simon – In accordance with ss. 497.458, Florida Statutes, FLIC hereby submits the above trust agreement for approval to be utilized by various licensed preneed establishments. The Division is recommending approval subject to the condition that FLIC provides to the Division the above listed trust agreement, fully executed by all parties, within 60 days of this Board meeting.

MOTION: Mr. Knopke moved to approve the agreement subject to the condition that FLIC provides to the Division the trust agreement, fully executed by all parties, within 60 days of this Board meeting. Mr. Hall seconded the motion, which passed unanimously.

(3) Pre-Construction Trust Agreement(s)

(a) S.E. Combined Services of Florida, LLC d/b/a Flagler Memorial Gardens (F140557) (Flagler Beach)

Ms. Simon – In accordance with ss. 497.272, Florida Statutes, S.E. Combined Services of Florida, LLC d/b/a Flagler Memorial Gardens (License # F140557), a subsidiary of SCI Funeral Services of Florida, LLC, submits a request for approval of master pre-construction trust agreement to be utilized in conjunction with various construction projects at SCI cemetery locations.

Chair – At this point, I think it’s appropriate that I disclose my affiliation with SCI Funeral Services of Florida. This affiliation will in no way affect my ability to render a fair and unbiased decision on this or anything coming before the Board today.

MOTION: Mr. Hall moved to approve the master pre-construction trust agreement subject to the condition that the Division receives a fully executed trust agreement, signed by all parties, within 60 days of this Board meeting. Mr. Knopke seconded the motion, which passed unanimously.

B. Recommended for Approval without Conditions

(1) Pre-Construction Performance Bond(s)

(a) SCI Funeral Services of Florida, LLC d/b/a Woodlawn Memorial Park and Funeral Home (F039470) (Gotha)

Ms. Simon – SCI Funeral Services of Florida, LLC (SCI) intends to construct a new mausoleum at its Woodlawn Memorial Park and Funeral Home (F039470) location, in Gotha.

Pursuant to s. 497.272, Fla. Statutes, typically, a pre-construction trust must be put in place if sales are going to occur prior to completion. However, s. 497.272(8) provides that in lieu of the pre-construction trust fund, the cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator.

The licensee has submitted for approval a performance bond, in lieu of a pre-construction trust. The columbarium project, and the bond, is summarized as follows:

- Project: 1,450 glass front niches
- Bond Amount: \$744,816.30
- Bond Number: SUR0042144
- Surety Company: Argonaut Insurance Company

Cemetery agrees to complete said construction in accordance with the attached construction agreement dated April 27, 2017, with Carrier Mausoleums Construction USA Inc. The Division is recommending approval of the pre-construction performance bond without conditions.

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

18. Petition(s) for Variance or Waiver – Training Agency

A. Recommended for Approval with Conditions

(1) FPG (Collective Coversheet)

- (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, seeks approval to have six of their newly approved funeral establishments registered as training agencies. Under previous ownership, these establishments had been registered as training agencies. The Board approved Foundation Partners of Florida applications for funeral establishment licensure at the August 3, 2017, Board meeting.

More specifically, the entities that are applying for registration of a training agency are as follows:

- 1) Foundation Partners of Florida LLC d/b/a Alifetribute Funeral Care, training facility, physical address: 5601 Gulfport Blvd, Gulfport, FL 33707
- 2) Foundation Partners of Florida LLC d/b/a Alifetribute Funeral Care, training facility, physical address: 716 Seminole Blvd, Largo, FL 33770
- 3) Foundation Partners of Florida LLC d/b/a Alifetribute Funeral Care, training facility, physical address: 4040 Henderson Blvd, Tampa, FL 33629
- 4) Foundation Partners of Florida LLC d/b/a Anderson McQueen Funeral Home, training facility, physical address: 2201 Dr. MLK St N, St Petersburg, FL 33704
- 5) Foundation Partners of Florida LLC d/b/a Anderson McQueen Funeral Home, training facility, physical address: 7820 38th Ave North, St Petersburg, FL 33710
- 6) Foundation Partners of Florida LLC d/b/a E James Reese Funeral Home & Crematory, training facility, physical address: 6767 Seminole Blvd, Seminole, FL 33772

The Division is recommending approval of the applications referenced above, subject to the following conditions:

- 1) That the licenses for the corresponding funeral establishments be issued once the closing has occurred.
- 2) That the Petition relating to waiver of the requirements for the registration of a 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 the request was published.

Chair – Mr. Clark, did I hear you?

Mr. Clark – Thank you, Mr. Chairman. Yes, sir. I'd like to disclose my affiliation with FPG of Florida and I will not participate in the discussion or the voting of this particular matter.

Ms. Simon – Mr. Chairman, I would suggest we begin with the petition for waiver and variance.

Mr. Tom Barnhart – Mr. Brandenburg?

Chair – Yes?

Mr. Barnhart – This is Tom Barnhart. Could I read to you the provision in Chapter 120, F.S. that you will be using in deciding whether to grant or deny this variance?

Chair – Please do.

Mr. Barnhart – Okay. In s. 120.542(2), F.S., it says, "*Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.*" And if I could just add, if you decide to grant this petition that you may want to put a limitation of time on the variance so that it would not be extended forever, for example. That there be a time limit placed on it that they would be expected to be in compliance after a certain date.

Chair – Thank you.

Ms. Wendy Wiener – Mr. Chairman, this is Wendy Wiener. I represent Foundation Partners. May I ask a question of Mr. Barnhart?

Chair – Please do.

Ms. Wiener – Mr. Barnhart, I'm unclear as to what you mean by a time limit on the variance. The request and the petition simply allows the training agency status to continue. Once a licensee is a training agency, they don't continuously prove and reprove their capacity to be a training agency. They're a training agency and then that's all there is to it, so I'm confused about what the time limit would be related to.

Mr. Barnhart – So, are you saying that once it's approved the Division never goes back and make sure that they are in compliance with the rule?

Ms. Wiener – Once any training agency application is approved, the Division does not come back to confirm that the licensee is in compliance of the rule, meaning that it did a certain number of services over a certain time period in order to qualify. So, I guess then I would be simply asking that the variance from the rule is that they don't have to show that they (the new owner) did the required amount of services at the location, between the time period that they acquired and the very next day so that their interns can continue to be trained. So, yes, I think the request is that once the variance is granted and this is consistent with the waivers and variances that have been granted by the Board routinely in change of ownership scenarios. Once that variance has been granted then the licensee is indeed a training agency and can continue a normal course of business like any other training agency would continue.

Mr. Barnhart – Mr. Brandenburg, can I ask Ms. Simon a question?

Chair – Who's this, please?

Mr. Barnhart – This is Tom Barnhart again.

Chair – Yes, Mr. Barnhart.

Mr. Barnhart – Ms. Simon, is it true that once a training agency is approved that the Department does not go back and ever check to see if they're doing a certain number of the things that they were approved for? I think the standard was 40 funeral services per year. Is it true they never go back and check to see if anybody falls below that standard, once they're approved?

Ms. Simon – Yes, Mr. Barnhart. That is correct, because the standard is in order to be licensed as a training agency, they need to have met the 40 cases of embalming or the 40 cases of funeral directing, and once that standard has been met, if it is met by this waiver and variance, there is nothing to go back and look at to determine.

Mr. Barnhart – So...

Mr. Hall – Question, Mr. Chair?

Mr. Barnhart – Okay, go ahead.

Chair – I'm sorry, Mr. Barnhart, go ahead.

Mr. Barnhart – I was just asking, it doesn't seem logical to me that someone could be approved through a waiver and then never come up to the standard of the rule, but that's up to the Board members to decide on that.

Chair – Thank you. Mr. Hall?

Mr. Hall – Would the quarterly reports that these interns are completing and providing to the Division would allow them an avenue to go back to it and verify those numbers along with the numbers they get from us from our calls that we do on our annual inspections? Both of those would be a means for them to check that, Mr. Barnhart.

Mr. Barnhart – Well, from what Ms. Simon says though, they would never take any action if they fell below a certain standard, so I guess it doesn't matter.

Ms. Simon – Actually, I believe that the standard is met upon the actual approval of a training agency. I don't believe that there are variables that need to be met subsequent to the approval in order to retain the status of a training agency.

Ms. Wiener – {Inaudible} And let's not lose sight of the fact that in this case, each of these locations qualified as training agency. It was under other ownership, of course, but there's no reason to think that they would not continue to qualify in the same fashion under their new ownership.

Chair – Thank you.

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

19. Request(s) to Renew License (Criminal History)
A. Recommended for Approval with Conditions
(1) Fuller, Terrance M F045460

Ms. Simon – Mr. Fuller has applied to renew his Funeral Director and Embalmer license (F045460). His relevant criminal history is as follows:

- In January 2017, Mr. Fuller pled no contest to Criminal Mischief; he was ordered to pay \$90,000, which has been converted to a civil lien. There is no set timeframe for payments to be made. Mr. Fuller has included an explanation of the charge and it is in the Board packet.

The Division is recommending approval with the condition that the licensee be placed on probation for 24 months. If the Board would make note that subsequent to the Board agenda being sent to the Board, there was a supplement sent, which included the stipulation signed by Mr. Fuller regarding that 24-month probationary period.

Chair – Thank you. Is Mr. Fuller on the call or anyone representing Mr. Fuller?

Mr. Greg Showers – Yes, Greg Showers, his attorney.

Chair – And you represent Mr. Fuller?

Mr. Showers – Yes, sir.

Chair – Thank you.

Mr. Hall – Question, Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – To his attorney, has there been any payments made towards this at this point or is there anything set up as far as routine payments or anything established? I know the court didn't order it, but has he made any arrangements with the owner?

Mr. Showers – There have been discussions long before this and that's something that they're trying to work out. We're hoping that it's something that can be resolved.

Mr. Hall – I mean it's been going on for some time and for there not to have been any payments is a little concerning.

Mr. Showers – It has been going on. It basically was a landlord-tenant type situation there. There has been communication with the former landlord and the intent is to try and make the judgment go away or get rid of it altogether.

Chair – Thank you. Any other questions or discussion?

MOTION: Mr. Knopke moved to approve the application subject to the condition that the licensee be placed on probation for 24 months. Mr. Jones seconded the motion, which passed with one dissenting vote.

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

Ms. Simon – I turn this item over to our Director, Mary Schwantes.

Ms. Mary Schwantes – Thank you. Good morning. I'm sure nobody's going to be surprised that Hurricane Irma is the big story for the next week, possibly the month.

- The Rules Committee meeting scheduled for Friday, September 8, 2017, in Jacksonville cancelled. Will be rescheduled for date and location tbd as soon as the storm passes and possible impact/damage is known. Obviously, that will be coordinated with Mr. Brandenburg and the other Committee members. If possible, we would like to reschedule the meeting to occur prior to the October Board meeting in Tampa. Again, that's to be determined.
- The next Board meeting is scheduled for Thursday, October 5th in Tampa. Again, we will keep a close eye on impact caused by Hurricane Irma and let you all know as soon as possible if it appears any changes will need to be made to that date or location.
- The Board application process is ongoing. Coordination efforts with the Governor's Office continue – some applicants submitted information to the Governor's Office but not our Division and vice versa. These applicants were provided a short period of time to correct that so that their applications would be considered complete. At this point, I expect our Division's summary will go to the CFO next week. But we can't estimate at this point how long it will be before the process continues to the Governor's Office and he makes his selection. Both the CFO and the Governor are understandably concerned about a few other items at this point. We very much appreciate the current Board members and officers agreement to continue as such pending the new appointments!

Back to hurricane Irma issues:

- Yesterday, the CFO and commissioner of insurance David Altair hosted a conference call with insurance company executives from over 50 companies to confirm that the companies are prepared to meet Floridians' needs following the storm. News articles have been posted with additional details about that call and some of the preparations that are being made. Additional articles are being posted daily from the Department and the Office of Insurance Regulation on how to be prepared for both the storm and the aftermath. I encourage you to check out those articles – contact me if you need links. Also, information is available on the DFS website regarding all things Hurricane Irma.
- The Department also has huge teams of personnel – everyone from staff in the Fire Marshal's Office to Consumer Service representatives – who are deployed throughout the state to assist people before, during, and after the storm. They are on the ground running as soon as the storm passes a general area and can assist with insurance claims and other matters, for anyone who needs help.
- As you can guess, the Department is involved in the daily coordination/meetings with the State's emergency planners. Along those lines, I understand that this Division's office numbers are being provided - by at least one of the emergency planning teams – to licensees with questions about refrigeration issues or other emergencies that could come up as a result of the storm. I just want to remind everyone that these types of emergency issues are typically addressed at the county level. So, if you receive calls or inquiries about any of that, remind people to contact their county authorities first. Licensees with problems of this nature should contact their county emergency authorities because they are in the closest communication with FEMA and other resources who can best quickly assist in that area, particularly in the immediate aftermath of the storm.

Again, licensees with emergency issues resulting from the hurricane should get in touch with their county emergency authorities. However, if there are continued difficulties, in reaching the authorities or anything else of that nature, we can assist in getting the emergency request placed in the State's 'EM Constellation' system that is used for reporting needs and

coordination between the various emergency support function teams. So if you hear of anybody who has continued problems, if you would get in touch with the Division then we will do what we can to quickly help get them on the priority list for the state and county emergency needs.

Impact on this Division:

- State offices in South Florida – Ft. Lauderdale and West Palm Beach – are closed today and tomorrow.
- All state offices are closed tomorrow. Our Division’s main line will have a message about this closure.
- Although Monday closures are uncertain, obviously it’s reasonable to assume that a lot of state offices will remain closed on Monday as the storm’s impact is assessed. Probably particularly those in South Florida.
- We have suspended travel for all field staff pending the outcome of the storm. So any inspections, examinations, etc., that have been scheduled are all being postponed at that point. They will resume after the impact is assessed and the travel rescheduled.

Finally, from all Division staff, we hope that your storm preparations go smoothly, wish you safe travels if you are evacuating, and certainly hope that all remain safe during the storm and incur minimal damage!

Does anyone have any questions about any of this? Or anything else that we’ve discussed during the operational report? Hearing none, that’s the end of this report.

Chair – Thank you.

Ms. Schwantes – Thank you, Mr. Chairman.

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

Ms. Simon – This is an informational item as to the payment of disciplinary fines and costs. If without questions?

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 September 7, 2017 Board Meeting
 Date of Report: August 21, 2017

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Fred Hunter Memorial Services, Inc.	3-Aug-17	206109-17-FC	\$1,000	9-Sep-17	Paid in Full	
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.						

21. Chairman's Report (Verbal)

Ms. Simon – The next item is the Chairman's Report. Mr. Chairman?

Chair – Thank you, Ms. Simon. It's hard to build upon anything that hasn't already been said or has been said about the hurricane and hurricane preparedness. I just wish everybody safety. Be sure to take care of your family personally and best wishes on that. A few weeks ago, Bill Williams was involved in a very, very serious accident. Does anybody have a report that they'd like to give updating us on his condition?

Ms. Wiener – This is Wendy. I can give a little bit of an update, Mr. Chairman, if you'd like.

Chair – Please do.

Ms. Wiener – So, Bill is doing much, much better. He suffered a very serious accident and broke several bones, including two (2) vertebrae, for which he has undergone surgery. He really is recovering much more quickly than they anticipated. They expected him to be in ICU for a period of time and then be in the hospital for weeks after that, but he really has made a much quicker recovery. He's already in a rehab facility getting stronger with his mobilization, in the wake of the surgery and broken bones and is doing well. He is obviously in constant contact with FSI in keeping up with everything there. Thanks everyone who has either through me or through FSI or personally reached out to him to send their wishes and prayers. So, on his behalf, I say thanks to everybody.

Chair – Thank you for that update.

22. Office of Attorney General's Report (Action)

A. 69K-21.003 Inspection Criteria (Funeral Establishments) -SERC Checklist (Action)

Ms. Simon – Mr. Barnhart?

Mr. Barnhart – Okay, Board members, we're going to talk about your favorite topic here for just a few minutes, which are rules. If you look at the first item, 69K-21.003, F.A.C. If your first rule language is a little bit faded out I urge you to look at the second copy, which starts on page 5. What we primarily are doing here is as good attorneys do, they sometimes turn one (1) paragraph into three (3) and that's what we're proposing here because, as Ms. Simon can probably explain better than I, it starts at the language being proposed there, on the beginning of page 5, in (1), (2) and (3), better describes the requirements that the old section of number 1, which I think left some open ended questions for most people. If you look at the rest of the rule, {inaudible} for the rest of the rule would be the renumbering of certain paragraphs. So if you'll concentrate on the first three (3) numbers there, the rule starts out, "*The Department shall inspect funeral establishments on the basis of the following:*" and (1), (2) and (3) represent the new language, which is being proposed. So I just opened it up for discussion and perhaps either me or Ms. Simon or Ms. Schwantes can answer your questions that you might have.

Chair – What do we need to move this forward?

Mr. Barnhart – Well, if the language is all fine with everybody and there are no questions then there would be a motion to approve the proposed language.

Mr. Rudolph – Mr. Barnhart, may I speak? This is John Rudolph.

Chair – Yes, Mr. Rudolph?

Mr. Rudolph – It says any facility within 75 miles of the funeral establishment. Is that a straight line or is that a radius? I mean it would be a straight line, 75 that goes all the way around in a circle, right?

Mr. Barnhart – Ms. Simon, do you know the answer to that?

Ms. Simon – Yes, sir. It would be the driving distance from the establishment and yes it would be either 75 miles as a distance or as the radius. I think that both terms are...

Mr. Rudolph – So if it's the radius, if you drive 75 miles, you can go different roads, but it should be a radius.

Ms. Simon – I believe that the terms are synonymous. It would indeed be a radius that we are discussing.

Mr. Rudolph – Okay.

Chair – Thank you.

Mr. Rudolph – Many times when you're driving you're making different turns. So if you're driving it that way it would be less or more.

Ms. Wiener – Mr. Chairman, this is Wendy Wiener. The Division has consistently and the Board has consistently applied that standard in the "as the crow flies" radius terminology.

Mr. Rudolph – Okay. I just wanted to clarify that.

Chair – Thank you.

Mr. Rudolph – And that's what I agree it should be. A 75 mile radius.

Chair – Is there a motion?

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

Ms. Simon – Mr. Chairman, this is Ellen Simon. Is that a motion to approve the proposed rule?

Mr. Jones – Correct.

Mr. Barnhart – Okay, Board members, if you look at the SERC Checklist, which are the first two (2) pages of that file. It starts off with the Department of Financial Services at the top, Proposed Rule: Is a SERC Required and the form has been prepared for your consideration.

MOTION: The Chair moved to approve the SERC Checklist. Mr. Helm seconded the motion, which passed unanimously.

Chair – Ms. Simon, next please.

Mr. Barnhart – Mr. Brandenburg, this is Tom Barnhart again. Do you authorize Ms. Schwantes to sign that on behalf of the Board?

Chair – Yes, I do.

Mr. Barnhart – Okay. And Board members, I need to ask you this new question, which is just been made a part of Chapter 120. Should a violation of this rule or any part of this rule be designated a minor violation, which would be your notice of noncompliance, and it's my understanding that at the current time it's being proposed that at least certain parts of this rule, if there is a violation that the first violation would be a notice of noncompliance. Someone can make a motion to say that they want to consider the approval of a notice of noncompliance at a later meeting, which will happen once the Rules Committee submits the proposal for full Board approval or consideration.

MOTION: The Chair moved to consider the approval of a notice of noncompliance at a later meeting. Mr. Hall seconded the motion, which passed unanimously.

B. 69K-33.001 Requirements Regarding Handling and Storing of Human Remains (Action)

Mr. Barnhart – Yes, Board members, it’s been brought to my attention that in some situations, especially in Hospices, that it’s very much desired that there not be a violation for removing a deceased person from an establishment or facility with their face and head completely covered. What we’re trying to do is, it doesn’t have to be decided now, this is just for the purposes of opening up the rule for development, but you can see what the proposed new language would be. You wouldn’t be approving the new language, just approving and voting on the need for opening up the rule for development at this point.

MOTION: The Chair moved to open the rule for rule development. Ms. Anderson seconded the motion, which passed unanimously.

C. Rules Report (Informational)

Mr. Barnhart – Okay, your last part of this is your Rules Report, and it’s very much similar to the last one we looked at because of the open rules on the discipline. Then of course the 21.003, which you just approved, will go forward. We’ll publish that notice after we’ve notified OFAR and given them seven (7) days to look it over, we’ll publish that in the Florida Administrative Register. And then of course for the next meeting, we’ll get that new rule opened for development, 33.001. So, do you have any questions about the Rules Report? That concludes my report.

**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES RULES REPORT
AUGUST 2017**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-30.001*	Disciplinary Guidelines and Penalties for Funeral Directors and Establishments, Embalmers, Removal Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities		03/24/2017 (Rule Development only)	04/14/2017			
69K-30.0021*	Minor Violations and Notice of Noncompliance for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities		03/24/2017 (Rule Development only)	04/14/2017			
69K-30.003*	Citations for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities (30.003)		03/24/2017 (Rule Development only)	04/14/2017			
69K-21.003	Inspection Criteria (Funeral Establishments).		05/13/2017 (Rule Development only)	05/23/17			

*Note: Rule Development for 69K-30.001, .0021 and .003 noticed together; however, each proposed rule can be amended separately if needed

*Note: Workshop on 69K-30.001, .0021 and .003 held June 6, 2017

*Note: Rules Committee Meetings on 69K-30 held June 28, 2017 and August 18, 2017

Chair – Thank you, Mr. Barnhart. Of course we know when our next meeting is. It’s October 5th, in Tampa.

23. Upcoming Meeting(s)

- A. ~~September 8th Rules Committee (Florida Department of Health, Bureau of Vital Statistics, 1217 N Pearl St– Jacksonville)~~ **CANCELED**
- B. October 5th (DoubleTree by Hilton Tampa Airport Westshore - Tampa)
- C. November 2nd (Teleconference)
- D. December 7th (Tallahassee)

24. Adjournment

Chair – Board members, anything for the good of the cause? I know everybody is in full preparedness mode, so I wish you the very best and please stay safe. Thank you. The meeting was adjourned at 10:53 a.m.