

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
NOVEMBER 4, 2009
9:00 AM TO 11:00 AM

1. Call to Order

Mr. Jody Brandenburg, Chair, called the meeting to order at 9:03 am.

Mr. Doug Shropshire, Executive Director, requested to make the usual prefatory comments for the record and then take the roll.

As a preliminary matter, let me state for the record that my name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. Notice of this meeting has been duly published in the FAW. An agenda for this meeting have been made available to interested persons. Members of the Board are participating by Teleconference. Members of the Public have been invited to listen in via speakerphone with us here in the Alexander Building in Tallahassee, Florida and in fact we have some members of the Public here with us. My Assistant, Ms LaTonya Bryant-Parker, will take minutes of this meeting.

Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. All persons participating by phone, other than the Chair and Board members, while speaking are asked to place their phones on mute at all times while listening. We ask this to enhance the audio quality of the Teleconference. If any Member is disconnected they can call back to the same number called initially. Participants are requested to keep in mind the necessary protocol that only one person may speak at a time. Persons participating by teleconference are reminded that if you try to speak while someone else is speaking on the phone, other Board members and the Public cannot hear you.

At this time I will take the roll and Board members will please respond clearly with "present" when I call their name:

PRESENT (via phone):

Joseph "Jody" Brandenburg, Chairman (in person)

Gail Thomas-DeWitt, Vice-Chairman

Jean Anderson

Lewis "Lew" Hall

Powell Helm

Nancy Hubbell

Tracy Huggins

Ken Jones

Col. Don Stiegman

Virginia "Ginny" Taylor (in person)

ALSO PRESENT:

Doug Shropshire, Executive Director
Allison Dudley, Board Counsel
Anthony Miller, Assistant Director
Tad David, Department Attorney
LaTonya Bryant-Parker, Department Staff

Pursuant to s. 497.101(6), six members of the Board constitute a quorum. Mr. Chairman we have a quorum and the Board may proceed to address the matters on the agenda.

The Chair stated he would like to especially welcome new members Ms. Anderson, Col. Stiegman, Mr. Hall and Ms. Taylor.

2. Application(s) for Preneed Sales Agents
A. Informational Item - Addendum A

The application(s) presented are clean and have been approved by the Division. This item is informational only and does not require Board action.

3. Application(s) for Preneed Main License
A. Recommended for Approval

(1) Aable Development, Inc. d/b/a Aaron and Burney Bivens Funeral Home (Orange Park)

The Department received the application on August 6, 2009 and a deficiency letter was sent August 7, 2009. Applicant resolved all of the deficiencies as of October 19, 2009. A completed background check of all officers revealed no criminal history. Applicant will sell insurance-funded preneed only through Monumental Life Insurance Company and will use the pre-approved Statement of Funeral Goods and Services. The applicant submitted an application for a funeral establishment license which was approved by the Board on August 5, 2009.

The Applicant's financial statements as of June 30, 2009 reflect the following:

Acquired Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	16,946

Ms. Nancy Hubbell stated that the funeral establishment application was approved on August 5th and the income statement submitted shows sales as of June 30, 2009. Ms. Hubbell questioned why there was income prior to obtaining the license. The checking account submitted lists Bernice Bivens as the signor, yet she is not listed as a controlling interest or involved at all with the corporation.

The Chair questioned whether there was a representative for the Applicant on the line.

There was a negative response.

Ms. Hubbell stated as far as the financial statements are concerned, the way they were doing business sparked her to look into the owner of the property. The owner of the property where the buildings are located is owned by a totally separate corporation or LLC. Mr. Bivens is the registered agent for the

corporation. Breast LLC owns it. Ms. Hubbell questioned how Aable Development owns the building and someone else owns the land.

Mr. Shropshire stated unfortunately, the person who would be able to best answer these questions is Jim Gellepis, who is in California. While on vacation there, his wife took sick and they have not been able to get back yet. Mr. Shropshire suggested that the Board table the application.

The Chair questioned the deemer date.

Mr. Shropshire stated the deemer date is March 1, 2010, so this does not appear to be an issue.

Col. Don Stiegman stated there is a terrible echo on the line and he is only hearing every third word.

Mr. Shropshire questioned whether everyone's phone is on mute.

Mr. Ken Jones stated anyone on a cell phone should connect via a land line phone.

The Chair questioned whether there was anyone on a cell phone who would want to identify themselves and perhaps move to a land line.

There was a negative response.

Mr. Shropshire requested that everyone sign off and sign back on at the same number, 850/413-1591 Conference ID 320266.

******BRIEF DELAY DUE TO PHONE MALFUNCTION******

Mr. Shropshire called the roll again and confirmed all Board members were present.

Aable Development, Inc. d/b/a Aaron and Burney Bivens Funeral Home (Orange Park)

Mr. Shropshire suggested tabling the Item since the Division does not have the answers to Ms. Hubbell's questions.

MOTION: Mr. Jones moved to defer the application to the December meeting. Ms. Gail Thomas-Dewitt seconded the motion, which passed unanimously.

(2) Because We Care Funeral Home, Inc. (Sarasota)

The Department received the application on September 10, 2009 and a deficiency letter was sent September 17, 2009. Applicant's response to the deficiency was received on October 7, 2009. A completed background check of all officers revealed no criminal history. Applicant will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (SouthTrust Estate & Trust Co.) and pre-arranged funeral agreement. The applicant submitted an application for a funeral establishment license which was approved by the Board on July 15, 2009.

The Applicant's financial statements as of August 24, 2009 reflect the following:

Acquired Pread Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	79,097

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

(3) *Carriage Florida Holdings, Inc d/b/a Baird-Case Funeral Home and Cremation Service (Tamarac)*

The Department received the application on September 30, 2009 and deficiencies were noted on the application. A deficiency letter was sent to the Applicant on October 9, 2009 and a response to all deficiencies was received as of October 21, 2009. Applicant is in the process of acquiring Baird-Case Funeral Home and Cremation Service, a preneed branch, from Community Funeral Group, LLC. It should be noted that the acquisition has not yet been completed. The officers of the corporation are: J. Bradley Green, Melvin C. Payne and Terry E. Sanford. A completed background check of all officers revealed no criminal history. Applicant will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (SouthTrust Estate & Trust Co.) and pre-arranged funeral agreement. Also presented before the Board on this agenda, the applicant has an application for a funeral establishment license pending approval.

The Applicant's financial statements as of September 30, 2009 reflect the following:

Acquired Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	99,936

It should also be noted that on Melvin C. Payne's historical sketch, he answered "yes" to Question 4, "Have you, or any company of which you are or were then an officer or member, ever been declared bankrupt?"

A letter of explanation provided by the Applicant disclosed that Mr. Payne was an employee and president of the company, Independent Refining Corporation, which was involved in a Chapter 11 bankruptcy. At the time of Mr. Payne's employment as the company's president, the company filed for bankruptcy in 1982. This was not a personal bankruptcy, but rather, as an executive, Mr. Payne managed the company that went through the bankruptcy process. Mr. Payne was not impacted personally.

MOTION: Ms. Tracy Huggins moved to approve the application pending Board's approval of the funeral establishment license and receipt of the proper closing of sale documentation within 30 days. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

4. Application(s) for Preneed License Branch
A. *Recommended for Approval – Addendum B*

These applicants have no criminal or disciplinary record and have paid the required fee. The Division recommends that the applications be approved.

Please note the correction to Addendum B as follows:

Applicant Carriage Florida Holdings Inc d/b/a Baird-Case *Jordan-Fannin* Funeral Home
& Cremation Service (*Ft Lauderdale*)

MOTION: Mr. Ken Jones moved to approve the application(s) with the noted changes. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

Ms. Wendy Wiener questioned the relationship between this licensee and Carriage as in Greg Brudnicki.

Mr. Bill Williams stated it is the same parent company. It appears this is one that they acquired.

Ms. Wiener stated they have a preneed main license for the holding company and the rest of their businesses are established as branches.

Mr. Williams stated they would be using a different preneed trust document for this licensee.

5. Continuing Education Course Approval(s)

A. Recommended for Approval – Addendum C

- (1) FuneralReview.com, LLC #122**
- (2) Jewish Funeral Directors of America, Inc. #66**
- (3) Miami-Dade College Funeral Service Dept #114**
- (4) National Funeral Directors Association #136**
- (5) Pinellas County Funeral Home Association #58**

Mr. Shropshire requested that the Board refer to the actual Addendum C as there were some errors on the Agenda listing. The Division inadvertently re-included courses on the Agenda listing that were approved by the Board in October.

The Continuing Education Committee and the Division have reviewed these courses and recommends approval.

The Chair disclosed his affiliation with SCI Funeral Services of Florida, Inc. and stated this would not affect his ability to remain fair and impartial.

Mr. John Rudolph questioned whether the course titled “6 Ws of Suncoast Hospice” is meant to solicit a Hospice.

The Chair questioned whether Ms. Huggins had a comment.

Ms. Huggins stated it was more like standards of what they were going to be reviewing with funeral directors; the standards of care that they provide.

The Chair questioned whether it was meant to solicit business to a funeral establishment from Hospice.

Ms. Huggins stated it did not appear to. It appears to be training for funeral directors on what Hospice is and the care that they provide.

MOTION: Ms. Thomas-Dewitt moved to approve the application(s). Ms. Hubbell seconded the motion, which passed unanimously.

6. Continuing Education Provider Status

A. Jeanette M. Kelley #9206

The Continuing Education Committee and the Division have reviewed this provider application and recommends approval.

MOTION: Ms. Thomas-Dewitt moved to approve the application(s). Mr. Helm seconded the motion, which passed unanimously.

7. Application(s) for Florida Laws and Rules Examination

A. Recommended for Approval - Addendum D

(1) Funeral Director and Embalmer - by Internship

- (a) Bonham, Ameer C*
- (b) Glasgow, Jace C*
- (c) Marotta, Anthony J*
- (d) Mertens, Guinevieve F*
- (e) Noel, Pamela J*
- (f) Pershyn, Anne M*
- (g) Risher, Angela M*
- (h) Silva, Jennifer A*
- (i) Williams, Antonia M*
- (j) Young, Jacqueline H*

(2) Funeral Director and Embalmer-by Endorsement

- (a) Sanderson, John H*
- (b) Tapley, Robert A.E.*

These are clean applications, no criminal or disciplinary record. The Division recommends approval of the applications.

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

8. Application(s) for Internship

A. Recommended for Approval – Addendum E

(1) Funeral Director and Embalmer

- (a) Berry, Hilary E*
- (b) Fleming, Brittney*
- (c) Netzley, Nina M*
- (d) Russell, Benoit N*

These are clean applications, no criminal or disciplinary record. The Division recommends approval.

MOTION: Ms. Huggins moved to approve the application(s). Ms. Hubbell seconded the motion, which passed unanimously.

9. Application(s) for Embalmer Apprentice

A. Recommended for Approval – Addendum F

- (1) Akin, Kimberly A**
- (2) Brown, Christopher R**
- (3) Kersey, Eric**

- (4) *Miller, Boyd*
- (5) *Swanson, Ron C*

These are clean applications, no criminal or disciplinary record. The Division recommends approval.

MOTION: Mr. Helm moved to approve the application(s). Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

- 10. **Registration(s) as a Training Agency**
 - A. *Recommended for Approval – Addendum G*
 - (1) *Funeral Directing/Embalming*
 - (a) *The Fralin Group Inc d/b/a J E Fralin & Sons Funeral & Cremation Services (F040705)*

These are clean application(s). The Division recommends approval.

MOTION: Ms. Thomas-Dewitt moved to approve the application(s). Ms. Huggins seconded the motion, which passed unanimously.

- 11. **Application(s) for Monument Establishment Sales Agent**
 - A. *Informational Item – Addendum H*

The application(s) presented are clean and have been approved by the Division. This item is informational only and does not require Board action.

- 12. **Application(s) for Funeral Establishment**
 - A. *Recommended for Approval*
 - (1) *Carriage Florida Holdings Inc d/b/a Baird-Case Funeral Home & Cremation Service (Tamarac)*

The application for a Funeral Establishment was submitted on October 1, 2009. The application was incomplete when submitted and a deficiency letter was sent out to the applicant. All deficient items were returned on October 9, 2009. The Funeral Director in Charge will be Joseph Waterwash (F044432). The fingerprint cards for all principals were submitted and returned without criminal history. The application is recommended for approval upon the condition of providing the division with proper closing documents in regards to the sale of the assets within 30 days of the closing and the facility passing an inspection.

MOTION: Mr. Jones moved to approve the application pending receipt of proper closing documents in regards to the sale of the assets within 30 days of the closing and the facility passing an inspection. Ms. Huggins seconded the motion, which passed unanimously.

- (2) *Carriage Florida Holdings Inc d/b/a Baird-Case Jordan-Fannin Funeral Home & Cremation Service (Ft Lauderdale)*

The application for a Funeral Establishment was submitted on October 1, 2009. The application was incomplete when submitted and a deficiency letter was sent out to the applicant. All deficient items were returned on October 9, 2009. The Funeral Director in Charge will be Bryan

Waggoner (F044475). The fingerprint cards for all principals were submitted and returned without criminal history. The application is recommended for approval upon the condition of providing the division with proper closing documents in regards to the sale of the assets within 30 days of the closing and the facility passing an inspection.

MOTION: Ms. Thomas-Dewitt moved to approve the application pending receipt of proper closing documents in regards to the sale of the assets within 30 days of the closing and the facility passing an inspection. Ms. Huggins seconded the motion, which passed unanimously.

(3) *Joseph A Scarano Funeral Home Inc d/b/a Joseph A Scarano Stirling Memorial Chapel (Davie)*

The application for a Funeral Establishment was submitted on September 10, 2009. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were returned on September 25, 2009. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Director in Charge will be Teresa Scarano (F043644). The establishment passed the inspection on October 9, 2009. The Division is recommending approval for this establishment.

MOTION: Ms. Hubbell moved to approve the application. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

(4) *Professional Funeral Services of Northwest Florida LLC d/b/a Davis-Watkins at Historic St. Mary (Fort Walton Beach)*

The application for a Funeral Establishment was submitted on September 8, 2009. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were returned on October 2, 2009. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Director in Charge will be Donnie Sowell (F043686). The establishment passed the inspection on October 8, 2009. The Division is recommending approval for this establishment.

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

(5) *SCI Funeral Services of Florida Inc d/b/a National Cremation & Burial Society (Jacksonville)*

The application for a Funeral Establishment was submitted on September 24, 2009. The application was complete when submitted and a deficiency letter was not sent to the applicant. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Director in Charge will be Ivy Wilkinson (F042595). The Division is recommending approval for this establishment upon the condition of passing an inspection.

The Chair stated he believed that the inspection was passed and disclosed his affiliation with SCI Funeral Services of Florida, Inc. and stated this would not affect his ability to remain fair and impartial.

MOTION: Ms. Taylor moved to approve the application pending passing the inspection. Ms. Huggins seconded the motion, which passed unanimously.

B. Recommended for Denial (Criminal History)
(1) Golden Gates Funeral Home (Opa Locka)

The application for a Funeral Establishment was submitted on June 18, 2009. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were returned on July 8, 2009. The fingerprint card for the sole principle returned with criminal history. The Funeral Director in Charge will be Robert Brown (F046425). The establishment passed the inspection on September 3, 2009.

The Division recommends that the application be denied for the reasons set forth below. The Division finds that any of the reasons listed below would by itself justify denial of the application:

1) The Division is recommending denial based on the criminal history of the applicant and sole principal, Yolanda Saunders (aka Yolanda Toombs and Patrice Brown). The applicant's criminal history demonstrates a history of lack of trustworthiness and integrity in business or professional matters, so that pursuant to Section 497.380(4), Florida Statutes, the application should not be approved. The applicant's criminal history is summarized below:

- a) Grand Theft in the Third Degree (2/1995) - Ms. Saunders pled guilty and was sentenced to one year probation.
- b) Two Counts of Public Assistance Fraud and one count Grand Theft, all in the Third Degree (6/2007) - Ms. Saunders pled guilty and was sentenced to five years probation, \$498 court costs and restitution of \$3,060.

2) The applicant made misrepresentations on her application for the funeral establishment license. On the application, the applicant answered "No" to all the criminal history questions listed in Section 7 "Criminal History Questions" on pages 3 and 4 of the application. However, the background check revealed two felony charges, as referenced above. Also, the applicant answered "No" to prior name information question listed in Section 8, page 4 of the application. However, the corresponding documents Ms. Saunders submitted in reference to the criminal history charge referenced her as Yolanda Toombs and the criminal history report revealed the use of an alias, "Patrice Brown". The applicant's misrepresentations are violations of Section 497.152(4)(f), so that pursuant to 497.380(4), Florida Statutes, the application should not be approved.

Ms. Yolanda Saunders stated she called to find out how to fill out the application as she was unaware of how to do so. Once everything came up, anything that was requested was submitted. The last arrest occurred in 2002, not 2007. Ms. Saunders stated that the costs were paid and there was an early termination of the probation.

Ms. Saunders stated she has been trying to open this funeral home for eight months and the bills are stacking up. Ms Saunders stated that she has been paying her funeral director, Mr. Robert Brown.

Ms. Thomas-Dewitt questioned the type of service Mr. Brown has been performing to merit payment.

Ms. Saunders stated that Mr. Brown has not been performing any services but as long as his name is up on the wall, he has to be paid, as everyone has bills to be taken care of.

Ms. Thomas-Dewitt questioned whether the applicant is operating since Mr. Brown's license is up on the wall.

Ms. Saunders stated that they are not operating because they are not open. The inspection was passed. The paperwork was submitted in hopes of appearing at the Orlando meeting but it was not received in time.

Mr. Shropshire stated that the Division's records indicate there are two items in Ms. Saunders' criminal record. In 1995 there was Grand Theft in the Third Degree and Ms. Saunders pled guilty and was sentenced to one year probation. Mr. Shropshire questioned whether this information is correct.

Ms. Saunders responded yes.

Mr. Shropshire stated the other item in the criminal record is Two Counts of Public Assistance Fraud and one count Grand Theft, to which Ms. Saunders pled guilty and was sentenced to five years probation, court costs and restitution. Mr. Shropshire questioned whether this information is correct.

Ms. Saunders responded yes. The Grand Theft for Public Assistance was because I was receiving Food Stamps and they overpaid me.

Mr. Shropshire questioned whether the Two Counts of Public Assistance Fraud occurred in 2002 not 2007.

Ms. Saunders answered it occurred in 2002 not 2007. The probation was completed within a year but was told it would be closed 2007 because that would have been the 5th year.

Ms. Huggins stated Item 2 indicates the offense was committed in 2003 and the year the criminal case was filed was 2007.

Mr. Shropshire stated the issue is clear now. The offense occurred in 2002-2003, but the criminal case related to those events did not happen until 2007. Mr. Shropshire questioned whether this information is correct.

Ms. Saunders stated it happened in 2003, but they did not close it until 2007.

Mr. Jones questioned why Ms. Saunders did not disclose the felony on the application.

Ms. Saunders stated when completing the application, because she had been divorced, she listed Yolanda Saunders. Ms. Saunders added she did not think to put Yolanda Toombs.

Mr. Jones questioned why Ms. Saunders answered no to any criminal charges in your prior history.

Ms. Saunders stated she can not answer that as she probably misunderstood the question. Ms. Saunders apologized.

MOTION: Mr. Lew Hall moved to deny the application based on criminal history and misrepresentations on the application. Mr. Jones seconded the motion, which passed unanimously.

Mr. Shropshire stated that Ms. Saunders would be receiving from the Division Office a Notice of Intent to Deny with an explanation of rights in that regard.

13. Application(s) for Centralized Embalming Establishment

A. Recommended for Approval

(1) Brasota Services Inc (Sarasota)

The application for a Centralized Embalming Facility was submitted on September 8, 2009. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were returned on September 28, 2009. The fingerprint cards for all principals were submitted and returned without criminal history. The Funeral Director in Charge will be Rick Groover (F029334). The facility passed inspection on October 14, 2009. The Division is recommending approval of this facility.

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

14. Application(s) for Removal Service

A. Recommended for Approval

(1) Krisztina Hall (Altamonte Springs)

The application for a Removal Service was submitted on September 10, 2009. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were returned on September 29, 2009. The fingerprint cards for all principals were submitted and returned without criminal history. The Division is recommending approval of this facility upon the condition of passing the inspection.

MOTION: Ms. Taylor moved to approve the application pending passing the inspection. Ms. Hubbell seconded the motion, which passed unanimously.

15. Application(s) for Cinerator Facility

A. Recommended for Approval

(1) Garden of Memories Inc d/b/a Terrace Oaks Crematory (Temple Terrace)

The application for a Cinerator Facility was submitted on September 21, 2009. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were returned on October 21, 2009. The fingerprint cards for all principals were submitted

and returned without criminal history. The Funeral Director in Charge will be Michael White (F042272). The Division is recommending approval pending a passing inspection.

Ms. Lisa Coney stated that the inspection was conducted satisfactory on Monday, October 26th, by Tampa Examiner Jessica Morse.

Ms. Huggins disclosed her affiliation with Stewart Enterprises and stated this would not affect her ability to remain fair and impartial.

MOTION: Ms. Taylor moved to approve the application pending passing the inspection. Mr. Hall seconded the motion, which passed unanimously.

16. Cremated Remains Procedures

A. Recommended for Approval

- (1) A Community Funeral Home & Sunset Cremations (F040707)*
- (2) Central FLA Crematorium Inc (F040582)*
- (3) Florida Cremation Center Inc (F040895)*
- (4) Florida Cremation Center Inc (F041801)*
- (5) Metro Crematory Inc (F040361)*
- (6) Ocala Crematory (F040206)*
- (7) SCI owned Cinerator Facilities (multiple)*
- (8) Space Coast Crematory (F040883)*
- (9) Tri-City Diversified SRVS Inc (F040567)*

These are procedures submitted by licensees for cremation operation of their cinerator facilities.

Mr. Jones stated that the paperwork was consistently different between every one of them. Mr. Jones questioned whether there is a standard format of data or information the Division wants.

Mr. Shropshire stated there is a standardized set of procedures that licensees can adopt, which are pre-approved by the Board. Those are basically what the Division staff compares to, but there is a lot of differentiation. Unless Division staff sees something seriously lacking or something that seems to be inappropriate, approval will be recommended. It is up to the Board to address the technicalities and if there is a problem it needs to be noted.

Mr. Jones stated he was just curious on the frontend prior to the vote.

The Chair questioned whether Mr. Jones feels comfortable with the procedures or whether there were some that needed to be discussed.

Ms. Jones stated he was curious of the broad spectrum.

The Chair stated the Board has been assured that the Division does check these against what the standard is.

The Chair disclosed his affiliation with SCI Funeral Services of Florida, Inc. and stated this would not affect his ability to remain fair and impartial.

MOTION: Ms. Thomas-Dewitt moved to approve the procedure(s). Ms. Huggins seconded the motion, which passed unanimously.

Ms. Coney questioned whether there are multiple sets of procedures scheduled to come before the Board as Stewart submitted procedures for all facilities October 2005 with passage of the new law and had submitted them also in connection with the Terrace Oaks Crematory application just approved, and none of those are on this list.

Mr. Shropshire stated this is a continuing process as the Division tries to identify those procedures that should have been approved 3-4 years ago, but for some reason it never got done and now the Division is bringing them to the Board for approval.

Mr. John Rudolph questioned whether they require approval.

Mr. Shropshire answered yes.

17. Trust Transfer(s)

A. American Funeral Partners, LLC d/b/a Charlotte Memorial Funeral Home & Memorial Gardens (Punta Gorda)

(1) Chapter 497.266 Care and Maintenance Trust: From US Bank Care & Maintenance Trust to Comerica Bank & Trust National Association Master Cemetery Care & Maintenance Trust Agreement

American Funeral Partners (AFP), LLC, d/b/a Charlotte Memorial Funeral Home & Memorial Gardens, requests transfer of cemetery care and maintenance funds held by the U.S. Bank Care & Maintenance Trust Fund (successor) to Comerica Bank & Trust National Association Master Cemetery Care & Maintenance Trust. As the original trust agreement could not be located by the parties nor by the Division, AFP certifies that funds will be held in accordance with current Florida law by Comerica Bank and Trust.

Staff recommends approval of the above referenced request contingent upon certification of the transfers being received by the Department within 60 days of the Board meeting date.

Mr. Helm questioned whether the Board recently transferred these funds.

Ms. Taylor stated that was the trust for Oaklawn Cemetery and Funeral Home; same trustee, different owner.

Ms. Wiener stated that these trust transfer requests have not been presented to the Division before.

MOTION: Ms. Taylor moved to approve the agreement subject to certification of the transfers being received by the Department within 60 days of the Board meeting date. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

(2) Chapter 497.454 Preneed Funeral Trust: From Charlotte Memorial Funeral Home Preneed Funeral Trust (U.S. Bank) to Comerica Bank & Trust National Association Master Florida Preneed Funeral Trust Agreement.

American Funeral Partners (AFP), LLC, d/b/a Charlotte Memorial Funeral Home & Memorial Gardens, requests transfer of preneed funeral funds held by the Charlotte Memorial Funeral Home Preneed Funeral Trust (U.S. Bank, successor) to Comerica Bank & Trust National Association Master Florida Preneed Trust Agreement.

Staff recommends approval of the above referenced request contingent upon certification of the transfers being received by the Department within 60 days of the Board meeting date.

MOTION: Mr. Jones moved to approve the agreement subject to certification of the transfers being received by the Department within 60 days of the Board meeting date. Ms. Huggins seconded the motion, which passed unanimously.

18. Name Change Request(s)

A. Recommended for Approval

(1) Florida Cremation Care Inc to Florida Funeral Care & Crematory Inc (Maitland)

This funeral establishment was approved for license at the October 7, 2009 board meeting. A request to change the name was received on October 14, 2009. The name change would be --

- from "Florida Cremation Care Inc."
- to "Florida Funeral Care & Crematory Inc."

There is no crematory at or adjacent to the funeral establishment's location. The licensee was contacted by Division staffer Jasmin Richardson on October 19, 2009 and advised that based on a Board decision in December 2008, in the unrelated case of DeGusipe Funeral Home, the FCCS Division did not feel it could approve the change of name, because of the issue of whether the name was misleading due to the fact that there was no crematory at the funeral establishment's location.

We have been in communication with the operators of Florida Cremation Care Inc, Greg and Dayna Collison. They advise that their funeral establishment is a minority stockholder in a crematory licensee, Metro Crematory Inc., F040361, in Ocoee, FL, and will use that crematory. The operator of Metro Crematory, Jim Tramonte, verifies their representation.

The Division recommends that the Board refine its Dec. 2008 decision by allowing reference to "crematory" in funeral establishment names as long as the funeral establishment can show that it has an agreement to use a crematory's services (as in this case), or controls a crematory it will use, or is under common control with a crematory it will use.

The Division recommends approval of this change of name

MOTION: Ms. Thomas-Dewitt moved to approve the request. Ms. Hubbell seconded the motion, which passed unanimously.

19. Executive Director's Report

A. Board Appointments

Mr. Shropshire stated that the CFO, pursuant to statute, had designated Mr. Brandenburg as Chair and Ms. Thomas-Dewitt as Vice Chair of the Board.

B. New CPTF Claim Forms

Whenever the Division engages in rulemaking concerning forms or any Rules, the Division is to coordinate with the Board on our proposed forms and Rules 60 days in advance of the date they would become effective. The Division is proposing some new Consumer Protection Trust Fund Claim Forms and the submitted for informational purposes unless the Board has some questions or comments in regard to those materials.

The next Board meeting will be an in-person meeting on December 2, 2009, in Tallahassee, here at the Division's offices in the Alexander Building. As required by s. 497.167(4), F.S., the Division will provide training for the new Board members on December 1, 2009, here at the Alexander Building in Tallahassee, commencing at 1:00pm. Reappointed Board Members are also invited to attend. All Board members will be receiving a package of materials with more details concerning the December 1st training session. The present plan is that the New Member Training Session will be open to the public to attend and listen but not for participation.

The Board's Rules Committee meeting will commence today. It was supposed to commence at 10:00a, but Mr. Shropshire suggested to The Chair that we have a 10-15 minute break. The Rules Committee meeting will commence in this room and the call-in # is 850/413-1591, Conference ID 386372.

The Chair stated that the Rules Committee meeting will commence at 10:30am.

Mr. Rudolph stated there was a discussion earlier regarding starting the Teleconference meetings at 10:00am instead of 9:00am.

The Chair stated that the recommendation has been made and requested that Board members be thinking about that. The Chair welcomed Jean Anderson, Lew Hall, Col. Donald Stiegman and Ginny Taylor to the Board and recognized Gail Thomas-Dewitt for her appointment as Vice Chair.

Mr. Helm congratulated Mr. Brandenburg on his appointment as Chairman.

20. Adjournment

The meeting was adjourned at 10:14am.