

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
March 1, 2012 - 10:00 A.M.

1. Call to Order, Preliminary Remarks and Roll Call

Mr. Jody Brandenburg, Chair, called the meeting to order at 10:00 am.

Mr. Doug Shropshire, 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. Today is Thursday, March 1, 2012. The time is approximately 10:00am. This is a public meeting of the Board of Funeral, Cemetery and Consumer Services. Notice of this meeting has been duly published in the Florida Administrative Weekly. An agenda for this meeting had been made available to interested persons. The meeting is occurring by Teleconference with some members of the Public here with the Division staff here in the Alexander Building, in Tallahassee, Florida. The call in number has also been made available to the public. Members of the Board are participating by phone. My Assistant, Ms LaTonya Bryant-Parker, will take minutes of the meeting, which is being recorded.

Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. All persons participating by phone, other than the Chair and Board members while speaking, are asked to place their phones on mute at all times while listening. I repeat, please put your phones on mute at all times while listening. We ask this to enhance the audio quality of the Teleconference. If any Member or participant is disconnected they can call back to the same number called initially. Participants are respectfully reminded of the necessary protocol that only one person may speak at the time.

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

PRESENT (via phone):

Joseph "Jody" Brandenburg, Chairman

Gail Thomas-DeWitt, Vice-Chairman

Jean Anderson

Andrew Clark

Lewis "Lew" Hall

Powell Helm

Nancy Hubbell

Ken Jones

Richard "Dick" Mueller

Col. Don Stiegman

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

Also noted as present:

Doug Shropshire, Executive Director

Allison Dudley, Board Legal Advisor (via phone)

Anthony Miller, Assistant Director

LaTonya Bryant-Parker, Department Staff
Jasmin Richardson, Department Staff

The Chair questioned whether all Board members received their packets. There were positive responses from all the Board members.

2. Action on Minutes
A. February 9, 2012

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on February 9, 2012.

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

The Chair disclosed his affiliation with SCI Funeral Services of Florida Inc and stated that it would not affect his ability to remain fair and impartial on any of items presented on today's agenda.

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

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

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

MOTION: Mr. Powell Helm moved to approve the application(s) with the conditions recommended by the Division. Ms. Gail Thomas-Dewitt seconded the motion, which passed unanimously.

5. Application(s) for Continuing Education Course
A. Recommended for Approval without Conditions – Addendum C
(1) Academy of Graduate Embalmers of GA (Provider #13609)
(2) Apex Continuing Education Solutions (Provider #4201)
(3) International Order of the Golden Rule (Provider #2201)
(4) National Funeral Directors Association (Provider #136)
(5) National Funeral Directors and Morticians Association, Inc (Provider #15608)
(6) Pinellas County Funeral Home Association (Provider #58)
(7) SCI Management - Dignity University (Provider #99)
(8) Total Compliance Solutions Inc (Provider #36)

The Continuing Education Committee and the Division recommends approval of the application(s).

MOTION: Mr. Lew Hall moved to approve the application(s). Mr. Mueller seconded the motion, which passed with 1 dissenting vote.

6. Application(s) for Florida Law and Rules Examination
A. Recommended for Approval without Conditions – Addendum D
(1) Funeral Director and Embalmer – by Endorsement

- (a) *Countryman, Scott A*
- (b) *Lattanzio, Lindsey A*
- (c) *Murphy, Maranda A*
- (d) *Wood, Ralph M*
- (2) *Funeral Director and Embalmer – by Internship and Exam*
 - (a) *Corral, Adriana C*
 - (b) *Moats, Amanda L*
 - (c) *Naugle Jr, Paul C*
 - (d) *Von Ohlen, Matthew R*

The Division recommends approval of the application(s).

Mr. Andrew Clark disclosed his affiliation with Mr. Matthew R Von Ohlen and stated that it would not affect his ability to remain fair and impartial on this item.

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

- 7. **Application(s) for Internship**
 - A. *Recommended for Approval without Conditions – Addendum E*
 - (1) *Funeral Director and Embalmer*
 - (a) *Baquedano, Karen*
 - (b) *Baxter, Lindsey K*
 - (c) *Garcia, Josalberto*
 - (d) *Goldthorp, Suzanne*
 - (e) *Major, Mickel L*

The Division recommends approval of the application(s).

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

- 8. **Application(s) for Embalmer Apprentice**
 - A. *Recommended for Approval without Conditions – Addendum F*
 - (1) *Recommended for Approval without conditions - Addendum*
 - (a) *Pfeifer, Susan D*
 - (b) *Whitehead, Jared B*

The Division recommends approval of the application(s).

MOTION: Ms. Jean Anderson moved to approve the application(s). Mr. Mueller seconded the motion, which passed unanimously.

- 9. **Registration(s) as a Training Facility**
 - A. *Recommended for Approval without Conditions – Addendum G*
 - (1) *Funeral Directing*
 - (a) *Carriage Florida Holdings Inc d/b/a Fuller Funeral Home-Cremation Center (F060694) (Naples)*

- (b) Oaklawn Cemetery Association d/b/a Hardage-Giddens Oaklawn Chapel (F062648)
(Jacksonville)*
- (2) Funeral Directing and Embalming*
 - (a) Carriage Florida Holdings Inc d/b/a Fuller Cremation Center (F060697) (Naples)*

The Division recommends approval of the application(s).

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

- 10. Consumer Protection Trust Fund Claims**
 - A. Recommended for Approval without Conditions – Addendum H*

The Division recommends approval of the claim(s).

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

- 11. Application(s) for Funeral Establishment**
 - A. Recommended for Approval with Conditions*
 - (1) McRae Funeral Services LLC (St. Petersburg)*

The Funeral Establishment application was received by the Division on March 29, 2011. The application was incomplete when submitted. All deficient items were returned on July 28, 2011, however the deficient items that were needed were the fingerprint results for each individual. Our licensing system does not automatically notify the Division of completeness of individual fingerprints in connection to an establishment application. The Division was made aware of the completeness of the fingerprint information on January 6, 2012. The fingerprint cards for all principals were returned with no criminal history. The FDIC for the establishment will be Monica Gibbs (F062571). The establishment passed its inspection on February 15, 2012. The Division is recommending approval subject to the condition(s) as follows:

- (1) That the closing occur within 60 days of the date of this Board meeting.
- (2) Receipt by the Division within 75 days of this Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred.
- (3) Receipt by the Division within 75 days of this Board meeting, of a copy of the Bill of Sale, executed by all parties, and any and all amendments thereto, also fully executed.

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

- (2) Wolf Funeral Services Inc d/b/a Haught Funeral Home (Plant City)*

The Funeral Establishment application was received by the Division on February 8, 2012. The application was complete when submitted. The fingerprint cards for all principals were returned with no criminal history. The FDIC for the establishment will be David Wolf (F044893). The Division is recommending approval subject to the condition(s) as follows:

- (1) That the closing occur within 60 days of the date of this Board meeting.
- (2) Receipt by the Division within 75 days of this Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred.
- (3) Receipt by the Division within 75 days of this Board meeting, of a copy of the Bill of Sale, executed by all parties, and any and all amendments thereto, also fully executed.

(4) That the establishment passes an on-site inspection by a member of the Division staff.

Mr. Helm questioned whether the application was submitted on a new form as there is a Section titled "Cremation."

Mr. Shropshire stated that the form was revised somewhat to try and make it clear as the Division has had questions and problems with that portion of the form in the past. The form was not substantively revised, but that section was added.

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

12. Trust Transfer Request(s)

A. *Recommended for Approval with Conditions*

(1) Clayton Frank & Biggs Funeral Home (F040063) (Crescent City) Transfer of Chapter 497.417 (pre-2005) Preneed Master Trust Fund from SunTrust Bank, N.A. to Sabal Trust Company

This matter is before the Board for approval to transfer preneed trust assets to a new trustee.

Kenneth L. Biggs formerly owned two funeral establishment locations known as Biggs Funeral Home, as follows:

- a) License numbers F041023, located at (address): 3801 S. 1st Street, Lake City
- b) License number F041024, located at (address): Ft. White

In 1993 Mr. Biggs sold both his above identified locations to the Loewen Group. In approximately 1997 Loewen closed both the Biggs Funeral Home locations referred to above.

Until approximately January 1999, Clayton Frank & Sons Funeral Home, Inc., a licensed funeral establishment located at 402 Cypress St., Crescent City, was licensed as a preneed main licensee, (F021630). In approximately 1994 that establishment was acquired by Prime Succession of Florida, Inc. (the Loewen Group) and subsequently sold preneed as a branch location under Prime Succession's preneed license (F021624). The preneed license of Clayton Frank & Sons Funeral Home, Inc., F021630, was not renewed after Loewen acquired the location.

In 2002 Mr. Biggs acquired from Loewen, the Frank & Sons Funeral Home, Inc., funeral establishment at 402 Cypress Avenue, Crescent City, and then filed for change of ownership with the Department of Business Professional Regulation. This acquisition included the funeral establishment at 402 Cypress Avenue (license number F040063), as well as the preneed trust assets associated with preneed sales at the 402 Cypress Avenue location.

No preneed has been sold at the 402 Cypress Avenue, Crescent City since Mr. Biggs re-acquired the location in 2002. However, Mr Biggs, through his funeral establishment at 402 Cypress Avenue, Crescent City, is responsible to honor preneed contracts previously sold at the 402 Cypress Avenue location.

Mr. Biggs is now seeking transfer of the preneed trust accounts and assets to the Sabal Trust Company, administered by FSI.

The preneed trust accounts and assets are currently held by SunTrust Bank, and Clayton Frank & Biggs is requesting a transfer from SunTrust Bank to the Sabal Trust Company, administered by Funeral Services, Inc. (FSI). The preneed trust accounts for the 497.417 (pre-2005) Preneed Master Trust Fund will be transferred to the FSI First Florida Trust Agreement Fund.

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

- (1) That Sabal Trust Company provides a certification statement that as trustee it meets the requirements of Rule 69K-7.015(1) or (2).
- (2) That the former trustee provides a certificate stating the dollar amount of trust assets being transferred.
- (3) That Sabal Trust, as new Trustee, provides acknowledgement of receipt of the amount of trust assets being transferred as specified by the former trustee.
- (4) That the effective date of the transfer and all above certifications be provided to the Division within 60 days of the date of this Board Meeting.

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

13. Executive Director's Report


A. Materials re "Branding Regulation: What are board's doing" – Informational

These materials were provided and distributed to the Board at the request of Ms. Thomas-Dewitt last month.

B. Pete Ballas Death Notice – Informational

Death Notice



Pete Ballas | Visit Guest Book



Colonel Pete Ballas

Colonel Pete Ballas, Retired U.S Air Force, entered into rest on February 20, 2012. Col. Ballas specifically requested that there be no funeral services, and that his memory could be honored through memorials to [your favorite charity](#) . Burial will be at Arlington National Cemetery at a later date. Survivors include his wife, Sandy, one son Alan P. Ballas, of Tallahassee, FL, one daughter Barbara Jenness of St Augustine, FL.

Culley's MeadowWood Funeral Home
1737 Riggins Road
Tallahassee, FL 32308
culleysmeadowwood.com
(850) 877-8191



Published in Tallahassee Democrat on February 22, 2012

The Chair requested a moment of silence in memory of Col. Ballas.

C. Report: Payment of Disciplinary Fines and Costs – Informational

Monthly Report of Fines and Costs Imposed and Paid
 Division of Funeral, Cemetery and Consumer Services
 March 1, 2012 Board Meeting
 Updated February 21, 2012

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?
Tony Tanner Funeral Services, Inc.	Dec-11	117957-11-FC	\$2,000	1/14/2012	YES
Holmes Funeral Directors	Dec-11	105281-09-FC	\$2,000	1/20/2012	YES
			\$2,500	2/2/2012	NO
Deliria Holmes	Dec-11	105280-09-FC	\$2,500	7/3/2012	See Note D
Landmark Funeral Home	Dec-11	108626-10-FC	\$1,000	2/8/2012	YES
Aaron Duncan	Dec-11	114642-11-FC	\$1,000	2/2/2012	YES
Golden's Funeral Home, Inc.	Dec-11	114643-11-FC	\$1,000	2/2/2012	YES
Boyd Family Funeral Home Chapel	Feb-12	120364-11-FC	\$2,000	3/22/2012	See Note D
Laurence Boyd	Feb-12	120363-11-FC	\$1,000		See Note C
Chapel Hill Cemetery	Feb-12	122372-12-FC	\$1,000		See Note C
Daytona Memorial Park, Inc.	Feb-12	111349-10-FC	\$3,500	3/22/2012	See Note D
Edgewater-New Smyrna Cemetery, Inc.	Feb-12	11347-10-FC	\$2,000	3/22/2012	See Note D

NOTES:

- A. When payment becomes past due, the FCCS Division works with the DFS Legal Division to enforce payment.
- B. Once fines and costs are paid in full the Licensee is kept on this report 3 months, showing Paid in Full, and is then dropped of this report.
- C. The Order re this case is still in process, so no Due date is yet established.
- D. Due date has not passed.

14. Adjournment

The meeting was adjourned at 10:14 a.m.