

Minutes
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
March 10, 2011 - 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 10, 2011. The time is approximately 10:01am. 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. 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, Conference Room 230A 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 the 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.

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
Lewis "Lew" Hall
Powell Helm
Nancy Hubbell
Tracy Huggins
Ken Jones
Col. Don Stiegman

ALSO PRESENT:

Doug Shropshire, Executive Director
Allison Dudley, Board Counsel (via phone)
Anthony Miller, Assistant Director
LaTonya Bryant-Parker, Department Staff
Jasmin Richardson, Department Staff

ABSENT

Nancy Hubbell

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

2. Action on the Minutes

A. February 3, 2011

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on February 3, 2011.

Mr. Powell Helm stated that he had a correction to page 32, 1st paragraph, 2nd sentence, "Mr. Helm added that he does not ~~hear~~ like..."

MOTION: Mr. Helm moved to adopt the minutes of the meeting with the recommended correction. Mr. Ken Jones seconded the motion, which passed unanimously.

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.

B. Recommended for Approval with Conditions (Criminal History)

(1) Hackett, Samuel (Appointing Entity: SCI Funeral Services of Florida, Inc.)

This item was withdrawn from the Agenda at the request of the appointing entity, SCI Funeral Services of Florida, Inc.

(2) MacQuarrie, Barbara (Appointing Entity: International Cremation Society, Inc.)

On October 26, 2010, the Department received an application for preneed sales agent licensure from Ms. MacQuarrie.

Applicant acted as preneed sales agent prior to making this application for preneed sales agent licensure. See attached materials from Applicant explaining the matter. Pursuant to DFS Order filed on February 3, 2011, case no. 110900-10, Applicant agreed to pay a fine of \$2,500 in regard to such unlicensed activity. There are no known injured consumers related to Applicant's prior unlicensed activity.

In approximately Dec. 2007 Applicant pled no contest to the misdemeanor charge of DUI, in Sumter County, Florida. The Division does not believe Applicant will be a threat to the public if the license applied for is issued. Approve subject to conditions as follows: That Applicant timely pay the fine as specified in Consent Order 110900-10.

Ms. Gail Thomas-Dewitt questioned whether Ms. MacQuarrie was previous denied a request for licensure.

Mr. Shropshire stated that this is the initial request for licensure.

Ms. Thomas-Dewitt questioned whether the fine has been paid.

Mr. Shropshire stated that Ms. MacQuarrie was fined very recently. The stipulation would require the fine be paid as a condition of licensure.

Ms. Barbara MacQuarrie stated that she did pay \$1250 as stipulated by Ms. Mary K Surles. On December 14, 2010 Ms. MacQuarrie sent a money order to her attorney who recently remitted it to the Department. The remaining \$1250 was to be paid upon Board approval and then 6 months probation. Ms. MacQuarrie stated that she has done everything that she was supposed to do.

Ms. Thomas-Dewitt questioned whether Ms. MacQuarrie was fined for selling preneed without a license.

Mr. Shropshire answered, "Yes."

Mr. Helm questioned whether this pertains to a funeral home.

The Chair stated it appears to be a licensed funeral establishment.

Mr. Helm stated that the FDIC should have caught this.

Mr. Anthony Miller stated that there is a separate action regarding the FDIC.

Mr. Hall questioned whether the Department could verify receipt of the check Ms. MacQuarrie is speaking of.

Mr. Shropshire stated that Ms. Jasmin Richardson would call Ms. Crystal Grant at the Division's office in an effort to obtain that information.

The Chair stated that the item would be deferred until later in the meeting once the Division has an answer to Mr. Hall's question.

Mr. Miller stated that per the Consent Order, the \$1250 was due March 3rd. A search of the Department's records indicates that there is no evidence that the payment has been received.

The Chair questioned when the payment was sent.

Ms. MacQuarrie stated that she would prefer that her attorney speak on her behalf.

Mr. Joseph Indelicato stated that Ms. MacQuarrie had tendered the money to his office well in advance of the deadline. The delay in the payment was because of some paperwork and primarily Mr. Indelicato's fault. Mr. Indelicato added that there was a letter sent out to the Department of Financial Services enclosed with a check for \$1250 representing the first installment of the \$2500.

MOTION: Mr. Hall moved to defer the application to the April meeting. Ms. Jean Anderson seconded the motion, which passed unanimously.

Mr. Indelicato questioned when the next meeting would take place.

The Chair stated that the next meeting is scheduled for April 7th in Tampa.

(3) *Smith, David G. (Appointing Entity: Daytona Memorial Park, Inc.)*

On December 2, 2010, the Department received an application for licensure from Mr. Smith. On February 15, 2005 the DFS Division of Agent Licensing issued a Consent Order adopting a settlement stipulation. Mr. Smith agreed to suspension of his insurance agent license for 12 months, in regard to allegations that he misrepresented the terms of health insurance policies. In January 2007 the Agent's Division re-instated his insurance agent license, and same is currently in good standing.

July 2009 Applicant was found guilty of DUI, in Volusia County, Florida.

Approve subject to the terms & conditions of the attached stipulation for licensure, dated February 17, 2011, putting Applicant on probation for the first 12 months of licensure as a preneed sales agent.

The Chair questioned whether there was anyone representing Mr. Smith on the call. There was a negative response.

Ms. Wendy Wiener, representing the appointing licensee, indicated that she could perhaps get someone to answer a particular question as she was not aware of this issue.

Mr. Lew Hall questioned whether Ms. Wiener was aware of what the allegations of misrepresentation on the health policies were.

Ms. Wiener stated that Daytona Memorial Park has not mentioned this issue. It appears they did not expect this to be of concern this morning. Ms. Wiener stated that she could attempt to get someone on the phone, but the clients are at ICCFA and it may be difficult to get in touch with them.

Mr. Hall stated that he is concerned with the misrepresentation followed by some criminal problems in 2009.

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

4. Application(s) for Preneed Main License

A. Recommended for Approval without Conditions

(1) Edgley Crematory, Inc. d/b/a Edgley Cremation Services (Riviera Beach)

The Department received the application on December 14, 2010 and deficiencies were noted on the application. A deficiency notice was sent to the applicant January 5, 2011 and all deficiencies were resolved as of February 15, 2011. 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 (Sabal Trust Company) and pre-arranged funeral agreement. The applicant obtained a license for a direct disposal establishment license as of October 2, 2008 and the license is current.

The Applicant's financial statements as of December 31, 2010 reflect the following:

Acquired Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	200,702

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

B. Recommended for Approval with Conditions

(1) Coastal Cremations, Inc. (New Port Richey)

The Department received the application on December 28, 2010 and deficiencies were noted on the application. A deficiency letter was sent January 21, 2011 and the Applicant's response to all deficiencies as of February 18, 2011. A completed background check of all officers revealed no criminal history. Applicant will use the pre-approved Forethought Trust Agreement and pre-arranged funeral agreement. The applicant obtained a license for a direct disposal establishment as of March 4, 2010.

The Applicant's financial statements as of December 31, 2010 reflect the following:

Acquired Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	13,426

Documentation establishes that Cheryl Gooldin (principal and sole owner of applicant herein) was discharged from Ch. 7 bankruptcy on February 7, 1997, by the Federal District Court, Middle District of Florida. It was a personal bankruptcy action and discharge. Applicant provided a notarized statement and court documentation disclosing the bankruptcy and discharge as supporting documentation.

In view of the bankruptcy, the FCCS Division requested additional materials from applicant:

- 1) A personal financial statement for officer, Cheryl Gooldin.
- 3) A letter of reference from a trade supplier, verification of account in good standing from financial institution, and a current bank statement for Coastal Cremations as of January 31, 2011.

The Division recommends approval with the conditions that the application is approved contingent upon the Applicant agreeing to trust 100% and complete a 1- year (12 month) probationary period as specified in the stipulation & consent agreement.

MOTION: Ms. Huggins moved to approve the application with the conditions that the application is approved contingent upon the Applicant agreeing to trust 100% and complete a 1- year (12 month) probationary period as specified in the stipulation & consent agreement. Ms. Jean Anderson seconded the motion, which passed unanimously.

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

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

6. Application(s) for Transfer of Preneed License
A. Recommended for Approval with Conditions
(1) Savino-Weissman Funeral Home & Cremation Services, LLC (Margate)

S. 497.453(4), Florida Statutes, provides in pertinent part as follows: *“(4) CHANGE IN CONTROL SUBSEQUENT TO LICENSURE. -- (a) Each [preneed main] licensee under this section shall provide notice as required by rule prior to any change in control of the licensee. Any such change is subject to disapproval or to reasonable conditions imposed by the licensing authority, for the protection of the public to ensure compliance with this chapter, based upon criteria established by rule, which criteria shall promote the purposes of this part in protecting the consumer.”*

This is an application for approval of transfer of a preneed main licensee. Preneed license F059376 was issued on April 2, 2010, under the name “Savino Funeral Home Inc.,” d/b/a “Savino Funeral Home & Cremation Services.”

The qualifying license was a funeral establishment, “Savino Funeral Home Inc.,” d/b/a “Savino Funeral Home & Cremation Services.,” license number F062368, located at 2950 N. State Road 7, Margate FL; the sole principal of the funeral home at the time was William J. Savino.

By application received by the Division on September 17, 2010, the qualifying funeral home F062368, applied for approval to transfer of ownership of the qualifying funeral establishment, F062368, to new owner “Savino-

Weissman Funeral Home & Cremation Services LLC.” The principals of the new owner were shown as William J. Savino and Mark F. Weissman, both shown as managing members. At its November 4, 2010 Board meeting, this Board approved that application.

On December 8, 2010 the Division received the present application for transfer of preneed license F059376, in a proposed transaction that in effect mirrors the transfer of the funeral establishment license. The new owner of the preneed license will be “Savino-Weissman Funeral Home & Cremation Services LLC.” The principals under the new owner will be William J. Savino and Mark F. Weissman, both shown as managing members. A completed background check on those two persons revealed no criminal history.

The proposed new owner’s financial statements as of November 24, 2010 reflect the following:

Outstanding Preneed Contracts	= \$ 223,241
Required Net Worth	= \$ 40,000
Reported Net Worth	= \$ 48,309

It should be noted that preneed license F059376 was originally issued subject to a requirement that there be 100% trusting, and that requirement is currently in effect. That requirement was imposed in view of a prior bankruptcy proceeding of a principal of the licensee. However, Applicant herein requests approval to sell insurance-funded preneed contracts. The Division recommends approval subject to conditions as follows:

1. That the transfer of ownership shall be completed within 60 days of the date of this Board meeting, as attested to by a letter to be sent by applicant’s principals or their attorney to the Division within 90 days of the date of this Board meeting.
2. The new owner of license F059376 assumes full responsibility for all preneed contracts written under the prior owner of license F059376.
3. That after approval by this Board of the proposed transfer of license F059376, all preneed contracts thereafter sold by preneed licensee F059376 will be either: 1) life insurance funded; or 2) subject to a requirement of 100% trusting of all proceeds from the sale of such preneed contracts.

MOTION: Mr. Jones moved to approve the application with the conditions proposed by the Division. Ms. Huggins seconded the motion, which passed with 1 dissenting vote.

Mr. Joseph Indelicato, attorney for Barbara MacQuarrie joined the call at this time and apologized for his delay.

Mr. Shropshire stated that the Item has been temporarily passed and The Chair has indicated it would be revisited later in the meeting.

7. Continuing Education Course Approval(s)

A. Recommended for Approval without Conditions – Addendum C

- (1) *Epsilon Nu Delta Mortuary Fraternity #5801*
- (2) *Florida Funeral Directors Association Inc #75*
- (3) *Florida Morticians Association, Inc #133*
- (4) *Independent Funeral Directors of Florida Inc #135*
- (5) *International Cemetery & Funeral Association #74*
- (6) *International Order of the Golden Rule #2201*
- (7) *National Funeral Directors & Morticians Association #120*
- (8) *National Funeral Directors Association #136*
- (9) *Practicum Strategies #65*
- (10) *SCI Management - Dignity University #99*

These courses have been approved by the Continuing Education Committee and are recommended for approval of the course(s) for the number of hours indicated in the materials before you.

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

- 8. Application(s) for Florida Laws and Rules Examination**
- A. Recommended for Approval without Conditions – Addendum D**
- (1) *Embalmer – by Endorsement*
 - (a) *Jennings, Tony*
 - (2) *Funeral Director and Embalmer – by Endorsement*
 - (a) *Dyer, David H*
 - (b) *Holle, Richard*
 - (c) *Howard, Virginia L*
 - (3) *Funeral Director and Embalmer – by Internship*
 - (a) *Gonzales, Nicole M*
 - (b) *Mullins, Shannon D*
 - (c) *Paynic, Christopher J*
 - (d) *Rickner, Kathryn M*

The Division recommends approval of the application(s).

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

- 9. Application(s) for Internship**
- A. Recommended for Approval without Conditions – Addendum E**
- (1) *Embalmer*
 - (a) *Vazquez Ruiz, Alejandro*
 - (2) *Funeral Director*
 - (a) *Thompson, Linda B*
 - (3) *Funeral Director and Embalmer*
 - (a) *Brown, Karlton E*
 - (b) *Lattanzio, Lindsey A*
 - (c) *Tuss, A Richard*

The Division recommends approval of the application(s).

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

- 10. Application(s) for Embalmer Apprentice**
- A. Recommended for Approval without Conditions – Addendum F**
- (1) *Woods, DaRon D*

The Division recommends approval of the application.

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

11. Change in Location of Establishment

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

(1) *Casey Myers Funeral Home Inc (Oakland Park) (F061184)*

(2) *Henry M Forbes d/b/a Forbes Funeral Home (Macclenny) (F060873)*

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. 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.

13. Application(s) for Course of Study

A. Recommended for Approval without Conditions

(1) *Florida State College at Jacksonville (Jacksonville)*

Florida State College at Jacksonville submitted an application for approval for the Type 2 Course of Study. The licensee certifies that the Type 2 course of study submitted for approval under this application covers the subject matters examined on in the national funeral service arts examination administered by the conference of Funeral Service Examining Boards.

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

Mr. Roy Weimert thanked the Board for its due diligence in approving the course recommendations. It is anticipated that the program would be ready in August.

14. Application(s) for Cinerator Facility

A. Recommended for Approval without Conditions

(1) *Anderson-McQueen Company d/b/a Cremation Tribute Center (St. Petersburg)*

The application was received by the Division on January 3, 2011 and no deficiencies were noted on the application. This application is for a change of control only. The corporation is currently owned by three (3) siblings: John T. McQueen, William B. McQueen, and Margaret McQueen. John T. McQueen has purchased the shares of the stock of the corporation from the other two (2) siblings and current owners, William B. and Margaret McQueen, making John T. McQueen the sole owner of 100% of the shares of the corporation. The FDIC for the facility will be John Anders (F043309). The facility passed its inspection on February 8, 2011. The Division is recommending approval without conditions.

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

15. Application(s) for Direct Disposal Establishment

A. Recommended for Approval without Conditions

(1) *Trinity Cremation Services Inc (New Port Richey)*

An application for a Direct Disposal Establishment was received on January 4, 2011. The application was incomplete when submitted. All deficient items were returned on January 19, 2011. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Thomas Tvrdik (F046216). The Division is recommending approval without conditions.

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

16. Application(s) for Funeral Establishment

A. Recommended for Approval without Conditions

(1) Anderson-McQueen Company d/b/a ALifeTribute Funeral Care (Gulfport)

The application was received by the Division on January 3, 2010. The application was deficient when submitted. All deficient items were returned on January 26, 2011. This application is for a change of control only. The corporation is currently owned by three (3) siblings: John T. McQueen, William B. McQueen, and Margaret McQueen. John T. McQueen has purchased the shares of the stock of the corporation from the other two (2) siblings and current owners, William B. and Margaret McQueen, making John T. McQueen the sole owner of 100% of the shares of the corporation. The FDIC for the facility will be Michele Scalisce (F045203). The establishment passed its inspection on February 8, 2011. The Division is recommending approval without conditions.

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

(2) Anderson-McQueen Company d/b/a ALifeTribute Funeral Care (Largo)

The application was received by the Division on January 3, 2010. The application was deficient when submitted. All deficient items were returned on January 26, 2011. This application is for a change of control only. The corporation is currently owned by three (3) siblings: John T. McQueen, William B. McQueen, and Margaret McQueen. John T. McQueen has purchased the shares of the stock of the corporation from the other two (2) siblings and current owners, William B. and Margaret McQueen, making John T. McQueen the sole owner of 100% of the shares of the corporation. The FDIC for the facility will be Nathan Hobson (F044497). The establishment passed its inspection on February 8, 2011. The Division is recommending approval without conditions.

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

(3) Anderson-McQueen Company d/b/a Anderson McQueen Funeral Homes (St. Petersburg)

The application was received by the Division on December 23, 2010. The application was deficient when submitted. All deficient items were returned on January 25, 2011. This application is for a change of control only. The corporation is currently owned by three (3) siblings: John T. McQueen, William B. McQueen, and Margaret McQueen. John T. McQueen has purchased the shares of the stock of the corporation from the other two (2) siblings and current owners, William B. and Margaret McQueen, making John T. McQueen the sole owner of 100% of the shares of the corporation. The FDIC for the facility will be Carrie Orozco (F045143). The establishment passed its inspection on February 8, 2011. The Division is recommending approval without conditions.

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

(4) *Anderson-McQueen Company d/b/a Anderson McQueen Funeral Homes (St. Petersburg)*

The application was received by the Division on January 3, 2010. The application was deficient when submitted. All deficient items were returned on January 26, 2011. This application is for a change of control only. The corporation is currently owned by three (3) siblings: John T. McQueen, William B. McQueen, and Margaret McQueen. John T. McQueen has purchased the shares of the stock of the corporation from the other two (2) siblings and current owners, William B. and Margaret McQueen, making John T. McQueen the sole owner of 100% of the shares of the corporation. The FDIC for the facility will be John McQueen (F043282). The establishment passed its inspection on February 8, 2011. The Division is recommending approval without conditions.

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

(5) *Anderson-McQueen Company d/b/a E James Reese Funeral Home & Crematory (Seminole)*

The application was received by the Division on January 3, 2010. The application was deficient when submitted. All deficient items were returned on January 25, 2011. This application is for a change of control only. The corporation is currently owned by three (3) siblings: John T. McQueen, William B. McQueen, and Margaret McQueen. John T. McQueen has purchased the shares of the stock of the corporation from the other two (2) siblings and current owners, William B. and Margaret McQueen, making John T. McQueen the sole owner of 100% of the shares of the corporation. The FDIC for the facility will be E. Dean Gunter (F044264). The establishment passed its inspection on February 8, 2011. The Division is recommending approval without conditions.

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

(6) *Joseph A Scarano Funeral Home Inc d/b/a Joseph A Scarano Hollywood Hills Memorial Chapel (Hollywood Hills)*

An application for a Funeral Establishment was received on February 4, 2011. The application was complete when submitted. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be John Hengesch (F046288). The establishment passed its inspection on February 18, 2011. The Division is recommending approval without conditions.

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

B. *Recommended for Approval with Conditions*
(1) *Aden Funeral Home LLC (Tampa)*

An application for a Funeral Establishment was received on January 5, 2011. The application was incomplete when submitted. All deficient items were returned on January 19, 2011. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Lawrence Clyman (F042390). The

Division is recommending approval with the condition that the establishment passes an on-site inspection by a member of the Division staff.

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

The Chair recommended that the Division send a letter of instruction reminding Ms. Chaudry, the owner that she is not allowed to practice funeral directing and embalming in Florida as she is licensed in Virginia.

Mr. Shropshire confirmed that the Division would do so.

(2) D&L Real Estate Investments LLC d/b/a Cunningham Funeral Home (Ocala)

An application for a Funeral Establishment was received on December 30, 2010. The application was incomplete when submitted. All deficient items were returned on January 18, 2011. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be O'Donald Clark (F052348). 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.

Ms. Wiener stated that there is not actually a purchase of the building or the assets at this time. It is a lease agreement, so the Applicant has applied to operate the funeral establishment at that location but there will not be a closing at this time. So the first 3 conditions will not occur as would typically occur.

Mr. Shropshire questioned whether there is actually a change of ownership since there is just a lease.

Ms. Wiener stated there is a change in the operation of the funeral establishment. The Clarks will be operating the funeral establishment under their own licensee and are leasing the goods and items to do so. It appears the Division would have considered that a change of ownership.

The Chair questioned who would be the new owner.

Ms. Wiener stated the licensee operating the funeral establishment will be D&L Real Estate Investments. It is just that they are leasing the premises and the equipment; they are not buying it right now.

Mr. Shropshire questioned whether there is some type document describing the transaction.

Ms. Wiener stated that there is a lease agreement. Ms. Wiener certified that they have entered into the lease and that it is effective on the date that this license is issued. There just will not be a closing like you would expect, such as there will not be a bill of sale at this time.

Ms. Jasmin Richardson stated that the current owner should surrender their license and indicate that they are no longer going to be operating and then the Board could approve the new license. This does not appear to be a change of ownership. It appears one establishment is closing and another is operating in its location.

Ms. Wiener stated that would technically fall into the category of change in ownership. A different licensee will operate a funeral establishment at that licensed location. The current owner signed the Change of Ownership application. Ms. Wiener added that her only point was to note that there would not be a closing document and a bill of sale but we will certify the Division that upon the issuance of the new license that the licensee has taken over.

Mr. Shropshire stated that the Division would have to request that the item be tabled until the next meeting because the Division does not understand the transaction.

Ms. Michele Hood questioned whether there is any preneed involved in this transaction and whether the funeral home that currently owns the property has a preneed license or preneed inventory.

Ms. Wiener stated that the preneed is not being acquired from the current owner at this time. It will be acquired subsequently and D& L Real Estate Investments is in the process of preparing a preneed license application.

Ms. Hood questioned who owns the preneed in the meantime should this transaction occur.

The Chair stated that Mr. Shropshire suggested that the item be deferred in order for the Division to better understand this transaction.

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

DISCUSSION: Ms. Wiener stated that she is concerned about the action taken. This was an application for funeral establishment. A new company is going to operate a funeral establishment at a location where there was previously a funeral establishment. The application was originally submitted not as a change of ownership but because Ms. Richardson knew there was a location operating there, a deficiency letter was issued to have the current owner sign the form. This is no different than one funeral establishment moving out of a location and another funeral establishment moving into a location. This application was submitted some time ago. All deficiencies were resolved, but because of a mishap, it did not make the last Agenda and almost did not make this Agenda. Ms. Wiener expressed her concern that this is going to be another month that passes by when this is simply a situation of one funeral establishment is not going to operate and a new funeral establishment is going to operate without any deficiencies yet we are going to put this off another month.

Ms. Richardson stated that the deficiency was sent because there was a checkmark that indicated there was a change of ownership, but there was no signature to accompany the change of ownership.

Ms. Hood stated that there is a rule in place that states that only one funeral establishment may operate at a particular location at one time. There is also an issue with the preneed regarding who is going to be responsible for that.

Ms. Wiener stated there is no issue regarding preneed. The current owner has a preneed license with a qualifying cemetery license. That will not change. This is simply that a new funeral establishment company will operate at the funeral establishment. In the event that the company acquires the preneed, then it will in fact get a preneed license prior to, as that is the process for this transaction. Ms. Richardson is correct. The Applicant did check "Change of Ownership and Existing Funeral Establishment." That was done in error possibly because of the confusion generated in a situation where you are not opening a new funeral establishment at a new business but where you are opening a funeral establishment where there is already a funeral establishment.

The Chair questioned whether the Board would like to reconsider the deferral.

Mr. Jones questioned whether Mr. Shropshire still has concerns over this request, whether the Division still needs time to review or whether the Division is more comfortable at this time based on Ms. Wiener's comments.

Mr. Shropshire questioned, if as Ms. Richardson suggested, whether the existing owner be willing to surrender their license so that this could be treated as an application for new licensure.

Ms. Wiener concurred. That actually is the intent.

Mr. Shropshire stated that the Division would be amenable to treating this as an application for a new license as it does appear to meet the requirements of a new license.

Ms. Richardson concurred.

Mr. Shropshire added that the Division has no objection with this being treated as an application for new licensure.

MOTION: Mr. Jones moved to reconsider the deferral. Ms. Huggins seconded the motion, which passed unanimously.

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

(3) *Funeraria Hialeah Memorial Inc (Hialeah)*

An application for a Funeral Establishment was received on October 29, 2010. The application was incomplete when submitted. All deficient items were returned on February 16, 2010. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Jose Arvelo (F045094).

The establishment was previously owned by Rafaiy Alkhalifa; however in April of 2009 we received a Mediated Marital Settlement Agreement, signed by both Mr. Alkhalifa and Ms. Zabida Hasin that gave ownership of this location to Ms. Hasin. However, Ms. Hasin had not initially filed the required change of ownership application. The Division notified Ms. Hasin, and she subsequently submitted the change of ownership application. The Division is recommending approval with the condition that the establishment passes an on-site inspection by a member of the Division staff.

Mr. Helm questioned whether the Division received an embalming agreement.

Mr. Shropshire stated in terms of a change of ownership, it does not appear it would be needed as it goes back to the original license application and the conditions under which it was approved.

Mr. Helm questioned whether the new owner would also have to have an agreement.

Mr. Shropshire stated that they would just be succeeding to whatever arrangements were already in place. Mr. Shropshire added that Ms. Richardson is attempting to ascertain the answer but the direct answer is that the Division does not have a letter addressing that pro or con.

MOTION: Mr. Helm moved to approve the application with the conditions that the establishment passes an on-site inspection by a member of the Division staff and verification of the embalming agreement. Ms. Huggins seconded the motion, which passed unanimously.

(4) *Heritage Gardens Funeral Home – Cemetery LLC d/b/a Heritage Gardens (Niceville)*

An application for a Funeral Establishment was received on November 1, 2010. The application was incomplete when submitted. All deficient items were returned on February 14, 2010. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be William McLaughlin (F027884). The establishment passed its inspection on December 6, 2010. 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. Jones moved to approve the application subject to the conditions recommended by the Division. Mr. Hall seconded the motion, which passed unanimously.

(5) *St. Lucie Mortuary Inc d/b/a Martin Funeral Home & Crematory, St. Lucie Chapel (Port St. Lucie)*

An application for a Funeral Establishment was received on January 27, 2011. The application was incomplete when submitted. All deficient items were returned on February 16, 2011. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Weir King (F042751). The Division is recommending approval with the condition that the establishment passes an on-site inspection by a member of the Division staff.

MOTION: Ms. Thomas-Dewitt moved to approve the application with the condition that the establishment passes an on-site inspection by a member of the Division staff. Ms. Huggins seconded the motion, which passed unanimously.

17. Application(s) for Monument Establishment Retailer License

A. Recommended for Approval without Conditions

(1) *Heritage Monument Co. (Jacksonville)*

The application was received on January 11, 2011 and deficiencies were noted. A deficiency letter was sent on January 20, 2011 and the applicant resolved all deficiencies by February 18, 2011. The Department completed a background check of all officers which revealed no criminal history.

The Chair questioned whether there was anyone representing the Applicant on the line. There was a negative response.

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

18. Trust Transfer Request(s)

A. Recommended for Approval with Conditions

(1) *Rolling Oaks Cemetery, Inc (Port St Lucie)*

(a) Transfer of Ch 497.417 (pre 2005) FSI Preneed Cemetery Merchandise & Services Trust and Ch 497.417 (pre 2005) Cemetery Care & Maintenance Trust

Funeral Services, Inc. (FSI) has appointed Sabal Trust Company as successor trustee and requests transfer of the above mentioned trust accounts currently held by SunTrust Bank to Sabal Trust Company. The transfer includes the trust accounts for the preneed cemetery merchandise and services and cemetery care and maintenance trust funds for the preneed and cemetery that is currently owned by Rolling Oaks Cemetery, Inc. Sabal Trust Company will continue to operate under the existing trust agreements. The Division recommends approval subject the condition that certification of the transfers is received by the Department within 60 days of this meeting.

MOTION: Mr. Hall moved to approve the request with the condition that certification of the transfers is received by the Department within 60 days of this meeting. Mr. Jones seconded the motion, which passed unanimously.

19. Contract(s) or Other Related Forms

A. Recommended for Approval without Conditions

(1) Preconstruction Trust Agreement

(a) Regions Bank (Houston TX)

In accordance with s. 497.272, Florida Statutes, Regions Bank submits a Master Pre-Construction Trust Agreement to be utilized by Fred Hunter Memorial Services, Inc. (F019312) located at 6301 Taft St, Hollywood, FL for the trusting of funds as required for the sale of interment rights, entombment rights, and/or inurnment rights on pre-construction basis under preneed cemetery contracts.

MOTION: Mr. Jones moved to approve the agreement. Mr. Helm seconded the motion, which passed unanimously.

B. Recommended for Approval without Conditions

(1) Monument Establishment Retail Sales Agreement(s)

(a) Heritage Monument Co. (Jacksonville)

The Division recommends approval of the agreement.

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

(2) Preneed Sales Agreement(s)

(a) The Simplicity Plan (Altamonte Springs)

The Applicant, Simplicity Plan (Altamonte Springs), submitted amendments to its preneed cemetery (FL-Cemetery: 02/01/2011), funeral (FL-Funeral: 02/01/2011) and direct disposer agreements (FL-Direct Disposer: 02/01/2011), to be sold solely through preneed licensed establishments and branches. Simplicity is filing this as an amendment to the former preneed services contracts due to the need to standardize its forms to accommodate new software improvements for more efficiency.

Ms. Huggins disclosed her affiliation with The Simplicity Plan and advised that it would not affect her decision to make a fair and impartial decision.

MOTION: Ms. Thomas-Dewitt moved to approve the agreement with the condition that the Department receives two full-sized print-ready copies of the amended final agreements within 60 days of this meeting. Mr. Hall seconded the motion, which passed unanimously.

(b) Trusted Funeral Plans Inc. (Tallahassee)

The Applicant, Trusted Funeral Plans, Inc (TFP) submitted an insurance-funded Preneed Funeral Agreement (FLI-GO1) to be used for preneed sales exclusively through its preneed licensed establishments and branches. The insurance provider, Funeral Directors Life Insurance Company (FDLIC), is an approved life insurance company that holds a current certificate of authority. FDLIC received approval by the Office of Insurance Regulation as of July 7, 2005.

MOTION: Mr. Hall moved to approve the agreement with the condition that the Department receives two full-sized print-ready copies within 60 days of this meeting. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

Mr. Shropshire noted that Ms. Ginny Taylor has been appointed by The Chair to Probable Cause Panel B.

20. Adjournment

The meeting was adjourned at 10:52am.