

*Minutes of Meeting*  
**BOARD OF FUNERAL, CEMETERY & CONSUMER SERVICES**  
**Teleconference Meeting**  
**May 6, 2009 - 9:00 A.M. to 11:00 A.M.**

**1. Call to Order and Roll Call**

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

Mr. Doug Shropshire, Executive Director, stated at this time he would take the role and Board members would please respond with "aye" or "present" when their name is called:

**PRESENT (via phone):**

Jody Brandenburg, Vice-Chairman  
Justin Baxley  
Ken Jones  
Powell Helm  
Nancy Hubbell  
Tracy Huggins  
Gail Thomas-DeWitt  
Catherine Zippay

**ALSO PRESENT:**

Doug Shropshire, Executive Director  
Anthony Miller, Assistant Director  
Allison Dudley, Board Counsel (via phone)  
Tad David, Department Attorney  
Jim Gellepis, Department Staff  
LaTonya Bryant, Department Staff

**ABSENT:**

Greg Brudnicki, Chairman

Mr. Shropshire advised The Chair of a quorum for the business before the Board.

**2. Old Business**

*a. Application for Funeral Establishment License - Conditional Consideration*

*i. Recommended for Approval*

*1. Landmark Funeral Home Inc formerly Presidential Circle Funeral Home Inc  
(Hollywood)*

This application for a Funeral Establishment was submitted on March 10, 2009. The application was incomplete and a deficiency letter was sent. All deficient items were corrected as of March 20, 2009. The funeral director in charge will be Jeffrey Brady (F042732). The establishment passed its inspection on March 20, 2009. The sole principal listed on the application is Jonathan Shaw.

The application, formerly Presidential Circle Funeral Home Inc, was submitted at the April 8, 2009 Board meeting in which the board moved to table the application in order for the current owner to form a newly developed corporation. That process has been completed and the application is being resubmitted for approval. The Division recommends approval of the application.

**MOTION:** Mr. Powell Helm moved to approve the application(s). Mr. Justin Baxley seconded the motion, which passed unanimously.

**DISCUSSION:** Ms. Wendy Wiener stated that given the representations made by Mr. Shaw at the last meeting regarding the distinction between his business and Mrs. Valerie Panciera-Rieth, whose application was denied for Presidential Circle Funeral Home, it is important that the Board members know that before the application for Presidential Circle Funeral Home was denied, an ad was placed in the local yellow pages there listing Presidential Circle Funeral Home. The telephone number actually rings in the building of Landmark Funeral Home.

Mr. Shropshire stated that Ms. Wiener had expressed some concerns that have been made to the Department. The matter will be looked into.

**3. Application(s) for Preneed Sales Agents**  
*a. Informational Item - See 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 Office License**  
*a. Informational Item - See Addendum B*

The Division recommends approval.

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

**5. Application(s) for Preneed Main License**  
*a. Brisson Funeral Home, Inc. d/b/a Brisson Funeral Home (Sanford)*

The Department received the application on March 24, 2009 and no deficiencies were noted on the application. 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. It should be noted that the applicant was formerly a Preneed Branch Office under the Preneed Main license of Northstar Cemetery Services of Florida, LLC. Due to a change of ownership, the applicant submitted a new application for a new funeral establishment license which was approved by the Board on February 4, 2009.

The Applicant's financial statements as of February 28, 2009 reflect the following:

Acquired Preneed Contracts	= \$	593,668
Required Net Worth	= \$	60,000

Reported Net Worth = \$ 195,021

The Division recommends approval of the application.

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

**6. Application(s) for Florida Laws and Rules Examination**

*a. Recommended for Approval - Addendum C*

*i. Funeral Director and Embalmer - by Internship*

1. *Batts, Tiffanie S*
2. *Dallas IV, Theodore R*
3. *Jean-Baptiste Ceva, Rebecca*

*ii. Funeral Director and Embalmer- by Endorsement*

1. *Nadolny, Marcella J*
2. *Stewart, Jr., James H*

*iii. Funeral Director-by Endorsement*

1. *Flor, Larry R*
2. *Kuhns, Samuel M*

*iv. Embalmer-by Endorsement*

1. *Varner, Eric S*

*v. Direct Disposer*

1. *Anthony, Nikki J*

The Division recommends approval.

The application by Eric Varner has been withdrawn and will be presented at the June meeting.

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

*b. Recommended for Approval with Conditions*

*i. Funeral Director and Embalmer - by Internship*

1. *Seegert, Scott S*

The Applicant qualifies for licensure subject to consideration of his criminal record.

The application was submitted on September 11, 2008. The application was incomplete and a subsequent deficiency letter was sent. All deficient items were returned on January 27, 2009. Mr. Seegert was initially licensed as a Funeral Director and Embalmer (F045451) from September 12, 1995 to August 31, 2005, when his license expired. He did not renew his license within the time period allowed and subsequently, his license became null and void.

This was presented to the Board at its April meeting, with a recommendation for denial in view of the applicant's criminal record. However, the Board tabled the matter and asked the Division to attempt a stipulation for licensure that imposed conditions under which this applicant might be licensed with adequate protection of the public. The Division drew up a stipulation for licensure and applicant has signed it. Under the stipulation for licensure, the applicant has agreed, among other things, to the

following: 1) 40 months of probation; 2) 6 random drug tests during probation; 3) Successful completion of the probation in the criminal case; 4) Will not act as licensee in charge of any establishment during probation; 5) Will serve solely as an employee under his license, during the probation (i.e., will not own or operate his own business under his license).

The Division recommends approval of the application subject to the terms and conditions of the stipulation for licensure.

**MOTION:** Ms. Nancy Hubbell moved to approve the application subject to the terms and conditions of the stipulation for licensure. Ms. Tracy Huggins seconded the motion, which passed unanimously.

- c. Recommended for Approval with Special Circumstances*
  - i. Funeral Director and Embalmer - by Internship*
    - 1. White, Anthony M*

Mr. White is applying to become a Funeral Director and Embalmer by Internship. His internship period ran from May 4, 2005 thru May 4, 2006. Upon reviewing his application, the Division noticed that all of Mr. White's Supervisor Quarterly Reports were not submitted and as such we could not verify the internship was completed. A deficiency letter was sent requesting the reports for the period of January 1, 2006 – March 31, 2006 and April 1, 2006 – May 4, 2006. In response, Mr. White wrote a letter, representing that he did in fact complete the internship under Charles T. Hall Funeral Home. However, Mr. Hall is deceased and the funeral establishment is no longer in business. Therefore, it is not possible for the applicant to obtain the information needed to verify that the reports were signed and sent to the Division. Based on the applicant's representations and the extenuating circumstances created by this situation, the Division is recommending approval of Mr. White's application.

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

- 7. Application(s) for Internship**
  - a. Recommended for Approval – Addendum D*
    - i. Funeral Director and Embalmer*
      - 1. Allen, Corey H*
      - 2. Boyd-Gaines, Avis L*

The Division recommends approval.

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

- 8. Application(s) for Embalmer Apprentice**
  - a. Recommended for Approval – Addendum E*
    - i. Michael, Jeffrey S*
    - ii. Sharp, Mathew K*
    - iii. Wilson, Eric L*

The Division recommends approval.

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

9. **Continuing Education Course Approval(s)**
  - a. *Recommended for Approval – Addendum F*
    - i. *Florida Morticians Association #133*
    - ii. *National Funeral Directors Association #136*
    - iii. *Practicum Strategies #65*

The CE Committee and the Division recommends approval.

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

10. **Application(s) for Monument Establishment Sales Agents**
  - a. *Informational Item - See Addendum G*

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

11. **Application(s) for Cinerator Facility**
  - a. *Recommended for Approval*
    - i. *Broadus-Raines Family Funeral Home Inc d/b/a Clay Crematory (Middleburg)*

The application for a Cinerator Facility was submitted on March 9, 2009. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were returned on March 30, 2009. The fingerprint cards for all principals were submitted and returned without criminal history. The Division is recommending approval on the condition of passing the inspection. The inspection is scheduled for April 28, 2009.

The Chair stated that on page 4 of 6 in the application, the Applicant indicates they do not have all the required Florida Department of Environmental Protection permits.

Mr. Shropshire asked whether there was anyone on the line from Broadus-Raines Family Funeral Home.

There was a negative response.

Mr. Shropshire stated that the Board could table the application or condition the approval based on passing the inspection and proof that the required permits have been obtained.

**MOTION:** Mr. Helm moved to defer the application(s). Mr. Baxley seconded the motion, which passed unanimously.

**DISCUSSION:** Mr. Helm questioned whether the inspection was completed on April 28<sup>th</sup> as indicated in the information received.

Mr. Shropshire responded that it had not been completed.

**12. Application(s) for Funeral Establishment**

**a. Recommended for Approval**

**i. Richardson's Family Funeral Care Inc d/b/a Richardson's Family Funeral Care & Florist (Tallahassee)**

The application for a Funeral Establishment was submitted on March 5, 2009. The application was incomplete when submitted and a deficiency letter was sent out to the applicant. All deficient items were returned on April 17, 2009. The Funeral Director in Charge will be Derryck Richardson (F045502). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on April 20, 2009. The applicant was disciplined in 2007 for failure to renew the establishment license and was fined \$800 for the establishment and the individual license. All sanctions have been completed.

The Division recommends approval.

Mr. Jones stated on Page 3, 6(a), the way the Xs are the answer appears to be yes.

Mr. Shropshire stated it appears the applicant crossed out yes indicating the answer is no. Mr. Shropshire stated that Mr. Richardson is present and requested that he respond to the Board.

Mr. Derryck Richardson stated that his answer was no.

Mr. Jones questioned what would be the answer to 6(b).

Mr. Richardson stated when he answered question (a), it was based on his license being reprimanded as his funeral director's license was disciplined. Mr. Richardson stated that he has never had a license denied.

Mr. Jones stated he just wanted clarification.

Mr. Richardson stated he has been disciplined but he has never had any application denied.

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

**13. Application(s) for Removal Facility**

**a. Recommended for Approval**

**i. Gary T McCullough d/b/a Keys Removal Service (Key West)**

The application for a Removal Service was submitted on February 27, 2009. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were returned on April 17, 2009. The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on March 25, 2009.

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

*ii. London Hefner d/b/a Southern Transports (Daytona Beach)*

Mr. Shropshire stated that the application has been withdrawn by the Division to conduct certain investigations.

*iii. R&C Removal Service Inc (Lakeland)*

The application for a Removal Service was submitted on April 10, 2009. The application was incomplete when submitted and a deficiency letter was sent to the applicant. All deficient items were returned on April 20, 2009. The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on April 20, 2009.

The Division recommends approval.

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

**14. Executive Director's Report**

*a. In Memory of Mr. Sam Betsey*

Mr. Shropshire stated that the Board/Division of Funeral, Cemetery and Consumer Services would like to express its condolences to the family of Mr. Sam W Betsey, Jr., who passed away on Monday evening. Mr. Betsey served on the Board of Funeral and Cemetery Services from September 1999 thru August 2001. In addition, Mr. Betsey was a member of the Probable Cause Panel as early as January 1999 thru September 2005. Mr. Betsey will truly be missed by all who knew him.

Mr. Doug Shropshire, Mr. Anthony Miller, Mr. Greg Brudnicki, Ms. Gail Thomas-Dewitt and Ms. LaTonya Bryant, on behalf of the Board, attended the funeral in Quincy, FL.

*b. Brief report from Department of Health Representative, re: Swine Flu: Potential/Projected Impact, Safety Precautions*

Dr. Richard Hopkins is the acting State epidemiologist for the Florida Department of Health and runs the Disease Epidemiology Section of the Bureau of Epidemiology.

Dr. Hopkins stated that swine flu is really just like seasonal flu. Steps taken by licensees and members during the regular flu season should be no different. Although the transmission is the same, it appears that older people are being relatively spared from this. It appears to be a disease of children and young adults. In a few weeks it will be summer and it is hard for influenza viruses to circulate in summer. If this virus causes a summer influenza outbreak, this would be a very unusual virus. It is likely it would return in the Fall.

The Chair thanked Dr. Hopkins for his encouraging report and requested that he answer any questions from the participants of the call.

Dr. Hopkins stated he would be glad to answer any questions.

There were no questions for Dr. Hopkins.

Dr. Hopkins thanked the Board for everything it does for the people of Florida.

- c. Request for referral of issue to Committee, to provide guidance to Division re: Obligations of Licensees re: Decline in Value of Trust Assets (Preneed and Care and Maintenance Trusts) (Directors memo enclosed)*

Mr. Shropshire stated the Division requests that the Board refer the issues raised below to a Board committee, to develop proposed guidance for the Board and the Division concerning the issues raised. The issues generally relate to the effect of falling investment values in preneed and C&M trusts.

I anticipate that there may be other issues that will need to be addressed, such as the potential effect of FASB #115 (mark to market) on preneed licensees and their net worth and reporting to the Division, for purposes of ch. 497.

I recommend the formation of a new "Trust Financial Issues Committee" to address these issues.

There are many persons who would make excellent committee members, and without intending to slight anyone, and recognizing that it is the Board's prerogative to name members of its Committees, I respectfully suggest that the Board give serious consideration to including the following persons (assuming they can and will serve): Les Klein (Chair), Nancy Hubbell, Bill Williams, John Rudolph and Michelle Hood.

The Chair suggested adding Corinne Olvey and Keenan Knopke.

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

- d. Request for referral to Rules Committee to develop a Rule re: Handling and Storage of Human Remains (memo and discussion draft attached)*

Section 497.386(4), Florida Statutes, provides as follows:

- (4) The licensing authority shall establish by rule the minimal standards of acceptable and prevailing practices for the handling and storing of dead human bodies ....

I am not aware of any Board rule or rules that fully satisfy the above requirement, particularly as regards embalming and storage of remains, and this has to some degree become an issue and an impediment to effective regulation.

I ask the Board to direct the Board's Rules Committee to develop and present the Board with a proposed rule responsive to the above requirement.

To provide a starting point from which the Rules Committee may add, subtract, or modify, the Division has drafted and attaches a draft rule. The provisions in the attached draft rule have been drawn primarily from rules in other states, addressing the same topic.

The Chair stated he would like to form the Committee with Gail Thomas-Dewitt, Justin Baxley and Jay Rhodes. Ms. Thomas-Dewitt would be the Chair.

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

*e. Statement of Estimated Regulatory Costs (SERC), re: proposed amendments to Rule 12.001  
Installation of Monuments (see memo in materials)*

Mr. Shropshire stated that the amendments to the Rule were approved by the Board late last year, but no Statement of Estimated Regulatory Costs was prepared. One has been prepared and provided to the Board.

Mr. Shropshire took the liberty of exposing it in advance to Don Ray and John Rudolph. No negative comments have been received. Mr. Shropshire requested that that Board approve the Statement of Estimated Regulatory Costs so that the rulemaking can go forward.

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

Mr. John Rudolph stated in regards to the passing of Mr. Sam Betsey, we have lost a great champion of all people. Sam attended every Board meeting that he could. Even when he had to carry his oxygen, he came to the Board meetings here. Sam Betsey will be sorely missed by a number of people, but most importantly by me. He was a very good friend and I'll miss him.

The Chair requested a moment of silence in honor of Mr. Sam Betsey. God Bless Mr. Betsey.

**15. Adjournment**

The meeting was adjourned at 9:28 a.m.