

Minutes
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
MAY 6, 2010
10:00 AM TO 12:00 PM

1. Call to Order 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, May 6, 2010. 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. 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
Virginia "Ginny" Taylor

ALSO PRESENT:

Doug Shropshire, Executive Director
Jaime Liang for Allison Dudley, Board Counsel (via phone)
Anthony Miller, Assistant Director
Robyn Jackson, Department Counsel
Jim Gellepis, Department Staff
LaTonya Bryant-Parker, Department Staff
Jasmin Richardson, Department Staff

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

2. Action on Minutes

A. April 1, 2010

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on April 1, 2010.

MOTION: Mr. Ken Jones moved to adopt the minutes of the meeting. Ms. Gail Thomas-Dewitt seconded the motion, which passed unanimously.

3. Application(s) for Broker of Burial Rights License

A. Recommended for Approval without Conditions

(1) Terrence H. Taylor (Dunedin)

The application was received on March 8, 2010 and deficiencies were noted on the application. A deficiency letter was sent to the applicant on March 11, 2010 and all deficiencies were resolved by March 25, 2010. The Department completed a background check of all officers which revealed no criminal history. There is some supplemental material that was provided to the Board after the package went out. In the supplemental material was a statement by the Applicant that he has no liabilities. The Division recommends approval of the application.

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

4. Application(s) for Preneed Sales Agent

A. Informational Item (License(s) 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) Smith, Bonnie D (Appointing Entity: Funeraria Porta Coeli Inc)

On March 16, 2010, the Department received an application from Ms. Smith. Ms. Smith answered “Yes” to Applicant Background Questions. During the review of her fingerprint results provided by FDLE it was confirmed, Ms. Smith did have one criminal infraction that required disclosing.

The criminal history includes one (1) offense relating to one incident of DUI in 2007, which occurred in Osceola County, Florida. Ms. Smith disclosed all required information. Ms. Smith at the time of this infraction admitted to the officer that she had consumed two glasses of wine and was on her way home. However, she refused to blow into an alcohol breath monitoring device. Ms. Smith’s refusal to comply with the officer’s requests lead too her arrest. Ms. Smith, who is 47, acknowledges that her refusal to comply was wrong and speaks openly about the serious consequences of not complying with the law. Ms. Smith is encouraging her family to take the right road in all they do. Ms. Smith has been very truthful and cooperative with the Division’s staff.

The Department assessment is that if issued a preneed sales agent license, Ms. Smith would not pose an unreasonable risk to the members of the public who might deal with her in preneed transactions.

Division recommends approval subject to the terms & conditions of the stipulation for licensure.

MOTION: Ms. Nancy Hubbell moved to approve the application subject to the terms & conditions of the stipulation for licensure. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

5. Continuing Education Course Approval(s)

A. Recommended for Approval without Conditions – Addendum B

(1) Batesville Management Services #86

- (2) *Elite CME, Inc #113*
- (3) *Florida Funeral Directors Association Inc a #75*
- (4) *Funeral Review.Com, LLC #122*
- (5) *James H Justice #107*
- (6) *Jewish Funeral Directors of America, Inc #66*
- (7) *International Order of the Golden Rule #2201*
- (8) *National Funeral Directors Association #136*
- (9) *Practicum Strategies #65*

These courses have been approved by the Continuing Education Committee and Division staff and are recommended for approval.

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

- 6. **Application(s) for Approval as a Continuing Education Provider**
 - A. *Recommended for Approval without Conditions – Addendum C*
 - (1) *American Academy McAllister Institute of Funeral Service (New York)*

The application has been approved by the Continuing Education Committee and Division staff and is recommended for approval.

MOTION: Ms. Huggins 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 without Conditions – Addendum D*
 - (1) *Funeral Director and Embalmer - by Internship*
 - (a) *Allen, Cory H*
 - (b) *Boyd Gaines, Avis L*
 - (c) *Ebbecke, Susan L*
 - (d) *Schiro, Carly C*
 - (e) *Valentin, Miguel A*
 - (2) *Funeral Director and Embalmer-by Endorsement*
 - (a) *Ferguson, John R*
 - (b) *Rusnak, Edward C*
 - (c) *Trovinger, Bryan*
 - (d) *Witzenburg, Clarence G*

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

The Chair questioned whether Mr. Trovinger was on the line. There was a negative response.

- 8. **Application(s) for Internship**
 - A. *Recommended for Approval without Conditions – Addendum E*
 - (1) *Funeral Director and Embalmer*
 - (a) *Craig, Justin M*
 - (b) *Gonzales, Nicole M*

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

Mr. Hall questioned whether these applications were presented to the Board several months ago and withdrawn.

Ms. Jasmin Richardson answered no.

9. **Application(s) for Embalmer Apprentice**
A. *Recommended for Approval without Conditions – Addendum F*
(1) *Lopez, Wanda I*
(2) *Nelson, Justin A*

MOTION: Ms. Taylor 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 without Conditions – Addendum G*
(1) *Embalming*
(a) *Brasota Services Inc (F058289)*
(2) *Funeral Directing and Embalming*
(a) *Green Pine Funeral Home (F040980)*

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

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

The Division recommends approval of the claim(s).

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

The Chair stated that under the Executive Director's Report is a Rule that is really going to help the Department in processing these claims.

12. **Change in Location of Establishment(s)**
A. *Informational Item (License(s) Issued without Conditions) – Addendum I*
(1) *Casket Gallery and Cremation Service (F040145)*
(2) *Grace Memorial Funeral Home LLC d/b/a Grace Memorial Funeral Home and Cremation Service (F051039)*
(3) *Southern Crematory Inc d/b/a Worth Cremation Service of Florida (F040902)*

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

13. **Application(s) for Preneed Branch Office Licenses**
A. *Recommended for Approval with Conditions – Addendum J*

The Division recommends approval of the application(s) pending approval of the funeral establishment license.

MOTION: Mr. Jones moved to approve the application(s) pending approval of the funeral establishment license. Ms. Taylor seconded the motion, which passed unanimously.

14. **Application(s) for Monument Establishment Sales Agents**
A. *Informational Item (License(s) Issued without Conditions) – Addendum K*

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

15. **Application(s) for Direct Disposal Establishment**
A. *Recommended for Approval without Conditions*
(1) *Amaryllis Cremation LLC (Winter Park)*

An application for a Funeral Establishment was received on March 23, 2010. The application was complete and deficiency letter was not sent to the applicant. The fingerprint cards for all principals were returned with no criminal history. The Direct Disposer in Charge will be Sarah Lopez (F059453). The establishment passed its inspection on April 9, 2010. The Division is recommending approval without conditions.

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

16. Application(s) for Funeral Establishment

A. Recommended for Approval *without* Conditions

(1) ABO Funeral Services LLC d/b/a Eden Funeral Services Miami

An application for a Funeral Establishment was received on March 30, 2010. The application was complete and deficiency letter was not sent to the applicant. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Ari Oberstein (F042364). The establishment passed its inspection on April 16, 2010. The Division is recommending approval without conditions.

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

(2) Buxton-Seawinds Funeral Home & Crematory LLC (Okeechobee)

An application for a Funeral Establishment was received on March 18, 2010. The application was complete and deficiency letter was not sent to the applicant. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Matthew Buxton (F045389). The establishment passed its inspection on April 9, 2010. The Division is recommending approval without conditions.

A managing member of Applicant is one James W. Young. Mr. Young disclosed in the application that he is/has been associated with two entities licensed under ch. 497 that have previously been disciplined, as follows:

- 1) In 2004, "Seawinds Funeral Home," a licensed funeral establishment located at 735 Fleming St., Sebastian FL, entered into a Consent Order approved by this Board, under which the funeral home paid a \$1,000 fine. The action was based upon a finding that the said Seawinds had sold preneed contracts in the form of final expense policies with an assignment of benefits to Seawinds, without the required license to sell preneed contracts.
- 2) In Sept. 2009 a disciplinary citation was issued to, and accepted by, "Seawinds Funeral Home," located at 1950 20th St., Vero Beach, in the amount of \$800. The violations were:
 - a) some contracts did not contain a detailed description of merchandise sold;
 - b) licensee failed to make timely deposits to their preneed trust fund, in the amount of \$5,360.

A preneed main license was subsequently obtained. A preneed main license is currently held by "Seawinds Funeral Home," 735 Fleming St., Sebastian, license # F019490. The \$5,360 not timely remitted was on a total volume, in the period examined, of \$1,577,600 (less than 1%). The fines have been paid and required corrective action by the licensee taken.

The Board was provided supplemental material relating to a dispute as to the use of the "Buxton" name by the Licensee. The Division believes that the dispute as to the use of the "Buxton" name is appropriate for Civil Court and is not something the Board would have jurisdiction over at this point. The Division does not believe that Applicant would pose an unreasonable risk to the public if licensed. The Division recommends in this case that the application be approved.

Mr. Helm questioned whether the Board should defer the application until the civil matter has been resolved.

Mr. Shropshire stated that the Division would not recommend holding this item in abeyance as there is no telling how long it would take this matter to work out in civil court.

Mr. Helm questioned the Board's position if the petitioner prevails in court.

Mr. Shropshire stated if the person protesting prevails, then Buxton-Seawinds would appropriately change their name and file paperwork with the Division to do so. If they did not comply with the civil court order, of course, that might become a disciplinary matter at that time but it is doubtful that would happen.

Ms. Wendy Wiener, representing the Applicant, stated if ordered by a court of competent jurisdiction to change names, Buxton-Seawinds would file the appropriate paperwork and notify the Division immediately.

Mr. Lew Hall questioned what the disciplinary problems were with the Applicant.

Ms. Wiener stated that the information was provided in the packet.

Mr. Shropshire stated that Items 1 and 2 on the first page of the materials provided was a Consent Order approved by the Board and then there was a disciplinary citation issued.

The Chair questioned whether Mr. Hall was able to locate the information.

Mr. Hall answered yes.

Mr. Thomas Conway agreed that this is a civil matter, but requested the Board consider the confusion amongst the community, in issuing this license by having two funeral homes called Buxton, primarily Buxton Funeral Home. This will create a problem for both establishments.

Ms. Wiener stated there is a great deal of precedent in the Industry for the use of family names in various context, including hyphenated family names, that have been acquired by other entities and then continued use of family names by family members with those names. The Board, as the Division Director pointed out, does not approve the use of names. There is sufficient precedent within the State for the use of the name proposed by this Applicant, particularly until such time as a court were to order that there was some sort of infringement or confusion or something along those lines.

The Chair questioned whether Mr. Hall was able to review the information.

Mr. Hall answered yes.

Mr. Helm stated that Buxton-Seawinds was the 2nd highest bidder, according to the court papers. Mr. Helm questioned how they were able to bid as a funeral home without having a license.

Ms. Wiener stated that Buxton-Seawinds is not in the contract to acquire the Buxton Funeral Home out of the bankruptcy. Unfortunately, the document that was provided earlier in the week perhaps caused a bit of confusion. This is a new entity, Buxton-Seawinds, currently owned by Jim Young, but Mr. Matt Buxton works at Buxton-Seawinds and will ultimately become part owner of the establishment later on in the future as contemplated by the potential licensee at this point.

Mr. Helm questioned whether the Buxton-Seawinds referenced in the court papers is a different one with the same name.

Ms. Wiener stated that was for the acquisition of what was Buxton Funeral Home from the bankruptcy. This establishment is a new establishment in a new building in a new location and is unrelated to the bankruptcy of Buxton Funeral Home.

Mr. Helm stated he understood but questioned how the Applicant was able to bid as Buxton-Seawinds Funeral Home and Crematory, LLC without having a license.

Ms. Wiener stated that a corporate entity must be formed in order to be qualified to bid in these types of bankruptcy scenarios. So while there was not a license, the Applicant created the LLC. They are not doing business obviously as Buxton-Seawinds until such time as they are licensed to do so, but in order to qualify to interact with the bankruptcy trustee, they had to form a corporate entity so they formed the LLC.

Mr. Hall stated it was his understanding that this was brought from the bankruptcy court not the Buxton family. Mr. Hall questioned whether the bankruptcy court has the authority to grant the issue of that trademark and that name.

Ms. Wiener stated that the bankruptcy court, according to the asset purchase agreement, sold a name that was in quotation marks. It included the word Buxton but the civil litigation that may ensue will be regarding whether the Licensee can use the name Buxton-Seawinds or whether the use of the name Buxton is entirely off limits. There is a great deal of precedent in our Industry for the use of the continuation of a family name or of a name even after a particular business has been sold. The point the Division Director was making is this really is a civil matter and has no bearing whatsoever on the qualifications of this Licensee to conduct funeral establishment business.

Ms. Jaime Liang stated that the bankruptcy court has the authority to award the contract to any business that qualifies and would not be weighing in on whether Buxton-Seawinds has the right to use that name. Ms. Liang concurred with Ms. Wiener.

Mr. Hall agreed that it is a civil issue and the contract but was not aware that a family could offer that name or that once the bankruptcy court had secured this business, that the bankruptcy has the authority to pass that name forward to the next buyer.

Mr. Conway stated that the bankruptcy trustee has been given the authority to sell assets of the former Buxton entity, including tangible and intangible assets. As delineated in the agreement that both the Applicant and my company have signed, on Page 5 Paragraph 2.16, it specifically notes that those are intangible assets that have been sold. The bankruptcy trustee steps into the shoes of the Buxton family as debtors in this bankruptcy case and acts as if she is actually in the shoes of the Buxtons in the sale of these assets.

Ms. Liang concurred with Mr. Conway. When you buy a business you buy the assets and usually the liabilities and the intangible assets, which is the name.

Mr. Conway stated that these assets were, if you are related to the sale of the family business, again the trustee has stepped into the shoes of the Buxtons and sold all the assets as if it were being sold by the Buxtons directly.

Mr. Jim Young stated that Paul and Marilyn Buxton were the owners of the Funeral Home. Matt Buxton did not have any ownership in the company. Matt Buxton will be a member of the LLC.

The Chair added that Matt Buxton would be the Funeral Director in Charge.

Mr. Young agreed.

Ms. Wiener stated that this is a bit of a diversion for the Agency at this point. The question for the Agency is whether the proposed licensee qualified to do business as a funeral establishment and there is certainly no dispute about that. As this matter plays itself out in the civil court, and if the name is directed by a court of competent jurisdiction to be changed, the name will be changed.

Mr. Conway stated under s. 497.152, F.S., one of the considerations the Board needs to take into account in review of this application and review of names to use the Buxton name is that it may not be misleading but it will be confusing. Going forward if there are 2 funeral homes within the same town advertising the Buxton name, there will be families confused between which establishment they are using. Remains potentially could be transferred to the wrong establishment with the family walking into the establishment that they believe they are going to be using only to find they were never notified because it was the other Buxton that was called. It appears there will be quite a bit of confusion if they are granted this license. The civil matter is another issue and that will be addressed, but from the Board's standpoint, the consumer needs to be considered when it comes to the confusion this is going to create and potentially emotional hardship for the consumer themselves.

Ms. Wiener stated it is just a civil matter at this point. The point Mr. Conway makes is regarding discipline. If consumers are confused and disciplinary action ensues then it will but until such time as that occurs, this Applicant is qualified for license.

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

Mr. Shropshire stated for the record that Ms. Jaime Liang, the representative from the Attorney General Department, is filling in for Allison Dudley today.

(3) *Johnson's Memorial Chapel Inc (Boynton Beach)*

An application for a Funeral Establishment was received on March 15, 2010. The application was incomplete and deficiency letter was sent to the applicant. All deficient items were returned on April 5, 2010. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Darryl Johnson (F043609). The establishment passed its inspection on April 12, 2010. The Division is recommending approval without conditions.

Ms. Michele Hood noted that the Applicant provided a letter from Edgley Cremation Services stating that they would be handling the cremation, embalming and refrigeration for Johnson's Memorial Chapel. Ms. Hood stated that it is her belief that Edgley Cremation is licensed as a direct disposal and therefore would not be permitted to perform embalming. Ms. Hood requested clarification of the license type.

The Chair requested clarification from the Division.

Mr. Shropshire requested holding this item in abeyance so that Jasmin Richardson could go back to her office to obtain the answer.

Mr. Darryl Johnson stated that Edgley Crematory is also licensed as Palm Beach Removals and that was listed on the application. Their license number is FO52580. Palm Beach Removal is also Edgley Crematory but they are licensed under 2 different entities.

Ms. Jasmin Richardson stated in the application package for Johnson's Memorial, there is actually a memorandum stating that Edgley Cremations owns Palm Beach Removals which is a centralized embalming facility. Therefore, that is why it is on the letterhead of Edgley Cremation Services. Palm Beach Removals is owned by John Edgley.

The Chair questioned whether the information provided by Ms. Richardson satisfied Ms. Hood's inquiry.

Ms. Hood answered yes as she did not realize they were also a centralized embalming facility.

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

(4) *Robert Jay Harris d/b/a Veterans Funeral Service and Cremation (Sarasota)*

An application for a Funeral Establishment was received on March 23, 2010. The application was incomplete and deficiency letter was sent to the applicant. All deficient items were returned on April 6, 2010. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Robert Harris (F035269). The establishment passed its inspection on April 13, 2010. The Division is recommending approval without conditions.

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

B. *Recommended for Approval with Conditions*

(1) *Fuller Brother's Funeral Home Inc (Pompano Beach)*

An application for a Funeral Establishment was received on March 18, 2010. The application was complete and deficiency letter was not sent to the applicant. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Terrance Fuller (F045460). The Division is recommending approval subject to the establishment passing an on-site inspection by a member of the Division staff.

MOTION: Mr. Jones moved to approve the application subject to the establishment passing an on-site inspection by a member of the Division staff. Ms. Anderson seconded the motion, which passed unanimously.

(2) Lohman Funeral Home Deland Inc (Deland)

An application for a Funeral Establishment was received on April 19, 2010. The application was complete and deficiency letter was not sent to the applicant. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Robyn Constantino (F042360). The Division is recommending approval subject to the establishment passing an on-site inspection by a member of the Division staff and the establishment provides the Division with proper closing documents in regards to the sale of the establishment within 30 days of the closing.

The Chair questioned under what name the establishment would operate.

Ms. Wiener answered "Lohman Funeral Home Deland, Inc". The inspection was completed and passed a few days ago.

Mr. Shropshire stated that there is no d/b/a name noted so they would be licensed to operate as Lohman Funeral Home Deland, Inc.

MOTION: Ms. Huggins moved to approve the application subject to the establishment passing an on-site inspection by a member of the Division staff and the establishment provides the Division with proper closing documents in regards to the sale of the establishment within 30 days of the closing. Ms. Taylor seconded the motion, which passed unanimously.

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

A. Recommended for Approval with Conditions

(1) Cemetery, Interment Rights, Merchandise and Services Purchase Agreement

(a) Highland Memorial Park Association, Inc. (Ocala)

The Division recommends approval of the Proposed Cemetery, Interment Rights, Merchandise and Services Purchase Agreement for use at Highland Memorial Park subject to Division receipt of two full-sized print-ready copies, within 60 days.

MOTION: Ms. Taylor moved to approve the agreement subject to Division receipt within 60 days of two print-ready copies. Mr. Helm seconded the motion, which passed unanimously.

18. Request(s) to Relocate Cemetery Records

A. Recommended for Approval without Conditions

(1) Port Orange Cemetery Association, Inc. d/b/a Woodland Cemetery (Port Orange)

Port Orange Cemetery Association, Inc., d/b/a: Woodland Cemetery requests Board approval to relocate cemetery records currently located at Oaklawn Park, Inc., d/b/a Greenwood Cemetery, to 308 Oak Street, Port Orange, FL - the residence of Ms. Ella Warren, President, Port Orange Cemetery Association, Inc.

The records are currently held by the former management agent, who resigned in May 2009. Ms. Warren affirms the records will be held in a secure location accessible to all officers and examiners. This was confirmed by the Division field examiner. Pursuant to Rule 69K-6.005, records will be available for review at the licensed facility or an alternative site of the cemetery company if approved by the Board.

Mr. Helm questioned whether the Division would assist in securing the cemetery records as indicated in the handwritten letter included in the package.

Mr. Shropshire stated while reviewing the package he had a question about that letter so Mr. Gellepis contacted the applicant to verify that they would secure the records.

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

19. Application for Approval of Change in Trustee

A. Recommended for Approval without Conditions

(1) Funeral Services Incorporated (FSI) (Tallahassee)

Funeral Services Incorporated (FSI) is requesting Board approval for a change in trustee of a small group of trusts serviced by FSI. Details are set forth in the attached letter by FSI's counsel, Wendy Weiner.

The trust agreements will not be changed to any degree.

Normally a mere change in trustee does not require Board approval. However, these trust agreements contain an unusual provision that specifies that any change in trustee must be approved by the Board.

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

20. Executive Director's Report

A. Approval of Preneed License Renewal Late Fee Schedule

The Department submits for approval the following late fee schedule pertaining to Preneed License renewal forms (R-1, R-2,R-3) for the July 1, 2010 through June 30, 2011 period:

| <u># OF DAYS LATE</u> | <u>LATE FEE</u> |
|-----------------------|-----------------|
| 1-7 days..... | \$0 |
| 8-30 days..... | \$200 |
| 31-90 days..... | \$500 |
| 91 or more days..... | \$1,000 |

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

B. Approval of Rulemaking – April 8, 2010 Rules Committee Report

(1) Rule 69K-6.008, Depth of Infant Burials

The Rules Committee of the Board, at the Rules Committee Meeting on April 8, 2010, approved the following proposed Rule amendment for presentation to the Board. The Division recommends that the Board approve the Rule amendment.

MOTION: Mr. Helm moved to approve the amendment and authorize the Division to commence Rule development. Ms. Taylor seconded the motion, which passed unanimously.

(2) Rule 69K-10.002, Consumer Protection Trust Fund Claim Procedures and Criteria

The Rules Committee of the Board, at the Rules Committee Meeting on April 8, 2010, approved the proposed Rule amendment for presentation to the Board. The Division recommends that the Board approve the Rule amendment.

MOTION: Ms. Thomas-Dewitt moved to approve the amendment and authorize the Division to commence Rule development. Mr. Helm seconded the motion, which passed unanimously.

(3) Rule 69K-20.001, Monthly Reports of Bodies Embalmed or Handled

The Rules Committee of the Board, at the Rules Committee Meeting on April 8, 2010, approved the proposed Rule amendment for presentation to the Board. The Division recommends that the Board approve the Rule amendment.

MOTION: Ms. Taylor moved to approve the amendment and authorize the Division to commence Rule development. Ms. Anderson seconded the motion, which passed unanimously.

C. Email Related to UF On-Campus Columbarium

The attached email dated April 23, 2010 was sent to a member of UF's legal staff, in response to her inquiry. This matter is provided to the Board FYI and no response is requested unless the Board disagrees with the content of the Division's remarks in the email.

D. Letter re Cemetery Exemptions

In March 2009 the FCCS Division provided the attached guidance in response to an inquiry regarding cemetery exemptions in ch. 497. The attached material is provided to the Board FYI. No specific action or response is requested. However, if the Board disagrees with anything in the response, the Division would appreciate hearing the Board's position in the matter.

E. Letter re Marco Island Cemetery

The FCCS Division provided the attached letter dated April 5, 2010 to Mr. Clayton Lietz concerning his inquiry re building a public mausoleum on an exempt cemetery on Marco Island. The attached letter is provided to the Board FYI. No specific action or response is requested. However, if the Board disagrees with anything in the letter, the Division would appreciate hearing the Board's position in the matter.

F. Report from Richard Baldwin, Examiner for Menorah Gardens, February '10

This item is informational only and does not require Board action.

G. Termination of Supervision at Menorah Cemetery Ft Lauderdale

The Department of Financial Services has agreed to the termination of supervision of the Menorah Gardens Ft Lauderdale Cemetery. Mr. Baldwin will provide a final closeout report that will be provided to the Board.

21. Adjournment

The meeting was adjourned at 10:47 a.m.