

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
June 2, 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, June 2, 2011. 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

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

Also Noted as Present:

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

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

2. Action on the Minutes

A. May 5, 2011

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on May 5, 2011.

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

3. SCI-Neptune Stock Acquisition Transaction & Related Matters

The Chair disclosed his affiliation with SCI of Florida Funeral Services, Inc. and stated it would not affect his decision to remain fair and impartial on these applications or any other matters presented on today's Agenda.

A. Application(s) for New Licenses - Recommended for Approval with Conditions

(1) Funeral Establishment

(a) Ft. Myers Cremation Society LLC (Ft Myers)

The application was received by the Division on May 5, 2010. The application was incomplete when submitted. All deficient information was received on May 16, 2011. The fingerprint cards for all principals were returned with no criminal history. The FDIC for the facility will be William Spark (F044335). The Division is recommending approval with condition that the establishment passes an on-site inspection by a member of the Division staff.

MOTION: Ms. Gail 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. Mr. Hall seconded the motion, which passed unanimously.

(2) Preneed Main License

(a) Ft. Myers Cremation Society, LLC (Ft. Myers)

The Department received the application on May 5, 2011 and deficiencies were noted on the application. A deficiency notice was sent to the Applicant on May 12, 2011 and all deficiencies were resolved as of May 13, 2011. A completed background check of all officers revealed no criminal history.

This application is being filed in relation to a stock purchase by which SCI is acquiring control of Neptune; the overall transaction is represented by the Applicant to be as set out in the attached letter of Applicant's outside Counsel Wendy Weiner, dated May 16, 2011. Certain Neptune business in the Ft. Myers area will probably not ultimately be acquired by SCI due to Federal Trade Commission competitive-effects evaluations, and instead will be transferred to this new preneed licensee.

The current funeral establishment license for 6360 Presidential Court, Suite 1, Ft Myers, FL 33919 is being surrendered and the Applicant has submitted an application for a new qualifying funeral establishment license at this meeting. Applicant will use the pre-approved Forethought Federal Savings Bank (FFSB) Preneed Trust Agreement and pre-arranged funeral agreement sales form.

The Applicant's financial statements as of May 5, 2011 reflect the following:

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

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

- (1) That the current funeral establishment license for 6360 Presidential Court, Suite 1, Ft Myers, be surrendered, and the application for new funeral establishment license for that location be approved;
- (2) That the transfer of certain preneed contracts to the Applicant herein be accomplished as represented by Applicant in the attached letter of outside counsel Wendy Weiner, dated May 16, 2011, and that upon transfer of the preneed contracts to Applicant, Applicant shall have the appropriate minimum net worth specified in rule 69K-5.0016 for the total preneed contracts transferred to it.

MOTION: Mr. Hall moved to approve the application with the conditions recommended by the Division. Mr. Jones seconded the motion, which passed unanimously.

B. Application(s) for Change in Ownership of Existing Licensees - Recommended for Approval with Conditions

(1) Cinerator Facility

(a) Neptune Management Corp d/b/a Neptune Society Management Corporation (Pompano Beach)

The application was received by the Division on April 21, 2010. The application was incomplete when submitted. All deficient information was received on May 16, 2011. The fingerprint cards for all principals were returned with no criminal history. The FDIC for the facility will be Steve Rider (F044422).

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.

MOTION: Mr. Powell Helm moved to approve the application with the conditions recommended by the Division. Mr. Hall seconded the motion, which passed unanimously.

(2) Direct Disposal Establishment

(a) Neptune Management Corp d/b/a Neptune Society Management Corporation (Palm Harbor)

The application was received by the Division on April 21, 2010. The application was incomplete when submitted. All deficient information was received on May 16, 2011. The fingerprint cards for all principals were returned with no criminal history. The FDIC for the facility will be Donald Politano (F042166).

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.

MOTION: Mr. Helm moved to approve the application with the conditions recommended by the Division. Mr. Hall seconded the motion, which passed unanimously.

(3) Funeral Establishment

(a) Neptune Management Corp d/b/a Neptune Society Management Corporation (Jacksonville)

The application was received by the Division on April 21, 2010. This application is being filed in relation to a stock purchase by which SCI is acquiring control of Neptune; the overall transaction is represented by the Applicants to be as set out in the attached letter of Applicants' outside counsel Wendy Weiner, dated May 16, 2011. The application was incomplete when submitted. All deficient information was received on May 16, 2011. The fingerprint cards for all principals were returned with no criminal history. The FDIC for the facility will be Tommy Doyle (F042999).

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.

MOTION: Mr. Helm moved to approve the application with the conditions recommended by the Division. Mr. Hall seconded the motion, which passed unanimously.

(b) Neptune Management Corp d/b/a Neptune Society Management Corporation (Kissimmee)

This application is being filed in connection with SCI's purchase of a controlling interest in the stock of Neptune; the overall transaction is represented by the Applicant to be as set out in the attached letter of Applicants' outside counsel Wendy Weiner, dated May 16, 2011. The application was received by the Division on April 21, 2010. The application was incomplete when submitted. All deficient information was received on May 16, 2011. The fingerprint cards for all principals were returned with no criminal history. The FDIC for the facility will be Guy Dalton (F043773).

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.

MOTION: Mr. Helm moved to approve the application with the conditions recommended by the Division. Mr. Hall seconded the motion, which passed unanimously.

(c) Neptune Management Corp d/b/a Neptune Society Management Corporation (Miami)

This application is being filed in connection with SCI's purchase of a controlling interest in the stock of Neptune; the overall transaction is represented by the Applicant to be as set out in the attached letter of Applicants' outside counsel Wendy Weiner, dated May 16, 2011. The application was received by the Division on April 21, 2010. The

application was incomplete when submitted. All deficient information was received on May 16, 2011. The fingerprint cards for all principals were returned with no criminal history. The FDIC for the facility will be Andres Arcelay (F044288).

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.

MOTION: Mr. Helm moved to approve the application with the conditions recommended by the Division. Mr. Hall seconded the motion, which passed unanimously.

(d) Neptune Management Corp d/b/a Neptune Society Management Corporation (Pompano Beach)

This application is being filed in connection with SCI's purchase of a controlling interest in the stock of Neptune; the overall transaction is represented by the Applicant to be as set out in the attached letter of Applicants' outside counsel Wendy Weiner, dated May 16, 2011. The application was received by the Division on April 21, 2010. The application was incomplete when submitted. All deficient information was received on May 16, 2011. The fingerprint cards for all principals were returned with no criminal history. The FDIC for the facility will be Albert Guerra (F042448).

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.

MOTION: Mr. Helm moved to approve the application with the conditions recommended by the Division. Mr. Hall seconded the motion, which passed unanimously.

(e) Neptune Management Corp d/b/a Neptune Society Management Corporation (Summerfield)

This application is being filed in connection with SCI's purchase of a controlling interest in the stock of Neptune; the overall transaction is represented by the Applicant to be as set out in the attached letter of Applicants' outside counsel Wendy Weiner, dated May 16, 2011. The application was received by the Division on April 21, 2010. The application was incomplete when submitted. All deficient information was received on May 16, 2011. The fingerprint cards for all principals were returned with no criminal history. The FDIC for the facility will be George Owens (F044081).

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.

MOTION: Mr. Helm moved to approve the application with the conditions recommended by the Division. Mr. Hall seconded the motion, which passed unanimously.

(4) *Preneed Main License*

(a) *Neptune Management Corp d/b/a Neptune Society Management Corporation (Plantation)*

This application for approval of a change of ownership of a preneed license was received by the Division on April 21, 2011. This application is being filed in relation to a stock purchase by which SCI is acquiring control of Neptune; the overall transaction is represented by the Applicants to be as set out in the attached letter of Applicants' outside counsel Wendy Weiner, dated May 16, 2011. There were deficiencies noted on the application and all deficiencies were resolved as of May 13, 2011. A background check of all officers conducted by the Department revealed no criminal history. The Applicant's financial statements as of December 31, 2010 reflect the following:

Acquired Preneed Contracts	= \$ 4,458,810
Required Net Worth	= \$ 100,000
Reported Net Worth	= \$ 13,605,431

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

- (1) That the application for a new preneed license to be issued to the "Ft. Myers Business" be approved by the Board, and that the representations of SCI and Neptune as regards transfer of preneed contracts to that new Ft. Myers Business preneed licensee, as such representations are made in the attached letter of Applicants' outside counsel Wendy Weiner, dated May 16, 2011, be accomplished.
- (2) That the closing of all transactions related to this matter be accomplished within 90 days of the date of this Board meeting.
- (3) Receipt by the Division within 90 days of this Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred.
- (4) Receipt by the Division within 90 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. Helm moved to approve the application with the conditions recommended by the Division. Mr. Hall seconded the motion, which passed unanimously.

(5) *Refrigeration Facility*

(a) *Neptune Management Corp d/b/a Neptune Society Management Corporation (Pompano Beach)*

The application was received by the Division on April 21, 2010. The application was incomplete when submitted. All deficient information was received on May 16, 2011. The fingerprint cards for all principals were returned with no criminal history.

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.

MOTION: Mr. Helm moved to approve the application with the conditions recommended by the Division. Mr. Hall seconded the motion, which passed unanimously.

4. 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.

5. Continuing Education Course Approval(s)

A. Recommended for Approval without Conditions – Addendum B

(1) *Center of Excellence for Funeral Service Professionals # 11008*

(2) *Florida Morticians Association, Inc #133*

(3) *National Funeral Directors Association #136*

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.

Mr. Shropshire stated that the time for renewal of continuing education provider status occurred between the time of the Agenda being issued and today and *Center of Excellence for Funeral Service Professionals # 11008* did not renew its application. Therefore the Division recommends that the courses associated with *Center of Excellence for Funeral Service Professionals* be denied credit and that the remaining courses on Addendum B be approved for the number of hours of credit indicated.

MOTION: Ms. Thomas-Dewitt moved to approve the application(s) for Florida Morticians Association and National Funeral Directors Association. Mr. Hall seconded the motion, which passed unanimously.

6. Application(s) for Florida Law and Rules Examination

A. Recommended for Approval without Conditions – Addendum C

(1) *Embalmer – by Endorsement*

(a) *Roby, Don E*

(2) *Funeral Director - By Endorsement*

(a) *Warco, Holly R*

(3) *Funeral Director and Embalmer – by Endorsement*

(a) *Birmingham, Joan A*

(b) *Ciaccia, Martin L*

(c) *Kennedy, James P*

(d) *O'Brien, Michael A*

(e) *Pike, Robert J*

(f) *Pinsonneault, Darrell E*

(4) *Funeral Director and Embalmer – by Internship and Exam*

(a) *De Oliveira, Ludmila*

(b) *Hill, Brittany R*

(c) *McMillan, Marion D*

(d) *Morgan, Charles T*

(e) *Powers, Richard A*

(f) *Santino, Angela M*

- (g) *Sharkey, Vincent J*
- (h) *Zahn, Edward P*

The Division recommends approval of the application(s).

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

- 7. **Application(s) for Internship**
 - A. *Recommended for Approval without Conditions – Addendum D*
 - (1) *Funeral Director and Embalmer*
 - (a) *Scott, Sharina M*

The Division recommends approval of the application(s).

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

- 8. **Application(s) for Embalmer Apprentice**
 - A. *Recommended for Approval without Conditions – Addendum E*
 - (1) *Ashley, Darcell P*
 - (2) *Flynn, Erica N*
 - (3) *O'Connor, Tyler*
 - (4) *Stinson, Katie M*

Mr. Anthony Miller stated that there was a correction called in today by the Applicant. The correct training facility should be Hardage-Giddens Funeral Home (F040273). The Applicant represented that a clerical error was made when the application was submitted and they wanted to record to be correct.

The Division recommends approval of the application(s) with the correction.

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

- 9. **Change in Location of Establishment**
 - A. *Informational Item (Licenses Issued without Conditions) – Addendum F*
 - (1) *Buxton-Seawinds Funeral Home & Crematory LLC (F060083) (Okeechobee)*
 - (2) *Clymer Cremations & Funeral Home Inc d/b/a Clymer Crematory (F054402) (Palm Coast)*
 - (3) *Monique & Loriston Community Funeral Home Inc (F040153) (Miami)*

The Division recommends approval of the application(s).

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

- 10. **Registration(s) as a Training Facility**
 - A. *Recommended for Approval without Conditions – Addendum G*
 - (1) *Funeral Directing and Embalming*
 - (a) *Beggs Funeral Home Inc d/b/a Beggs Funeral Home – Monticello Chapel (Monticello)*

(b) DeGusipe Funeral Home LLC d/b/a DeGusipe Funeral Home & Crematory (Maitland)

The Division recommends approval of the application(s).

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

12. Application(s) for Monument Establishment Sales Agent

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

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 Cinerator Facility

A. Recommended for Approval with Conditions

(1) Russell Haven of Rest Cemetery Inc d/b/a Russell Haven of Rest Cemetery & Funeral Home (Green Cove Springs)

An application for a Cinerator Facility was received on April 26, 2011. The application was incomplete when submitted. All deficient items were returned on May 16, 2011. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Geoffrey Gaver (F043536). The Division is recommending approval with the condition that the establishment passes an on-site inspection by a member of the Division staff.

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

14. Application(s) for Funeral Establishment

A. Recommended for Approval without Conditions

(1) Funerarias De Las Americas Internacional Inc (Miami)

An application for a Funeral Establishment was received on February 8, 2011. The application was incomplete when submitted. All deficient items were returned on April 20, 2011. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Bernard Roberson (F044089). There is a current funeral establishment licensed at this location, Auxiliadora Funeraria Nacional (F040896); however documentation from the owner of Auxiliadora Funeraria Nacional has been submitted attesting that upon approval of the new Applicant, they will cease to operate as a funeral establishment. The new Applicant has also furnished an affidavit which assures the previous owner, Rafaiy Alkhalifa, will not be related to Funeraria de las Americas Internacional Inc in any way. The funeral establishment passed its inspection on March 31, 2011. The Division is recommending approval without conditions.

Ms. Michele Hood stated that she received a phone call from a funeral home down in the Miami area concerned about this application as the funeral home received a realty flyer indicating that the prior owner, Mr. Alkhalifa, would be participating in this business. Ms. Hood recommended that the item be deferred, at a minimum, until the Board is able to see the Applicant face to face but stated she would recommend denial based on Mr. Alkhalifa's involvement. Ms. Hood stated that the funeral establishment received information that the Applicant in this case is actually Mr. Alkhalifa's girlfriend. Frankly, it fits the MO of Mr. Alkhalifa's operation of putting businesses in his girlfriends' names and claiming to not have any involvement when in fact Mr. Alkhalifa still owns the building in this case and will still be involved in the business, according to the advertisement of the realtor.

Ms. Allison Dudley advised the Board that this is not a valid basis for denial at this point without further investigation that would be conducted by the Division.

Mr. Shropshire suggested that the matter be tabled to allow the Division to look into the allegation.

Ms. Dudley stated that would be appropriate. Ms. Dudley questioned the deemer date.

Mr. Shropshire stated that the deemer date is August 23rd.

Ms. Dudley stated as long as there is time that would be fine if that is what the Board wishes to do.

Mr. Jerry Foster, representing the Applicant, Marie Fernandez, requested to address the Board. Mr. Foster questioned whether it is the Board's preference to automatically hold the application up based upon this preliminary accusation or whether the Board would like to hear from Ms. Fernandez to directly address the concerns.

Mr. Shropshire requested to swear the Applicant in and requested that Ms. Fernandez raise her right hand. "Do you solemnly swear that the testimony you are about to give in this matter will be the truth, the whole truth and nothing but the truth so help you God?"

Ms. Maria Fernandez answered, "Yes."

The Chair questioned Ms. Fernandez's relationship to the proposed funeral establishment.

Ms. Fernandez stated that she would be the owner of the funeral home.

The Chair questioned Ms. Fernandez's relationship to Mr. Alkhalifa. There was a negative response.

Mr. Foster questioned Ms. Fernandez's relationship to Mr. Alkhalifa. There was a negative response.

Mr. Foster requested that Ms. Fernandez tell the Board what she does for Mr. Alkhalifa and what her job is right now.

Ms. Fernandez stated that she does work for Mr. Alkhalifa.

Mr. Foster questioned what Ms. Fernandez's relationship with Mr. Alkhalifa would be if the Board approves this application.

Ms. Fernandez stated that she would not have any relationship with Mr. Alkhalifa.

Mr. Foster questioned why this would be.

Ms. Fernandez stated because she would own the funeral home and run her own business.

Mr. Foster questioned who owns the building that Mr. Alkhalifa's present funeral home is in.

Ms. Fernandez stated that Mr. Carlos Gil owns the building.

Mr. Foster questioned who will own the building that the funeral home is in if the Board approves this application.

Ms. Fernandez stated that Mr. Carlos Gil will continue to own the building.

Mr. Foster questioned who will be responsible for the lease of the building if the Board approves this application.

Ms. Fernandez stated that her corporation would be responsible for the lease.

Mr. Foster questioned whether Mr. Alkhalifa has anything to do with Ms. Fernandez's corporation.

Ms. Fernandez answered no.

Mr. Foster questioned whether Mr. Alkhalifa has any voting interest in the corporation at all.

Ms. Fernandez answered no.

Mr. Foster questioned whether Ms. Fernandez has any intent to allow Mr. Alkhalifa on the premises to give any instruction or direction.

Ms. Fernandez answered no.

Mr. Foster advised the Board members that they were welcome to ask Ms. Fernandez any questions. Mr. Foster added that Ms. Fernandez's testimony directly contradicts the Ms. Hood's statement that Mr. Alkhalifa was the owner of the building. This just goes to the creditability of the accusation against this application.

Ms. Thomas-Dewitt suggested deferring the item to allow time for an in depth investigation of the creditability. Since this is a conference call, the Board is limited as to presence and are unable to witness what is going on.

MOTION: Ms. Thomas-Dewitt moved to defer the application to the June 23rd Board Meeting. Mr. Hall seconded the motion, which passed unanimously.

Mr. Shropshire requested that Mr. Foster contact the Division office later today to discuss the arrangements and procedures with Mr. Miller.

Mr. Foster agreed to do so.

Mr. Helm questioned who would be leasing the building according to Ms. Fernandez.

Ms. Fernandez stated that her corporation, Funerarias De Las Americas Internacional, would be leasing the building.

Mr. Helm stated that he did not think this was the person that would be leasing the building.

Mr. Foster stated that Ms. Fernandez is going to be taking over the lease of the building in the event that this Board approves the application.

15. Application(s) for Monument Establishment Retailer License

A. Recommended for Approval without Conditions

(1) *BDJG Ventures, LLC d/b/a Master Craft Memorials (Plant City)*

The application was received on March 24, 2011 and deficiencies were noted. A deficiency letter was sent on April 1, 2011 and the Applicant resolved all deficiencies by May 12, 2011. This application is being filed due to a change in ownership at this location from the licensed monument establishment, Master Craft Memorials, Inc (F037766) to the current owner, BDJG Ventures, LLC d/b/a Master Craft Memorials. The closing of sale has been completed and the Applicant principals and owners of the new establishment are: Dawn D. Cline and John Bradley Cline. The Department completed a background check of all officers which revealed no criminal history.

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

16. Trust Transfer Request(s)

A. Recommended for Approval with Conditions

(1) *American Funeral Partners of Florida, Inc d/b/a Charlotte Memorial Funeral Home and Memorial Gardens (F063028)(Punta Gorda)*

(a) *Transfer of Preneed Funeral Trust and Master Cemetery Care & Maintenance Trust from Comerica Bank to SunTrust Bank*

American Funeral Partners of Florida, Inc d/b/a Charlotte Memorial Funeral Home and Memorial Gardens (F063027) and (F063028) has appointed SunTrust Bank (SunTrust) as successor trustee and requests transfer of the above mentioned trust accounts currently held by Comerica Bank & Trust, N.A. to SunTrust. The transfer includes the trust accounts for preneed sales and the perpetual care and cemetery care and maintenance trust funds for Charlotte Memorial Funeral Home and Memorial Gardens, currently owned by American Funeral Partners of Florida, Inc. SunTrust will operate under the SunTrust Bank Master Florida Preneed Funeral Trust and Master Cemetery Care and Maintenance Trust Agreements.

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

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

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

(2) *Lohman Family Properties Trust (Ormond Beach)*

(a) *Transfer of IFDF Preneed Cemetery Trust (70/30 Trust)/Lohman Family Preneed Trust,*

IFDF Master Trust Fund A/Lohman Family Alternative Preneed Trust (90/10 Trust), IFDF Care & Maintenance Trust and Future Maintenance Fund Agreement/Lohman Family Properties Care & Maintenance Trust from Regions Bank to Sabal Trust Company

Independent Funeral Directors of Florida, Inc (IFDF) has appointed Sabal Trust Company as successor trustee and requests transfer of the above mentioned trust accounts currently held by Regions Bank to Sabal Trust Company. This transfer includes the trust accounts for all preneed and cemetery licensees of the Lohman Family. Sabal Trust Company will continue to operate under the existing preneed and cemetery trust agreements.

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

- (1) That Sabal Trust Company provides a certification statement that as trustee it meets the requirements of Rule 69K-7.015(1) or (2).
- (2) That the former trustee provides a certificate stating the dollar amount of trust assets being transferred.
- (3) That Sabal Trust Company, as new Trustee, provides acknowledgement of receipt of the amount of trust assets being transferred as specified by the former trustee.
- (4) That all transfers be completed within 120 days of the date of this Board Meeting; provided, the FCCS Division may, upon written request of the parties, extend said 120 days an additional 60 days.
- (5) That all certifications and acknowledgements referred to above be received by the Division within 30 days of completion of all transfers.

Some supplemental replacement material was sent out to the Board members just before the meeting to replace some of the materials in the original Board package. The Division is making its recommendation based on the supplemental material provided to the Board.

MOTION: Ms. Thomas-Dewitt moved to approve the request with the conditions recommended by the Division. Ms. Anderson seconded the motion, which passed unanimously.

17. Contract(s) or Other Related Forms

A. Recommended for Approval with Conditions

(1) Monument Establishment Retail Sales Agreement(s)

(a) BDJG Ventures, LLC d/b/a Master Craft Memorials (Plant City)

The Division is recommending approval since the application for monument establishment builder license presented at this meeting for All Bronze, Inc. was approved.

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

(2) Preneed Sales Agreement(s)

(a) National Guardian Life Insurance Company (Madison, WI)

The Applicant, National Guardian Life Insurance Company (NGLIC), submitted an insurance-funded Preneed Funeral Agreement (3000G&S-FL-04/11) along with addendum to be used for preneed sales exclusively for licensed preneed establishments. NGLIC is an approved life insurance company that holds a current certificate of authority with the Florida Office of Insurance Regulation (OIR). NGLIC received approval by OIR as of October 2, 1967.

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

- (1) That the Department receives within 60 days two full-sized print-ready copies.

MOTION: Ms. Hubbell 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.

18. Request(s) to Relocate Cemetery Records

A. Recommended for Approval without Conditions

(1) Dr. Phillips, Inc d/b/a Dr. Phillips Cemetery (F039458) (Orlando)

Dr. Phillips, Inc. d/b/a Dr. Phillips Cemetery (F039458) requests Board approval to relocate cemetery records currently held at 60 W Robinson St, Orlando, FL 32801 to the location at 7400 Dr. Phillips Blvd, Orlando, FL. This relocation is due to the establishment of a new cemetery office at this location. The licensee affirms the records will be housed securely in fire-proof file cabinets. 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.

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

19. Adjournment

The meeting was adjourned at 10:27 a.m.