

Minutes
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
JUNE 3, 2010
10:00 AM TO 12:00 PM

THIS MEETING IS OPEN TO THE PUBLIC

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, June 3, 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

Allison Dudley, Board Counsel (via phone)
Anthony Miller, Assistant Director
Jim Gellepis, Department Staff
LaTonya Bryant-Parker, 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. May 6, 2010 - Teleconference

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on May 6, 2010.

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

3. 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 Denial (Criminal History)
(1) Weber, Douglas (Appointing Entity: Neptune Management Corp)

This item was withdrawn by the Division. Mr. Douglas Weber has obtained an attorney, Ms. Wendy Wiener, who is present and has, on behalf of her client waived the deemer.

Ms. Wiener concurred.

4. Continuing Education Course Approval(s)
A. Recommended for Approval without Conditions – Addendum B
(1) Florida Funeral Directors Association Inc a #75
(2) Funeral Review.Com, LLC #122
(3) International Cemetery & Funeral Association #74
(4) Matthews International #6802
(5) National Funeral Directors Association #136
(6) Pinellas County Funeral Home Association #58
(7) Practicum Strategies #65
(8) Selected Independent Funeral Home #137

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

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

5. Application(s) for Florida Laws and Rules Examination
A. Recommended for Approval without Conditions – Addendum C

- (1) *Direct Disposer*
 - (a) *Grande, Mark E*
 - (b) *McMillan, Marion D*
 - (c) *Radech, Barbara J*
- (2) *Embalmer by Endorsement*
 - (a) *Ryan, Francis X*
- (3) *Funeral Director and Embalmer by Endorsement*
 - (a) *Luka, Gregory A*
 - (b) *Sheffield, Calvin L*
- (4) *Funeral Director and Embalmer by Internship*
 - (a) *Chuck, Gordon L*
 - (b) *Felmey, Loriann*
 - (c) *Lovett, Shanique L*
 - (d) *Postell, Deirdre L*
 - (e) *Williams, Jr., Matthew J*

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

6. Application(s) for Internship

A. Recommended for Approval without Conditions – Addendum D

- (1) *Embalmer Intern*
 - (a) *Mallory, George M*
- (2) *Funeral Director and Embalmer*
 - (a) *De Oliveira, Ludmila*
 - (b) *Hill, Brittany R*
 - (c) *McMillan, Marion D*
 - (d) *Paynic, Christopher J*
 - (e) *Rickner, Kathryn M*
 - (f) *Rodriguez, Stephanie M*
 - (g) *Santino, Angela M*
 - (h) *Sharkey III, Vincent J*

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

7. Application(s) for Embalmer Apprentice

A. Recommended for Approval without Conditions – Addendum E

- (1) *Higgins, Sean A*

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

8. Registration(s) as a Training Agency

A. Recommended for Approval without Conditions – Addendum F

- (1) *Funeral Directing*
 - (a) *ICS Cremation and Funeral Home Inc (F052581)*

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

9. Consumer Protection Trust Fund Claims

A. *Recommended for Approval without Conditions – Addendum G*

The Division recommends approval of the claim(s).

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

10. Change in Location of Establishment(s)

A. *Informational Item (License(s) Issued without Conditions) – Addendum H*

(1) *John A Hanks d/b/a John Hanks Memorial Services (F040035)*

(2) *Richardson Family Funeral Care Inc (F052127)*

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 Preneed Main License

A. *Recommended for Approval without Conditions*

(1) *Cremations America, LLC (Coral Gables)*

The Department received the application on April 19, 2010 and no deficiencies were noted on the application. A completed background check of all officers revealed no criminal history. Applicant will sell preneed through Funeral Services Inc (FSI) and will use the pre-approved First Florida Trust Agreement (BB&T) and pre-arranged funeral agreement. The applicant is currently licensed as a direct disposal establishment and was approved by the Board for this license on December 2, 2009.

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

Acquired Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	21,427

Recommendation is for approval of the application without conditions.

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

12. Application(s) for Monument Establishment Retailer License

A. *Recommended for Approval without Conditions*

(1) *William R. Carr d/b/a Cornerstone Monuments of Florida (Pinellas Park)*

This item was withdrawn so that the Division can look into some additional information that has come to the Director's attention.

13. Application(s) for Cinerator Facility

A. *Recommended for Approval with Conditions*

(1) *Foundation Partners of Florida LLC d/b/a Memorial Crematory (Auburndale)*

An application for a Cinerator Facility was received on May 6, 2010. 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 David Kersey (F044057). The Division is recommending approval with conditions that the establishment passes an on-site inspection by a member of the Division staff and provide the Division with the proper closing documents in regards to the sale of the facility within 30 days of the closing.

The Chair disclosed his affiliation with SCI Funeral Services of Florida, Inc and stated it would not affect his ability to remain fair and impartial in making a decision in this matter.

MOTION: Mr. Jones moved to approve the application subject to the establishment passing an on-site inspection by a member of the Division staff and the Division's receipt of proper closing documents in regards to the sale of the facility within 30 days of the closing. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

14. Application(s) for Direct Disposal Establishment

A. Recommended for Approval with Conditions

(1) B&T Enterprises of Tampa Bay LLC d/b/a Community Cremation (Palm Harbor)

An application for a Direct Disposal Establishment was received on May 13, 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 Tiki Bates (F035271). The Division is recommending approval with the condition that the establishment passing an on-site inspection by a member of the Division staff.

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

15. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) A J Manuel Funeral Home Inc (Hollywood)

An application for a Funeral Establishment was received on April 19, 2010. The application was incomplete and deficiency letter was sent to the applicant. All deficient items were returned on May 18, 2010. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Johnny Johnson (F043266). The Division is recommending approval with conditions.

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

(2) A Peaceful Garden Funeral Home Inc (Fort Myers)

An application for a Funeral Establishment was received on April 19, 2010. The application was incomplete and deficiency letter was sent to the applicant. All deficient items were returned on May 14, 2010. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Jeffrey Thomas (F044406). The Division is recommending approval with the condition that the establishment passing an on-site inspection by a member of the Division staff.

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

(3) *Clifford N. Robinson d/b/a C N Robinson Memorial Funeral Home (Lake Wales)*

An application for a Funeral Establishment was received on April 14, 2010. The application was incomplete and deficiency letter was sent to the applicant. All deficient items were returned on May 6, 2010. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Clifford Robinson (F043269). The Division is recommending approval with the condition that the establishment passing an on-site inspection by a member of the Division staff.

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

(4) *Foundation Partners of Florida LLC d/b/a Kersey Funeral Home (Auburndale)*

An application for a Funeral Establishment was received on May 6, 2010. 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 David Kersey (F044057). The Division is recommending approval with conditions that the establishment passes an on-site inspection by a member of the Division staff and provide the Division with the proper closing documents in regards to the sale of the facility within 30 days of the closing.

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

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

A. *Recommended for Approval without Conditions*

(1) *Monument Establishment Sales Agreement*

(a) *William R Carr d/b/a Cornerstone Monuments of Florida (Pinellas Park)*

This item was withdrawn so that the Division can look into some additional information that has come to the Director's attention.

17. Request(s) to Relocate Cemetery Records

A. *Recommended for Approval without Conditions*

(1) *Live Oak Memorial Park of Crestview, LLC d/b/a Live Oak Memorial Park (Crestview)*

Live Oak Memorial Park of Crestview, LLC, d/b/a Live Oak Memorial Park requests Board approval to relocate cemetery records currently located at Live Oak Memorial Park, to a building approximately one mile from the cemetery on property of Crestview Memorial Funeral Home, at 492 East Pine Avenue, Crestview, FL.

The relocation is necessitated by the deterioration of the trailer in which the records are currently housed. The licensee affirms the records will be housed securely in fire-proof cabinets within a building with fire and burglar alarms. 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. Taylor moved to approve the request. Ms. Huggins seconded the motion, which passed unanimously.

18. Amendment(s) to Cemetery Bylaws

A. Recommended for Approval without Conditions

(1) Gulf Pines Memorial Park (Englewood)

This item will be presented to the June 24th meeting because of some of the questions that arose rather late in the process.

Mr. Shropshire offered a brief remark re: \$200,000 trust fund sweep. The Division learned, about a week or two ago, that in fact where as we had thought we had escaped any trust funds sweeps by the Legislature in the most recent budget exercise that in fact the Regulatory Trust Fund will be hit for \$200,000 of the trust fund balance attributable to the Division and the licensees of the Board. That will come out of the trust fund in 4 installments of \$50,000 each over the next 4 quarters. It was stated that there is not necessarily any budget reduction attributable to that but that the Legislative staff will be looking to see whether the balance in the trust fund will be able to sustain the Division's budget and if not there will have to be some action taken. Our preliminary analysis is that this is going to exacerbate the problem that we have had with revenue. As you know, this fall, the Division will be presenting the Board with the biennial financial report and the effectiveness on any needed fee increases will be factored into that biennial financial report to the Board later in the fall. There is not any immediate impact of this but I suspect it is going to have some ultimate impact on the issue of needed fee increases.

Mr. Shropshire questioned whether the Board had any questions on that issue. There was a negative response.

The Chair reminded everyone that the next Meeting would be held on June 24th in Tallahassee.

19. Adjournment

The meeting was adjourned at 10:21 a.m.