

Minutes of Meeting
Board of Funeral, Cemetery and Consumer Services
April 2, 2008 - 10:00 A.M. to 5:00 P.M.
Betty Easley Conference Center
4075 Esplanade Way, Room 152
Tallahassee, FL 32399

I. Call to Order and Roll Call

Mr. Greg Brudnicki, Chairman, called the meeting to order at 10:00 am. Ms. Diana Marr, Executive Director, called the roll:

PRESENT:

Greg Brudnicki, Chairman
Jody Brandenburg, Vice-Chairman
Justin Baxley
Powell Helm
Nancy Hubbell
Ken Jones
Gail Thomas-DeWitt

ALSO PRESENT:

Diana Marr, Executive Director
Deborah Loucks, Board Counsel
Thomas A "Tad" David, Department Counsel
James Gellepis, Department Staff
LaTonya Bryant, Department Staff
Crystal Grant, Department Staff

ABSENT:

Tracy Huggins
Catherine Zippay

Ms. Marr declared a quorum.

*****ITEM TAKEN OUT OF ORDER*****

XXVI. Recognition of Service – Col. Parascho "Pete" Ballas

The Chair stated that he would like to make a presentation. In this world, people are classified in three types. There are those who sit back and watch things happen, those who desperately want things to happen and those who make things happen. This particular individual served on the Board for 15 years and was one of those individuals who make things happen, with tireless efforts, working with the Government and the State of Florida. He is definitely a first-class individual. The Chair honored Col. Pete Ballas and presented him with a plaque.



Col. Pete Ballas stated that he had never met a group of people who were such great Americans as the Board. Col. Ballas stated that he considers it an honor to have met such wonderful people. Ms. Marr, for years, has run the Department and everyone who works with her and the members of the Board. Col. Ballas added that he would like to thank the Lord and everyone involved for allowing him to be a part of this outfit.

II. Action on the Minutes

A. February 6, 2008

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on February 6th.

Ms. Deborah Loucks requested that the minutes be amended to reflect Joy Tootle attended the February 6th meeting in her absence.

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

B. March 5, 2008 - Teleconference

The Chair confirmed that all Board members had read the draft of the minutes of the previous teleconference meeting held on March 5th.

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

III. Disciplinary Proceeding(s)

A. Edgewater-New Smyrna Cemetery, Inc. Case No.: 89172-08-FC

Mr. Thomas A David stated that this settlement stipulation was agreed to by the Department and the Respondent.

Mr. Justin Baxley questioned whether it was a granite front niche.

Mr. David responded yes.

MOTION: Mr. Jody Brandenburg moved to accept the order. Mr. Baxley seconded the motion, which passed with 3 dissenting votes.

B. Trinity Memorial Cemetery, Inc. D/B/A Trinity Memorial Gardens Case No.: 086690-06-FC

The Chair stated that this item had been withdrawn from the Agenda.

IV. Application(s) for Cinerator Facility

A. Recommended for Approval

1. Marcel's Cremations Inc (Opa-Locka)

Ms. Marr stated that the application for a new establishment was submitted on October 23, 2007. The application was complete when submitted; however, the facility was not ready for inspection. The facility became ready for inspection and passed its inspection on March 10, 2008. The Direct Disposer in Charge will be Dianne McCloud (F043955). The fingerprint cards for all principals were submitted and returned without criminal history.

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

V. Application(s) for Direct Disposal Establishment

A. Recommended for Approval

1. Avatar Associates LLC d/b/a Avatar Cremation Service (Boca Raton)

Ms. Marr stated that the application for a new establishment was submitted on October 18, 2007. The application was complete when submitted; however, the establishment was not ready for inspection. The establishment became ready for inspection and passed its inspection on March 7, 2008. The Direct Disposer in Charge will be Ronald Garneret (F023091). The fingerprint cards for all principals were submitted and returned without criminal history with a previous application.

Mr. Helm stated there was no signature on the letter of agreement.

Mr. Brandenburg stated that the letter is for removals not for refrigeration and is not a requirement.

Mr. Brandenburg questioned whether a background check is run on the FDIC/DDIC of a new establishment if they are already licensed.

Ms. Marr responded not unless they are a principle.

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

2. Hannah Cremation Service (Daytona Beach)

Ms. Marr stated that the application for a Change of Location was submitted on January 22, 2008. The application was incomplete when submitted and a deficiency letter was sent. All deficient items were returned on March 4, 2008. The application appeared before the March 5, 2008 conference call, but was

deferred to the April 2, 2008 board meeting. The fingerprint cards for Robert Hannah were submitted and returned without criminal history. The establishment passed its inspection on February 13, 2008.

The applicant disclosed Adverse Licensing History. The applicant stated his license was suspended for one year in the early 1970's or 1980's for an employee indiscretion regarding cremation of a body, that Mr. Robert Hannah was ultimately responsible for since he was the Funeral Director in Charge. Mr. Hannah has not had any further disciplinary action. A letter of explanation is attached.

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

VI. Application(s) for Funeral Establishment

A. Recommended for Approval

1. Beggs Funeral Homes Inc-Apalachee Chapel (Tallahassee)

Ms. Marr stated that the application for a Change of Ownership was submitted on January 9, 2008. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on March 5, 2008. The Funeral Director in Charge will be James Sircy (F045312). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspected on January 16, 2008.

MOTION: Mr. Brandenburg moved to approve the application. Mr. Baxley seconded the motion, which passed unanimously.

2. Beggs Funeral Homes Inc-Monticello Chapel (Monticello)

Ms. Marr stated that the application for a Change of Ownership was submitted on January 9, 2008. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on March 5, 2008. The Funeral Director in Charge will be Edward Beggs (F045284). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspected on January 14, 2008.

MOTION: Mr. Brandenburg moved to approve the application. Mr. Baxley seconded the motion, which passed unanimously.

3. Forest Meadows LLC d/b/a Evans-Carter Funeral Home (High Springs)

Ms. Marr stated that the application for a Change of Ownership was submitted on February 1, 2008. The application was complete when submitted and a deficiency letter sent. The Funeral Director in Charge will be Otis Evans (F046229). The fingerprint cards for all principals were submitted and returned without criminal history with a previous application. The establishment passed its inspection on March 14, 2008.

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

4. J. Hadley Funeral Home Inc (Ocala)

Ms. Marr stated that the application for a new establishment was submitted on February 26, 2008. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on March 4, 2008. The Funeral Director in Charge will be Jessica Hadley-McGlon (F044225). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on March 14, 2008.

MOTION: Mr. Brandenburg moved to approve the application. Mr. Baxley seconded the motion, which passed unanimously.

5. *Starke Enterprises LLC d/b/a Archie Tanner Funeral Home (Starke)*

Ms. Marr stated that the application for a Change of Ownership was submitted on January 28, 2008. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on February 21, 2008. The Funeral Director in Charge will be Archie Tanner (F043378). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on February 25, 2008.

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

Mr. Brandenburg disclosed his affiliation with SCI Funeral Services of Florida, Inc. Mr. Brandenburg added that his affiliation would not render him unable to make a fair and impartial judgment.

6. *StoneMor Florida Subsidiary LLC d/b/a Scott Funeral Home (Lake Placid)*

Ms. Marr stated that the application was submitted on November 16, 2007. The application was complete when submitted and a deficiency letter was not sent. The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed inspection on February 1, 2008.

This application was presented to the Board for consideration at the February 6, 2008 board meeting because both members Frank Milles and Paul Waimberg formerly were officers of Osiris Holding of Florida, Inc. The historical sketch signed by Mr. Milles shows that he was employed by Osiris Holdings Corp from 1987 to 1995 and corporate records filed with the Florida Secretary of State also show Mr. Milles as an officer of Osiris Holding of Florida Inc from 1997 until 1998. He was removed as an officer in 1999. The historical sketch signed by Mr. Waimberg shows that he was employed by Osiris Holdings Corp from 1990 until 1995 and corporate records filed with the Florida Secretary of State show him as an officer in 1997.

It should also be noted that in 1996 the Department of Banking and Finance filed an administrative complaint (please see attached Case File #4294-F-11/96) which identified numerous problems associated with their books, accounts and records (copy attached).

A Stipulation and Consent to Final Order dated February 12, 1997, assessed a fine in the amount of \$150,000, placed the licensee on probation and required a CPA audit of the books and records of Osiris Holding of Florida, Inc. (copy attached).

An Immediate Final Order to Cease and Desist: Suspension of Certificate of Authority and Cemetery Licenses was issued on January 12, 1999 (copy attached).

On February 1, 2008, Paul Waimberg was removed as a managing member of StoneMor Florida Subsidiary LLC d/b/a Scott Funeral Home. (copy attached).

On March 12, 2008, the applicant submitted a detailed report on the company business practices including sections on company history, funeral home practices and accounting/audit control (copy attached).

*****ITEM TAKEN OUT OF ORDER IN CONJUNCTION WITH PREVIOUS APPLICATION*****

VIII. Application(s) for Preneed License

A. Recommended for Approval

3. StoneMor Florida Subsidiary LLC d/b/a Scott Funeral Home (Lake Placid)

Ms. Marr stated that the Department received the application on November 16, 2007. No deficiencies were noted by the Department. Fingerprint cards were received by the Department and a completed background check revealed no criminal history.

The Applicant's financial statements as of December 31, 2006 reflect the following:

Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	101,287

This application was presented to the Board on February 6, 2008, for consideration because both members Frank Milles and Paul Waimberg formerly were officers of Osiris Holding of Florida, Inc. The historical sketch signed by Mr. Milles shows that he was employed by Osiris Holdings Corp from 1987 to 1995 and corporate records filed with the Florida Secretary of State also show Mr. Milles as an officer of Osiris Holding of Florida Inc from 1997 until 1998. He was removed as an officer in 1999. The historical sketch signed by Mr. Waimberg shows that he was employed by Osiris Holdings Corp from 1990 until 1995 and corporate records filed with the Florida Secretary of State show him as an officer in 1997.

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An Immediate Final Order to Cease and Desist: Suspension of Certificate of Authority and Cemetery Licenses was issued on January 12, 1999 (copy attached).

On February 1, 2008, Paul Waimberg was removed as a managing member of StoneMor Florida Subsidiary LLC d/b/a Scott Funeral Home. (copy attached).

On March 12, 2008, the applicant submitted a detailed report on the company business practices including sections on company history, funeral home practices and accounting/audit control (copy attached).

Applicant will use the pre-approved Regions Bank Master Florida Preneed Trust agreement and pre-arranged funeral agreement.

MOTION: Mr. Brandenburg moved to approve the funeral establishment and preneed license applications. Ms. Hubbell seconded the motion, which passed unanimously.

DISCUSSION: The Chair questioned whether the Department is satisfied with everything that has been received.

Ms. Marr stated that a detailed report on the internal control was received and Staff is satisfied that everything would be run correctly.

VII. Application(s) for Removal Service

A. Recommended for Approval

1. Gulf Coast Removal Service (Pace)

Ms. Marr stated that the application for a new removal service was submitted on February 14, 2008. The application was complete when submitted and a deficiency letter was not needed. The fingerprint cards for all principals were submitted and returned without criminal history. The removal service passed its inspection on March 13, 2008.

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

VIII. Application(s) for Preneed License

A. Recommended for Approval

1. Johnell Caver Your Home for Funerals Inc (Lake Wales)

Ms. Marr stated that the Department received the application on February 21, 2008. No deficiencies were noted by the Department. Fingerprint cards were received by the Department and a completed background check revealed no criminal history. The Applicant obtained a funeral establishment license on December 7, 2007.

The Applicant's financial statements as of December 31, 2007 reflect the following:

Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	724,833

The Applicant will use the pre-approved trust and contract forms of the Independent Funeral Directors of Florida (IFDF) Master Trust Fund.

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

2. Pax-Villa USA Funeral Home Inc (Oakland Park)

Ms. Marr stated that the Department received the application on January 25, 2008. A deficiency letter was sent to the applicant on February 15, 2008. Applicant responded to and resolved all deficiencies by

March 10, 2008. Fingerprint cards were received by the Department and a completed background check revealed no criminal history. Applicant obtained a funeral establishment license on May 2, 2002. Applicant also previously held a Preneed License which expired on June 30, 2006 due to applicant not renewing. No preneed contracts were sold during the period that the applicant was licensed.

The Applicant's financial statements for the period ended December 31, 2006 reflect the following:

Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	244,561

The Applicant intends to sell only insurance-funded preneed contracts through Forethought Life Insurance Company. The criminal history for all officers has returned no criminal history.

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

B. Recommended for Consideration

1. Marvin C Zanders Funeral Home Inc (Apopka)

Ms. Marr stated that the Department received the application on February 19, 2008. No deficiencies were noted by the Department. Applicant obtained a funeral establishment license on December 1, 2004. The applicant previously held a Preneed License which expired on June 30, 2006 due to the applicant not renewing.

The Applicant's financial statements for the period ended December 31, 2006 reflect the following:

Preneed Contracts	= \$	241,895
Required Net Worth	= \$	40,000
Reported Net Worth	= \$	631,954

It should be noted that the applicant failed to disclose the following:

On July 19, 2007, a Consent Order was entered into, and based upon Department investigations Mr. Zanders was found in violation of Chapter 497, F.S. and Rules. This resulted in disciplinary action and the funeral establishment was placed under 1 (one) year of probation. Mr. Zanders paid an administrative fine of \$2,500 and is currently under probation as of August 8, 2007. Additionally, fingerprint cards were received by the Department and a completed background check revealed a felony charge of embezzlement, for the sale of preneed contracts without a valid Preneed License in November of 2000.

It should also be noted that the applicant disclosed the following disciplinary action:

In 2001, based upon Department investigations, Mr. Zanders was found in violation of Chapter 497, F.S and Rules regarding unlicensed preneed sales and broker of burial rights activities. Mr. Zanders paid a \$15,000 administrative fine related to the Consent Order in October 2002. The Board signed the Final Order on December 12, 2002. The Applicant was ordered to place the funds from those sales (\$6,295) into a trust with IFDF.

The Applicant intends to write only insurance-funded contracts through Southland National Insurance Corporation.

Mr. Brandenburg questioned the number of preneed contracts written between June 30, 2006 and April 1, 2008.

Mr. George Jordan responded that no preneed contracts were written during that period, as their license had not been renewed.

Mr. Brandenburg questioned whether there were any insurance funded contracts written during that period.

Mr. Jordan responded no.

Ms. Thomas-Dewitt questioned Mr. Jordan's affiliation with Zanders.

Mr. Jordan responded "preneed counselor." Mr. Zanders was scheduled to attend the meeting, but experienced a problem with his flight.

Mr. Helm questioned whether the applicant was aware of the probation.

Mr. Jordan responded yes.

Mr. Helm questioned why the applicant would allow a check written to the Department to bounce.

Mr. Jordan stated that the application was completed in December. The applicant assumed that the check had cleared. The application was submitted in February. The applicant changed banks. The check had been held and was submitted. Once the applicant was made aware that the check had not cleared, another check was immediately sent. This was not a result of funds being unavailable, but because of the change in banks.

The Chair questioned how long Mr. Jordan has been working at Zanders.

Mr. Jordan responded that he had been with Zanders since 2004.

The Chair questioned Mr. Jordan's employment with Zanders as a preneed counselor since the applicant is on probation and should not be selling preneed.

Mr. Jordan stated that he is not presently employed, as he is not selling preneed at this time. Mr. Jordan served as preneed counselor in the past and will serve again once the applicant is approved to do so.

The Chair questioned Mr. Jordan's present employment.

Mr. Jordan responded nothing. Mr. Jordan stated that he completed the application for Mr. Zanders.

The Chair questioned whether Mr. Jordan was familiar with the financial statements.

Mr. Jordan responded yes.

The Chair stated that the financials reflect \$677k in accounts receivable. The Chair questioned whether this amount was for funerals.

Mr. Jordan stated that was correct, as it was completed by a CPA.

The Chair questioned whether there were any preneed contracts included.

Mr. Jordan responded that no preneed contracts were sold during that period.

The Chair stated that the financials reflect a balance of \$677k. The Chair questioned whether these balances have been carried forward from funerals that have been performed, but not paid for.

Mr. Helm questioned whether the applicant is currently on probation until August 8, 2008.

The Chair responded yes.

Mr. Jordan responded that the balance sheet reflects at need sales only.

MOTION: Mr. Brandenburg moved to deny the application as a result of the applicant's failure to disclose. Mr. Baxley seconded the motion, which passed unanimously.

IX. Application(s) for Preneed License Branch

1. *Pershing Industries Inc d/b/a Vista Memorial Gardens (Miami)*
2. *SCI Funeral Services of Florida Inc d/b/a Beaches Chapel by Hardage-Giddens (Jacksonville)*
3. *SCI Funeral Services of FL Inc d/b/a National Cremation Society & Mem. Center (Sarasota)*
4. *WPALM Inc d/b/a Star of David Cemetery of the Palm Beaches (West Palm Beach)*
5. *WPALM Inc d/b/a Star of David Funeral Chapel of the Palm Beaches (West Palm Beach)*

Ms. Marr presented the application(s) for approval.

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

X. Application(s) for Preneed Sales Agent

- A. *Recommended for Approval - See Addendum A*

Ms. Marr presented the applicants for approval.

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

B. Recommended for Consideration

1. *Adkins, Angela (Appointing Entity: Beyers Funeral Home, Inc.)*

Ms. Marr stated that on the application received by the Department on September 7, 2007, the applicant answered "Yes" to Applicant Background Questions: "Has the PSA applicant ever been convicted or entered a plea in the nature of no contest, (a) regardless of whether adjudication was entered or withheld by the court in which the case was prosecuted, and (b) regardless of whether the criminal conduct occurred inside or outside the state of Florida, and (c) regardless of whether the criminal prosecution occurred in a Florida state court or the courts of another state, the United States, or foreign country, of or to any of the following crimes: (2) Any other felony which was committed within the 20 years immediately preceding the date of this on-line application; or (3) Any other crime, whether a

misdemeanor or felony, committed within the 5 years immediately preceding the date of this on-line application?"

The applicant has submitted documentation in response to Applicant Background Questions as follows:

Date: 12/06/2003
Location: Leesburg Police Department
Case #: 2003 CT 034156
Offense: Driving Under the Influence, Misdemeanor
Pled: Nolo Contendere
Sentence: Driver License revoked for 6 months, 6 months probation, Fine \$250.00, DUI School and any treatment required, 50 hours Community Service and \$343.50 Mandatory Fees
Disposition: Guilty

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

2. Anderson, Suzetta (Appointing Entity: SCI Funeral Services of Florida, Inc.)

Ms. Marr stated that on the application received by the Department on February 21, 2008, the applicant answered "No" to Applicant Background Questions: "Has the PSA applicant ever been convicted or entered a plea in the nature of no contest, (a) regardless of whether adjudication was entered or withheld by the court in which the case was prosecuted, and (b) regardless of whether the criminal conduct occurred inside or outside the state of Florida, and (c) regardless of whether the criminal prosecution occurred in a Florida state court or the courts of another state, the United States, or foreign country, of or to any of the following crimes: (2) Any other felony which was committed within the 20 years immediately preceding the date of this on-line application; or (3) Any other crime, whether a misdemeanor or felony, committed within the 5 years immediately preceding the date of this on-line application?"

Upon the review of the applicant fingerprint results the department discovered the applicant had a criminal history and requested further documentation.

The applicant has submitted documentation in response to Applicant Background Questions as follows:

Date: 04/11/2006
Location: Broward County
Case #: 06006106CF10A
Offense: Driving while license revoked, Felony
Pled: Nolo Contendre
Sentence: 18 months
Disposition: Adjudication Withheld

Mr. Helm questioned the applicant's reason for answering no.

Ms. Suzetta Anderson responded that the application already had certain things written in everything else that was blank. The application was printed from the computer and Ms. Anderson did not pay attention.

Mr. Helm questioned whether the question was already answered when Ms. Anderson printed the application from the computer.

Ms. Anderson stated when she received the application parts of it were already filled out. Ms. Anderson admits that she was to blame as she overlooked that question. Ms. Anderson states that when she signed up with SCI she included everything that happened on the application.

Mr. Helm questioned whether the company filled out the application.

Ms. Anderson responded no. They print everything out and give it to the applicant for completion. Certain things are already filled in. That questioned already had "no" answered.

Mr. Brandenburg questioned whether the answer was pre-populated.

Ms. Anderson answered yes.

Ms. Corinne Olvey stated that information does not appear to be correct. Typically, the applications are printed out from the computer, but "no" would not be checked as this is something the applicant would have to answer. Ms. Olvey stated that she would research this to ensure this is not occurring.

Mr. Baxley questioned why Ms. Anderson's license was revoked.

Ms. Anderson stated that her license was revoked as she did not have insurance on her car at that time, but have paid the tickets. This issue has been resolved.

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

3. *Daniele, Jonathan (Appointing Entity: Daytona Memorial Park & Cemetery)*

Ms. Marr stated that the On the application received by the Department on January 22, 2008, the applicant answered "Yes" to Applicant Background Questions: "Has the PSA applicant ever been convicted or entered a plea in the nature of no contest, (a) regardless of whether adjudication was entered or withheld by the court in which the case was prosecuted, and (b) regardless of whether the criminal conduct occurred inside or outside the state of Florida, and (c) regardless of whether the criminal prosecution occurred in a Florida state court or the courts of another state, the United States, or foreign country, of or to any of the following crimes: (2) Any other felony which was committed within the 20 years immediately preceding the date of this on-line application; or (3) Any other crime, whether a misdemeanor or felony, committed within the 5 years immediately preceding the date of this on-line application?"

The applicant has submitted documentation in response to Applicant Background Questions as follows:

Date: 05/23/2007
Location: Port Orange County
Case #: 675090
Offense: Leave scene of crash involve damage to property, Misdemeanor
Pled: No Contest
Sentence: 6 months probation, Fine \$419.00 and Moral Reconation Therapy Class

Disposition: Still paying fine and under probation
Date: 10/27/2007
Location: Port Orange County
Case #: CT00752393MMAES
Offense: Battery, Misdemeanor
Pled: No Contest
Sentence: 6 months probation, Fine \$ 1,230.00 and Anger Management
Disposition: Still paying fine and under probation

Ms. Wendy Wiener stated that the Department was notified that Mr. Daniele no longer works for that appointing entity and was originally instructed if Mr. Daniele wanted to continue his application, he could do so, but the item would not be removed from the agenda.

Ms. Marr questioned whether Mr. Daniele was applying as a preneed sales agent without an appointing entity.

Ms. Wiener stated that Mr. Daniele never once responded back.

Mr. Brandenburg questioned whether an appointing entity is required.

Ms. Marr responded yes.

MOTION: Mr. Brandenburg moved to deny the application. Mr. Baxley seconded the motion, which passed unanimously.

XI. Application(s) for Florida Laws and Rules Examination

A. Recommended for Approval - Addendum B

1. Funeral Director and Embalmer - Internship

- a. Coggins, Kelli M**
- b. Scott, Chastity N**

2. Direct Disposer

- a. Beamer, Mary E**

Ms. Marr presented the Applicant(s) for the Florida Laws and Rules Exam.

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

XII. Application(s) for Funeral Director and Embalmer Internship

A. Recommended for Approval - See Addendum C

- 1. Bivens, Burney**
- 2. Daniels, Earnest A**
- 3. Neumeier, Cynthia M**
- 4. Sahlin, Nathan E**
- 5. Wantuck, Gary M**
- 6. Williams, Todd L**

Ms. Marr presented the Application(s) for Internship.

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

XIII Application(s) for Embalmer Apprentice

A. Recommended for Approval – See Addendum D

1. *Fonte, Sean M*
2. *Hallner, Jessica L*

Ms. Marr presented the Application(s) for Embalmer Apprentice.

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

XIV. Application(s) for Continuing Education Course Approval

A. Recommended for Approval – See Addendum E

1. *Florida Funeral Directors Association, Inc. #75*
2. *Florida Morticians Association, Inc. #133*
3. *FuneralCE #43*
4. *James H Justice #107*
5. *MKJ Marketing #75*
6. *National Funeral Directors Association #136*
7. *Pinellas County Funeral Home Association #58*

Ms. Marr presented the course(s) for approval.

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

XV. Application(s) for Registered Training Facility

A. Recommended for Approval – Funeral Directing and Embalming

1. *Covell Funeral Home and Cremation Services (Bradenton)*

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

2. *Maspons Funeral Home Inc (Miami)*

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

B. Recommended for Approval – Funeral Directing

1. *Sinai Memorial Chapels Inc (Delray Beach)*

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

XVI. Request for Rule Waiver

A. Ebbecke, Susan L

Ms. Marr stated that Mrs. Ebbecke is requesting a rule waiver of 69K-18.003, referencing serving the one year internship. Mrs. Ebbecke has requested to serve the internship over a two year period and work part time at Turners Funeral Home in order to complete the necessary hours and cases. This request was presented to the Board and granted for another applicant at the March 5, 2008 conference call.

Mr. Helm questioned whether the professional members of the Board saw this as being a problem. The Board considered the previous applicant as it appeared he would complete more embalmings on the weekend than most people would within a year.

Mr. Brandenburg stated that the exception made before was the only one of its kind that he was aware of. It appears that this one is purely coincidental. Each subsequent request would be judged individually.

Mr. Baxley concurred. Each case carries its own reason for consideration. Mr. Baxley questioned whether Turner Funeral Home is willing to employ Ms. Ebbecke fulltime.

Ms. Ebbecke answered yes.

Mr. Baxley questioned whether Turner offers health insurance as part of their benefits package for fulltime employees.

Ms. Ebbecke answered yes.

Ms. Hubbell questioned the number of hours currently being worked by Ms. Ebbecke.

Ms. Ebbecke responded that she works approximately 12 to 18 hours a week.

Ms. Thomas-Dewitt questioned Ms. Ebbecke's role at the funeral home.

Ms. Ebbecke stated that she works as a funeral assistant. Ms. Ebbecke has already completed her apprenticeship, completed school and has passed the national board exam. The internship is the only thing left to complete.

Mr. Baxley questioned whether Turner would be willing to employ Ms. Ebbecke full time now as a funeral assistant.

Ms. Ebbecke stated that she was unable to answer that question. Ms. Ebbecke added that Turner advised she could complete her internship at the funeral home.

Mr. Baxley questioned whether Turner is willing to employ Ms. Ebbecke full time as an intern.

Ms. Ebbecke responded yes.

MOTION: Mr. Baxley moved to deny the request. Ms. Thomas-Dewitt seconded the motion. The basis for the denial was the petition does not qualify for the hardship that needs to be demonstrated for variance or waiver from the rule. The motion failed with 4 dissenting votes.

DISCUSSION: Ms. Thomas-Dewitt questioned which profession Ms. Ebbecke would be pursuing.

Ms. Ebbecke responded “funeral director.” Ms. Ebbecke currently holds a laboratory tech license and is a supervisor at a hospital.

Mr. Jones questioned Ms. Ebbecke’s reason for pursuing a funeral director license.

Ms. Ebbecke stated that she worked with the ME for 17 years in Florida, has always been in the field and always wanted to be a funeral director. Once Ms. Ebbecke’s kids grew up, she completed her education.

Mr. Jones questioned which ME Ms. Ebbecke worked with.

Ms. Ebbecke responded she worked for Dr. Breckinridge in New Jersey and Dr. Winters, Dr. Saks and Dr. Sutherland in Tampa. Ms. Ebbecke added that she has been employed at the hospital for 27 years.

Mr. Jones questioned whether Ms. Ebbecke feels she would be able to complete the required hours working part time. Mr. Jones also questioned the workload at the funeral home.

Ms. Ebbecke responded that she would work Friday – Sunday.

Mr. Jones questioned the number of embalmings and funerals handled by the funeral home. Mr. Jones questioned whether the volume was there and would Ms. Ebbecke be able to complete the requirements of the internship within the two years.

Ms. Ebbecke responded yes.

Ms. Thomas-Dewitt stated if the volume is there, Ms. Ebbecke could make the sacrifice to add the extra hours and complete the internship within one year.

Ms. Ebbecke stated that the problem is the funeral home does not pay enough for internship.

Ms. Thomas-Dewitt stated that most people are not paid during an internship, but it was the sacrifice you made to become a funeral director.

Ms. Ebbecke stated this was her reasoning for working Friday – Sunday for two years plus the fulltime at the hospital, Monday – Thursday. Ms. Ebbecke added that she has been employed with Turner for three years.

Mr. Jones questioned Ms. Ebbecke’s duties at Turner.

Ms. Ebbecke responded that she does funeral assisting and completed her apprenticeship for embalming there.

Ms. Thomas-Dewitt questioned what funeral assisting entails.

Ms. Ebbecke stated she helps with embalmings, funeral arrangements and funerals. Ms. Ebbecke clarified that she is not performing embalmings, but is in the room to assist. Ms. Ebbecke stated that during her apprenticeship, she performed embalmings under supervision.

Ms. Thomas-Dewitt questioned whether Ms. Ebbecke is assisting with embalmings.

Ms. Ebbecke stated that she only assists with the removals and help with the doors during funerals.

Mr. Jones questioned whether Ms. Ebbecke has a degree.

Ms. Ebbecke responded no. Ms. Ebbecke became supervisor of phlebotomy due to her years of experience. Ms. Ebbecke added that she has conducted 15 phlebotomies.

Mr. Helm questioned whether Ms. Ebbecke is working Friday – Sunday.

Ms. Ebbecke stated that she would work Friday – Sunday. Currently Ms. Ebbecke has been working every other weekend or as needed.

Mr. Helm stated that he is concerned that Ms. Ebbecke has not put in a lot of hours. Mr. Helm stated in order to make a decision he would need some numbers pertaining to the workload of the funeral home.

The Chair questioned the number of hours Ms. Ebbecke would work at the hospital.

Ms. Ebbecke stated that she works 8 hour days at the hospital.

The Chair stated Ms. Ebbecke would be working 32 hours a week at the hospital. The Chair questioned the number of hours Ms. Ebbecke would work at the funeral home.

Ms. Ebbecke stated that she would work 24 hours at the funeral home.

The Chair stated that Ms. Ebbecke would be working 7 days a week for 2 years.

Ms. Ebbecke concurred.

The Chair questioned whether Ms. Ebbecke would continue to receive insurance through the hospital working only 32 hours a week.

Ms. Ebbecke responded yes.

Mr. Brandenburg questioned the name of the funeral director in charge at Turner Funeral Home.

Ms. Ebbecke responded Daryl Lane and Steve Dunn.

Mr. Brandenburg questioned whether they are the owners of the funeral home.

Ms. Ebbecke stated that Mr. Lane owns Turner and is the manager/director.

Mr. Brandenburg questioned the case volume.

Ms. Lisa Lyons stated that Turner is a Stewart Enterprises firm. Ms. Ebbecke is employed part time as a funeral attendant, not an assistant. The director of operations in that area states that Ms. Ebbecke would make an excellent funeral director. Ms. Ebbecke's problem has been leaving the salary at the hospital to

make the sacrifice to do the internship fulltime. Ms. Lyons added that the case volume is definitely there for Ms. Ebbecke to complete any practicum in a part time facility if the Board allows.

Ms. Thomas-Dewitt questioned whether the funeral is on shift, which would prohibit Ms. Ebbecke from flexing the hours to evening or night hours.

Ms. Lyons stated that the prep room is not run 24 hours a day. The facility is open for removals and refrigeration, but the prep staff general operate when supervisors are present.

Mr. Brandenburg questioned whether the preparation work is conducted at Turner or a central facility.

Ms. Lyons responded that the work is conducted at a Turner Funeral Home facility. All of the prep work is conducted in one area, so there would definitely be case volume and obviously with Ms. Ebbecke's desire for funeral service, management would make sure that there was an opportunity to do as much in those 3 days as possible.

Mr. Helm stated in order to make a decision, the Board would need some numbers.

Ms. Lyons stated she could make a phone call to get some numbers.

Mr. Helm stated he would prefer to have something in writing.

The Chair deferred the item while Ms. Lyons made a phone call to find the number of embalmings conducted last year.

XVII. Consumer Protection Trust Fund Claims

A. Recommended for Approval - See Addendum F

Ms. Marr presented the claims for approval.

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

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

A. Independent Funeral Directors of Florida (Tallahassee)

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

Ms. Marr stated that the contract was originally approved with revisions at the October 16, 2003 Board meeting. The contract was submitted with an explanation that firms using the contract would be using a pre-approved addendum for the merchandise description.

This amended contract updates statute references, adds merchandise description lines in lieu of a merchandise description addendum, FTC disclosures and updated allocation language.

Staff recommends approval of the amended contract

MOTION: Mr. Brandenburg moved to approve the contract. Mr. Baxley seconded the motion, which passed unanimously.

2. *Prearranged Funeral Agreement (N03)*

Ms. Marr stated that contract was originally approved with revisions at the January 12, 2000 Board meeting. The contract was submitted with an explanation that firms using the contract would be using a pre-approved addendum for the merchandise description.

This amended contract updates statute references, adds merchandise description lines in lieu of a merchandise description addendum, FTC disclosures and updated allocation language.

Staff recommends approval of the amended contract

MOTION: Mr. Brandenburg moved to approve the contract. Mr. Baxley seconded the motion, which passed unanimously.

B. Investors Heritage Life Insurance Company (Frankfort, KY)
1. Statement of Goods and Services – Form SFGS FL (3-08)

Ms. Marr stated that the pre-need life insurance policy funded contract was originally approved at the August 14, 2003 Board meeting. This revised contract reflects changes in format only. No terms or conditions are changed.

The Department recommends approval.

MOTION: Mr. Brandenburg moved to approve the contract. Ms. Hubbell seconded the motion, which passed unanimously.

The Chair disclosed his affiliation with CFS Funeral Services, Inc. The Chair added that his affiliation would not render him unable to make a fair and impartial judgment.

XIX. Performance Bond(s)

A. CFS Funeral Services, Inc. d/b/a: Lauderdale Memorial Park (Ft Lauderdale)

Ms. Marr stated that:

Project: Open-Air Chapel Mausoleum with 524 casket spaces tandem crypts and 240 niche spaces.

Cost: \$ 922,871

Bond Amount: \$ 1,015,158

Bond Number: CMS 234111

Surety Company: RLI Insurance Company

Surety Rating: A+

Staff recommends approval of the above Performance Bond.

Compliance with other State and Federal regulations is the responsibility of the licensee.

MOTION: Mr. Brandenburg moved to approve the performance bond. Mr. Helm seconded the motion, which passed unanimously.

XX. Preneed Trust Transfer Request(s)

A. Dees-Parish Family Funeral Home, Inc. (Lake City)

Ch. 639 Preneed Trust Transfer – Security Trust Master Fund Agreement 1985 (U.S. Bank f/k/a First Union National Bank) to Funeral Services, Inc.- F.S.I. Master Trust Agreement (BB&T - Branch Banking &Trust Co.) for pre-1988 funds.

Ch. 639 Preneed Trust Transfer – Security Trust Master Fund Agreement 1985 (U.S. Bank f/k/a First Union National Bank) to Funeral Services, Inc.- F.S.I. The 88 Trust Agreement (BB&T - Branch Banking &Trust Co.) for post-1988 funds.

Ch. 497 Preneed Trust Transfer – Security Trust Plans Preneed Funeral Trust Agreement (U.S. Bank f/k/a First Union National Bank) to Funeral Services, Inc.- 1993 F.S.I. Master Trust Agreement (BB&T - Branch Banking &Trust Co.) for Ch. 497.417 funds.

Ms. Marr stated that the original trust agreements were by Security Trust Plans, Inc., owners of the former Biggs Funeral Home. Ownership has changed to Dees-Parish Family Funeral Home, Inc., which is requesting the transfer of Ch. 639 and Ch. 497 funds to the F.S.I. trusts.

Staff recommends approval of the above referenced request contingent upon certification of the transfer being received by the Department within 60 days of the Board meeting date.

Compliance with other State and Federal regulations is the responsibility of the Certificate-holder.

MOTION: Mr. Baxley moved to approve the request contingent upon certification of the transfer being received by the Department within 60 days. Mr. Jones seconded the motion, which passed unanimously.

XXI. Administrative Report

The Administrative Report was submitted to the Board on the Agenda.

XXII. Disciplinary Report

	Issued Since Last Meeting (February 6, 2008)	Issued Since January 1, 2008
Notice of Non-Compliance	0	0
Letters of Guidance	1	1
Citations	1	1

XXIII. Chairman's Report (Oral)

The Chair requested that Mr. Jones address the death certificate issue.

Mr. Jones stated that Vital Statistics was awarded a grant from Social Security Administration in 2006 to develop and pilot an electronic death registration system (EDRS) and social security provided the Department of Health \$836,000. Legislative budget authority for an EDRS software development was approved for fiscal year 2007-2008 to allow funeral directors, physicians and medical examiners access to the Department of Health's EDRS. The system will allow all physicians to be users, either online users or by fax attestation. The development of the software is taking place now. There is a planned pilot in Duval County, the last quarter of 2008. The Department has also submitted a Legislative Budget Request (LBR) for fiscal year 2008-2009 for funding to support staffing to support web based death registration implementation, train users, provide continued long term support and rigorous quality assurance

monitoring to funeral directors physicians medical examiners and staff The Technology Review Workgroup (TRW) that did not recommend the departments LBR to the Legislature, but it is in the Governor Crist's budget. The Department will work with the funeral industry , physicians and the medical examiners regarding system implementation . Implementation will be based on medical examiner districts. Mr. Jones stated that he would continue to provide updates on the status of system development, implementation plans and LBR updates. The EDRS will save both the funeral industry and Social Security Administration millions of dollars annually in operation cost and social security overpayments.

XXIV. Attorney Report (Oral)

None

XXV. Executive Director's Report (Oral)

A. Agenda Items –Timely Submissions for Review

Ms. Marr stated that the agendas are posted and published 2 weeks prior to the Board meeting. Staff tries to accommodate every request for submission on the Agenda. Ms. Marr stated in order to get an item on the agenda, Staff would need 1 – 2 weeks prior to the publication of the agenda for review.

B. Report from Richard Baldwin – Examiner for Menorah Gardens December '07 – January '08

The Board members received copies of the reports from Richard Baldwin for the month of December '07 and January '08. Mr. Baldwin continues to assist consumers.

Ms. Marr stated that the January report indicates West Palm Beach is complete and is ready to go before the court to have the examiner released. Ft Lauderdale is still under work.

C. Update on Computer Project

Ms. Marr stated that there have been some successes. A full-time programmer has been hired. The continuing education rosters are able to be processed with old/new license numbers, in addition to social security numbers.

Ms. Marr stated that one priority is to correct eAppoint to eliminate the snafus. Every month, new licenses since October '05 are now starting to renew every month due to the 2 year cycle. The social security numbers are on the renewal forms. The first priority is to remove the social from that renewal form to protect the identity of the licensee.

D. Update on Staffing

Ms. Marr stated that there is still a vacancy in Pensacola, which has been advertised and closes today. There is a FE/A I vacancy in the Licensing Section that closed and Ms. Marr has reviewed applications and is ready to begin the interview process. There is also a vacant AAI position. An intern was hired this week to assist with the preneed license renewals.

Ms. Marr stated that Mr. Richard Brinkley was hospitalized this weekend for gallstones and had to have another surgery.

E. Update on Website

Ms. Marr stated that changes are being made to the website. The goal is to have the website more user friendly. Until the database is clean, the search engine has been turned off. There will be more changes forthcoming.

Mr. John Rudolph questioned whether there was any update on the funding for the office through the Legislature.

Ms. Marr stated that she received an update this week. There is a comparison of what was requested, the Gov.'s recommendation, the Senate's recommendation and the House's recommendation. An additional \$92k has been requested for computer work to be done. All three seem to agree on it, but have not voted yet. The Division has been approved to activate 7 new positions.

*****ITEM PREVIOUSLY DISCUSSED*****

XVI. Request for Rule Waiver

A. Ebbecke, Susan L

Ms. Lyons stated that the funeral home does approximately 650 calls annually in that market, approximately 400 of which are embalmings. Clearly there would be a volume there that would allow her to gain the necessary skills. Mr. Dunn is willing to supervisor Ms. Dunn for 1 or 2 years as the Board permits.

The Chair requested that Mr. Dunn's commitment be submitted in writing.

Ms. Lyons stated that it would be.

MOTION: Mr. Jones moved to approve the rule waiver. Ms. Hubbell seconded the motion, which passed with 2 dissenting votes.

XXVII. Adjournment

At 11:43 a.m., the meeting was adjourned.