

**Minutes of Meeting**  
**Board of Funeral, Cemetery and Consumer Services**  
**December 7, 2007 - 10:00 A.M. to 5:00 P.M.**  
**Agency for Health Care Administration**  
**Ft Knox Office Complex - Building 3**  
**2727 Mahan Drive, Room A**  
**Tallahassee, FL 32308**

**I Call to Order and Roll Call**

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

PRESENT:

Greg Brulnicki, Chairman  
Jody Brandenburg, Vice-Chairman  
Pete Ballas  
Justin Bailey  
Powell Helm  
Tracy Huggins  
Ken Jones  
Gail Thomas-DeWitt

ALSO PRESENT:

Diana Marr, Executive Director  
Deborah Loucks, Board Counsel  
Diana Shumans, Department Counsel  
James Gellepis, Department Staff  
LaTonya Bryant, Department Staff  
Crystal Grant, Department Staff

ABSENT:

Nancy Hubbell  
Catherine Zippay

Ms. Marr declared a quorum.

Mr. Chairman requested a moment of silence in observance of Pearl Harbor Day.

**II Action on the Minutes**

**A. October 10, 2007**

Mr. Chairman confirmed that all Board members had read the draft of the minutes of the previous Board meeting held on October 10<sup>th</sup>.

**MOTION:** Col. Pete Ballas moved to adopt the minutes of the meeting. Ms. Tracy Huggins seconded the motion, which passed unanimously.

***B. November 13 2007 - Teleconference***

Mr. Chairman confirmed that all Board members had read the draft of the minutes of the previous teleconference meeting held on November 13<sup>th</sup>.

Mr. Powell Helm questioned whether license #148 had been identified.

Ms. Marr stated that it had been resolved.

**MOTION:** Mr. Helm moved to adopt the minutes of the meeting. Col. Ballas seconded the motion, which passed unanimously.

**III. Disciplinary Proceeding(s)**

Ms. Diana Shuman stated that the Consent Orders has been placed on top of the Settlement Stipulations. There were some clerical problems with the Orders so the corrected Consent Orders are with the Chair. Ms. Shuman requested that the Board please refer to the Settlement Stipulations as all of the terms are correct and agreed to in the Settlement Stipulations for each item.

***A. Funeraria Latina Nacional, DFS Case No. 8927-06 FC***

Ms. Shuman stated that this matter came to Legal Services as the result of a complaint against the establishment for the release of remains to a non authorized person, specifically an individual that represented himself to be a family member, but was later discovered not to be a family member. The terms of the Settlement Agreement are that the establishment agrees to refund the entire cost to the family along with a letter of apology.

Mr. Justin Baxley questioned the cost of the contract.

Ms. Shuman responded that she did not have the exact amount, but stated that it was under \$1000.

Mr. Helm questioned whether there was some type of trickery with the person who received the remains or was it intentional.

Ms. Shuman responded that the evidence suggests that an individual showed up to the establishment purporting to be the son of the deceased. This individual presented identification, signed stating that he was who he presented to be and took the remains. The establishment then received a subsequent phone call from nephew, who had been handling the arrangements within the next couple of days, questioning when the remains would be ready. The establishment then advised the nephew that the remains were released to the son. The family had never heard of this individual.

Mr. Chairman questioned whether the individual had identification to that effect.

Ms. Shuman stated that the individual had identification stating he was who he claimed, but nothing to say that he was the son of the deceased.

Mr. Baxley questioned whether the remains were ever returned to the family.

Ms. Shuman responded no. This has never been resolved as the individual has never been found.

Mr. Helm questioned whether the individual was a part of the family.

Ms. Shuman stated that the family did not know this individual. The Department has attempted to locate this individual to no avail.

**MOTION:** Col. Ballas moved to accept the order. Mr. Baxley seconded the motion, which passed unanimously.

***B. Hicks, Laina L., DFS Case No. 90091-07-FC***

Ms. Shuman stated that this item would have the same facts pattern as Item E.

Ms. Shuman stated that this item came to Legal Services as a result of an investigation. The investigator identified that during December '06 Ms. Hicks, who was licensed at the time and is currently licensed to sell preneed, was performing at need contracts. The circumstances behind this particular situation are that Mr. Riposta, who was the funeral director, had an unexpected death in the family. Mr. Riposta attempted to make arrangements for coverage, but was unable to do so. Mr. Riposta left documents behind that were pre-signed by him. Ms. Hicks performed 3 at-need services in Mr. Riposta's absence with no licensed funeral director on premises. This appears to be the only incident to reflect this type of behavior. Ms. Hicks has no previous discipline and has had no other discipline. The Settlement Stipulation calls for Ms. Hicks to pay a fine of \$1000 with a letter of reprimand.

**MOTION:** Mr. Helm moved to accept the order. Ms. Huggins seconded the motion, which passed unanimously.

***C. Morton-Skipper, Heather J., DFS Case No. ~~8369-06-FC~~ (8963-07-FC)***

Ms. Shuman stated that at the time, Ms. Skipper was licensed as a funeral director and was in charge of making sales arrangements. Ms. Skipper illegally collected funds paid by a consumer, for a monument, and she was brought up on criminal charges by the establishment. The criminal matter has been resolved and restitution is being paid as part of the criminal complaint. Ms. Skipper has agreed to 6 month license probation and a fine of \$1000. The probation would be stayed in the event Ms. Skipper complies with all the terms of the agreement, but if she does not, that would trigger a probationary status.

Mr. Baxley questioned what Ms. Skipper did with the money.

Ms. Shuman responded that Ms. Skipper collected it herself.

Mr. Baxley questioned how much Ms. Skipper stole.

**MOTION:** Col. Ballas moved to accept the order, which failed.

Ms. Shuman stated that it was less than \$3000.

Mr. Chairman questioned whether Ms. Skipper currently holds a license.

Ms. Shuman responded that Ms. Skipper has a license, but she is no longer practicing. The license would be maintained under this agreement.

Mr. Jody Brandenburg questioned whether the establishment was licensed.

Ms. Shuman stated that Ms. Skipper was previously employed with Oak Ridge Funeral Care. Mr. Holt, the funeral director in charge, brought this complaint against Ms. Skipper, who is currently with Central Casket.

Mr. Baxley stated that someone who would steal thousands of dollars from a family should have their license revoked.

Mr. Ken Jones requested clarification of Ms. Skipper being licensed but not currently working.

Ms. Shuman stated that Ms. Skipper is currently working at Central Florida Casket Store and Funeral Chapel, but not as a funeral director.

Mr. Chairman questioned whether she is selling preneed.

Ms. Shuman stated that the circumstances behind the events that lead to her arrest included Ms. Skipper already had to deal with a substance abuse issue. Ms. Skipper had gone into and completed inpatient treatment.

Ms. Huggins questioned whether the Consent Order contains the maximum penalty.

Ms. Shuman responded no. The terms were agreed to because Ms. Skipper does not have access to a lot of money right now. Ms. Skipper is not making a lot of money; she is currently paying a fine and criminal restitution. This was an attempt to create a fine and fee schedule that Ms. Skipper could actually perform under.

Mr. Chairman questioned whether Ms. Skipper could sell preneed now.

Ms. Shuman responded no.

Ms. Huggins stated that Ms. Skipper could if she has a funeral directors license.

Ms. Shuman stated that Ms. Skipper would only be suspended from practicing under this agreement, if she does not abide by the terms of this agreement.

Ms. Corinne Olvey stated this is probation and Ms. Skipper could be funeral directing and selling preneed if she leaves the Casket Store and goes to another funeral home.

Ms. Michele Hood stated if the name is Central Florida Casket Store and Funeral Chapel, then they are a licensed funeral establishment.

Ms. Deborah Louks requested that anyone wishing to address the Board identify themselves after being recognized by Mr. Chairman.

Ms. Gail Thomas-Dewitt questioned the criminal charges.

Ms. Shuman responded it was a third degree felony.

Mr. Chairman questioned whether the third degree felony is a use for an automatic suspension of licensure

Ms Thomas-Dewitt responded that the license could possibly be revoked, as the offense was within the profession.

**2<sup>nd</sup> MOTION:** Mr. Jones moved to deny the order. Ms Thomas-DeWitt seconded the motion, which passed with one dissenting vote.

**DISCUSSION:** Ms Loucks stated if the Board could submit a counteroffer to the licensee by the Prosecutor or just leave it as a rejected Settlement and the Prosecutor would either try to renegotiate the order or go to hearing if needed.

Ms Huggins stated that she would like to see the maximum penalty imposed.

Ms Olvey quoted 497.152(2), FS. "CRIMINAL ACTIVITY.--Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that relates to the practice of, or the ability to practice, a licensee's profession or occupation under this chapter."

Ms Olvey stated that if the Board feels that Ms Skipper's case relates to this, the Department could do a separate action to penalize her license and the current maximum revocation, under that provision. It would have to be a separate order, not this Consent Order, since Ms Skipper was convicted of a crime.

Mr. Brandenburg questioned whether Ms Skipper's license could be suspended for a period of time and would require an appearance before the Board for the reinstatement of the license.

Ms Loucks stated that the Board could make a counteroffer to the licensee to accept or reject. If the licensee rejected the offer, it would proceed to hearing or come back before the Board as an informal hearing.

**MOTION:** Mr. Brandenburg moved to suspend the license for a year, \$1000 fine and an appearance before the Board for reinstatement of her funeral director and embalmer license.

Mr. John Rudolph stated that the Board should amend the motion to 'recommend' suspension.

Ms Loucks agreed as this is a counteroffer to the licensee. The action that the Board takes today would not suspend the license as of today. It would only be suspended if Ms Skipper agrees to the counteroffer, at which time the Department would issue a Final Order and the suspension would be effective as of the date of that particular Final Order. At this point in time, the Board cannot take any action against Ms Skipper.

**AMENDED MOTION:** Mr. Brandenburg moved to recommend suspension of the license for a year, \$1000 fine and an appearance before the Board for reinstatement of her funeral director and embalmer license. Mr. Helm seconded the motion, which failed with 5 dissenting votes.

Mr. Jones questioned when this occurred.

Ms Shuman stated that the events occurred in May '04

Mr. Chairman stated Ms Skipper has been working some place else since May '04

Mr. Jones questioned whether Ms Skipper has had a clean record since 2004

Ms Shumans stated that there is nothing in the file.

Ms Okey states that a violation of 497.131, FS. is referenced, but she is unable to locate that Section.

Ms Shumans stated that was from the 2004 Statutes

Mr. Chairman questioned whether Ms Skipper has already served her time for the felony.

Ms Shumans stated that it appears Ms Skipper is in compliance with the agreement.

Mr. Chairman stated Ms Skipper still has a license to practice as a funeral director.

Ms Shumans agreed.

Mr. Chairman stated that it does seem right to go back and penalize the licensee after 3 years

Mr. Brandenburg stated that this is the first time this matter has come before this Board.

Mr. Chairman questioned this

Ms Shumans stated that there was nothing in the file to suggest why this has not come to Board before now.

Ms Marr stated that the occurrence happened in '04 and Ms Skipper would have gone through an '05-'07 renewal, so there really was not an opportunity for this to come before the Board sooner.

Ms Shumans stated that Mr. Holt did not report the wrongdoing to the Department right away.

Mr. Chairman questioned whether all of the monies have been paid back.

Ms Shumans stated that there is a restitution order in place.

Ms Thomas-Dewitt expressed concern over Ms Skipper being allowed to practice after a third degree felony, which is in line with her license.

Mr. Brandenburg stated that he is concerned that this may happen again and the Board had the opportunity to do something about it and did not.

Ms Thomas-Dewitt stated that based on the Statute, Ms Skipper's license should have been revoked a while back. Although this is just coming before the Board, Ms Skipper should not have been allowed to practice. The penalty should be applied now as the Board is just receiving the complaint.

Ms Shumans stated that the complaint came to the Division in May '06

Mr. Jones stated that he made the motion to deny the 6 months thinking this was current without knowing the 2004 date. This does impact the decision as this individual has been practicing since 2004 with a license. Mr. Jones stated that at this time, he does not have a recommendation.

Mr. Brandenburg stated that there is no indication that Ms Skipper has been practicing since '04

Mr. Baxley stated that this recommendation would be revocation, but it is not likely that Ms Skipper would accept that

Mr. Jones questioned whether the Board could add a caveat on the order that would restrict Ms Skipper from preneed sales for 6 months.

Mr. Chairman stated that his concern was Ms Skipper still has access to consumer's money.

Ms Huggins stated that would not be possible. The Consent Order should be reinforced so that Ms Skipper is on probation, at the least.

Ms Thomas-Dewitt questioned what would be needed to start the revocation process

Ms Loucks stated that with all the discussion the Board has had and there is no specific counteroffer to the licensee, it would be left the way that it is with the rejection of the Consent Order. The Prosecutor has heard the comments and could try and negotiate another settlement agreement or proceed mostly with a hearing since revocation appears to be a appropriate penalty.

***D. Richardson Funeral Home, DFS Case No. 890607-FC & Dwight Jackson, DFS Case No. 9058607-FC***

Ms Shumans stated that this matter came to the Division regarding an investigation with a multiple 5-count administrative complaint for rule violations regarding the maintenance in the prep room area. Mr. Jackson has agreed to a settlement agreement of \$1000 fine and 6 additional CEUs beyond his licensing requirement. Part of the settlement stipulation was evidence suggesting that Mr. Jackson was in the middle of building renovations when the investigation occurred and has presented evidence that some of the difficulties with the prep and storage area were a result of his attempt to upgrade. Mr. Jackson purports that the water was turned off as they were replacing a new sink.

Mr. Helm questioned whether this was strictly a facility violation.

Ms Shumans responded yes

Mr. Chairman questioned whether the Department is conducting any additional inspections for this licensee and whether the \$1000 fine would cover these inspections

Ms Marr responded yes

**MOTION:** Mr. Brandenburg moved to accept the order. Ms Huggins seconded the motion, which passed unanimously.

***E. Riposta, Mark, DFS Case No. 9153607-FC***

Ms Shuman stated that Mr. Riposta is the licensed funeral director previously discussed in the matter with Ms Hicks. At the time in question, Mr. Riposta experienced an unexpected death in the family. Mr. Riposta attempted to find coverage while he would have to be out of town on an emergency basis, but was unsuccessful. As a result, Mr. Riposta signed 3 at-need contracts that were fulfilled by Ms Hicks in his absence. There was no funeral director in charge on site at the time. Mr. Riposta has agreed to a letter of reprimand and \$1000 fine. There is nothing to suggest that this type of behavior happened before or since. Additionally, Mr. Riposta is no longer in Florida and has sold his business shortly after the event in question.

Mr. Helm questioned whether there was a second order on Mr. Riposta.

Ms Huggins stated that Hicks was related to this case.

Ms Shuman stated that Hicks was the employee in question.

Mr. Helm stated that his order mentions a temporary license.

Ms Shuman stated that the Consent Order has clerical errors. Therefore the Board would need to look at the Settlement Stipulation, which outlines the terms that the parties have agreed to. The Consent Order presented to the Chair today addresses Mr. Riposta and Abbey-Riposta Funeral Home and follows the exact language of the Settlement Agreement.

**MOTION:** Mr. Brandenburg moved to accept the order. Ms Huggins seconded the motion, which passed unanimously.

Mr. Chairman stated that the Consent Orders should be checked before they are sent out.

Ms Shuman stated that the Division (Legal Services) has just gotten a new support staff that has never handled this type of administrative procedure and made significant errors that have been corrected with the Chair.

***F. Singleton Funeral Home, DFS Case No. 8738-07-FC***

Mr. Chairman stated that there is an error in the Order, so this item was deferred to the January teleconference.

***G. Trinity Memorial Cemetery Inc. db/a Trinity Memorial Gardens, DFS Case No. 8690-06-FC***

Ms Shuman stated that Trinity was left on the Agenda as she had been interacting with counsel for Trinity. It appeared that a Settlement Agreement would be reached, but counsel represents that he is still interested in making a settlement agreement, but all parties were unable to agree to the terms. This item would be deferred to the February meeting with a firm proposal along with a proposal for new bylaws.

**IV. Request(s) for Board Appearance**

***A. Funeral Director Interns Wishing to Become Concurrent Interns***

***1. Rodriguez, Billie Jo***

Ms Marr stated that Ms Rodriguez applied for a Funeral Director Intern license on January 25 and her application went before the board on May 15, 2007. Her application was approved by the board and a



Funeral Director Intern license was issued on May 15, 2007. Ms Rodriguez did not realize the application she submitted only covered funeral directing and not embalming. She is hoping to have her license status changed to a Concurrent Internship provided she submit the difference in fees and the correct application.

Ms Huggins questioned whether Ms Rodriguez has been embalming and submitting embalming reports

Ms Rodriguez responded yes

Ms Huggins questioned whether Ms Rodriguez is requesting that those credits be transferred.

Ms Rodriguez responded yes

Ms Thomas-Dewitt questioned Ms Rodriguez's immediate supervisor while embalming.

Ms Rodriguez responded that Mike Langjahr at Sun City Center was her supervisor.

Ms Thomas-Dewitt questioned whether this was during the time of Ms Rodriguez's internship

Ms Rodriguez responded yes Ms Rodriguez was working at Sun City Center when the application was submitted and there was confusion as to which application to complete as there was no application available for a concurrent intern.

Ms Thomas-Dewitt questioned the number of bodies Ms Rodriguez embalmed during her internship

Ms Rodriguez stated that she had not embalmed many, perhaps 5

Ms Thomas-Dewitt questioned when the other embalming occurred.

Ms Rodriguez stated that she transferred to Florida Mortuary where she started embalming. This is when Ms Rodriguez realized that she was issued the wrong license. Ms Rodriguez was an intern in Virginia as well and upon transferring to Florida, she was unaware of which form to complete.

Ms Thomas-Dewitt questioned which funeral home Ms Rodriguez began her internship with.

Ms Rodriguez responded Sun City Center Funeral Home.

Ms Thomas-Dewitt questioned whether Ms Rodriguez continued to embalmer upon transferring to the other funeral home.

Ms Rodriguez responded yes

Mr. Chairman questioned the number of bodies Ms Rodriguez embalmed at Florida Mortuary

Ms Rodriguez responded maybe 20.

Ms Thomas-Dewitt questioned whether Ms Rodriguez was under the direction of a licensed funeral director in both instances

Ms Rodriguez responded yes

Ms Thomas-Dewitt stated that was illegal activity as Ms Rodriguez applied as a funeral director intern, which does not allow for embalming. Ms Thomas-Dewitt stated that Ms Rodriguez may have been innocent, but the funeral director knew better.

Ms Huggins stated that it is confusing to have a Funeral Director Intern, an Embalmer Intern and a Funeral Director/Embalmer Intern. When you go online all 3 are listed and if you do not know what you are doing, you would pick the wrong one. Obviously, Ms Rodriguez thought she had the right one, as she submitted reports for embalmings. The intent was good.

Mr. Brandenburg stated that this is the 3<sup>rd</sup> case that has come before the Board.

Ms Okey questioned whether the Department would consider combining the applications into one and the application could check the one they would be applying for. Ms Rodriguez should not be penalized for thinking a funeral director include embalming. If you are not from Florida, you would not know that it did not.

Ms Marr stated that if the Board would like, the Department would move forward with changing the applications. There is a course in mortuary science, a 2 year college degree. This should be taught in the course.

Ms Rodriguez stated she attended school in Virginia where they have dual licensure. If you applied for a funeral director intern license there, it covered everything.

Ms Okey questioned why Ms Rodriguez was not informed of the error when the embalming reports were submitted.

Ms Thomas-Dewitt stated that it is only the Department's job to collect the data, not to verify what the licensee should be doing.

Ms Okey responded that it should be.

Ms Thomas-Dewitt stated that the persons receiving the reports are not investigators and are not aware whether there is illegal activity. Ms Thomas-Dewitt made a copy of the webpage. The different categories are listed and would not be confusing if the applicant took a moment to click on the actual application. It is amazing that this was caught at the end of the internship and the applicant is requesting credit for illegal activity. Every funeral director knows that a funeral director intern directs funerals and not do embalmings.

Ms Lisa Coney stated that it is apparent that not everyone knows this as this is the 3<sup>rd</sup> case. Several people have made this mistake.

Mr. Chairman questioned how long Ms Rodriguez was licensed in Virginia.

Ms Rodriguez responded that she was licensed as an intern for about 1 year.

Mr. Chairman questioned how many bodies Ms Rodriguez embalmed during that time.

Ms Rodriguez responded 25.

**MOTION:** Ms Huggins moved to approve the request with credit for internship contingent upon receipt of the appropriate application and fees. Col. Ballaseconded the motion, which passed with 1 dissenting vote.

## **2. Segura, Tricia L**

Ms Marr stated that Ms Segura applied for a Funeral Director Intern license on December 27, 2006 and her application went before the board on March 6, 2007. Her application was approved by the board and a Funeral Director Intern license was issued on March 7, 2007. Ms Segura did not realize the application she submitted only covered funeral directing and not embalming. Ms Segura has already submitted the correct application and the difference of fees along with this request and is hoping to have her license approved for a Concurrent Internship instead of a Funeral Director only Internship.

**MOTION:** Ms Huggins moved to approve the request with credit for internship. Col. Ballaseconded the motion, which passed with 1 dissenting vote.

**DISCUSSION:** Mr. Baxley questioned whether the appropriate fees would be collected for each of these applications.

Ms Marr stated that Ms Segura had already paid the fee. Ms Rodriguez would be notified to submit the form and pay the fee before a new license would be issued.

Ms Thomas-Dewitt questioned what made Ms Segura realize she had submitted the wrong application.

Ms Segura stated that the license was issued with an FH #. Ms Segura's supervisor realized it was the wrong license.

Ms Thomas-Dewitt questioned whether Ms Segura had begun preparing to sit for the Florida Law and Rules exam.

Ms Segura responded yes. Ms Segura stated that she had only been embalming and has just begun the funeral directing part of it.

Ms Thomas-Dewitt stated that once you start reviewing Chapter 497, it clearly states what the limitations are. These applications are not a breach to the law.

Mr. Helm questioned whether the Department is going to look into a resolution of the applications.

Mr. Chairman stated that there have been 3 similar instances, so the Department should look into this.

Ms Wendy Wiener stated that if changes or clarifications are made to the forms, it is imperative that Staff, particularly Jasin, be notified because there have been clients who have received some odd advice from Jasin on how to interact with the licensing system.

Mr. Chairman added that he has also received phone calls.

Ms Wiener added that some of it is the result of bad forms that came over from 470. There are some forms that were in use under the 470 Board that have provisions that are neither supported by Statute or Rule.

Ms Marr stated that the website is being redone. Perhaps some additional information could be added regarding becoming an intern.

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

**A. Recommended for Approval**

**1. Bivins Family Funeral Home (Jasper)**

Ms Marr stated that the application was submitted on September 14, 2007. The application was incomplete when submitted and a deficiency letter was sent. All deficient items were completed on November 20, 2007. The fingerprint cards for Sarah Bivins was submitted and returned without criminal history. The Funeral Establishment is recommended for approval pending the passing of the inspection.

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

**2. Elder Funeral Home LLC db/a Elder Funeral Home (Jacksonville)**

Ms Marr stated that the application was submitted on November 13, 2007. The application was complete when submitted and a deficiency letter was not needed. The fingerprint cards for Jirett Elder and Shelly Elder were submitted with a previous application and returned without criminal history. The Funeral Establishment passed its inspection on November 20, 2007.

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

**B. Recommended for Consideration**

**1. Golden's Mortuary Inc. (Orlando)**

Ms Marr stated that the application was submitted on October 19, 2007. The application was complete when submitted and a deficiency letter was not sent. The fingerprint cards for James Golden II were submitted and returned with criminal history. Mr. Golden has submitted forms showing where all sanctions have been satisfied and his rights have been restored. An inspection has been requested.

The applicant's answer to Section 7. Criminal History Question (1) (b), Any other felony not already disclosed under subparagraph 1 immediately above, which was committed within the 20 years immediately preceding the date this application was submitted.

Date: 01/25/1990

Location: Orange County

Case #: 54441

Offense: Aggravated Battery, Cocaine Possession (Armed with Sell)

Pled: Nolo Contendere

Sentence: Concurrent Sentence: Confinement (2yrs, 6months), Credited Time 239 days and 150 days

Disposition: Guilty/Convicted

Date: 05/24/1998  
Location: Miami-Dade  
Case #: 36373  
Offense: Conspiracy to Traffic Cocaine  
Pled: Guilty  
Sentence: Confinement 5 years, Fine \$1,050  
Disposition: Guilty/Convicted

Ms Huggins questioned whether his license was suspended or placed on probation.

Mr. James Golden II stated that he was not licensed prior to. Mr. Golden added that he received licensure afterwards.

Ms Thomas-Dewitt questioned page 2 of the Criminal History form as it had been redacted.

Ms Shuman stated that Legal redacts the criminal records for things that are not statutorily required to be disclosed.

Ms Thomas-Dewitt questioned whether it was a portion of the criminal history.

Ms Shuman responded that it is not a portion of the criminal history that would be covered in terms of the statute. It is either outside of the parameters of the date restriction or the type of charge it was.

Mr. Chairman presented Mr. Golden with an ad that was submitted to the Department. Mr. Chairman questioned when the ad took place.

Mr. Golden stated that the ad was done this year for a Man of the Year event in the Orlando area. Mr. Golden received some complaints and phone calls advising that this should not be done again. Mr. Golden called the Board to inquire if this was wrong. An inspector advised if this ad was placed in a funeral home or an organizational event, then it was not illegal. This ad could not be placed as a church ad. The investigation suggested that this not be done again as the Board would need to vote on this. A funeral home could advertise a funeral director, not a funeral director advertising himself. There was only the once instance where this occurred.

Mr. Helm questioned whether Mr. Golden called the Board or the Division.

Mr. Golden responded the Division.

Ms Thomas-Dewitt requested that Mr. Golden further explain what the inspector advised.

Mr. Golden stated that the inspector advised that the ad could be done for a funeral home event or organizational event. This could not be done as a public advertisement. Mr. Golden admitted to this and advised the inspector that it would not be done again.

Ms Marr questioned why the company name is included in the email address. Ms Marr questioned whether Mr. Golden was advertising himself.

Mr. Golden responded yes. The email address is linked to Mr. Golden's Nextel phone.

Ms Marr questioned the part of the ad that relates to preplanning for services

Mr. Chairman questioned whether the telephone number listed was Mr. Golden's personal number.

Mr. Golden responded yes

Ms Thomas-Dewitt questioned whether Golden's Funeral Home and Golden's Mortuary are related.

Mr. Golden responded that he is the owner of Golden's Mortuary and his father is the owner of Golden's Funeral Home.

Ms Thomas-Dewitt questioned whether Mr. Golden's father has ownership in Golden's Mortuary

Mr. Golden responded no.

Ms Thomas-Dewitt questioned whether these are completely separate entities

Mr. Golden responded yes

Mr. Chairman stated that this ad was for Golden's Mortuary prior to licensure.

Mr. Golden stated that if someone called him to perform a service, they would be referred to Golden's Funeral Home.

Mr. Baxley questioned whether Mr. Golden is an employee of Golden's Funeral Home.

Mr. Golden responded that he works there part time. Mr. Golden stated that he is listed as a funeral director.

Ms Thomas-Dewitt questioned whether Mr. Golden is listed as an employ of Golden's Funeral Home.

Mr. Golden responded that he is listed on the inspection sheet as one of the funeral directors

Mr. Helm questioned when Mr. Golden became licensed.

Ms Huggins responded 2003. Ms Huggins stated that she did not recall reviewing to issue licensure with the past.

Mr. Golden stated that he was licensed under the 470 Board.

Ms Thomas-Dewitt recalled attending that meeting. The 470 Board advised that licensure did not guarantee approval in the future.

Mr. Golden stated that the 470 Board attorneys suggested that Mr. Golden apply for his rights. The attorney stated that once Mr. Golden received his rights there would be nothing the Board could do to stop him.

Mr. Helm stated that he does not have a problem with the criminal history but was concerned with the ad.

Mr. Chairman questioned whether someone other than Golden's Funeral Home would contact him to perform funeral services.

Mr. Golden stated that when his friends have several services on the same day, they may call him to cover a funeral service.

Ms. Thomas-Dewitt questioned whether the Department has verified that Mr. Golden is listed as a funeral director under Golden's Funeral Home.

Ms. Marr confirmed this.

**MOTION:** Ms. Huggins moved to approve the application. Col. Ballasecconded the motion, which passed unanimously.

## ***2. Serenity Funeral Home Inc (Winter Haven)***

Ms. Marr stated that the application was submitted on October 12, 2007. The application was incomplete when submitted and a deficiency letter was sent. All deficient items were returned on November 7, 2007. The fingerprint cards for Anthony Mathews and Tiphany Kelly were submitted and returned with criminal history. The Funeral Establishment passed its inspection on November 28, 2007.

The applicant's answerd "Yes" to Section 7. Criminal History Question (1)(b) Any other felony not already disclosed under subparagraph 1 immediately above, which was committed within the 20 years immediately preceding the date this application was submitted.

### **Anthony Mathews**

Date: 07/03/1997  
Location: Miami-Dade  
Case #: 648749  
Offense: Cocaine-Sell  
Pled:  
Sentence: One Year Probation  
Disposition: Adjudication Withheld

### **Tiphany Kelly**

Date: 03/19/1994  
Location: Miami-Dade  
Case #: 549166  
Offense: Aggravated Assault with a Firearm  
Pled: Guilty  
Sentence:  
Disposition: Adjudication Withheld

Mr. Brandenburg inquired about page 2 of the FDLE report as it was missing from the packet.

Ms. Shuman stated that the reports have been redacted to take out any information that does not fit within the statutory parameters of what needs to be disclosed.

Mr. Helm questioned whether the incident occurred in Ms Kelly's yard.

Ms Tiffany Kelly agreed.

Mr. Brandenburg questioned the details of the incident.

Ms Kelly stated that some school mates had a problem with her and they attacked her. On the second instance, Ms Kelly ran into the house and got her parents gun to scare them away.

Mr. Helm questioned whether it worked.

Ms Kelly responded yes

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

**VI Application(s) for Preneed Sales Agent**  
**A. Recommended for Approval - See Addendum A**

Ms Marr presented the applicants for approval.

Mr. Brandenburg disclosed his affiliation with SCI Funeral Services of Florida, Inc.

Ms Loucks questioned whether Mr. Brandenburg's affiliation renders him unable to make a fair and impartial judgment.

Mr. Brandenburg responded no.

**MOTION:** Col. Ballas moved to approve the applications. Mr. Baxley seconded the motion, which passed unanimously.

**VII Application(s) for Preneed License**  
**A. Carnegie Funeral Home, Inc (Chiefland)**

Ms Marr stated that the Department received the application on August 8, 2007. All deficiencies were resolved by October 24, 2007. Fingerprint cards were received by the Department and a completed background check revealed no criminal history. Applicant obtained a funeral establishment license on October 24, 1994. Applicant previously held a Preneed License which expired on July 1, 2006 due to failure to renew.

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

Preneed Contracts	= \$ 32,714
Required Net Worth	= \$ 10,000
Reported Net Worth	= \$ 15,908

The Applicant will write only insurance-funded contracts through Columbian Life Insurance Company.



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

***B. Florida Colonial Holdings Inc db/a Giddens-Reed Funeral Home (Baldwin)***

Ms Marr stated that the Department received the application on September 18, 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 obtained a funeral establishment license on March 6, 2007.

The Applicant's financial statements as of June 30, 2007 reflect the following:

Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	29,265

The Applicant will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (SouthTrust Estate & Trust Co.) and pre-arranged funeral agreement.

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

***C. Southern Funeral Care and Cremation Services Inc (Riverview)***

Ms Marr stated that the Department received the application on September 19, 2007. A deficiency letter was sent by the Department on October 17, 2007. Applicant responded to all deficiencies by November 15, 2007. Fingerprint cards were received by the Department and a completed background check revealed no criminal history. The Applicant obtained a funeral establishment license on May 25, 2006. Applicant previously held a Preneed License which expired on July 1, 2007 due to failure to renew.

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

Preneed Contracts	= \$	4,297
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	102,390

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

Mr. Brandenburg stated that this applicant has come before the Board before on more than one occasion and was denied due to the net worth requirement. Mr. Brandenburg questioned whether anything has changed.

Ms Michele Hood stated that the applicant was going to be denied the last time due to their financial situation, but they let their COA expire and they withdrew the application. Since then, they have infused capital into the business and have submitted new financial statements and are reapplying for their license to sell preneed.

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

***D. Stinson Industries Inc db/a Stevens Brothers Funeral Home (West Palm Beach)***

Ms. Marr stated that the Department received the application on August 17, 2007. A deficiency letter was sent by the Department on September 13, 2007. Applicant resolved all deficiencies by October 25, 2007. Fingerprint cards were received by the Department and a completed background check revealed no criminal history. The Applicant obtained a funeral establishment license on October 18, 2008.

The Applicant's financial statements for the period ended June 30, 2007 reflect the following:

Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	297,700

The Applicant will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (SouthTrust Estate & Trust Co.) and pre-arranged funeral agreement.

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

**VIII. Application(s) for Preneed License Branch**

***A. Family Heritage Funeral Services, LLC db/a Yates Funeral Home & Crematory (Ft Pierce)***

Ms. Marr presented the application.

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

***B. Fuller-Miller Funeral Services, Inc db/a Fuller-Cape Coral Funeral Home Cremation Service (Cape Coral)***

Ms. Marr presented the application.

Mr. Brandenburg stated that it is noted that the State has the incorrect name on the license.

Ms. Marr stated that she would check into this.

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

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

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

***1. Funeral Director and Embalmer- Internship***

- a. Carnegie, Al J***
- b. Graham Townes, Jacquelyn***
- c. Moreno, Miriam***
- d. Russo Devin J***

**2. Funeral Director and Embalmer Endorsement**

- a. *Atwood, Michael SC.*
- b. *Boronat, Jr, Marcos A*
- c. *Ingram, Jessica H*
- d. *Pamell, Zachary T*
- e. *Perry, Brent R*
- f. *Thompson, Robert D*

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

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

**X. Application(s) for Funeral Director and Embalmer Internship**

**A. Recommended for Approval – See Addendum C**

- 1. *Gould, Jay W*
- 2. *Harris, Chassica E*
- 3. *Williams, Omar C*

Ms Marr presented the Application(s) for Internship

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

**B. Recommended for Consideration**

- 1. *McWhite, Albert R*

Ms Marr stated that the application was received on April 5 2007. The application was incomplete when submitted and a deficiency letter was sent out. All deficiencies were completed on October 23, 2007. The applicant answered “yes” to Section 7, in Criminal History Questions. The results of the fingerprint card reflected the following criminal history:

Date: 06/22/2003  
Location: Fort Lauderdale, FL  
Case #: 57080746B  
Offense: Driving while License is suspended  
Pled:  
Sentence:  
Disposition: Held

Date: 10/19/2003  
Location: Fort Lauderdale, FL  
Case #: 295730  
Offense: Possession of Marijuana  
Pled: Nolo Contendere  
Sentence: Court Cost \$26  
Disposition: Adjudication Withheld

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

- XI. Application(s) for Embalmer Apprentice**  
**A. Recommended for Approval – See Addendum D**  
**1. Gould, William T**  
**2. Munyon, Shirley D**

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

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

- XII. Application(s) for Removal Service**  
**A. Recommended for Approval**  
**1. Lighthouse Funeral Services LLC d/b/a Palm State Crematory Services**

Ms Marr stated that the application was submitted on October 18, 2007. The application was complete when submitted and a deficiency letter was not needed. The fingerprint cards for J Eric Kuge were submitted and returned without criminal history. The application is recommended for approval pending the passing of the inspection.

Ms Marr added that the applicant passed inspection.

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

- XIII. Application(s) for Cinerator Facility**  
**A. Recommended for Approval**  
**1. Lighthouse Funeral Services LLC d/b/a Palm State Crematory Services**

Ms Marr stated that the application was submitted on October 18, 2007. The application was complete when submitted and a deficiency letter was not needed. The fingerprint cards for J Eric Kuge were submitted and returned without criminal history. The application is recommended for approval pending the passing of the inspection.

Ms Marr added that the applicant passed inspection.

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

- XIV. Continuing Education Course Approval(s)**  
**A. Recommended for Approval – See Addendum E**  
**1. Jewish Funeral Directors of America #0001404**  
**2. National Funeral Directors & Morticians, Inc. #0001755**

Ms Marr presented the course(s) for approval.

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

**XV. Consumer Protection Trust Fund Claims**  
**A. Recommended for Approval - See Addendum F**

Ms. Marr presented the claims for approval.

Ms. Olvey questioned Fairloth Concrete has a pre-need license.

Ms. Marr stated that Fairloth Concrete was Crestview.

Mr. John Rudolph stated that this relates to something that happened way back. A number of these have already been approved. They were not a licensed entity, but at the time it was sold it was accepted.

Ms. Olvey questioned whether it was a part of Crestview and they sold it through a contract with their concrete company.

Ms. Marr responded yes.

Mr. Helm questioned whether the last 4 claims had been checked out.

Ms. Marr responded yes.

**MOTION:** Col. Ballas moved to approve the claims. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

**DISCUSSION:** Mr. Rudolph stated Mr. Helm was referring to the previous claims submitted by Sinai, as there was a question as to whether they were valid.

Mr. Helm questioned whether these were a part of the claims previously submitted.

Ms. Marr responded no, as those claims were not resubmitted.

Mr. Bill Swain questioned whether only one of these claims was a contract by an individual.

Ms. Marr responded yes.

**XVI. Amendment(s) to Cemetery Bylaws**  
**A. Recommended for Approval - See Addendum G**

Ms. Marr stated that Stewart Enterprises, Inc. has submitted proposed bylaws (rules & regulations) for all Stewart Enterprises, Inc. Florida cemeteries. Other than the cemetery name, the proposed bylaws are identical for all cemeteries. The list of cemeteries is found on Addendum G to this agenda.

In accordance with Rule 69K-6003, notice was published October 26, 2007 in issues of the Florida Times Union, Orlando Sentinel, Tampa Tribune, Palm Beach Post, Ocala Star Banner, Miami Today and in the November 2, 2007 Florida Administrative Weekly. No public comments were received.

**The Department recommends approval contingent upon the following revisions**

**General Restrictions**

(c): "Oversized vehicles" must be clarified. The purchase and delivery of merchandise from independent retailers cannot be restricted.

**Ownership**

(c): Clarify that the written consent of all "Owners" refers to all owners of an interment right.  
(f): Appears to be in conflict with (c) regarding the fee required to transfer an interment right.

**Maintenance, Construction, Repairs & Improvements**

(d): The cemetery cannot waive liability if injury results from a violation of the Statute.  
(f): The Cemetery Authority cannot restrict access to a grave space to an outside retailer that enters the cemetery to install or repair a memorial, monument or private mausoleum.

**Memorials and Monuments**

(b): Refers to a charge for maintenance care.  
(t): The Cemetery Authority shall not change the size, kind, design, quality and materials of memorials once a representation has been made to previous interment right owners.

**Fees and Other Charges**

The cemetery is prohibited from assessing a fee that will restrict a customer from using a burial right, burial merchandise or burial services.

**Repeal, Amendment, Modification... ..**

The Cemetery Authority shall not amend, modify or change rules and regulations that will knowingly result in detriment to an interment right owner.

Ms Huggins disclosed her affiliation with Stewart Enterprises

Ms Loucks questioned whether Ms Huggins' affiliation renders her unable to make a fair and impartial judgment.

Ms Huggins responded no.

Ms Coney stated that this was a brand new template and apologized for the number of errors. Ms Coney stated that everything would be corrected and resubmitted to the Department.

Mr. Helm questioned whether any of the revisions had been corrected.

Ms Coney responded no as she did not receive a copy of the cover letter.

Mr. Helm questioned the restriction of oversized vehicles.

Ms Coney stated that the issue is there is one particular monument dealer who has done damage in the Park due to an oversized vehicle. The Park does not restrict access and monument dealers are welcome any hours that the park is open. The only restricted access would be family services and holidays. Not being able to get insurance or not having anyone be responsible, there was a concern with the type of equipment that would be running over family spaces and the damage that might occur.

Mr. Helm stated that was not a true statement as Chapel Hill in Orlando restricts access.

Ms. Coney stated if that is the case, she would address it with Chapel Hill. Ms. Coney added that she believes it to be a true statement and have addressed with cemetery operations management that the desire is to never restrict monument access. Ms. Coney stated if there is a specific family name or case, she would address the issue specifically.

Mr. Don Ray expressed some concern regarding the revisions. Mr. Ray stated that he is uncomfortable with the Board going forward and approving this item as he has not seen the revisions. The Rules Committee currently has a draft that would address the issue of access by monument establishments to the cemetery. It is unclear what oversized vehicles really mean. Mr. Ray stated that if the Board approves this item today, then in months to come a rule is adopted that specifically addresses access to cemeteries, the adoption of the rule should supersede the adoption of these bylaws. The Statute states there must be a rule that addresses access to a cemetery for installation. In all cases, the cemetery must also abide by those minimum standards. Mr. Ray suggested that there is a whole big issue. Some people believe that access simply means that a monument company has to park their vehicle on the side of the road and hand carry everything in.

Ms. Coney stated that no matter what rules and regulations that are in effect, they would be subject to statutory and rule requirements. Everyone has to follow the law and will. If there is a rule or statutory change, this would obviously take precedence over anything else.

Mr. Ray stated that when the rule is adopted, there is also a Section in 497 that speaks to cemeteries complying with their own minimum standards as it relates to access. All cemeteries may have to come before the Board to have their bylaws readopted.

Mr. Rudolph questioned who gets the bronze back, under the memorials and monuments section, Paragraph F.

Ms. Coney stated that this is specifically drafted to deal with the current excess theft of metals issue. Zinc is just less popular to steal. The products look identical and there is no bearing to the consumer. Only if they are stolen out of the cemetery, then the replacement property may be less than 87% copper.

Mr. Rudolph stated that this is understandable, but questioned whether the cemetery would be able to change it to something other than bronze if it is in the bylaw and someone had bronze prior to this going into effect.

Ms. Coney stated the cemetery has the right to amend rules and regulations.

Ms. Olvey questioned whether the cemetery is replacing the property free of charge to the consumer.

Ms. Coney responded yes. The consumer probably would not care as the product looks identical. It just would not be stolen and sold at a metal shop.

Mr. Chairman questioned how a thief would know what the item is made out of.

Ms. Coney stated that it is a weight issue.

**MOTION:** Col. Ballas moved to approve the bylaws contingent upon the revisions being corrected. Ms. Thomas-Dewitt seconded the motion, which passed with 1 dissenting vote.

**XVII Contracts or Other Related Forms**

**A. National Guardian Life (NGL) Insurance Group**

**1. Prefunded Funeral Agreement PN-REI-SGS-FL 09/07 (Guaranteed)**

Ms Marr stated that Staff recommends approval of the above Pre-need Contract with the following revisions being completed within 45 days of notification:

- ?? The following shall appear in bold-faced, 10 point or larger type on the signature page:
  1. Cancellation Clause
  2. Department toll-free number - (revise Division reference to Division of Funeral, Cemetery and Consumer Services)
- ?? The following clauses shall appear in bold-faced, 10 point or larger type:
  1. Price Guarantee
  2. Insurance Policy Termination
- ?? Funeral Merchandise section - If the product is sold to the purchaser generically, this section must comply with the requirements of Rule 3F-8.006 Florida Administrative Code. If this section cannot be brought into compliance with the rule, the applicant must use an approved merchandise addendum.

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

**MOTION:** Ms Huggins moved to approve the contract contingent upon revisions being completed within 45 days. Col. Ballasecconded the motion, which passed unanimously.

**2. Non-Guaranteed Prefunded Funeral Agreement PN-REI-NGSGS-FL 09/07**

Ms Marr stated that Staff recommends approval of the above Pre-need Contract with the following revisions being completed within 45 days of notification:

- ?? The following shall appear in bold-faced, 10 point or larger type on the signature page:
  1. Cancellation Clause
  2. Department toll-free number - (revise Division reference to Division of Funeral, Cemetery and Consumer Services)
- ?? The following clauses shall appear in bold-faced, 10 point or larger type:

Prices Subject to Change

Insurance Policy Termination
- ?? Funeral Merchandise section - If the product is sold to the purchaser generically, this section must comply with the requirements of Rule 3F-8.006 Florida Administrative Code. If this section cannot be brought into compliance with the rule, the applicant must use an approved merchandise addendum.

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

**MOTION:** Ms Huggins moved to approve the contract contingent upon revisions being completed within 45 days. Col. Ballasecconded the motion, which passed unanimously.

**B. APM, Inc. d/b/a Vista Memorial Gardens**

**1. Cemetery Purchase Contract, Form AICOR Rev. 1007**

**C. Vista Memorial Gardens**



- 1. Cemetery Purchase Contract, Form V100 Rev. 9/07**
- D. Vista Funeral Home, Inc.**
  - 1. Funeral Pre-Need Contract, Form FH100 Rev. 9/07**

Ms Marr stated that Staff recommends approval of all three contracts based upon the following revision being made to each contract within 45 days of notification:

The paragraph on allocation of payments on page one beginning with "Seller may apply payments....." shall be in bold print.

**MOTION:** Mr. Jones moved to approve the contracts contingent upon revisions being completed within 45 days. Mr. Baxley seconded the motion, which passed unanimously.

**XVIII. Trust Transfer(s)**

- A. Anderson-McQueen Company db/a A Life Tribute Funeral Care (St. Petersburg)**
  - 1. Simplicity Plan 1997 Master Pre-need Trust (SunTrust Bank) to Independent Funeral Directors of Florida (IFDF) 1993 Master Trust Fund**

Ms Marr stated that the Applicant requests approval for the transfer of the Pre-need Trust Funds of Anderson-McQueen Company, db/a A Life Tribute Funeral Care, from the Simplicity Plan 1997 Master Pre-need Trust (SunTrust Bank) to the Independent Funeral Directors of Florida (IFDF) 1993 Master Trust Fund.

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.

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

- B. Kent Care of Florida, LLC (Tallahassee)**
  - 1. Cemetery Care & Maintenance Trust Transfer – TNB Financial Services, Inc. Care & Maintenance Trust Agreement to Regions Bank Master Florida Cemetery Care & Maintenance Trust Agreement**

Ms Marr stated that Applicant requests approval for the transfer of the care & maintenance trust funds from TNB Financial Services, Inc. Care & Maintenance Trust Agreement, Kent Care of Florida, LLC, Inc. was approved at the February 7, 2007 Board meeting for acquisition of Abbey-Riposta Funeral Home and Tallahassee Memory Gardens cemetery.

In June 2007 the Board approved the transfer of the care & maintenance funds from Forethought Federal Savings Bank. It was subsequently discovered that the funds were still held within the TNB trust and had been taken over by Forethought as a successor. This request corrects the June submission to identify TNB as the existing trust.

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

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

**XIX Administrative Report**

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

Ms Marr stated that there is \$7,073,89 in the Consumer Protection Trust Fund.

Mr. Brandenburg questioned how long before a cap could be placed on the fund.

Ms Marr stated that the Statute requires at least \$1 per contract. The Board has the authority to increase or decrease as needed. There has to be legislation to suspend deposits to that fund.

Mr. Brandenburg questioned how to get to the \$1 level.

Ms Marr responded that this was done by rule and is in effect now. Should the Board decide to suspend that, legislation would have to be pursued to change it a little bit.

**XX Disciplinary Report**

	Issued Since Last Meeting (October 10, 2007)	Issued Since January 1, 2007
Notice of Non-Compliance	0	1
Letters of Guidance	0	20
Citations	2	2

**XXI. Rules Committee Report**

**A. ~~9K-17.003 Fees for Part III Licensees~~**

Ms Margaret Kamiewicz stated that the changes to Rule ~~9K-17.003~~ have been before the Board and approved last year. However, the Department has gone through and made some additional editing changes just to make the rule consistent with some of the other Rules.

**B. ~~9K-17.0035 Communicable Disease Education Required for Operational Personnel and Nonlicensed Individuals~~**

Ms Kamiewicz stated that the Department received a question from the Joint Administration Procedures Committee (JAPC) as to why the Department had not done any rules on the recent amendments to Section 497.162, F.S. in which the Statute authorized classes to be taken via the internet. There have been changes made that track the Statute and clarify that individuals may take the courses listed in Rule ~~9K-17.0042~~. However, it has to be approved for 2 or more hours.

Ms Kamiewicz stated that this was not a recommendation from JAPC. Adding the internet was a mandatory rule making so the Department decided to amend the Rule to include the internet.

**C. ~~9K-17.010 Inactive Status Fee~~**

**D. ~~9K-17.011 Reactivation Fee~~**

Ms. Kamiewicz stated that the Department is making corrections to the Inactive Status Fee and the Reactivation Fee rules and removing direct disbursements as they are not subject to the inactive status.

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

#### **XXII. Emergency Preparedness Committee Report (Oral)**

Ms. Marr stated that the Committee met yesterday afternoon, but there was no quorum. A recommendation for a rule was drafted and submitted. This rule had been addressed before. This would not be an emergency rule, but a regular rule that would give cemetery companies the authority, in special circumstances when there is an emergency, to use up to 10% of the corpus of the care and maintenance trust fund for emergency repairs to the cemetery. The suggestion involves a payback period of up to 5 years. The payback with interest would be amortized. This gives some needed relief to cemeteries. The issue came up particularly when Hurricane Wilma destroyed the trees of several cemeteries in South East Florida. At that time, it was very costly to cut trees down, access to a lot of equipment was not available and cash flow was hurt by that situation. The Committee suggested forwarding this draft to the Rules Committee where public discussion could be made.

Ms. Marr added that the Committee also discussed submitting a list of rules should the Governor declare a state of emergency, that would either be licensing rules on an emergency basis and/or suspend several rules. If there was a state of emergency, certain requirements that are placed on our licensees now would not have to be complied with. Licensees would not have to worry about being in violation of the law. The Committee is currently reviewing these items should a certain part of the State be affected by an emergency, then those licensees would have some relief.

Mr. Sam Betsey questioned whether there is a plan B for record keeping should a disaster occur in Tallahassee. Perhaps, copies of records could be stored in another town.

Ms. Marr stated that the Department has Continuing of Operations Plan (COOP) that the entire Department has to follow. There are different scenarios if Tallahassee is down or if the Alexander Building is down. There is also a phone tree and contingencies on how soon are certain infrastructures needed. Our examination records are also in the field office, so that is already in place. The licensing records are backed up on a computer system.

Mr. Rudolph stated that is a particular concern when you have a pandemic. If there was a pandemic and everyone in Tallahassee was quarantined someone the public would need to know what to do. It would be helpful if everyone received a copy of the COOP plan.

Ms. Marr stated that it would be presented at the next meeting.

#### **XXIII. Chairman's Report (Oral)**

Mr. Chairman thanked Julie Jones and Margaret Kamiewicz for the great job they have done with keeping the rules moving forward.

#### **XXIV. Attorney Report (Oral)**

None

**XXV. Executive Director's Report (Oral)**

**A. Report from Richard Baldwin – Examiner for Menorah Gardens September '07- October '07**

The Board members received copies of the report from Richard Baldwin for the month of September '07– October '07. Mr. Baldwin continues to assist consumers

**B. Report on Budget Cuts**

Ms Marr stated that there was a special session on budget cuts. The cash flow for the State overall is pretty dismal. The Department conducted a budget cut exercise. The Division contributed \$263,000 worth of budget, but it was not critical as this money came from the reserve for the new positions. This did not cut back on the ability to spend money or function as we are now, but it would cut us back from being able to potentially hire 10 new people to 9 people. The next step is a thought of reducing existing budget, which is allocated on a quarterly basis. So, 25% would be released per quarter. There is now discussion of reducing quarter 4's budget by 4%. Ms Marr was questioned whether the Division could afford to release 4%. Ms Marr responded that the Division could not accept 4% less of what has been allocated. There has been no response on this.

**C. Staffing Report**

Ms Marr stated that David Knoll retired at the end of November. Mr. Knoll was handling licensing applications for establishments and continuing for providers and courses. Until Mr. Knoll is replaced, LaTonya Bryant would assume that responsibility. Rita Poff is retiring at the end of December. Ms Poff has a lot of annual use, so her last day in the office was December 2<sup>nd</sup>. There is a potential new hire in Tampa who appears to be a great applicant. Lynn Walker has been on Extended Sick Leave at least since the beginning of November, maybe the end of October. Richard Brinkley had quadruple bypass surgery on November 14<sup>th</sup> and is also on Extended Sick Leave. Ms Karen Duehring has been on board for a month and a half. Ms Duehring would be supervising the Pensacola area, Tallahassee area and Jacksonville area for field audits and inspections.

Mr. Rudolph stated that he had dealt with Ms Poff many times in the past and suggested that the Board invite her to a Board meeting so that she could receive thanks for all that she has done.

Ms Marr stated that Ms Poff started with the Department 2 years prior to her. Ms Poff is the Department's most experienced auditor and would be really missed. Ms Marr added that she would be happy to invite Ms Poff back or send her a thank you, under the Chairman's signature.

Mr. Chairman stated that would be a good idea.

**D. Update on Computer Project**

Ms Marr stated that there are still problems with the system. Our licensing system was separated on November 2<sup>nd</sup>, after which things were not right. There is a scanner that was finally fixed, it was pointing toward the wrong server, so we are unable to see our images. This has been brought to the attention of Ms Marr's counterpart over IT.

**E. 2008 Board Meeting Schedule**

Ms Marr presented the schedule for 2008:

Wednesday, January 2 <sup>nd</sup>	Conference Call
Wednesday, February 6 <sup>th</sup>	City to be announced
Wednesday, March 5 <sup>th</sup>	Conference Call
Wednesday, April 2 <sup>nd</sup>	City to be announced
Wednesday, May 7 <sup>th</sup>	Conference Call
Wednesday, June 4 <sup>th</sup>	Conference Call
Friday, June 27 <sup>th</sup>	City to be announced

**JULY – NO MEETING**

Wednesday, August 6 <sup>th</sup>	City to be announced
Wednesday, September 3 <sup>rd</sup>	Conference Call
Wednesday, October 1 <sup>st</sup>	City to be announced
Wednesday, November 5 <sup>th</sup>	Conference Call
Wednesday, December 3 <sup>rd</sup>	City to be announced

Mr. Helm suggested changing the last meeting in June to Wednesday, the 25<sup>th</sup>.

Ms Marr stated that the meetings would be held the beginning of each month. This would require 2 meetings in June and none in July.

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

**DISCUSSION:** Mr. Brandenburg questioned where the February meeting would be held.

Ms Marr questioned whether the Board had a suggestion.

Ms Olvey stated that the South West Florida Management District on the 301, just before you get into Tampa, has a huge meeting room with AV that is available for other governmental agencies to use. Ms Olvey added that she would provide Ms Marr with the information.

Mr. Chairman added that anyone requesting continuing education credit, for attendance at today's meeting, initial next to their name.

Mr. Brandenburg stated that the FCA Convention is the same date as the Board Meeting.

Ms Olvey stated that it would be held on August 7–9, in Key West, and people drive down on the 6<sup>th</sup>.

Ms Marr suggested having the August meeting in Miami.

**XXVI. Adjournment**

At 11:56 a.m., the meeting was adjourned.