

Minutes of Meeting
BOARD OF FUNERAL, CEMETERY & CONSUMER SERVICES
Teleconference Meeting
March 5, 2008 - 9:00 A.M. to 11:00 A.M.

I. Call to Order and Roll Call

Mr. Greg Brudnicki, Chairman, called the meeting to order at 9:01 am. Ms. Diana Marr, Executive Director, called the roll:

PRESENT (via phone):

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

ALSO PRESENT:

Diana M Marr, Executive Director
Richard Brinkley, Assistant Director
Deborah Loucks, Board Counsel (via phone)
Tad David, Senior Attorney
LaTonya Bryant, Department Staff
James Gellepis, Department Staff

ABSENT:

Catherine Zippay

Ms. Marr declared a quorum.

II. Application(s) for Preneed Sales Agents
A. Recommended for Approval – Addendum A

Ms. Marr presented the applications for approval.

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

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

Mr. Brandenburg responded no.

Ms. Tracy Huggins disclosed her affiliation with The Simplicity Plan, Inc.

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

Ms. Huggins responded no.

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

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

A. Recommended for Approval - Addendum B

1. *Funeral Director and Embalmer - Internship*
 - a. *McCluskey, Jacqueline*
 2. *Funeral Director and Embalmer- Endorsement*
 - a. *Collazo, Catherine*
 - b. *Wilkinson, Jeffrey S*

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

IV. Application(s) for Internship

A. Recommended for Approval – Addendum C

1. *Funeral Director and Embalmer*
 - a. *Chandler, Jr., Willis S*
 - b. *Duncan, Jeanette R*
 - c. *Landry, Peggy*

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

V. Application(s) for Embalmer Apprentice

A. Recommended for Approval – Addendum D

1. *Johnson, Elona*
2. *Kelly, Kathleen J*
3. *Lorne, Kevin*
4. *Rodgers, Robert L*

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

VI. Continuing Education Course Approval(s)

A. Recommended for Approval – See Addendum E

1. *Academy of Graduate Embalmers of Georgia #69*
2. *Aurora Casket Company #129*
3. *Florida Funeral Directors Association #75*
4. *Independent Funeral Directors of Florida Inc #135*
5. *International Order of the Golden Rule #2201*

6. *National Funeral Directors Association #136*
7. *Pinellas County Funeral Home Association #58*
8. *Remo Portelli #4201*
9. *Selected Independent Funeral Homes #137*
10. *Stewart Enterprises #92*
11. *Total Compliance Solutions, Inc. #36*

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

VII. Continuing Education Provider Approval(s)

- A. *Florida Tissue Services*
- B. *In-Sight Books*

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

VIII. Application(s) for Funeral Establishment

- A. *Recommended for Approval*
 1. *Daniels Funeral Homes and Crematory Inc (Live Oak)*

Ms. Marr stated that the application for a Change of Location was submitted on January 30, 2008. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on February 11, 2008. The Funeral Director in Charge will be William K. Daniels (F046452). The fingerprint cards for William Daniels and James Daniels, III were submitted and returned without criminal history. The establishment passed its inspection on February 18, 2008.

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

2. *Funeral Services Acquisition Group Inc d/b/a Lakeside Memorial Park and Funeral Home (Miami)*

Ms. Marr stated that the application for an initial Funeral Establishment License was submitted on December 27, 2007. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on February 8, 2008. The Funeral Director in Charge will be Lawrence Schuval (F024258). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on February 15, 2008.

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

3. *Hines Funeral Home Inc (Jasper)*

Ms. Marr stated that the application for a Change of Location was submitted on December 26, 2007. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on January 28, 2008. The Funeral Director in Charge will be Charles Hines (F043758). The

fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on February 15, 2008.

Mr. Helm stated that the application indicates that refrigeration would be maintained onsite, but there is a letter of agreement in the packet from ICS Crematory Corp.

Ms. Marr stated that Mr. Jim Gellepis would get clarification on the issue.

Mr. Chairman stated that the item would be held in abeyance until Staff clarifies this.

4. *Kotrady-Hudgins Funeral Services LLC d/b/a St. Johns Family Funeral Home and Crematory (St. Augustine)*

Ms. Marr stated that the application for a Change of Location was submitted on November 14, 2007. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on February 15, 2008. The Funeral Director in Charge will be Randall Hudgins (F045228). The fingerprint cards for Randall Hudgins and George Kotrady were submitted with a previous application and returned without criminal history. The establishment was not totally complete. It was about 95% ready, but the Department had not completed the inspection. The establishment is recommended for approval pending a passing inspection.

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

IX. Application(s) for Removal Service

A. *Recommended for Approval*

1. *Executive Removal Service Inc (Sunrise)*

Ms. Marr stated that the application for a Change of Location was submitted on December 13, 2007. The application was complete when submitted and a deficiency letter was not sent. The fingerprint cards for Keith Rider were submitted and returned with criminal history. The establishment passed its inspection on January 4, 2008. The application was placed on the February 6, 2008 Board Meeting but was deferred to the March 5, 2008 Conference call pending clarification of why the applicant was requesting a new license. Executive Removal Service Inc has a current license number of F048364 but has requested to change locations.

Date: 03/14/1993
Location: Broward County
Case # 93004563CF10A
Offense: Burglary
Pled: No Contest
Sentence: Probation
Disposition:

Date: 03/14/1993
Location: Broward County
Case # 93004561CF10C
Offense: Burglary

Pled: No Contest
Sentence: Probation
Disposition:

Date: 07/13/1995
Location: Broward County
Case # 95012339CF10A
Offense: Burglary
Pled: No Contest
Sentence: Probation, \$4000 Restitution
Disposition:

Date: 07/13/1995
Location: Broward County
Case # 95012338CF10B
Offense: Burglary
Pled: No Contest
Sentence: Probation, \$4000 Restitution
Disposition:

Mr. Baxley questioned whether the adverse license history had been verified for the current license

Ms. Marr responded yes.

MOTION: Ms. Huggins moved to approve the application pending confirmation that there has not been any adverse license history. Mr. Jones seconded the motion, which passed unanimously.

2. *Williams' Transport Service (Webster)*

Ms. Marr stated that the application for an initial Removal Service license was submitted on December 26, 2007. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on February 12, 2008. The fingerprint cards for Quinn Williams and Shirlean Williams were submitted and returned without criminal history. The establishment passed its inspection on February 6, 2008.

MOTION: Mr. Baxley moved to approve the application. Ms. Thomas-Dewitt seconded the motion, which passed with 3 dissenting votes.

X. Application(s) for Refrigeration Service

A. *Recommended for Approval*

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

Ms. Marr stated that the application for a Change of Location was submitted on January 10, 2008. The application was complete when submitted and a deficiency letter was not needed. The fingerprint cards for Jerry Norman and Daniel Solberg were submitted with a previous application and returned without criminal history. The establishment passed its inspection on February 5, 2008.

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

XI. Application for Direct Disposal Establishment
A. 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 February 12, 2008. The fingerprint cards for Robert Hannah were submitted and returned without criminal history. The establishment passed its inspection on February 13, 2008.

Ms. Marr stated that page 3 of the application was not submitted to the Department. It was brought to Staff's attention on yesterday.

Ms. Kim Hannah stated that page 3 was faxed back yesterday.

Mr. Chairman asked that the applicant wait for Ms. Marr to finish prior to commenting.

Ms. Marr stated that Page 3 was faxed to the applicant and a signed copy was returned to the Department. Page 3 happens to be the section on criminal history/disciplinary action. The applicant answered yes that a license had been suspended, but had not submitted, as a yesterday, an adverse action form. This morning the Department received the adverse licensing action history form. Unfortunately the Board has not had an opportunity to review the information. The Department would request that additional information be submitted for the Board's review. The fingerprints came in on February 12th, so the application would not be deemed until May. This item could be deferred to the April meeting. The applicant has stated that the issue came in over 20 years ago, but there are no details surrounding the incident.

Ms. Hannah stated that the original packet was submitted in January '08. Everything was included and documented. The applicant received a deficiency letter in February that indicated the only discrepancies were the inspection and fingerprints. The fingerprints were immediately submitted. The applicant was unaware there was anything missing from the original packet until yesterday evening at 3:50p. As soon as the applicant was made aware of the missing document, the item was faxed back to the Department. Ms. Hannah called the Office this morning to ensure everything was there and was advised that the other 2 pages were missing. Ms. Hannah faxed these items over this morning. The current license is not and has never been under suspension. The suspension in question came over 20+ years ago. The suspension was reconciled. The applicant is only requesting to move the establishment a couple of miles down the road.

Mr. Chairman stated that this is something the Department needs to look into.

Ms. Hannah stated that there were no discrepancies the beginning of February, but now there are since the pages were lost.

Ms. Marr stated that page 3 was not submitted. It appears Ms. Richardson failed to notice that page 3 was omitted. Otherwise she would have included it in the deficiency letter. The adverse history form received just states that the suspension happened over 20 years ago, was a 1-offense and reconciled at the time. There were no details included.

Ms. Hannah stated that Mr. Hannah is available to provide the details.

Mr. Chairman stated that these situations are not handled on conference calls.

Ms. Hannah stated that the only reason they are asking to be heard on the conference call is this packet was submitted in January and the applicant is trying to get into the new building which they are already paying on. The application was not placed on the February agenda and now the Board is considering delaying this again.

Mr. Chairman stated that the Department did not have the original page.

Ms Hannah stated that the original page was there.

Ms. Marr stated that fingerprints did not come in until February 12th.

Ms. Hannah stated that the applicant did not know fingerprints were needed until February 5th, upon receipt of the deficiency letter, which only indicated that the fingerprints and inspection were the only things needed. The reason that letter was not received is because it was sent to the new address.

Mr. Chairman stated had that page been in the original packet it would have been dealt with at that time.

Ms. Hannah stated that it was that is why it was not listed in the deficiency letter. The page was lost.

Mr. Brandenburg questioned who the owners are.

Ms. Hannah stated that Mr. Robert L Hannah is the owner of the corporation.

Mr. Brandenburg stated that it is listed as Robert and Kim. Mr. Brandenburg questioned whether Ms. Hannah submitted fingerprints.

Ms. Hannah responded no. Ms. Hannah stated that she is not a member of the board of the corporation. Ms. Hannah added that she is one of the practicing direct disposers.

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

DISCUSSION: Ms. Hannah questioned whether the applicant could receive a temporary license in order to practice until the next Board meeting.

Ms. Loucks questioned whether the licensee is operating in the present facility.

Ms. Hannah responded yes. The applicant is paying for the new location and would rather be moved over and not pay for 2 locations. This is putting the business in a financial crunch.

XII. Application(s) for Cinerator Facility

A. Recommended for Approval

1. Griffith-Cline Funeral & Cremation Services Inc (Bradenton)

Ms. Marr stated that the application for an initial Cinerator Facility license was submitted on February 1, 2008. The application was complete when submitted and a deficiency letter was not sent. The Funeral Director in Charge will be Rickey Groover (F029334). The fingerprint cards for Kenneth Griffith were submitted and returned without criminal history. The facility passed it inspection on February 15, 2008.

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

2. *Kotrady-Hudgins Funeral Services LLC d/b/a St. Johns Family Funeral Home and Crematory (St. Augustine)*

Ms. Marr stated that the application for a Change of Location was submitted on November 14, 2007. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on February 15, 2008. The Funeral Director in Charge will be George Kotrady (F045282). The fingerprint cards for Randall Hudgins and George Kotrady were submitted with a previous application and returned without criminal history. The new construction has not been completed. The facility is recommended for approval pending a passing inspection.

MOTION: Mr. Brandenburg moved to approve the application pending a passing inspection. Ms. Huggins seconded the motion, which passed unanimously.

XIII. Performance Bond(s)

A. *6510545. SCI Funeral Services of Florida, Inc., d/b/a Dade South Memorial Park (Miami) Garden Mausoleum Building*

Project: 796 crypt 3-story garden building, 12 levels high with 200 single, 12 couch crypts, 292 tandem crypts and 552 niches.
Cost: \$ 1,214,000
Bond Amount: \$ 1,335,400
Bond Number: 6510545
Surety Company: Safeco Insurance Company of America
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: Ms. Huggins moved to approve the performance bond. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

XIV. Trust Transfer Request(s)

- A. *Knauff Funeral Homes, LLC (Chiefland)*
Ch. 639 and Ch. 497 Preneed Trust Transfers – Security Trust (U.S. Bank) to F.S.I. (BB&T)
- B. *Nature Coast Service, LLC, D/b/a: Joe P. Burns Funeral Home (Perry)*
Ch. 639 and Ch. 497 Preneed Trust Transfers – Security Trust (U.S. Bank) to F.S.I. (BB&T)

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.

The original trust agreements were by Funeral Services Acquisition Group, Inc., owners of Knauff Funeral Home. Ownership has changed to Knauff Funeral Homes, LLC, which is requesting the transfer of Ch. 639 and Ch. 497 funds to the F.S.I trusts.

The original trust agreements were by Funeral Services Acquisition Group, Inc., owners of Joe P. Burns Funeral Home. Ownership has changed to Nature Coast Service, LLC, 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: Ms Hubbell moved to approve the requests contingent upon certification of the transfers being received by the Department within 60 days. Ms. Huggins seconded the motion, which passed unanimously.

XV. Request for Rule(s) Waiver

A. Valentin, Miguel

Ms. Marr stated that Mr. Miguel Valentin wants to become a funeral director and serve an internship. Mr. Valentin is currently a CPA working for the City of Miami and is not able to do a full-time 50 week internship. Mr. Valentin would like to do 20 hours a week, 100 week internship. If the Board were to allow this, they would have to waive Rule 69K-18.002, FAC.

Mr. Baxley questioned whether Mr. Valentin is requesting a 2 year internship.

Ms. Marr responded yes. Mr. Valentin is requesting 2 years instead of 1 and understands he has to complete 2000 hours, which would be done on the weekend and some evenings. Mr. Valentin has done everything he needs to do up until this point, but does not want to resign from his day job.

Ms. Huggins questioned waiving a Rule which is very specific.

Ms. Loucks stated that the petition meets the requirements for waiving the Rule. The one year internship requirement is part of the Statutes and that Rule basically describes what that one year internship consists of.

Mr. Chairman stated that he did not see it making a difference if Mr. Valentin completed the 2000 hours over the 2-year period.

Mr. Brandenburg questioned whether Mr. Valentin is applying for funeral directing only.

Ms. Marr responded yes.

Mr. Brandenburg questioned what recourse Mr. Valentin would have if the Board does not waive the Rule.

Ms. Loucks stated that Mr. Valentin would have to work 40 hours per week as stated in the Rule.

Mr. Brandenburg questioned the appeals process.

Ms. Loucks stated that Mr. Valentin could appeal the denial.

Mr. Baxley questioned whether there is a difference in what is gained in a full time 1-year internship and a part time 2-year internship.

Mr. Chairman stated it depends on how busy the funeral home is.

Ms. Huggins questioned whether Mr. Valentin is applying for the correct intern program. In the email provided to the Board, Mr. Valentin clearly speaks about embalming cases. Ms. Huggins stated that she is hesitant on an approval as it appears Mr. Valentin has not applied for the correct internship program.

Mr. Valentin stated that he is applying for the concurrent license and understands he must complete 40 embalming cases as well as 40 funeral arrangement cases within a year. The owner of the funeral home indicated that over the weekends, there would be no problem with reaching the 40 embalming cases. Mr. Valentin stated that he has no problem with extending his internship period in order to fulfill the 2000 hours requirement. Mr. Valentin's only concern is he has just finalized his degree as well as the National Board and is one step away from finalizing the license process, which is one of his goals.

Mr. Chairman questioned whether Mr. Valentin is applying for the correct application.

Mr. Valentin stated that he applied for the concurrent internship.

Ms. Huggins questioned whether Mr. Valentin is applying for the funeral director and embalmer training program.

Mr. Valentin responded yes.

Ms. Huggins stated that this is not what Mr. Valentin has applied for.

Mr. Brandenburg stated that the email indicates funeral director intern training program.

Mr. Baxley questioned whether the Department could verify which application was submitted.

Ms. Marr questioned whether Mr. Valentin had submitted an application.

Mr. Valentin responded yes.

Ms. Marr stated that when this was discussed, Mr. Valentin stated he only wanted to be a funeral director.

Mr. Valentin stated that he remitted the \$205 fee for the concurrent license.

Ms. Marr questioned whether Mr. Valentin stated he only wanted to be a funeral director.

Mr. Valentin responded in order to do so, you need to comply with the 40 embalming cases and the 40 funeral arrangement cases.

Ms. Marr stated that you could be a funeral director without applying for a concurrent or embalming internship.

Mr. Valentin stated that his intent was to do both.

Mr. Chairman questioned whether Mr. Valentin submitted the wrong application.

Ms. Marr stated that Mr. Gellepis is verifying this.

Mr. Valentin apologized if he sent in the wrong application.

Ms. Marr stated that Mr. Valentin did submit the correct application.

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

XVI. Application for Preneed License Branch

A. *SCI Funeral Services of FL, Inc. d/b/a Palm-Robarts Funeral Home & Memorial Park (Sarasota)*

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

*****ITEM HELD IN ABEYANCE*****

VIII. Application(s) for Funeral Establishment

A. *Recommended for Approval*

3. *Hines Funeral Home Inc (Jasper)*

Mr. Gellepis stated that Mr. Hines verified that ICS would be doing the refrigeration service and the application was checked in error.

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

Mr. Keith Daniels questioned whether today's approval allows them to move in and began operating out of the new facility.

Ms. Marr stated that the licensee could move in, but the Department needs to send a license.

Mr. Brandenburg questioned whether they could begin operating now that the Board has approved the application.

Ms. Marr stated the applicant needs to put his name on the outside and get his signage up.

Mr. Daniels stated that it should be already there.

Mr. Chairman questioned how long it takes to get the license.

Ms. Marr stated that the license would be ordered today and should be mailed tomorrow.

Mr. Chairman questioned whether Mr. Daniels would be legal if he receives a death call in the meantime.

Ms. Marr responded yes.

XVII. Adjournment

The meeting was adjourned at 9:41 a.m.