

Minutes of Meeting
BOARD OF FUNERAL, CEMETERY & CONSUMER SERVICES
Teleconference Meeting
May 7, 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 9:02 am. Ms. Diana Marr, Executive Director, called the roll:

PRESENT (via phone):

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

ALSO PRESENT:

Diana M Marr, Executive Director
Deborah Loucks, Board Counsel (via phone)
Bill Tharpe, Executive Senior Attorney
Jim Bossart, Senior Attorney
LaTonya Bryant, Department Staff
James Gellepis, Department Staff
Jasmin Richardson, Department Staff

ABSENT:

Justin Baxley

Ms. Marr declared a quorum.

The Chair noted that Carol Rotton would be added to the Agenda under # VI Applications for Internship. Ms. Rotton's application has been reviewed by the Department.

II. Informal Hearing

- A. Funeral Director and Embalmer-Internship*
1. Outwater, Gary A

Mr. Jim Bossart stated that this case originates from a Notice of Intent to Deny Licensure, dated September 25, 2007 that was issued on the basis that the Respondent violated Section 497.152(2), F.S., in that the Respondent pled nolo contendere and was thereby adjudicated guilty relating to various misdemeanors that related to the practice of, or the ability to practice, a licensee's profession or

occupation under Chapter 497. Evidence fails to support the conclusion that the misdemeanors that the Respondent were adjudicated guilty of relate, in any matter, to the practice of the licensee's profession. The Department recommends that the denial be withdrawn and the Respondent be allowed to take the various examinations to be licensed. Provided the Respondent passes the examinations and is licensed, the Respondent would undergo a 2 year probation whereby his employer would submit a report every six months, until the termination of the probation period, vouching for his character and work performance. Mr. Tim Qualls, Mr. Outwater's attorney, is present and would like to address the Board and answer any questions the Board may have.

Mr. Tim Qualls stated that Mr. Outwater fell on hard times, was homeless for a spell and was caught trespassing and stealing food. Mr. Outwater has been working for the past couple of years at a funeral home. His employer has written letters stating that Mr. Outwater exemplifies an excellent work attitude and is punctual and honest. The stipulation presented is fair and the Board is urged to accept it.

Ms. Gail Thomas-Dewitt stated that the Section that would pertain to Mr. Outwater would be 497.142 concerning good character, trustworthiness and integrity. The Board does not have to grant Mr. Outwater permission to take the National Board Exam. Once Mr. Outwater passes the exam, he would need to complete his internship and then would be eligible to apply for licensure with the Board. Mr. Outwater would be coming in as a new candidate even though he was previously licensed.

Ms. Thomas-Dewitt questioned whether 69K-16.0001 was quoted in error as she was unable to locate it in reference to funeral services.

Mr. Qualls responded that 69K-16.0001 is a Rule in the Florida Administrative Code.

The Chair questioned the difference between Ms. Thomas-Dewitt's concerns and the Stipulation.

Mr. Qualls stated that understand Ms. Thomas-Dewitt to say that Mr. Outwater should complete his internship again.

Mr. Bossart questioned whether Ms. Marr stated that Mr. Outwater was not required to complete another internship.

Ms. Marr stated that would be one entry point for Mr. Outwater.

Mr. Bossart stated that the Board would not be licensing Mr. Outwater. The Board would only be withdrawing the intent to deny licensure and basically allowing Mr. Outwater to take the examinations and apply as a new applicant.

Ms. Thomas-Dewitt stated that Mr. Outwater does not need the Board's approval to take the National Board Exam.

Ms. Marr agreed. Ms. Marr stated that Mr. Outwater is concerned whether he would be able to reapply.

Mr. Bossart stated that Section 497.142 was not included in the denial letter and was not raised at the time.

Ms. Thomas-Dewitt stated that denial was initially based on that.

Mr. Bossart added that 497.152 was the only statute quoted dealing with the conviction of a misdemeanor.

The Chair questioned how long Mr. Outwater was licensed prior to being homeless. The Chair also questioned whether Mr. Outwater was licensed as a funeral director in Florida.

Mr. Qualls responded that Mr. Outwater had been licensed for approximately 25 years. Mr. Qualls was unsure as to when Mr. Outwater fell on hard times. The charges stem from 2003, but it could have been some time before that.

The Chair questioned whether Mr. Outwater took the National Board Exam back in 1972.

Mr. Qualls responded that Mr. Outwater took all the tests and did extremely well, but has no record to show his scores. Mr. Bossart advised that it would be best if Mr. Outwater retook the test. The conditions of test have changed over the years. Mr. Outwater would prefer not to, but is willing to do so.

The Chair questioned whether Mr. Outwater would be acting as a licensed funeral director during the 2 year probationary period or whether that would serve as Mr. Outwater's internship.

Mr. Bossart stated that would be fine with the Department.

The Chair stated that Mr. Outwater would not be able to act as a funeral director until his internship was complete. The Chair questioned whether Mr. Outwater feels this is reasonable.

Mr. Qualls responded that would be reasonable.

Ms. Tracy Huggins questioned whether Mr. Outwater's previous license was revoked or not renewed.

Mr. Qualls responded that it expired.

Ms. Huggins in turn stated that Mr. Outwater has already completed his internship.

Mr. Qualls agreed. In reapplying to get everything in order is when Mr. Outwater's licensure was denied.

Mr. Powell Helm stated that the terms of the Consent Order are different from what he recalled. The minutes reflect that Ms. Thomas-Dewitt stated Mr. Outwater does not meet today's criteria. Mr. Outwater should have been denied if he does not meet the criteria.

Mr. Bossart stated that there was confusion in the file the he received. Nevertheless, Mr. Outwater was denied based on his criminal conviction and it was never raised whether he was eligible to reapply. The Notice of Intent to Deny Licensure went out based solely on the fact that Mr. Outwater pled nolo to various misdemeanors.

Mr. Helm questioned whether Ms. Thomas-Dewitt recalled.

Ms. Thomas-Dewitt recalled when the information was brought forth, the Board did not discuss the criminal section as Mr. Outwater did not qualify.

Ms. Chairman stated that the Department has determined that the criminal history was not severe enough for a denial based on that reason. The Chair questioned whether there was any other discussion regarding Mr. Outwater starting over, taking/passing both exams and serving a 2 year probationary period concurrent with a 2 year internship.

Ms. Thomas-Dewitt stated that the June 27, 2007 Minutes reflect that Mr. Outwater was denied as he had not taken the National Board Exam.

Mr. Helm agreed.

Ms. Thomas-Dewitt stated that there was no reason for Mr. Outwater to appeal. Mr. Outwater only had to take and pass the National Board Exam, then apply for an internship and from that apply for the State Exam. The minutes do not reflect that Mr. Outwater was denied based on his criminal history.

Mr. Qualls responded that the Notice of Intent to Deny Licensure signed by Diana Evans dated December 3, 2007 states based on the foregoing, the Board finds the applicant in violation of Section 497.152(2), F.S. Either way, Mr. Outwater is fine and has already agreed hesitantly to retake the exam. Mr. Outwater wants assurance that the misdemeanors would not be an issue after he completes the exam and applies. That was Mr. Outwater's reason for entering into the Consent Order.

Ms. Deborah Loucks stated that the Board would first need to make a motion to withdraw the Notice of Intent to Deny Licensure filed in December.

MOTION: Mr. Ken Jones moved to withdraw the Notice of Intent to Deny Licensure. Ms. Nancy Hubbell seconded the motion, which passed with 2 dissenting votes.

Ms. Loucks stated that it appears the parties are requesting that the Board approve Mr. Outwater for licensure contingent upon him passing the National Board Exam. Mr. Outwater's license would then be placed on a 2 year probationary period concurrent with an internship.

Ms. Thomas-Dewitt stated that she is reluctant to give consent ahead of time.

The Chair stated that the Department does not feel the misdemeanors were severe enough to prevent Mr. Outwater from being licensed, as long as he does not break the law from this point on.

Mr. Bossart stated that Mr. Outwater still has to come back before the Board.

The Chair concurred and added that Mr. Outwater would be taking the chance that everyone takes.

Ms. Loucks stated if the Board accepts the Consent Order, Mr. Outwater would not come back before the Board after he passes the Exam. Ms. Loucks added if the Board would like for Mr. Outwater to reapply then the Consent Order would have to be denied. It appears the Department and Mr. Qualls were trying to get Mr. Outwater's application pre-approved so that once he completes the Exam and internship, the license would be placed on probation but Mr. Outwater would not have to reappear before the Board.

The Chair questioned whether the Board would need a motion to accept the 2 year probationary period and internship.

Ms. Loucks responded that would be up to the Board. Basically, the Board would need to determine if Mr. Outwater would be allowed to reapply without paying the fee or take no action on his application and have it brought back before the Board.

Mr. Helm stated that waiving the application fee should not be a problem. Mr. Helm added if this license is pre-approved, this would start a trend.

Ms. Marr stated this appears to be an application for a Funeral Director and Embalmer license. Mr. Outwater has not applied for an internship. If the application is approved, Mr. Outwater would be under a probationary that would be treated as an internship with the condition of the supervisory reports being submitted. If Mr. Outwater takes the National Board Exam and his supervisor agrees to supervise him as though he were an intern, the license that would be issued should Mr. Outwater pass the tests would be the actual Funeral Director and Embalmer license.

The Chair added that licensure would be automatic.

Ms. Thomas-Dewitt stated it should not be. Although Mr. Outwater was previously licensed, he applied as if he had never been licensed. Therefore, he should be required to complete an internship.

Ms. Huggins questioned the requirements of a funeral director whose license has lapsed and comes back to apply. The same requirements should apply to Mr. Outwater.

Ms. Thomas-Dewitt stated that the catch is the National Board Exam. Mr. Outwater did not have that qualification. Therefore he can not come in under a reciprocal agreement this time as he did not have the full requirement. Ms. Thomas-Dewitt added if Mr. Outwater has taken/passed the National Board Exam he would only be required to contact the Conference to receive a copy of his scores.

Mr. Qualls stated that one of the exams required today was not a requirement back in the '70s.

Ms. Catherine Zippay stated that Mr. Outwater would have to take that exam because now it is required.

Mr. Qualls agreed. Mr. Outwater was advised of this and he understands this. The applicant is trying to get over being denied for the misdemeanors and have the Board stipulate that to overcome the misdemeanors, Mr. Outwater's license would not be denied but he would be placed on probation for 2 years.

Mr. Bossart stated if the Consent Order is adopted as it is, the Board would not be allowed to revisit the misdemeanors.

Ms. Loucks stated since Mr. Outwater's license lapsed for whatever reason and according to his application he took/passed the Florida State Board exam in 1973, Mr. Outwater has to apply and qualify under the Rules that are currently in effect. Therefore, Mr. Outwater would have to take/pass the National Board Exam. The Board has withdrawn the Notice of Intent to Deny.

Ms. Loucks questioned if Mr. Outwater comes back and reapply after he passes the exam the misdemeanor issue may be on the agenda, but since it has been determined that the crimes are not related to his ability to practice, the Board would not deny him on that grounds but would still be able to look at his application again.

Ms. Marr stated that there is an application that was denied.

Ms. Loucks stated that the denial has been withdrawn. Ms. Loucks questioned whether Mr. Outwater is required to complete an internship to meet the current qualification requirements for a funeral director even though he was previously licensed.

Mr. Qualls contends that Mr. Outwater does not have to, but if this is the only thing holding the Board up, Mr. Outwater would agree to the internship being concurrent with the probationary period.

Ms. Loucks questioned whether the Board should enter into a Consent Order. Should this application come back before the Board, there would be a record of the misdemeanor issue being resolved. If the Board takes no action at this point on the application, once Mr. Outwater takes/passes the exam he would automatically be licensed. The Board would then issue the license with the condition of the probation.

Ms. Marr stated if the Board withdraws the denial there is an application on the table that has not been addressed.

Ms. Loucks stated that the Board has already voted to withdraw the Notice of Intent to Deny Licensure.

Mr. Qualls questioned whether the Board would consider a motion to make the record clear that in considering Mr. Outwater's application the previous misdemeanors would not be considered as they do not impact with his ability to practice his profession in any way.

The Chair stated that the withdrawal takes care of that.

Ms. Thomas-Dewitt questioned how Mr. Outwater's internship would be exempt if this is a part of the requirement per statute.

The Chair stated that he does not know that it is a part of the requirement since Mr. Outwater was previously licensed.

2nd MOTION: The Chair moved to grant licensure conditioned on Mr. Outwater passing the National Board exam and State exam; the license would be issued and placed on probation for 2 years concurrent with the internship. Mr. Jody Brandenburg seconded the motion, which passed with 1 dissenting vote.

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

Ms. Marr presented the applications 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.

The Chair disclosed his affiliation with CFS Funeral Services, Inc.

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

The Chair responded no.

Ms. 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. Helm moved to approve the application(s). Ms. Zippay seconded the motion, which passed unanimously.

IV. Application(s) for Preneed License Branch

1. Anderson McQueen Company d/b/a E James Reese Funeral Home (St Petersburg)

Ms. Marr presented the application for approval.

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

2. SCI Funeral Services of Florida Inc d/b/a Hardage-Giddens Town & Country Funeral Home (Jacksonville)

Ms. Marr presented the application for approval.

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

3. SCI Funeral Services of Florida Inc d/b/a Kiser Funeral Home (Ft Myers)

Ms. Marr presented the application for approval.

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

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

A. Recommended for Approval - Addendum B

1. Funeral Director and Embalmer - Internship

a. Davidson, Douglas L

2. Funeral Director and Embalmer-Endorsement

a. Rouse, Joshua D

b. Shipp, James E

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

VI. Application(s) for Internship

A. Recommended for Approval – Addendum C

1. Funeral Director and Embalmer

- a. Brahim, Khateeja**
- b. Mims, Joseph E**
- c. Mitchell, Veronica L**
- d. Valentin, Miguel A**

2. Funeral Director

- a. Rotton, Carol**

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

VII. Application(s) for Embalmer Apprentice

A. Recommended for Approval – Addendum D

- 1. Bickelhaupt, Tracie A**
- 2. De Oliveira, Ludmila**
- 3. Sanders, Justin W**

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

VIII. Continuing Education Course Approval(s)

A. Recommended for Approval – See Addendum E

- 1. Aurora Casket Company #129**
- 2. Cremation Association of North America #90**
- 3. Florida Funeral Directors Association, Inc #75**
- 4. Florida Morticians Association, Inc. #133**
- 5. Florida Tissue Services. #6001**
- 6. Jewish Funeral Directors of America, Inc #66**
- 7. National Funeral Directors Association, Inc #136**
- 8. Pinellas County Funeral Home Association #58**

Mr. Helm questioned whether Ms. Huggins had reviewed the applications.

Ms. Huggins responded yes.

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

IX. Continuing Education Provider Approval(s)

- A. Florida Wilbert, Inc #6801**
- B. Stericycle #6401**

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

X. Application(s) for Funeral Establishment

A. Recommended for Approval

1. Anderson-McQueen Company d/b/a E. James Reese Funeral Home (Seminole)

Ms. Marr stated that the application for a Change of Ownership was submitted on March 6, 2008. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on March 26, 2008. The Funeral Director in Charge will be E. Dean Gunter (F044264). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on March 27, 2008.

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

2. Faith Funeral Home Inc (Havana)

Ms. Marr stated that the application for a Change of Ownership was submitted on February 4, 2008. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on March 3, 2008. The Funeral Director in Charge will be K. Scott Whitehead (F026466). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on February 29, 2008.

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

3. Funeraria Santa Cruz Inc (Naples)

Ms. Marr stated that the application for a new establishment was submitted on March 17, 2008. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on April 8, 2008. The Funeral Director in Charge will be Brian E. Laurent (F042089). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on April 8, 2008.

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

4. SCI Funeral Services of Florida Inc d/b/a Funeraria Memorial Plan-Kendall (Miami)

Ms. Marr stated that the application for a new establishment was submitted on March 5, 2008. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on April 15, 2008. The Funeral Director in Charge will be Debbie McCartney (F044877). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on April 14, 2008.

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

B. Recommended for Consideration

1. Restview Memorial Mortuary Inc d/b/a Restview Memorial Mortuary-Hallandale (Hallandale Beach)

Ms. Marr stated that the application for a new establishment was submitted on March 19, 2008. The application was missing a few items and the applicant was notified directly of the missing items. The deficient items were returned on April 16, 2008. Upon reviewing the application, the applicant stated that Restview Memorial Mortuary Inc located at 6970 Stirling Road, Davie, FL 33024 would be providing refrigeration, storage and embalming services for the new facility; however the contracts that were submitted stated Restview Memorial Mortuary Inc will be providing the embalming services only and an additional contract was submitted showing Gold Coast Crematory would be providing refrigeration, storage and cremations for the facility. While investigating a potential complaint, Dianna Patterson visited the Restview Memorial Mortuary location in Davie, FL on March 6, 2008 and again on March 26, 2008 and observed the building is no longer being utilized as a funeral establishment. Follow up calls to the landlord provided details of an ongoing attempt to reclaim the property from the tenants. Documentation was submitted to the department and is included with the application.

MOTION: Mr. Brandenburg moved to deny the application based upon the fact that the applicant does not have an agreement with a licensed operating facility for embalmings. Mr. Helm seconded the motion.

DISCUSSION: Mr. Shawn Wilson stated that Restview does have an agreement with their other establishment as they have two facilities.

Ms. Marr questioned the 2 facilities.

Mr. Wilson responded, "6970 Stirling Road, Restview Memorial Mortuary, License #F047904 and there is a prep room at that location."

Ms. Marr stated that it was communicated the Department that the applicant no longer holds a lease at that location and is not occupying the building.

Mr. Wilson disagreed and stated that Restview has another agreement with Rock of Ages Funeral Chapel in Miami.

Ms. Marr questioned the terms of the agreement with the Stirling Road location.

Mr. Wilson stated they are currently fighting for an agreement.

Ms. Marr questioned whether there is a lease in place.

Mr. Wilson stated that there is a lease. A letter was faxed from another funeral establishment covering the facility for Pembroke.

Ms. Marr questioned Mr. Wilson's role with this company.

Mr. Wilson stated that he was presently sitting in with the owner and funeral director.

Ms. Marr again questioned Mr. Wilson's role with Restview, Stirling Road.

Mr. Wilson responded that he is an assistant.

Ms. Marr questioned why the assistant was speaking on behalf of the company and not the owner.

Mr. Terrance O'Dea stated that he was present.

Ms. Marr questioned Mr. O'Dea's role at Restview.

The Chair stated that the landlord indicates that the rent has not been paid, the building has been locked numerous times and the sign is down.

Mr. O'Dea stated that the sign was down to be repaired.

The Chair questioned the sign being repaired as the applicant had just moved into the facility.

Mr. O'Dea stated that the sign had been vandalized.

The Chair questioned whether the applicant is presently operating at that location.

Mr. O'Dea responded yes.

The Chair questioned whether the applicant possesses a key to get in and out of the building.

Mr. O'Dea responded yes.

Mr. Jones questioned whether the applicant has a signed lease agreement.

Mr. O'Dea responded "yes we did."

Ms. Marr questioned where the signed lease is located.

Ms. Huggins questioned whether the rent has been paid up.

The Chair added the landlord states the applicant never paid any rent so the lease has been broken.

Ms. Zippay questioned whether there is a pending landlord/tenant lawsuit.

Mr. O'Dea responded yes.

Ms. Zippay questioned whether the lawsuit is in Broward County Court.

Mr. O'Dea responded yes.

Ms. Zippay questioned when the determination regarding the lease would be made.

Mr. O'Dea stated that he had not received a court date.

Ms. Zippay questioned whether the applicant had been served with the summons and complaint.

Mr. O'Dea responded yes.

The Chair states that the Board had been advised that the applicant had been locked out of the facility.

Mr. O'Dea denied this. Mr. O'Dea added that he has an agreement with Rock of Ages for prep work.

The Chair questioned the need for this agreement if the applicant was not locked out of their own facility.

Mr. O'Dea stated they are just trying to get everything sorted out and would like to continue operating.

Ms. Marr questioned where the applicant is conducting funerals.

Mr. O'Dea stated they are only doing cremations.

Ms. Marr questioned whether the monthly reports would reflect this.

Mr. O'Dea responded yes.

The Chair questioned what the applicant would do if a call was received for a funeral.

Mr. O'Dea stated they would be referred to another chapel.

Ms. Zippay stated that the cover memo indicates the application was only for refrigeration, storage and embalming.

Mr. Brandenburg stated that the application was for a funeral establishment. There is another location that would be providing the refrigeration, storage and embalming services.

Mr. O'Dea concurred.

MOTION: Mr. Brandenburg moved to deny the application based upon the fact that the applicant does not have an agreement with a licensed operating facility for embalmings. Mr. Helm seconded the motion, which passed unanimously.

XI. Application(s) for Removal Service

A. Recommended for Approval

1. Bert B. Boldt III d/b/a Funeral Director Associates Removal Services (Tallahassee)

Ms. Marr stated that the application for a new service was submitted on March 10, 2008. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on April 7, 2008. The fingerprint cards for all principals were submitted and returned without criminal history. The removal service passed its inspection on April 7, 2008.

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

XII. Application(s) for Cinerator Facility

A. Recommended for Approval

1. *Anderson-McQueen Company d/b/a Pinellas Crematory (Seminole)*

Ms. Marr stated that the application for a Change of Ownership was submitted on March 6, 2008. The application was incomplete when submitted and a deficiency letter sent. All deficient items were returned on March 26, 2008. The Funeral Director in Charge will be E. Dean Gunter (F044264). The fingerprint cards for all principals were submitted and returned without criminal history. The establishment passed its inspection on March 27, 2008.

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

XIII. Application(s) for Training Agency

A. *Recommended for Approval-Funeral Directing and Embalming*

1. *Allen-Summerhill Funeral Home Inc (Deland)*

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

2. *Glades Funeral Chapel (Belle Glade)*

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

3. *Lewis Funeral Home (Navarre)*

Mr. Brandenburg stated that the 2007 Florida Statistics book indicates there were 37 total calls, 22 in '05, 29 in '06 and 37 in '07. Mr. Brandenburg questioned how it was determined that there were 48 embalmings when there were only 37 cases reported.

Ms. Jasmin Richardson stated the numbers are calculated from the time the application is submitted to one year prior. Therefore, the total included cases from 2007 and 2008.

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

B. *Recommended for Approval-Funeral Directing Only*

1. *Lewis Funeral Home Pace Chapel (Pace)*

Mr. Brandenburg questioned whether the same thing applied for this application.

Ms. Richardson responded yes.

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

2. *National Cremation Society/Clearwater Office (Clearwater)*

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

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

XIV. Monument Retail Sales Agreements

A. Daniel A Newsome d/b/a Grave Sites, LLC (Arcadia)

Ms. Marr stated that the agreement was submitted in compliance with Section 497.553, Florida Statutes, that requires monument establishment sales agreement forms be filed with and approved by the Board.

Staff recommends approval of the agreement pending Department receipt within 45 days of two print-ready agreements with the following revisions:

- Separate section for the name, address and telephone number of Interment Right owner
- Name and address of cemetery or memorial for delivery and installation
- Disclose latest date that the memorial or monument will be installed

MOTION: Ms Zippay moved to approve the agreement contingent upon revisions being completed within 45 days and two print-ready copies. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

B. Frank T Randolph, Sr d/b/a Affordable Memorials & Cemetery Lots (Fern Park)

Ms. Marr stated that the agreement was submitted in compliance with Section 497.553, Florida Statutes, that requires monument establishment sales agreement forms be filed with and approved by the Board.

Staff recommends approval of the agreement pending Department receipt within 45 days of two print-ready agreements with the following revisions:

- Agreement shall be sequentially numbered
- Include a separate section for the name, address and telephone number of the Interment Right owner

Mr. Helm stated that he would not feel comfortable recommending approval until Staff receives a new agreement. Mr. Helm noted there are several different things on this one:

- Does not have a space for the sales agent
- Does not have an installation date

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

C. Master Craft Memorials Inc (Plant City)

Ms. Marr stated that the agreement was submitted in compliance with Section 497.553, Florida Statutes, that requires monument establishment sales agreement forms be filed with and approved by the Board. Staff recommends approval of the agreement pending Department receipt within 45 days of two print-ready agreements with the following revisions:

- Include a separate section for the name, address and telephone number of the Interment Right owner
- Please include in the general description: color (finish) and design (lettering, drawing, carving decoration, emblems, etc.)
- Please disclose that the memorial or marker meets all of the cemetery's rules and regulations as of the date of the contract.
- The agreed date for delivery and installation shall be clearly and prominently specified in each retail sales agreement.

Mr. Helm stated that the 3rd revision would not be a part of the contract.

MOTION: Ms. Zippay moved to approve the agreement contingent upon revisions being completed within 45 days and two print-ready copies. Mr. Jones seconded the motion, which passed unanimously.

DISCUSSION: The Chair stated regarding the Restview establishment that was denied, the Department needs to ensure the facility is not operating.

Ms. Marr stated that the Department has it under control.

The Chair questioned what is being done to control the situation.

Ms. Marr responded that it is confidential.

XVII. Adjournment

The meeting was adjourned at 9:52 a.m.