

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
November 7, 2013 - 10:00 A.M.

1. Call to Order, Preliminary Remarks and Roll Call

Mr. Jody Brandenburg, Chair, called the meeting to order at 10:00 am.

Mr. Doug Shropshire, Director, requested to make the usual prefatory comments for the record and then take the roll.

As a preliminary matter, let me state for the record that my name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, November 7, 2013. The time is approximately 10:00am. This is a public meeting of the Board of Funeral, Cemetery and Consumer Services. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting had been made available to interested persons. The meeting is occurring by Teleconference with some members of the Public here with the Division staff here in the Pepper Building, in Tallahassee, Florida. The call in number has also been made available to the public. Members of the Board are participating by phone. My Assistant, Ms LaTonya Bryant, will take minutes of the meeting, which is being recorded.

Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. All persons participating by phone, other than the Chair and Board members while speaking, are asked to place their phones on mute at all times while listening. I repeat, please place your phones on mute at all times while listening. We ask this to enhance the audio quality of the Teleconference. If any Member or participant is disconnected they can call back to the same number called initially. Participants are respectfully reminded of the necessary protocol that only one person may speak at the time.

At this time I will take the roll and Board members will please respond clearly with "present" when I call their name:

PRESENT (via phone):

Joseph "Jody" Brandenburg, Chairman

Gail Thomas-DeWitt, Vice-Chairman

Jean Anderson

Andrew Clark

Lewis "Lew" Hall

Powell Helm

Nancy Hubbell

Ken Jones

Richard "Dick" Mueller

Mr. Chairman we have a quorum and the Board may proceed to address the matters on the agenda.

The Chair confirmed that all Board members had received their packets in a timely manner.

Also noted as present:

Doug Shropshire, Executive Director

Mary Ellen Clark, Board Legal Advisor (via phone)

Anthony Miller, Assistant Director

LaTonya Bryant, Department Staff

Jasmin Richardson, Department Staff

2. Action on the Minutes

A. October 3, 2013

The Chair confirmed that all Board members had read the draft of the minutes of the previous Board meetings held on October 3, 2013.

MOTION: Mr. Dick Mueller moved to adopt the minutes of the meeting. Mr. Lew Hall seconded the motion, which passed unanimously.

3. Application(s) for Preneed Sales Agent

A. Informational Item (Licenses Issued without Conditions) – Addendum A

The application(s) presented are clean and have been approved by the Division. This item is informational only and does not require Board action.

B. Recommended for Approval without Conditions (Criminal History)

(1) Kelley, William (Appointing Entity: SCI Funeral Services of Florida, Inc.)

On July 8, 2013, the Department received an application from Mr. Kelley. Mr. Kelley answered “No” to Applicant Background Questions. During the review of his fingerprint results provided by FDLE it was confirmed, Mr. Kelley did have one criminal infraction that required disclosing. Mr. Kelley was asked to provide an explanation for the inaccuracy on his application.

Mr. Kelley’s explanation “My lawyer explained to me upon my release that the situation was completely resolved. Also, I thought this traffic violation was a misunderstanding and didn’t believe that it rose to the level of criminal activity.”

Mr. Kelly pled no contest to a criminal traffic infraction in October 2010, and his sentence included probation. Due to what he indicates was his misunderstanding, he failed to timely pay the entire fine and costs, and he was convicted of probation violation. Upon request he disclosed all required information.

The Department assessment is that if issued a preneed sales agent license, Mr. Kelley would not pose an unreasonable risk to the members of the public who might deal with him in preneed transactions.

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

4. Application(s) for Continuing Education Course

A. Recommended for Approval without Conditions – Addendum B

- (1) *International Cemetery & Funeral Association (74)*
- (2) *International Order of the Golden Rule (2201)*
- (3) *M.K. Jones & Associates, Inc. (9605)*

The majority of the Continuing Education Committee and the Division recommends approval of the application(s) for the number of hours indicated on Addendum B in the right hand corner.

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

5. Application(s) for Florida Law and Rules Examination

A. Informational Item (Licenses Issued without Conditions) – Addendum C

- (1) *Funeral Director – by Endorsement*
 - (a) *Jennings, Tony T*
 - (b) *Pierro, Corinne M*
- (2) *Funeral Director – by Internship and exam*
 - (a) *Dobin, Edward M*
 - (b) *Hopkins, Patrick J*
 - (c) *Pare, Denise M*
 - (d) *St. Clair, Taylor*
- (3) *Funeral Director and Embalmer – Endorsement*
 - (a) *Bennett, Robert A*
- (4) *Funeral Director and Embalmer – by Internship and Exam*
 - (a) *Echeverry, Natalia*
 - (b) *Gleaves, Sahar Z*
 - (c) *Jones, Tanika D*
 - (d) *Ortiz, Frank O*
 - (e) *Webster, Charles E*

The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

6. Application(s) for Internship

A. Informational Item (Licenses Issued without Conditions) – Addendum D

- (1) *Funeral Director*

- (a) *Martir, Juan B (F076625)*
- (2) *Funeral Director and Embalmer*
 - (a) *Agee, Simone Y (F072982)*
 - (b) *Andrews, Melaina A (F076438)*
 - (c) *Brown, Chester F (F076322)*
 - (d) *Corley, Amanda L (F076287)*
 - (e) *Ribalta, Maykel (F076240)*
 - (f) *Wumkes, Rick G (F044966)*

The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

- 7. **Application(s) for Registration as a Training Agency**
 - A. *Informational Item (Licenses issued without Conditions) – Addendum E*
 - (1) *Funeral Directing and Embalming*
 - (a) *Dees-Parrish Family Funeral Home Inc (F039886) (Lake City)*
 - (b) *Dignity Funeral Services Inc d/b/a Michels & Lundquist Funeral Home & Cremation Service (New Port Richey)*

The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

- 8. **Consumer Protection Trust Fund Claims**
 - A. *Recommended for Approval without Conditions – Addendum F*

The Division recommends approval of the claim(s) for the amount indicated on Addendum G entitled “Amount Recommended.”

MOTION: Mr. Hall moved to approve the claim(s) for the amount indicated on Addendum F entitled “Amount Recommended.” Mr. Andrew Clark seconded the motion, which passed unanimously.

- 9. **Notification(s) of Change of Location**
 - A. *Informational Item – Addendum G*
 - (1) *Affinity Direct Cremation Service (Brandon) (F040178)*

This item is informational only and does not require Board action.

- 10. **Application(s) for Monument Establishment Sales Agent**
 - A. *Informational Item (Licenses Issued without Conditions) – Addendum H*

The application(s) presented are clean with no indication of a criminal or disciplinary history and have been approved by the Division pursuant to delegation by the Board. This item is informational only and does not require Board action.

B. Recommended for Approval with Conditions
(1) Wolfe, Christopher W.

This application is being filed for a monument establishment sales agent license for Christopher W. Wolfe. The application was received on August 7, 2013 and all deficiencies were resolved of September 23, 2013.

Christopher W. Wolfe answered Yes to Section 7, question 1(b) on the application concerning a felony committed within the past 20 years immediately preceding the date the application was submitted. Mr. Wolfe provided further information and court documentation evidencing that he was charged with a felony of aggravated assault with a deadly weapon in August 2011 (please see attached letter of explanation). He pled no contest and was placed on 3 years probation during which he was required to complete the following: Attend a 26 week Batter's Intervention Class, attend marriage counseling, take prescribed medications, and ordered to forfeit firearms and not to purchase fire arms, in addition to payment of court costs and fees. Mr. Wolfe has satisfied all of these conditions, was released from probation as of October 9, 2012, and paid all court costs and fees.

The Division is recommending approval of the application subject to the stipulation for licensure between the Division and Applicant for two (2) years (24 months) probation. If approved, Mr. Wolfe will be selling monuments under Imperial Monuments, LLC, which was approved at the October 3, 2013 Board meeting.

MOTION: Mr. Helm moved to approve the application subject to the conditions of the stipulation for licensure between the Division and Applicant for two (2) years (24 months) probation. Mr. Jones seconded the motion, which passed unanimously.

11. Application(s) to Acquire Control of a Cemetery Company
A. Recommended for Approval with Conditions
(1) Resthaven Memorial Gardens, LLC (Pensacola)

The application was received by the Division on September 12, 2013 and no deficiencies were noted on the application. A completed background check of all officers revealed no criminal history.

The entity that would acquire control is Resthaven Memorial Gardens, LLC, and the principal of that LLC is David H. Chapman. Mr. Chapman currently and since approximately April 2012 has owned Live Oak Memorial Cemetery, in Crestview. Mr. Chapman's Historical Sketch states, among other things, that: he has worked in the death care industry for approximately 17 years; that since Nov. 2001 he has been employed by Gulf Coast Wilbert, Inc., and is currently President and Treasurer of that firm; that he is a member of the Board of Directors of Community Bank of Destin. Mr. Chapman has submitted a personal financial statement indicating that his present net worth is \$3,430,350.

The change of control will be accomplished via an asset purchase agreement (copy attached). The APA specifies that Resthaven Memorial Gardens, LLC will assume responsibility for all preneed contracts listed on Schedule 1 to the APA, and Mr. Chapman has advised the FCCS Division that Schedule 1 includes all known outstanding preneed contracts. The Applicant intends to sell preneed at Resthaven Cemetery as a preneed branch under the preneed license of Live Oak Memorial Park, LLC (F069162), and has submitted an application for a preneed branch license in conjunction with this application, which is also being presented at this Board teleconference meeting (please see Addendum).

The Applicant's financial statement as of August 31, 2013 reflects the following:

Required Net Worth = \$ 50,000

Reported Net Worth = \$ 75,000

The application is recommended for approval subject to the condition(s) as follows:

- 1) The Board approval of change of control does not include approval of any development plans. If after approval of the change in control the new controlling person intends to develop the cemetery, the new controlling person shall cause development plans to be submitted to the Board for approval prior to implementing same.
- 2) That closing occurs within 60 days of the date of this Board meeting, and without material change in the terms and conditions of the transaction as described to the Board in this cover sheet and the materials provided to the Board herewith.
- 3) Receipt by the Division within 75 days of this Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred and without material change in the terms and conditions of the transaction as described to the Board in this cover sheet and the materials provided to the Board herewith.
- 4) Receipt by the Division within 75 days of this Board meeting, of a copy of the Asset Purchase Agreement, executed by all parties, and any and all amendments thereto, also fully executed.

MOTION: Mr. Mueller moved to approve the application subject to the conditions recommended by the Division. Ms. Gail Thomas-Dewitt seconded the motion, which passed unanimously.

12. Application for Broker of Burial Rights

A. Recommended for Approval without Conditions

(1) *Bocvarov Enterprises, Inc (Hallandale)*

The application was received on September 16, 2013 and the application was complete as of October 23, 2013. The Department completed a background check of Applicant which revealed no criminal history.

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

(2) *James W Lovell (New Port Richey)*

The application was received on August 28, 2013 and the application was complete as of October 23, 2013. The Department completed a background check of Applicant which revealed no criminal history.

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

(3) *Wilner Maxy (Miami)*

The application was received on July 8, 2013 and deficiencies were noted on the application. A deficiency letter was sent to the Applicant on July 15, 2013 and all deficiencies were resolved as of October 17, 2013. The Department completed a background check of Applicant which revealed no criminal history.

Ms. Nancy Hubbell questioned the purpose of the financial statements for a broker of burial rights when \$10 on a balance sheet is sufficient.

Mr. Shropshire stated that it is required by statute and rule.

Ms. Hubbell stated that it did not seem necessary since the Applicant only had \$10.

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

13. Application(s) for Cinerator Facility

A. Recommended for Approval with Conditions

(1) *Compassionate Cremations Inc (Winter Springs)*

An application for a Cinerator Facility was received on September 23, 2013. The application was complete when submitted. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Lewis McGann (F044448).

The establishment is recommended for approval subject to the condition that the establishment passes an on-site inspection by a member of Division Staff.

MOTION: Mr. Clark moved to approve the application subject to the condition that the establishment passes an on-site inspection by a member of Division Staff. Mr. Hall seconded the motion, which passed unanimously.

14. Application(s) for Direct Disposal Establishment

A. Recommended for Approval with Conditions

(1) *Compassionate Cremations Inc (Winter Springs)*

An application for a Direct Disposal Establishment was received on September 23, 2013. The application was complete when submitted. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Lewis McGann (F044448).

The establishment is recommended for approval subject to the condition that the establishment passes an on-site inspection by a member of Division Staff.

MOTION: Mr. Clark moved to approve the application subject to the condition that the establishment passes an on-site inspection by a member of Division Staff. Mr. Jones seconded the motion, which passed unanimously.

15. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Baldwin Brothers Memorial Care Services Inc d/b/a Baldwin Brothers Cremation Society (Apopka)

An application for a Funeral Establishment was received on October 8, 2013. The application was complete when submitted. The fingerprint cards for all principals were returned with criminal history for one of the principals, Evans P. Baldwin. The Funeral Director in Charge for the establishment will be Christian Ingram (F042920).

Criminal History: Evans P Baldwin criminal history has been presented to the Board in 2010 when he was granted a preneed agent license, at the June 27, 2013 Board meeting when he applied for and was granted a Funeral Director Intern license and again at the July 11, 2013 and October 3, 2013 Board meetings when he applied to be a principal of an Establishment. The preneed sales agent license was approved with conditions. He was ordered to be placed on two years' probation which was completed in May 2012. The Funeral Director Intern license was approved without conditions. The Funeral Establishment application was approved without conditions.

The criminal recorder Evans Baldwin consists of one incident, as follows:

- On Sept. 25, 2002 Applicant, then age 17, while driving a car at approximately 9 PM in Winter Park, struck a woman on a bicycle that he asserts he never saw, and caused her death. Applicant did not stop at the scene. Applicant asserts he pulled over at gas station a little way further on, and saw people apparently helping the victim, and heard emergency vehicles going to the scene, and decided to drive home. At home that same night he told his girlfriend that he had struck a bicyclist and he could hear her screaming. The next day, when his step-mother noticed the damage to the car Applicant had been driving, Applicant told her he had fallen out of a tree onto the car and damaged it. It was not until Oct. 5, 2002 that Applicant told his parents the truth. His father went to see an attorney to obtain advice and representation for Applicant. On Oct. 14, 2002 the attorney for Applicant delivered a letter to the highway patrol, revealing Applicant's involvement, which the police were not previously aware of.
- Thereafter, on or about January 4, 2004 Applicant pled guilty to the felony charge of leaving the scene of an accident with death, in Florida Circuit Court, Orange County. His sentence included 5 years supervised probation, 150 hours of community service including 10 hours of speaking to groups in victim awareness programs using a photo of the victim, his driver's license was restricted to business driving for one year, he had to pay the victim's funeral costs, and court costs were imposed. He has successfully completed the court-ordered probation.

The establishment is recommended for approval subject to the condition that the establishment passes an on-site inspection by a member of Division Staff.

Mr. John Rudolph stated that he believes the Board has already approved an application like this with the criminal history of Mr. Baldwin's son.

Mr. Keenan Knopke stated that the Board has previously approved applications containing Mr. Evans Baldwin's information and requested that the Board to move forward with the approval.

Ms. Wendy Wiener representing the application stated that this would be the fourth application that would be approved considering this history as well and requested that the Board approve the application.

MOTION: Mr. Hall moved to approve the application subject to the condition that the establishment passes an on-site inspection by a member of Division Staff. Mr. Jones seconded the motion, which passed unanimously.

(2) Dignity Funeral Services Inc d/b/a Michels & Lundquist Funeral Home & Cremation Service (New Port Richey)

An application for a Funeral Establishment was received on September 19, 2013. The application was complete when submitted. All fingerprint cards for all principals were returned with no criminal history. If this application is approved, the FDIC for the establishment will be Roger Michels (F045937).

This funeral establishment is the qualifying entity for preneed license F038726, and the Applicant herein agrees to assume all existing preneed obligations of that license (see attached letter from counsel, Wendy Wiener, dated October 25, 2013); Applicant has already submitted an application to transfer the Preneed License and will appear on this agenda.

The "Dignity" entity referred to herein is not affiliated with Service Corporation International or its Dignity brand.

The establishment is recommended for approval subject to the condition(s) as follows:

- 1) That the closing on the transaction occur within 60 days of the date of this Board meeting.
- 2) Receipt by the Division within 75 days of this Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred.
- 3) Receipt by the Division within 75 days of this Board meeting, of a copy of the Bill of Sale, executed by all parties, and any and all amendments thereto, also fully executed.

MOTION: Mr. Helm moved to approve the application subject to the conditions recommended by the Division. Mr. Clark seconded the motion, which passed unanimously.

Mr. Rudolph stated that the Applicant's application for training facility was approved prior to the approval of the funeral establishment application being approved.

Ms. Jasmin Richardson stated that the training facility addendum notes that the Applicant submitted a waiver pursuant to the application that was submitted, so there is no actual application for a training agency. It was just a notification or transfer of approval.

(3) *Haisley Bonar LLC d/b/a Haisley Funeral Home & Cremation Services and Tribute Center (Port St Lucie)*

An application for a Funeral Establishment was received on September 10, 2013. The application was incomplete when submitted. All deficient items were returned on October 16, 2013. The fingerprint cards for all principals were returned without criminal history. The Funeral Director in Charge for the establishment will be Brian Bonar (F042932).

The establishment is recommended for approval subject to the condition that the establishment passes an on-site inspection by a member of Division Staff.

MOTION: Mr. Jones moved to approve the application subject to the condition that the establishment passes an on-site inspection by a member of Division Staff. Ms. Thomas-Dewitt seconded the motion, which passed unanimously.

(4) *Pete Grasso Jr d/b/a Grasso Funeral, Memorial, and Cremation Services (Largo)*

An application for a Funeral Establishment was received on September 6, 2013. The application was incomplete when submitted. All deficient items were returned on October 8, 2013. The fingerprint cards for all principals were returned without criminal history. The Funeral Director in Charge for the establishment will be Pete Grasso Jr (F043274).

The establishment is recommended for approval subject to the condition that the establishment passes an on-site inspection by a member of Division Staff.

MOTION: Ms. Anderson moved to approve the application subject to the condition that the establishment passes an on-site inspection by a member of Division Staff. Ms. Hubbell seconded the motion, which passed unanimously.

(5) *Treasure Coast Cremation LLC (Fort Pierce)*

An application for a Funeral Establishment was received on September 9, 2013. The application was incomplete when submitted. All deficient items were returned on October 24, 2013. The fingerprint cards for all principals were returned without criminal history. The Funeral Director in Charge for the establishment will be Richard Haisley (F046266).

The establishment is recommended for approval subject to the condition that the establishment passes an on-site inspection by a member of Division Staff.

MOTION: Mr. Helm moved to approve the application subject to the condition that the establishment passes an on-site inspection by a member of Division Staff. Mr. Hall seconded the motion, which passed unanimously.

(6) Unity Funeral Home Inc (Sanford)

The Division withdrew this application from the agenda to investigate certain matters.

B. Recommended for Approval without Conditions

(1) Northstar Funeral Services of Florida LLC d/b/a Skyway Memorial Funeral Home & Cremation Services (Palmetto)

An application for a Funeral Establishment was received on October 9, 2013. The application was complete when submitted. The fingerprint cards for all principals were returned without criminal history. The Funeral Director in Charge for the establishment will be Timothy Haskell (F044487). The establishment passed its inspection on October 24, 2013. The establishment is recommended for approval.

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

(2) Scarano Presidential Circle Funeral Home Inc d/b/a Joseph A Scarano Presidential Circle Memorial Chapel (Hollywood Hills)

An application for a Funeral Establishment was received on August 30, 2013. The application was incomplete when submitted. All deficient items were returned on September 24, 2013. The fingerprint cards for all principals were returned without criminal history. The Funeral Director in Charge for the establishment will be Joseph Zaffiro (F042627). The establishment passed its inspection on October 15, 2013. The establishment is recommended for approval.

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

16. Application(s) for Preneed Main License

A. Recommended for Approval with Conditions

(1) Benboe Funeral Home (Pensacola)

The Department received the application on August 12, 2013 and all deficiencies were resolved as of September 24, 2013. A completed background check of all officers revealed no criminal history. This application is being filed as a result of a change of ownership of the qualifying establishment and preneed license (License # F041861 and F019278) due to the death of the sole owner and principal, Daniel L. Benboe. The application for the qualifying establishment license was approved subject to conditions at the September 5, 2013 Board meeting.

For the 2013 preneed license renewal, effective 7-1-2013, the Licensee returned to the Division an executed Form R5 not to renew the license due to the death of the owner, Mr. Benboe. If approved, the new preneed main Licensee will continue to operate as Benboe Funeral Home, under the new owners, Daniel L. Benboe, II and Zoya Webster Phillips. All existing preneed will then be transferred to the new preneed main Licensee. Applicant will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (Sabal Trust Company) and pre-arranged funeral agreement.

The Applicant's financial statements as of June 30, 2013 reflect the following:

Preneed Contracts to be Acquired	= \$	283,045
Required Net Worth	= \$	40,000
Reported Net Worth	= \$	553,939

The establishment is recommended for approval subject to the condition(s) as follows:

- 1) That the closing on the transaction occur within 60 days of the date of this Board teleconference meeting.
- 2) Receipt by the Division within 75 days of this Board teleconference meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred.
- 3) Receipt by the Division within 75 days of this Board teleconference meeting, of a copy of the Bill of Sale, executed by all parties, and any and all amendments thereto, also fully executed.

MOTION: Mr. Helm moved to approve the application subject to the conditions recommended by the Division. Mr. Mueller seconded the motion, which passed unanimously.

B. Recommended for Approval without Conditions

(1) Garfield Family Funeral and Cremation Services, Inc. d/b/a Garfield Funeral Care-Cremation Service (Naples)

The Department received the application on September 17, 2013 and no deficiencies were noted on the application. A completed background check of all officers revealed no criminal history. Applicant obtained its current qualifying funeral establishment license as of June 2012 and will use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (Sabal Trust Company) and pre-arranged funeral agreement.

The Applicant's financial statements as of December 31, 2012 reflect the following:

Outstanding Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	22,239

The establishment is recommended for approval.

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

(2) Hadley-Davis Funeral Home, LLC (Miami Gardens)

The Department received the application on August 23, 2013 and deficiencies were noted on the application. A deficiency notice was sent to the Applicant on September 5, 2013, and all deficiencies were resolved as of October 24, 2013. A completed background check of all officers revealed no criminal history. Applicant obtained its current qualifying funeral establishment license as of June 2009 and will sell insurance funded preneed through Forethought Life Insurance Company and utilize its approved funeral planning agreement.

The Applicant's financial statements as of December 31, 2012 reflect the following:

Outstanding Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	96,661

The establishment is recommended for approval.

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

17. Application(s) for Preneed Branch License
A. Recommended for Approval without Conditions – Addendum I

The Division recommends approval of the application(s).

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

18. Application for Transfer of Preneed License
A. Recommended for Approval with Conditions
(1) Dignity Funeral Services Inc d/b/a Michels & Lundquist Funeral Home & Cremation Services (New Port Richey)

The Department received this application on September 19, 2013 and no deficiencies were noted on the application. This is an application for the transfer of the preneed license, Michels & Lundquist Corporation (F038726). (The "Dignity" name referred to herein is not the SCI "Dignity" brand; SCI and its "Dignity" brand are not involved in this transaction or application.)

The Applicant herein is seeking to acquire control of this preneed Licensee, and the funeral establishment property at 5228 Trouble Creek Rd, New Port Richey that has been the qualifying entity for this preneed Licensee (see related funeral establishment change of ownership application herein).

Applicant herein, Dignity Funeral Services, Inc., is acquiring all of the preneed assets and liabilities associated with Michels & Lundquist Corporation (F038726). James E. Altmeyer, Jr., sole principal of the Applicant, is assuming 100% ownership of that corporation. (please see attached letter from attorney, dated September 19, 2013).

As noted above, the qualifying entity has been the funeral establishment at 5228 Trouble Creek Rd, New Port Richey, under license number F041613. Applicant is acquiring that property, and is applying for a new funeral establishment license at that location, to be the qualifying entity for this preneed Licensee.

The preneed Licensee currently writes insurance and trust funded preneed contracts through various approved providers, and Applicant indicates it will continue to utilize their pre-approved prearranged funeral agreements.

A completed background check of all officers revealed no criminal history.

The Applicant's financial statements as of December 31, 2012 reflect the following:

Outstanding Preneed Contracts	=	\$6,444,740
Required Net Worth	=	\$ 100,000
Reported Net Worth	=	\$ 4,441,569

The establishment is recommended for approval subject to the condition(s) as follows:

- 1) That the Board approve Applicant's application at this Board meeting to acquire ownership of the funeral establishment at 5228 Trouble Creek Rd, New Port Richey, which funeral establishment is the qualifying entity for this preneed Licensee.
- 2) That the closing occur within 60 days of the date of this Board meeting.
- 3) Receipt by the Division within 75 days of this Board meeting, of a letter signed by Applicant or Applicant's attorney, addressed to the Division, certifying that closing has occurred.
- 4) Receipt by the Division within 75 days of this Board meeting, of a copy of the Bill of Sale, executed by all parties, and any and all amendments thereto, also fully executed.
- 5) That all preneed obligations of the preneed Licensee under its current controlling party shall continue as its obligations under its new controlling party of the preneed Licensee.

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

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

A. Recommended for Approval with Conditions

(1) Trust Agreement(s) and Trust Transfer Request(s)

(a) Alwynn L Gaines d/b/a Pine Grove Cemetery (Vero Beach) (F039705)

The above Licensee is requesting a transfer of the above cemetery care and maintenance trust account. Licensee is requesting transfer of the account currently held by SunTrust to Sabal, administered by Funeral Services, Inc (FSI). If this transfer is approved, all funds will be transferred to and will operate under the pre-approved FSI Master Care and Maintenance Trust Agreement.

The Division recommends approval subject to the condition(s) as follows:

- 1) That Sabal provides a certification statement that as trustee it meets the requirements of Rule 69K-7.015(1) or (2).

- 2) That the former trustee provides a certificate stating the dollar amount of trust assets being transferred.
- 3) That Sabal, as new Trustee, provides acknowledgement of receipt of the amount of trust assets being transferred as specified by the former trustee.
- 4) That the effective date of the transfer and all above certifications be provided to the Division within 60 days of the date of this Board Meeting.

Mr. Rudolph stated that "2.1.6" reads, "The term "income" shall mean any return received in property (including money) derived from the use of the trust principal." Mr. Rudolph added that he interprets that to mean it would include capital gains. Capital gains in a care and maintenance trust fund stay in the trust to increase the principal amount because if you look at the net income, that is where you get your payment of the trustee fees and everything else. Defining the term "net income" shall mean earnings on principal deposited in trust after the payment of all trust administration expenses, Trustee's fees, costs and taxes, unless the context clearly requires otherwise. The capital gains in the care and maintenance trust fund should stay in there so that the care and maintenance trust fund continues to grow.

The Chair questioned whether Mr. Rudolph is referring to the FSI Master Care and Maintenance Trust Agreement.

Mr. Rudolph responded, "Yes."

Mr. Shropshire stated that Mr. Bill Williams and Buddy Bevis were attending the meeting in person. Mr. Shropshire questioned whether Mr. Williams understood that realized capital gains do remain in the care and maintenance trust.

Mr. Williams responded that they absolutely do. The only time capital gains may be removed is when trust itself or when the client is paying taxes and that shall be done according to statute.

Mr. Rudolph stated that he does not see that in the statute.

Mr. Williams stated that has been in the statute for a long time.

Mr. Rudolph stated that the statute says "the net income."

Mr. Williams stated that the statute states that capital gains taxes shall be paid from capital gains. Outside of it, income does not include capital gains.

Ms. Wiener stated that s. 497.268(2) states that capital gains taxes shall be paid from the corpus. There was some confusion about that for many years going back but that issue has been clarified and is set forth in law.

Mr. Shropshire stated that it appears that FSI understands the trust agreement the same way Mr. Rudolph understands it so it does not appear that there is an issue.

MOTION: Mr. Hall moved to approve the request subject to the conditions recommended by the Division. Mr. Jones seconded the motion, which passed unanimously.

(b) StoneMor Florida, LLC and StoneMor Florida Subsidiary, LLC (Includes all related funeral and cemetery preneed branches for Lohman Family properties and Seawinds locations, collectively as "StoneMor") (Daytona Beach) (F038725)

Stonemor, through its attorney Ms. Wendy Wiener, seeks approval of two proposed trust agreements, and approval of certain proposed trust asset transfers, and approval of appointment of a successor trustee, all as more specifically set forth in Ms. Wiener's letter dated September 11, 2013 (copy attached hereto).

Background: In July 2012 this Board approved the acquisition by Stonemor from the Lohman group, of 1 direct disposal establishment, 8 funeral establishments, and 4 cemeteries (see **Attachment A & B** hereto, materials from the July 2012 Board meeting). The funeral establishments and cemeteries had been selling preneed prior to that Stonemor acquisition, most recently as branches under the Lohman preneed main license F038725, Daytona Memorial Park, Inc. Stonemor assumed liability for the outstanding preneed liability.

In Dec. 2012 this Board approved the acquisition by StoneMor from the Joe Young/Seawinds group, of 3 cinerators and 8 funeral establishments (see **Attachment C hereto**). These locations had been selling preneed contracts prior to that Stonemor acquisition, most recently as branches under preneed main license # F019490, Seawinds Funeral Home I, LLC. Stonemor assumed liability for the outstanding preneed liability.

At the July 2013 Board meeting Stonemor obtained approval of a new preneed trust agreement entitled "*Forethought Federal Savings Bank Florida Preneed Master Trust for Stonemor Florida Subsidiary LLC (and Related preneed Licensees)*" (**Attachment D**), to be used in relation to certain preneed obligations under 70/30 preneed contracts (s. 497.458).

Item 1) The Proposed New Trust Agreements:

Stonemor seeks approval of the following two new trust agreements:

Attachment E hereto is a proposed new perpetual care (care and maintenance) trust agreement, entitled "*Forethought Federal Savings Bank Florida Perpetual Care Master Trust for Stonemor Florida LLC, Stonemor Florida Subsidiary LLC (and Related Licensees)*."

Attachment F is a proposed new preneed trust agreement entitled "*Forethought Federal Savings Bank Alternative Preneed Master Trust for Stonemor Florida Subsidiary LLC (and Related Preneed Licensees)*" (for 90/10 preneed contracts under 497.464).

Item 2) Proposed Trust Transfers:

Stonemor seeks approval of transfer of trust assets from certain existing trusts (**Attachment H**), to different trusts (that is, the trusts that are Attachments D, E, and F hereto) wherein Forethought Federal Savings Bank is or will be trustee, all as more specifically set out in the letter from StoneMor's attorney, Ms. Wiener, dated September 11, 2013.

Item 3) Approval of Successor Trustee:

Stonemor seeks approval of appointment of Forethought Federal Savings Bank as successor trustee, to replace Sabal Trust as trustee, under the 90/10 preneed trust entitled "First Florida Trust Agreement" (**Attachment G** hereto); Forethought Federal Savings Bank will be the successor trustee only as regards the assets in the trust that relate to StoneMor's preneed obligations. Sabal Trust shall continue as trustee for all other assets in said trust.

Subject to the conditions set forth below, the FCCS Division recommends:

- a) Approval of the two proposed new trust documents in Item 1 above; and
- b) Approval of the proposed trust transfers identified in Item 2 above; and
- c) Approval of the successor trustee in Item 3 above.

Conditions recommended by FCCS Division:

1. That the representations of Stonemor, through its attorney Wendy Wiener, as set forth in Ms. Wiener's letter dated September 11, 2013 be deemed material to the Board's decisions herein.
2. That within 90 days of this Board meeting Forethought Federal Savings Bank (FFSB) provide the FCCS Division (ATTN: LaShonda Morris), the following:
 - (1) An FFSB letter signed and dated by one of its officers, certifying that FFSB meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b), to act as trustee of the trusts to be transferred to FFSB pursuant to Ms. Wiener's attached letter dated September 11, 2013..
 - (2) An FFSB letter, signed and dated by one of FFSB's officers, stating
 - The dollar amount of trust assets transferred to FFSB, showing separate amounts broken out for each of the "from" trusts identified in rows (1) through (7) of the first table in Ms. Wiener's attached letter dated September 11, 2013. That is, how much was actually transferred pursuant to the transfer contemplated in row (1) of said table; how much was actually transferred pursuant to the transfer contemplated in row (2); etc.
 - And providing for each such amount transferred pursuant to rows (1) through (7), a breakout by dollar amount of the composition of the assets transferred, by type of asset categories (e.g., amount transferred in the form of cash; amount transferred in the form of publically traded securities; amount transferred in the form of other assets); and providing the valuation date for all non-cash assets transferred.
 - And providing, for each of the amounts transferred pursuant to rows (1) through (7), how much of the amount transferred was identified to FFSB as being attributable to: paid in principal at cost, realized capital gains, and accrued ordinary income.
 - And providing, for the transfer contemplated under row (7) of said September 11, 2013 letter, the separate amount transferred in relation to each cemetery whose perpetual care funds are therein transferred.

- And stating the effective date of the transfers.
- (3) Fully executed copies of the trust agreements identified in Item 1 above.

3. That the Board's executive director, for good cause shown, may extend the compliance time for the above specified conditions, an additional 90 days.

Mr. Rudolph stated that that net income is payment of all trust administration expenses, Trustee's fees, costs and taxes. The only thing that is allowed to be taken out of the corpus is the capital gains taxes, so this would be using the trustees' fees, administration expenses, out of the corpus.

Mr. Williams disagreed. Mr. Williams stated that income does not include capital gains. Income is interest income or dividends payable and capital gains are a completely different source of revenue on the principal. This trust agreement has been in place for about 25 years and has been proven to be that way for a long time.

MOTION: Mr. Hall moved to approve the requests subject to the conditions recommended by the Division. Mr. Jones seconded the motion, which passed unanimously.

(2) Preneed Sales Agreement
(a) Funeral Services, Inc (FSI) (Tallahassee)

FSI submits the attached preneed sales agreement forms for approval: Cemetery Interment Rights and Merchandise Agreement (Type 14), four (4) Prearranged Trust Funded Funeral Agreements (Types 16, 17, 18, and 19), and a Trusted Funeral Plans Prearranged Trust Funded Funeral Agreement (Type 30). If the forms are approved, they are to be used for the sale of trust-funded preneed contracts through licensed various preneed establishments and branches.

The Division recommends approval subject to the condition that two (2) full sized print-ready copies of each contract are received by the Department within 60 days of this Board meeting.

MOTION: Mr. Jones moved to approve the agreement subject to the condition that the Department receives two (2) full sized print-ready copies of each contract within 60 days of this Board meeting. Ms. Anderson seconded the motion, which passed unanimously.

20. Executive Director's Report

A. Report: Payment of Disciplinary Fines and Costs (Informational)

Monthly Report of Fine and Costs Assessed and Paid
Division of Funeral, Cemetery and Consumer Services
November 7, 2013 Board Meeting
Report Updated as of October 29, 2013

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Stanley Gunter-Butler	Jun-12	117958-11-FC	\$2,750	8/20/2012	NO; See Note A	Monthly payments are late. \$500 was rec'd 9/13/13 and two recent payments of \$200 each were rec'd 9/20/13 and 9/28/13, respectively. The remaining balance to pay in full is \$250. The Notice of Intent to enter Emergency Order of Suspension was issued in DFS Case No. 136325-13-FC, against the licensee on 8/27/13 for failure to make the required payments.
Cemetery Professionals, LLC dba Beaches Memorial Gardens and Cemetery Professionals, LLC dba Beaches Memorial Park	Jun-12	110156-10-FC & 110157-10-FC	\$5,250 \$5,000 38,859.57	9/6/2012 12/7/2012 35 mo pymts	YES YES See Note E	Monthly restitution payments are current.
Alliance Monument & Marble Co, Inc.	Apr-13	129485-12-FC	\$1,000	9/2/2013	No; See Note A	Licensee currently suspended, based on Emergency Order of Suspension issued 11/8/12 for failure to comply with consent order in a different administrative action taken against licensee in Case No. 128348-12-FC; file sent to Legal on 9/20/13 for failure to pay fine and submit monument sales agreement as required by the final order issued in Case No. 129485-12-FC.
Flagler Palms Cemetery LLC dba Flagler Memorial Gardens	Aug-13	133741-13-FC	\$2,750	9/9/2013	Yes	
Global Mortuary	Aug-13	122746-11-FC	\$800 \$7,200	9/19/2012 9 mo pymts	Yes No; See Note A	After the initial \$800 payment, monthly payments due the 15th of each month. Within 6 months of the board order, licensee must reimburse the CPTF and also reimburse the preneed trust account, for the amounts as determined by the Division. To date October's monthly payment is past due 15 days.
Tony Tanner Funeral Services, Inc.	Oct-13	128096-12-FC	\$2,750	11/15/2013	See Note D	
Flagler Palms Cemetery LLC	Oct-13	133742-13-FC	\$2,750	11/15/2013	See Note D	
<p>A. When payment in full becomes past due, the FCCS Division works with the DFS Legal Division to enforce payment.</p> <p>B. Once fines and costs are paid in full, licensee kept on this report 3 months, showing Paid in Full, and then dropped off report; also licensee dropped off report after disciplinary action filed due to nonpayment of the fine and costs.</p> <p>C. The Order re this case is still in process, so no Due date is yet established.</p> <p>D. Due date has not passed, as of the date of this report.</p> <p>E. As of the date of this report, monthly payments were current.</p>						

The Chair questioned the location of the next Board meeting.

Ms. LaTonya Bryant stated that the December 5th meeting will be held in Tallahassee at the Alexander Building.

The Chair stated that the Board had requested for the 2014 Board meeting schedule that we try to schedule a meeting in St. Augustine. The Chair questioned whether Ms. Bryant was successful with that.

Ms. Bryant stated that the Division was unable to fulfill that request so the April meeting will once again be in Jacksonville.

Mr. Shropshire added that Ms. Bryant searched diligently for a hotel with adequate accommodations and was unable to find any so regrettably the meeting will be back in Jacksonville.

21. Adjournment

The meeting was adjourned at 10:39 a.m.