

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
November 5, 2015 - 10:00 A.M.

1. Call to Order, Preliminary Remarks and Roll Call

Mr. Jody Brandenburg, Chair – Good morning everyone; welcome to the Board of Funeral, Cemetery and Consumer Services' Teleconference meeting. It is November 5, 2015. Mr. Doug Shropshire, will you make the usual preliminary remarks for the record and then call the roll.

Mr. Doug Shropshire – Yes, Mr. Chairman. My name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, November 5, 2015. 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, LaTonya Bryant, will take minutes of the meeting, which is being recorded. Board Counsel is also appearing by teleconference.

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 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. Please do not speak over one another.

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

PRESENT (via phone):

Joseph "Jody" Brandenburg, Chairman
Keenan Knopke, Vice-Chairman
Jean Anderson
Andrew Clark
James "Jim" Davis
Lewis "Lew" Hall
Powell Helm
Ken Jones
Richard "Dick" Mueller
Vanessa Oliver

Also noted as present:

Tom Barnhart, Board Legal Advisor (via phone)
Ellen Simon, Assistant Division Director
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
LaShonda Morris, Department Staff (via phone)

Mr. Shropshire – Mr. Chairman there is a quorum for the business of the Board.

2. Action on the Minutes

A. October 1, 2015

Chair – Has everyone received their Board packets and are able to review it?

Board Members – Yes

Chair – Is there a motion on the minutes for the October 1, 2015 meeting?

MOTION: Mr. Ken Jones moved to adopt the minutes of the meeting. Ms. Jean Anderson seconded the motion, which passed unanimously.

3. Application(s) for Preneed Sales Agent
A. Informational Item (Licenses Issued without Conditions) – Addendum A

Mr. Shropshire – 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.

4. Application(s) for Continuing Education Course
A. Recommended for Approval without Conditions – Addendum B
(1) Hospice Foundation of America (14410)
(2) In-Sight Books (10008)
(3) National Funeral Directors Association (136)
(4) SCI Management - Dignity University (99)
(5) Selected Independent Funeral Homes (137)
(6) Thanos Institute (80)

Mr. Shropshire – These are applications for Continuing Education Course approval. These submissions have been reviewed by your Continuing Education Committee. 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. Dick Mueller moved to approve the application(s). Mr. Andrew Clark 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) Flaughner, Tina
(2) Funeral Director – by Internship and Exam
(a) Rodriguez, Kathryn E
(b) Tompkins IV, Arthur S
(3) Funeral Director and Embalmer - by Endorsement
(a) Dove, James S
(b) Powell, Randall
(c) Runke, Kelly D
(4) Funeral Director and Embalmer – by Internship and Exam
(a) Brown, Alexander R
(b) Garrett, Joseph M
(c) Kippur, Kathryn E
(d) Kratzer, Kris E
(e) Marvella, Eric F
(f) Perry, Erik G
(g) Stafford, Terrance J
(h) Whitfield, Amy E

Mr. Shropshire – 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) *Woods, Daron D (F063604)*
- (2) *Funeral Director and Embalmer*
 - (a) *Anderson, Maryanne L H (F086786)*
 - (b) *Ford, Jennifer N (F084200)*
 - (c) *Healy, Lianna L (F086913)*
 - (d) *Sanders, Maryanne E (F082339)*
 - (e) *Scrivens-Johnson, Sonya J (F086692)*
 - (f) *Smith, Michael D (F045142)*
 - (g) *Stage, Mathew A (F020364)*
 - (h) *Wilson, Laura E (F075451)*

Mr. Shropshire – 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 Embalmer Apprenticeship

A. Informational Item (Licenses issued without Conditions) – Addendum E

- (1) *Britt, Amanda E (F086654)*
- (2) *Conde, Claudia (F086914)*
- (3) *Flowers, Cole B (F080065)*
- (4) *Hunter, Amanda L (F086915)*
- (5) *Matthews-Leverette, Joshua (F086691)*
- (6) *Sapp, Brittany (F086774)*
- (7) *Vega, Jacqueline M (F086912)*

Mr. Shropshire – 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. Application(s) for Registration as a Training Agency

A. Informational Item (Licenses issued without Conditions) – Addendum F

- (1) *Abbey Affordable Cremation & Funeral Service (F041472) (Largo)*
- (2) *StoneMor Florida Subsidiary LLC d/b/a Lohman Funeral Home Deltona (F071087) (Deltona)*

Mr. Shropshire – 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.

9. Notification(s) of Change in Location

A. Informational Item – Addendum G

- (1) *Siders Funeral Home Inc. (F060615) (Miami)*

Mr. Shropshire – This item is informational only setting forth an establishment’s change in location and does not require Board action.

10. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum H

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

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

11. Application(s) for Change of Ownership (NorthStar Cemetery Services of Florida, LLC)

A. Recommended for Approval *with* Conditions

(1) Acquire Control of an Existing Cemetery Company

(a) DFG Group, LLC d/b/a The Gardens (Boca Raton)

Mr. Shropshire – NorthStar Cemetery Services of Florida, LLC (NorthStar), herein submits an application for Change of Control of an Existing Cemetery Company for the above named cemetery property, and an application for a preneed branch license, to sell preneed at said location under the Preneed Main License for NorthStar (F019194). The cemetery company and preneed branch location being acquired are licensed as named at the above specified location.

The application was received by the Division on October 8, 2015 and no deficiencies were noted on the application. A completed background check of all officers revealed no criminal history. The change of control will be accomplished via an asset purchase agreement, wherein NorthStar will acquire all of the assets and liabilities for the above named cemetery and preneed location from DFG Group, LLC (please see attached letters from Attorney dated February 3, 2014 and October 7, 2015). If this application for change of control is approved, NorthStar will operate the following cemetery location as above specified: The Gardens (F039423).

NorthStar will acquire responsibility for all preneed obligations at the cemetery being acquired. The care and maintenance trustee report for CY 2013 is attached. The cemetery report appears to be in line with the reported gross sales for CY 2013 for the listed property being acquired. The Applicant’s financial statement as of December 31, 2013 reflects the following:

Required Net Worth	= \$	50,000
Reported Net Worth	= \$	63,378,633

NorthStar filed an application to acquire control of this cemetery many months ago, and that application was approved. However, the parties were unable to effectuate a closing within the time specified by the Board or several extensions granted by the Executive Director, and at length that approval expired. Subsequently the issues that had prevented closing under that first approval have been resolved, and NorthStar has filed this current application as a new application to acquire control.

The Division is recommending approval subject to conditions 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. Jones moved to approve the applications subject to the conditions recommended by the Division. Mr. Hall seconded the motion, which passed unanimously.

12. Application(s) for Change of Ownership (StoneMor Florida, LLC)

A. Recommended for Approval *with* Conditions – Collective Cover Sheet

(1) Acquire Control of an Existing Cemetery Company

(a) Florida Cemeteries, Inc. d/b/a Serenity Meadows and Memorial Chapel (Riverview)

- (2) *Cinerator Facility*
 - (a) *StoneMor Florida Subsidiary LLC d/b/a Serenity Meadows Memorial Park Crematory (Riverview)*
- (3) *Funeral Establishment*
 - (a) *StoneMor Florida Subsidiary LLC d/b/a Serenity Meadows Memorial Park Funeral Home (Riverview)*

Mr. Shropshire – StoneMor Florida LLC, and StoneMor Florida Subsidiary LLC (hereinafter collectively "StoneMor"), both being Florida limited liability companies, seek approval to acquire ownership/control of three licensed properties (one cemetery, one funeral establishments, and one cinerator facility), all located on the same contiguous property, from Florida Cemeteries Inc., the current ultimate controlling party regarding those properties. More specifically, the entities to be acquired, all currently controlled by Florida Cemeteries Inc., are as follows:

- (1) Serenity Meadows Memorial Park & Funeral Home, a licensed funeral establishment, license number F041318, physical address 6919 Providence Rd, Riverview, FL; to be acquired by StoneMor Florida Subsidiary LLC.
- (2) Riverside Crematory, a licensed cinerator facility, license number F041322, physical address 6919 Providence Rd, Riverview, FL; to be acquired by StoneMor Florida Subsidiary LLC.
- (3) Florida Cemeteries Inc., d/b/a Serenity Meadows And Memorial Chapel, a licensed cemetery, license number F039644, physical address 6919 Providence Rd, Riverview, FL; to be acquired by StoneMor Florida LLC.

Enclosed herein are the separate applications regarding each of the above three properties. Also attached is a copy of the draft of the Asset Purchase Agreement for the acquisitions. StoneMor is assuming responsibility for all outstanding preneed contracts that have previously been issued by or for fulfillment at the above referenced funeral establishment and/or cemetery. See enclosed letters of StoneMor's counsel, dated September 29, 2015 and October 23, 2015.

StoneMor also applies at this Board meeting to make the properties at the 6919 Providence Rd, Riverview location, branches under StoneMor's existing preneed license. See separate agenda item regarding applications for preneed branch licensure.

The Division has no record of disciplinary action in regard to StoneMor Florida LLC. The Division has a record of disciplinary action against StoneMor Florida Subsidiary LLC, and encloses herein copies of pertinent records in regards thereto. The action consisted of a 41,000 fine for late filing of financial statements in regard to renewal of preneed license. The Division does not believe that the said disciplinary record should be deemed grounds to disapprove the applications herein.

[Note: There appears on this same Board meeting agenda another application for approval of an acquisition by StoneMor, regarding Adams & Jennings FH, but the Division is advised by StoneMor's representative that the Adams and Jennings FH transaction is not related to the Florida Cemeteries Inc. transactions and that Adams and Jennings FH is not under common control with these Florida Cemeteries Inc. properties.]

The Division recommends approval of all three applications referenced above, subject to the following condition:

- 1) That the closing on the transaction to acquire ownership/control shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be on terms and conditions as represented to the Board at this Board meeting, and without significant deviation from the terms and conditions in the draft Asset Purchase Agreement attached hereto.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully executed Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the funeral establishment and cinerator facility under the application(s) herein pass an onsite inspection by a member of Division Staff prior to commencement of operations under the new ownership.

- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.

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

13. Application(s) for Cinerator Facility

A. Recommended for Approval with Conditions

(1) Dignity Funeral Services Inc. d/b/a Gulfside Crematory (New Port Richey)

Mr. Shropshire – An application for a Cinerator Facility was received on September 11, 2015. 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 John Butler (F076396). The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

MOTION: Mr. Clark moved to approve the application subject to the condition that the facility passes an onsite inspection by a member of Division Staff. Mr. Jim Davis seconded the motion, which passed unanimously.

14. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Hadley Davis Funeral Home LLC (West Park)

Mr. Shropshire – An application for a Funeral Establishment was received on October 1, 2015. The application was incomplete when submitted. All deficient items were returned on October 20, 2015. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Jeffery Tillman (F044406). The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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

(2) Heritage Memorial Company d/b/a Lewis W Mohn Funeral Home & Cremation Services (Seminole)

Mr. Shropshire – Heritage Memorial Company submitted a Change of Ownership Application. All items were complete when submitted. The Funeral Director in Charge will be William Miller (F044450). All fingerprint information was returned without criminal history. As stated in the letter from Wendy Wiener, dated October 2, 2015, Heritage Memorial Company will assume all existing preneed liabilities of the locations listed.

Applicant completed the change of ownership and commenced running the funeral establishment under its ownership, well before seeking approval of the change of ownership by the Board. Applicant has acknowledged that said action violated Chapter 497. Applicant has agreed to payment of a \$500 fine in regard to said violation, contingent upon approval of the application herein. The Applicant herein has no disciplinary history or reportable criminal history. The Division is recommending approval:

- 1) Subject to the terms and conditions of the agreed upon Stipulation for Licensure.
- 2) That the establishment(s) under the application(s) herein passes an onsite inspection by a member of Division Staff.
- 3) That Applicant shall submit a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.

Mr. Keenan Knopke – In reading through this package, I noticed that there is a stipulation for practicing without a license. I will direct my question to Mr. Shropshire. Is that part of the approval here, Doug?

Mr. Shropshire – Yes sir, although I would characterize the stipulation as a stipulation to resolve the failure to obtain approval, prior to operating the establishment, after a change of ownership.

Mr. Knopke – Do we know when the change of ownership actually occurred and the time between when it occurred and when the application was submitted?

Mr. Shropshire – I believe we do. It was, I think February. No. It is on the stipulation, just a second. In or about August of 2015, Applicant acquired ownership.

Mr. Knopke – And the application was received, when?

Mr. Shropshire – The Applicant, the application is received, our date stamp is October 5.

Mr. Knopke – Do they continue to operate today?

Mr. Shropshire – Yes sir.

Mr. Knopke – Without a license?

Mr. Shropshire – Without approval, yes sir.

MOTION: Mr. Knopke moved to reject the stipulation and the fine of \$500. Mr. Mueller seconded the motion.

Ms. Wendy Wiener – Mr. Chairman, I represent the Applicant in this matter. May I address the Board?

Chair – Let me question Mr. Barnhart first, please. Mr. Barnhart?

Mr. Tom Barnhart – Yes sir?

Chair – The stipulation part of this licensing, do we act upon the stipulation at this point in time without addressing the licensing?

Mr. Barnhart – Well this matter is on the agenda for the application. Was there a separate proceeding brought in terms of discipline or was it done to try to resolve this application for licensure?

Mr. Shropshire – Mr. Barnhart, it was done in order to try to facilitate this application for these people to get right with the law with the minimum of procedures since they acknowledged the violation and agreed to pay the fine. And although the current motion I know has to be dealt with, but I wondered if Mr. Knopke was going to suggest or make a counteroffer that might resolve it that Ms. Wiener could discuss with her client.

Mr. Knopke – Mr. Shropshire, I was going to. I didn't know if I needed to include that in the motion or not. If that makes it move smoother, I would be happy to amend my motion.

Mr. Barnhart – What we have to do, too, because of the deemer clause, the second motion if this stipulation is rejected, then I think you would want to deny the application and let them come back with some supplemental information possibly, but if you didn't reject the application then you might run into deemer problems.

Ms. Wiener – I will waive the deemer on behalf of the Licensee.

Chair – Thank you Ms. Wiener. Mr. Knopke?

Mr. Knopke – Yes sir?

Chair – Did you want to amend your motion?

Mr. Knopke – I would amend my motion in favor of a \$1000 fine as opposed to a \$500 fine.

Chair – Everything else on the stipulation would remain the same?

Mr. Knopke – Yes sir.

Chair – Thank you. Who was the Board member that seconded this?

Mr. Mueller – It was Mueller and I accept the amendment.

Chair – Thank you. Ms. Wiener?

Ms. Wiener – Yes, I'll try have to try and reach Mr. Miller at this time. I am actually traveling and I'm not sure I'll be able to get him right at this moment, but perhaps I could just provide a few moments of clarification on this too to see if there might be any consideration of going back to the original stipulation. What happened was Mr. Miller and his partner did acquire the interest in the funeral establishment. He reached out apparently to the Division very quickly after learning from a colleague that years ago the law had changed and that in fact it was no longer the law that a change in a funeral establishment simply had to be reported to the Licensee. He was not aware of the change in that law although it was many years ago and that's not an excuse, however, he reached out to the Division very shortly after acquiring. They told him that he needed to get an application submitted as soon as possible. He contacted me the very next day, which was at the very beginning of September. We began the application process and would have submitted the application much earlier than the beginning of October except that Mr. Miller's partner is currently in a nursing facility and we had difficulty getting his fingerprints obtained. Ultimately, he has a former connection with law enforcement and we were able to get someone from law enforcement to actually go to the facility and take his fingerprints, but that was the delay in filing the application. Mr. Miller was very diligent about trying to get this resolved as quickly as possible and as I said got right on with me and we got right on top of getting the license application filed. I believe it was the presentation of this information to the Division that was the basis for the original stipulation suggestion of \$500 by the Division and so we would ask that the Board consider favorably the stipulation that is in front of it right now and in the meantime I will see if I can make a connection with Mr. Miller. I'm not sure how easy that's going to be for me to do right now.

Chair – There is a motion and a second. We can defer this and come back to it towards the end of the meeting. Ms. Wiener, would you let us know when you've contacted Mr. Miller.

Ms. Wiener – I'll do my best.

Chair – Ok. Otherwise we'll come back to it and act on it at that time.

(3) Rivero & O'Sullivan Funeral Home Inc. (Coral Springs)

Mr. Shropshire – An application for a Funeral Establishment was received on August 11, 2015. The application was incomplete when submitted. All deficient items were returned on October 13, 2015. The fingerprint cards for all principals were returned with no criminal history. The Funeral Director in Charge will be Ezrita Taylor (F045278). The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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

(4) StoneMor Florida Subsidiary LLC d/b/a Adams & Jennings Funeral Home (Tampa)

Mr. Shropshire – StoneMor Florida Subsidiary LLC applies herein for approval to acquire ownership of Adams & Jennings Funeral Home Inc. (Michael Adams) (F040640).

If approved, the Funeral Director in Charge will be Stacy Adams (F045437). All fingerprint information was returned without criminal history. As stated in the letter from Kenneth Lee, dated September 29, 2015, StoneMor Florida Subsidiary LLC will

assume all existing preneed liabilities of this location. Applicant's prior disciplinary record consists of a \$1,000 fine for late filing of financial statements regarding renewal of preneed license.

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

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment(s) under the application(s) herein passes an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.
- 8) That there be receipt by the Division, within 45 days of this Board meeting, proof of Fictitious Name Registration by Applicant with the Florida Department of State.

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

B. Recommended for Approval without Conditions
(1) Bell & Clark Funeral Home LLC (Riviera Beach)

Mr. Shropshire – An application for a Funeral Establishment was received on August 11, 2015. The application was incomplete when submitted. All deficient items were returned on October 13, 2015. The fingerprint cards for all principals were returned with no criminal history. As a correction to the materials provided to the Board, the Funeral Director in Charge will not be Ezrita Taylor, but will be Isaiah Clark (F062312). The establishment passed its inspection on October 20, 2015. The Division is recommending approval without conditions.

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

15. Application(s) for Monument Establishment Sales Agent License
A. Informational Item (Licenses issued without Conditions) – Addendum I

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

Mr. Helm – I just want to say thank you to the Division.

Mr. Shropshire – You're welcome, Mr. Helm.

16. Application(s) for Preneed License
A. Recommended for Approval without Conditions
(1) Cremation Services by the Sea, LLC (Lake Worth)

Mr. Shropshire – The Department received the application on September 1, 2015 and deficiencies were noted on the application. All deficiencies were resolved as of September 25, 2015. The sole principal and owner of the LLC will be: Michael

Gunderud. A completed background check of all officers revealed no criminal history. Applicant obtained its current qualifying direct disposal establishment license (F073183) as of February 18, 2013. If approved, 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 December 31, 2014 reflect the following:

Outstanding Preneed Contracts	= \$	0
Required Net Worth	= \$	10,000
Reported Net Worth	= \$	15,466

The Division is recommending approval without conditions.

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

17. Application(s) for Transfer of Preneed License

A. Recommended for Approval with Conditions

(1) RJ Gainous Funeral Home, Inc. (Daytona Beach)

Mr. Shropshire – The Department received the application on September 25, 2015 and all items were resolved as of October 22, 2015. This is an application for the transfer of a preneed license from Gainous-Wynn Funeral Home, Inc. to RJ Gainous Funeral Home, Inc.

This application is being filed as a result of a proposed change of the preneed main license that was previously held under Gainous-Wynn Funeral Home, Inc. (F019406) to RJ Gainous Funeral Home, Inc., which was previously licensed as a preneed branch under Gainous-Wynn Funeral Home, Inc. The sole principal owner of these entities is: Alexander C. Wynn. A completed background check of all officers revealed no criminal history.

Applicant has agreed to assume responsibility of all preneed contracts written under the preneed licensee (F019406), if approved. (Please see attached letter from Attorney, dated 9-25-15). Applicant will continue to use the pre-approved Funeral Services, Inc. (FSI) First Florida Trust Agreement (Sabal Trust Company) and pre-arranged funeral agreement. The qualifying entity license was issued as of June 2003 under license number F041765. The Applicant's financial statements as of June 30, 2015 reflect the following:

Outstanding Preneed Contracts	=	\$	0
Required Net Worth	=	\$	10,000
Reported Net Worth	=	\$	332,465

The Division is recommending approval subject to condition that all preneed obligations of the preneed licensee under its current controlling party shall continue as its obligations under its new controlling party.

MOTION: Mr. Knopke moved to approve the application subject to the condition that all preneed obligations of the preneed licensee under its current controlling party shall continue as its obligations under its new controlling party. Mr. Clark seconded the motion, which passed unanimously.

(2) Sorensen Funeral Home, LLC (St Petersburg)

Mr. Shropshire – The Department received the application on September 1, 2015 and deficiencies were noted on the application. All deficiencies were resolved as of October 22, 2015. This is an application for the transfer of a preneed license from Richard E Sorensen Funeral Home, Inc. d/b/a Gee & Sorensen Funeral Home and Cremation Services to Sorensen Funeral Home, LLC.

This application is being filed as a result of a proposed change of ownership from Richard E Sorensen Funeral Home, Inc. d/b/a Gee & Sorensen Funeral Home and Cremation Services to Sorensen Funeral Home, LLC. The managing members of the LLC will be: Kyle R. Brizendine, Brian Buchert, Jarod Rouch, Wil Floyd, and Carl Floyd. A completed background check of all officers revealed no criminal history.

Documentation establishes that Kyle R. Brizendine (managing member of applicant herein) filed for Ch. 7 bankruptcy in 2005. This was a personal bankruptcy action that was discharged as of January 2006 by the Western District Court of Texas. Mr. Brizendine has provided a notarized statement, personal financial statement, and court documentation evidencing the disclosed bankruptcy along with a letter of good standing from his financial institution.

Applicant has agreed to assume responsibility of all preneed contracts written under the preneed licensee (F038718), if approved. Applicant will continue to sell insurance funded preneed contracts through Great Western Insurance Company, and utilize their approved pre-arranged funeral agreement.

The change of ownership for the qualifying entity was approved at the October 1, 2015 board meeting, and the license was issued as of October 7, 2015 under license number F086802. The Applicant's financial statements as of December 31, 2014 reflect the following:

Outstanding Preneed Contracts	=	\$1,084,887
Required Net Worth	=	\$ 100,000
Reported Net Worth	=	\$ 885,747

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

- 1) That Applicant agrees to trust at 100% and/or sell insurance-funded only contracts.
- 2) That all preneed obligations of the preneed licensee under its current controlling party shall continue as its obligations under its new controlling party.

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

18. Application(s) for Preneed Branch Office License
A. Recommended for Approval with Conditions – Addendum J

Mr. Shropshire – These are clean applications. The Division recommends these applicants be approved.

MOTION: Mr. Helm moved to approve the applications with the conditions. Mr. Davis seconded the motion, which passed unanimously.

19. Application(s) for Removal Facility
A. Recommended for Approval without Conditions
(1) Elite Removal Services Inc. (Lake Worth)

Mr. Shropshire – An application for a Removal Service was received on September 8, 2015. The application was complete when submitted. Fingerprints for all principals have been returned with no criminal history. The establishment is recommended for approval without conditions. The facility has passed the inspection.

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

20. Contract(s) or Other Related Form(s)
A. Recommended for Approval with Conditions
(1) Request for Trust Transfer
(a) Faith Chapel Funeral Services, LLC (Pensacola)

Mr. Shropshire – Faith Chapel seeks two approvals herein:

- (1) Approval of a proposed preneed trust agreement to replace an existing trust agreement.
 - The proposed replacement trust agreement is Exhibit A hereto.
 - The existing trustee is Forethought Federal Savings Bank (now known as ClearPoint Bank), and the existing trust agreement is Exhibit B hereto.
 - The proposed new trustee is Live Oak Banking Company (Live Oak). Live Oak, through its staff member Justin Wilson, has drafted the proposed replacement trust agreement, and has stated that no provision of the proposed

trust agreement will be less favorable to existing preneed customers, as compared to the existing Forethought trust document.

- This is believed to be the first instance of Live Oak seeking trustee status of a Florida preneed trust; therefore the Division has included herewith additional materials (Exhibit C hereto) relating to our review of this proposed trust agreement. Live Oak is domiciled in North Carolina, and is authorized to do banking business in Florida. Live Oak has been very cooperative and responsive to the Division thus far, and has thus far created a favorable impression with the Division.

(2) Approval to transfer preneed trust assets from the Forethought trust to the proposed Live Oak trust.

The Division recommends approval of the trust agreement and the asset transfer, subject to the following conditions:

- 1) All representations made by Live Oak Banking Company regarding this filing, through its representative Justin Wilson, in letters and emails, shall be deemed material to the Board's approval herein.
- 2) That the above referenced transactions (execution of the Trust Agreement and transfer of trust assets) be completed within 60 days of the date of this Board meeting; and
- 3) That within 60 days of the date of this Board meeting the applicant(s) herein shall themselves or by their representative provide the Division with confirmation in a signed and dated writing by applicant(s) or their attorney, that the transactions referenced herein have been completed; and
- 4) That the Board's Executive Director may extend any time constraint imposed herein by up to 60 days, for good cause shown, such extension to be reported to the Board as an informational item.

MOTION: Mr. Knopke moved to approve the trust agreement and the asset transfer subject to the conditions recommended by the Division. Mr. Clark seconded the motion, which passed unanimously.

(b) StoneMor Florida, LLC and StoneMor Florida Subsidiary, LLC (F038725) (Includes all related Licensees) (Daytona Beach)

Mr. Shropshire – Regarding the trusts listed below, StoneMor seeks to consolidate its preneed and C&M trusts at Regions Bank, and in connection therewith seeks:

- (1) Approval of appointment of Regions Bank as successor trustee, and
- (2) Approval to transfer trust assets from the current trustees, to Regions Banks as successor trustee.

Affected Trusts

	Current Trust & Trustee	Type	Successor Trustee
1	Forethought Federal Savings Bank Florida Preneed Master Trust for StoneMor Florida Subsidiary LLC (and Related Preneed Licensees) [ClearPoint Federal Bank and Trust]	70/30 (§497.458, FS)	Regions Bank
2	Forethought Federal Savings Bank Florida Alternative Preneed Master Trust for StoneMor Florida Subsidiary LLC (and Related Preneed Licensees) [ClearPoint Federal Bank and Trust]	90/10 (§497.464, FS)	Regions Bank
3	Forethought Federal Savings Bank Florida Perpetual Care Master Trust for StoneMor Florida LLC, StoneMor Florida Subsidiary LLC (and Related Licensees) [ClearPoint Federal Bank and Trust]	Care & Maintenance	Regions Bank
4	Preneed Funeral Trust Agreement State of Florida [SunTrust]	70/30 (§497.458, FS)	Regions Bank

5	Alternative Preneed Funeral Trust Agreement State of Florida [SunTrust]	90/10 (§497.464, FS)	Regions Bank
6	First Florida Trust Agreement [ClearPoint Federal Bank and Trust] The appointment of Regions Bank as Successor Trustee for the First Florida Trust Agreement will apply only to the trust funds related to StoneMor.	90/10 (§497.464, FS)	Regions Bank

The Division recommends that the above referenced appointment of successor trustee(s) and transfer of trust assets be approved subject to the following conditions:

- 1) That the above referenced transactions be completed within 60 days of the date of this Board meeting; and
- 2) That within 60 days of the date of this Board meeting the applicant(s) herein shall themselves or by their attorney provide the Division with confirmation in a signed and dated writing by applicant(s) or their attorney, that the transactions referenced herein have been completed; and
- 3) That the Board's Executive Director may extend any time constraint imposed herein by up to 60 days, for good cause shown, such extension to be reported to the Board as an informational item.

MOTION: Mr. Jones moved to approve the above referenced appointment of successor trustee(s) and transfer of trust assets subject to the conditions recommended by the Division. Mr. Davis seconded the motion, which passed unanimously.

21. Executive Director's Report

A. Rulemaking Cleanup Project (Informational)

Mr. Shropshire – This is an informational item.

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

Mr. Shropshire – This is the monthly report of fines and costs assessed and paid. Are there questions concerning this report? I believe Ms. Simon has an update for the Board on this. Ms. Simon?

Ms. Ellen Simon – Good morning. As to three (3) items that are on this report: Cemetery Professionals, an error is on the report. They have paid in full for both restitution and all of their requirements. There is a line that says NO and that should have been YES.; As to Prestwood Funeral Home and Roy Prestwood, the Licensees have come into compliance and they have paid their outstanding fines.

Chair – Thank you. Any questions or comments on this report?

Mr. Helm – Ms. Simon, are they paid in full?

Ms. Simon – Yes sir.

Mr. Helm – Prestwood?

Ms. Simon – Yes sir.

Mr. Helm – Thank you.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 November 5, 2015 Board Meeting
 Date of Report: October 21, 2015

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
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 NO	Paid in full.
Roy Vance Prestwood Jr.	Jun-15	139087-13-FC and 139091-13-FC	\$750 & \$2,000 respectively	10/10/2015	Note D	Motion for a continuance to be heard at the November Board meeting
Prestwood Funeral Home	Jun-15	139085-13-FC & 139093-13-FC	\$750 & \$2,000, respectively & Restitution of \$252.34	10/10/2015	Note D	Motion for a continuance to be heard at the November Board meeting
Buy and Sell Cemetery	Dec-14	154941-14-FC	\$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50 \$62.50	\$62.50 Initial payment/ \$62.50 First installment payment (paid)	On time	
Jay Monument & Vault a/k/a Jay Monument & Vault Inc.	Oct-14	153256-14-FC	\$5000 and 13 years of renewal fees	11/24/2014	No	Legal served licensee with a Notice of Intent on issuing an emergency order of suspension. Business is no longer in operation, no further action has been taken.
Delvis Rogers	Dec-14	150301-14-FC	\$3,500	January 23, 2015	No	The license was suspended as of July 27, 2015 (by emergency order)
John Gallaher	Apr-15	157224-14-FC	\$3,166	7/8/2015		Motion to Modify Final Order to be heard by the Board at this October meeting. That motion was denied. He has paid \$500 to date.
Pershing Industries	Jun-15	163612-14-FC	\$80,000	9/30/2015	B	Paid in full.
Ronald Noble	Aug-15	134801-13-FC	\$2,500	8/1/2017	A	
Patrick Fulton	Oct-15	159818-14-FC	\$1,500	11/12/2015	D	
Gramkow Funeral Home & Crematory	Oct-15	159812-14-FC	\$1,500	11/12/2015	D	

A. When payment in full becomes past due, the FCCS Division works with the DFS Legal Division to enforce payment.
 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.
 C. The Order re this case is still in process, so no Due date is not yet established.
 D. Due date has not passed, as of the date of this report.
 E. As of the date of this report, monthly payments were current.

22. **Upcoming Meeting(s)**
- A. *December 3rd (Tallahassee)*
 - B. *January 7th (Teleconference)*
 - C. *February 4th (Tallahassee)*
 - D. *March 3rd (Teleconference)*
 - E. *April 7th (Jacksonville)*

Chair – Any questions or comments on that?

Chair – I call upon Ms. Wiener.

Ms. Wiener – Yes, we were able to reach the principal for Heritage Memorial and \$1000 would be acceptable if the Board would not take into consideration the factors that I mentioned earlier.

Chair – Thank you, Ms. Wiener. By the way, let’s go back to that, 14. A. (2). We still have work to be done on this one.

*****REVISITED*****

14. **Application(s) for Funeral Establishment**
- A. *Recommended for Approval with Conditions*

(2) Heritage Memorial Company d/b/a Lewis W Mohn Funeral Home & Cremation Services (Seminole)

Mr. Knopke – Mr. Chairman, I'd like to add a comment or offer a comment back to Ms. Wiener.

Chair – Please do.

Mr. Knopke – And obviously it goes to the Board. My concern with the fine was that it set the precedent for a very low threshold precedent for operating without a license. If you're going to buy a business and you've been in the business for however long Mr. Miller may have been in the business, we all should know what the law is and if we don't we should get counsel before we run into something. It just opens the door to people, oh I forgot to mail it, I did anything, everything.

Ms. Wiener – Thank you, Mr. Knopke. I absolutely understand that. Just one final comment to that: this was a situation where the violation of the law was reported to the Division and I know that that is an item valued by Board members. We did, I contacted the Division and went in to meet with them to explain the situation and the circumstances. He did violate the law but for those reasons that I expressed earlier but I do appreciate your comment and I always appreciate when licensees call me first. So that's even better and I'm sure John Rudolph would agree.

Chair – Thank you so much. Board members, I would go to page 18 on our packet on this where the disciplinary stipulation for licensure. There has been a motion to amend the stipulation to the fine of \$1000 from \$500 and that motion has been seconded.

MOTION: Mr. Knopke moved to amend the stipulation to the fine of \$1000 from \$500. Mr. Mueller seconded the motion, which passed unanimously.

Mr. Shropshire – Just for the record, I'd like to ask counsel, Ms. Wiener, to state on the record that her client is agreeable to that counterproposal and the \$1000 fine.

Ms. Wiener – Yes we are agreeable to that. I thought I said that, but absolutely yes.

Mr. Shropshire – You did but that was before the vote, so I will issue a revised stipulation.

Chair – Thank you. And now we are back to the application for change of ownership on Page One of the package. Mr. Shropshire. The Division is recommending approval with the conditions. Is there a motion?

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

Mr. Shropshire – Mr. Chairman, the Division has nothing further for the Board at this meeting.

23. Adjournment

The meeting was adjourned at 10:38 a.m.