

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
July 22, 2016 - 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 call, July 22, 2016. Mr. Shropshire, will you make your opening remarks and do the roll call for the Board members, please?

Mr. Doug Shropshire – Yes sir. Mr. Chairman, my name is Doug Shropshire. I am Director of the Division of Funeral, Cemetery, and Consumer Services. Today is July 22, 2016. It is approximately 10:00 A.M. This is a special meeting of the Board of Funeral, Cemetery and Consumer Services. Notice of this meeting has been published in the Florida Administrative Register. The meeting is occurring by Teleconference. The call in phone number and conference ID have been made available to the public. My assistant, Ms. LaTonya Bryant, is recording the meeting.

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 put their phones on mute except when speaking. I repeat, please put your phone on mute except when speaking. We ask this in order to enhance the audio quality of the teleconference. If any member or other participant gets disconnected they can of course call back to the same number that they called initially. Participants are respectfully reminded of the necessary protocol that only one person may speak at a time. Please don't speak over other persons.

At this time, I will take the roll:

PRESENT (via phone):

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

Also noted as present:

Tom Barnhart, Board Legal Advisor (via phone)
Deirdre Farrington, Department Legal Counsel (via phone)
Ellen Simon, Assistant Division Director
LaTonya Bryant, Department Staff
Christine Moore, Department Staff

Mr. Shropshire – Mr. Chairman there is a quorum for the business of the Board. May I now introduce the matters to be considered at this meeting?

Chair – Please do.

Ms. Wendy Wiener – I need the phone number for Todd to call in. He doesn't have the number.

Mr. Shropshire – If we may have just a moment. Mr. Ferreira, Todd Ferreira, is having some trouble getting into the call. We're needing to contact him, so....

Ms. Wiener – I have him on the line, so can you tell me the call in number? Todd, call this number, 850-413-1558 and then the code is 678049.

Mr. Shropshire – Mr. Chairman, again, this is Mr. Shropshire proceeding then. Mr. Ferreira is calling in and I'll check again in a moment to make sure he is on the line.

Ms. Wiener – I think he thought he had the wrong number.

2. Licenses and Business Statuses of Cemetery Professionals LLC d/b/a Beaches Memorial Gardens, The Kuzniar Group LLC d/b/a First Coast Funeral Home and Nadar Rayan

Mr. Shropshire – Pursuant to Notice distributed regarding this meeting, the topics to be considered at this meeting are generally stated as the licenses and business statuses of Cemetery Professionals LLC d/b/a Beaches Memorial Gardens, located at 1500 N Main Street, Atlantic Beach Florida; and also the licenses and business statuses of The Kuzniar Group LLC d/b/a First Coast Funeral Home at the same address; and also the licenses and business statuses of Nadar Rayan.

More specifically, this meeting will address items in three specific areas:

- 1) Item #1 is a set of applications by which a proposed new owner, Beaches Memorial Services, LLC, the principal of which is Mr. Todd Ferreira, seeks approval to acquire control of, and to operate, the cemetery and a funeral establishment on the cemetery premises, and to sell preneed at the 1500 Main Street location as branches of Mr. Ferreira's existing preneed license. The Division strongly recommends approval of these applications, but we will come back to these in detail in a minute.
- 2) Items #2(a) and #2(b) are Voluntary Relinquishments of licensure submitted by the current owners of Beaches Memorial Gardens and First Coast Funeral Home. These Voluntary Relinquishments expressly state that they have the effect of a revocation. The presentation to the Board on this Voluntary Relinquishment Item will be by Department of Financial Services Legal Staff, specifically Department's attorney, Ms. Deirdre A. Farrington.
- 3) Item #3 is a request for Board approval for the Department of Financial Services to move forward with receivership proceedings, if for some reason the proposed acquisition does not close, a possibility that the Division views as remote, but which we would like to have the Board's approval to move forward on if that scenario develops. The presentation to the Board on this receivership related Item will also be by Department's counsel, Deirdre A. Farrington.

Mr. Shropshire – Mr. Chairman, may I now turn in detail to Item #1?

Ms. Wiener – Will you make sure Todd is on the line?

Chair – Please do.

Mr. Shropshire – Mr. Ferreira, are you on the line yet?

Mr. Todd Ferreira – Yes sir.

Mr. Shropshire – Thank you. Item #1 comes before the Board in the materials provided to the Board on applications for change of control and change of ownership relating to the following existing Chapter 497 licensees:

(1. A licensed cemetery, as follows:

Current licensee name: Cemetery Professionals LLC d/b/a Beaches Memorial Gardens (a/k/a Beaches Memorial Park)

Current license number: F039753

Address: 1500 N Main Street Atlantic Beach Duval Florida 32233

(2. A licensed funeral establishment, as follows:

Current licensee name: The Kuzniar Group LLC d/b/a First Coast Funeral Home

Current license number: F058039

Address: 1500 N Main Street Atlantic Beach Duval Florida 32233

(3. The above existing licensees also previously held a preneed license, as follows: license issued to Cemetery Professionals LLC, preneed main license number F019496. This license expired June 30, 2016 due to non-renewal.

(4. The properties operated under the above referenced licenses, under their current ownership, are highly troubled properties. The funeral establishment is currently under an emergency suspension issued by the Department of Financial Services upon allegations including, but not limited to, letting a body badly decompose while in the funeral establishment's custody. The cemetery's license is currently in invalid status, and has been invalid since January 1, 2016, the owners apparently not having adequate funds to renew same. One Nader Rayan, an employee at the properties, and husband of owner Amanda Rayan, was arrested on July 14, 2016 by Duval County Law Enforcement Authorities, on multiple felony and other criminal charges related to the licensed businesses. There are multiple Administrative Complaints currently pending, alleging serious violations of Chapter 497 by the said cemetery and funeral establishment under its current ownership.

(5. The Applicant herein, Beaches Memorial Services, LLC (also sometimes referred to herein as the "acquiring party"), seeks approval to acquire control/ownership of the above properties and to bring them up to proper standards and operate them in compliance with Chapter 497. The Division provides infra background material on Todd Ferreira. The Applicant would operate the cemetery under the d/b/a "Beaches Memorial Park," and would operate the funeral establishment under the d/b/a "Ferreira Funeral Services."

(6. The Applicant also submits herein two (2) applications for preneed branch licensure, by which the proposed acquiring entity would sell preneed at these locations under Applicant's existing preneed license F019291.

(7. The Applicant herein, Beaches Memorial Services, LLC, and Vincent Todd Ferreira (hereinafter "Todd Ferreira"), both represent to the Division and the Board that the said Todd Ferreira is the principal of Beaches Memorial Services, LLC.

(8. Applicant herein proposes to accept responsibility for all existing outstanding preneed contracts, subject to certain Preneed Consumer Protection Trust Fund claim rights, which the Division sets out in detail in its recommendations, for preneed contracts not properly trusted by the existing owners.

(9. The applicant herein, Mr. Ferreira and Beaches Memorial Services, LLC, represents to the Division and the Board that applicant has done its own independent due diligence inquiry concerning the transactions contemplated herein and hereunder, and applicant is satisfied with its due diligence inquiry, and applicant proceeds herein based upon applicant's independent findings in applicant's due diligence inquiry.

(10. Due to time constraints the applicant has not yet been able to submit the required fingerprint for criminal background check. The applicant herein, and Todd Ferreira, represent to the Board that Todd Ferreira has no reportable criminal record. In his previous applications, the applications revealed that he had no criminal record. Those were more than twenty-four (24) months ago so he has to renew the fingerprinting. We are confident that no reportable criminal record will be shown, but that is a condition.

Ms. Wiener – He did have his fingerprints done.

Mr. Shropshire – He has had his fingerprints done. I don't know that we've received the criminal rip sheet yet.

(11. (A. The acquiring party represents to the Division and the Board that the acquiring party is entering into and has in fact entered into a temporary management agreement with the current licensees, under which the acquiring party will, between approval of the applications by the Board at this Board meeting, if they are approved, and closing of the acquisitions herein, operate the cemetery and funeral establishment at the 1500 Main Street premises. The acquiring party has represented that Mr. Todd Ferreira and necessary staff will enter the 1500 Main Street premises shortly after this meeting today if these applications are approved and he will commence actions to restore normal operations at the cemetery and the funeral establishment.

(B. It is acknowledged by the Division that it may take several days after the acquiring party enters the premises before the acquiring party can familiarize itself with existing records and commence full operations. Although, Mr. Ferreira has advised me that he has already been in contact with local funeral establishments and that he is confident that interments scheduled for tomorrow in fact will be able to proceed. I have provided the Board with the statute, Chapter 497.264, which controls applications for approval to acquire control of an existing cemetery and I've also provided the Board with an extract from s. 497.380(12) (a), F.S., which controls applications for approval of change of ownership of a funeral establishment. If Mr. Ferreira and the applicant are approved here today, they will be issued new license numbers for these entities, for the cemetery and the funeral establishment.

As I have indicated, I provided material on Mr. Todd Ferreira. He currently operates a funeral establishment in Macclenny FL and also one in Starke FL. He has experience in cemetery business. He has worked at cemeteries at points in his career as a funeral director in a somewhat rural area. He is familiar because funeral directors in rural areas often have to interact and do much of the cemetery business for interments that they are in charge.

DIVISION RECOMMENDATION:

Mr. Shropshire – The Division recommends approval of the application to acquire control of the cemetery, the application for approval of change of ownership of the funeral establishment, and the applications for preneed branch licensure for two (2) branch locations, all subject to conditions as specified below:

CONDITIONS OF APPROVAL

(1. That all representations of the applicants herein, as reported in this cover sheet, and my remarks to the Board here today was made to the Board by the applicant or applicant's authorized representative in attachments to this cover sheet, or at this Board meeting today, are confirmed by the applicants and Todd Ferreira specifically as being true and correct, and shall be deemed material to the Board's approval of the applications herein.

(2. That the applicant shall enter the licensed premises under a management agreement, not later than close of business today, and immediately commence action to bring the cemetery and funeral establishment into operation as soon as reasonably possible so as to honor existing interment rights and outstanding preneed contracts.

Outstanding Preneed Contracts

(3. As to preneed contracts that are currently the responsibility of Cemetery Professionals LLC, and/or The Kuzniar Group LLC (First Coast Funeral Home) (to include preneed contracts said firms wrote themselves, as well as preneed contracts they acquired responsibility for from prior owners), fulfillment of such preneed contracts will be the responsibility of the Beaches Memorial Services LLC (hereinafter the "acquiring party"), but the acquiring party shall be authorized to make claims under the CPTF as follows (and the Board agrees to approve such claims assuming the acquiring party submits the usual claim and supporting records for each such claim):

(a) Where, as reported by the preneed trustee or its Servicing Agent, there is currently in preneed trust for one of such preneed contracts the entire principal amount required to have been deposited in trust for that preneed contract under Chapter 497 or by preneed license renewal conditions imposed by the Board, then that preneed contract is the responsibility of the acquiring party to perform, and there shall be no claim against the CPTF in regard to such preneed contract.

(b) Where, as reported by the preneed trustee or its Servicing Agent, there is NOT currently in preneed trust for one of such preneed contracts the entire principal amount required to have been deposited in trust for that preneed contract under Chapter 497 or by preneed license renewal conditions imposed by the Board, then the acquiring shall honor the preneed contract but thereafter, to the extent of the deficiency of the trust principal as regards that preneed contract, the acquiring party shall have a claim against the CPTF fund, as per the following examples.

- Example 1: There should have been \$5,000 deposited to the preneed trust for preneed contract #123, but as reported by the trustee or Servicing Agent there was only \$2,000 deposited to trust for preneed contract #123, the acquiring party shall have a CPTF claim for \$3,000.
- Example 2: There should have been \$3,500 deposited to the preneed trust for preneed contract #456, but as reported by the trustee or Servicing Agent there was ZERO deposited to trust for preneed contract #456, the acquiring party shall have a CPTF claim for \$3,500.

(c) The reference to "preneed license renewal conditions" refers to preneed license renewal conditions imposed by the Board, to the effect of requiring trusting by the current owners at 100% of preneed contract sale proceeds. In renewal periods where the licensee was renewed by the Board subject to a requirement to trust 100% of preneed contract proceeds, then to the extent they failed to do so, the acquiring party would have a CPTF claim for the deficiency per the above examples.

(d) In those years where the current owners were subject only to the standard Chapter 497 preneed trust requirements, the trust deficiency contemplated herein would be the difference in the principal amount actually deposited to trust for the preneed contract, as compared to what should have been deposited under Chapter 497.

(e) If and where it is found that Cemetery Professionals LLC, and/or The Kuzniar Group LLC (First Coast Funeral Home), or its employees or agents re-wrote an existing preneed contract to a reduced amount, and withdrew trust funds related to such preneed contract, but there remain unfunded preneed obligations the acquiring party will be responsible to fulfill, the acquiring party will have a CPTF claim to the extent of such withdrawn trust funds attributable to preneed contract obligations the acquiring party fulfills.

Care & Maintenance Trust Fund; Withdrawals

(4. (a. The balance of the care and maintenance trust fund of Cemetery Professionals LLC d/b/a Beaches Memorial Gardens, is approximately \$283,470 (as of December 31, 2015). With the written approval of the Division in each instance, the acquiring party may make withdrawal from said trust funds for use as follows:

(b. Providing and installing bronze grave, crypt, or niche markers purchased by customers from the current licensees on an at-need basis, and wrongfully not provided by the current licensees, or wrongfully removed and sold by current owners for scrap value. Not more than \$400 shall be thus withdrawn for any one such marker, and not more than \$10,000 in aggregate may be thus withdrawn for all such markers. The acquiring party shall assure that there is reasonable evidence that the customer in fact paid for such marker, and either it was not provided or was improperly removed. The acquiring party shall keep records of each such case, and shall obtain Division approval before such withdrawals. The acquiring party shall be responsible to provide any such bronze markers to the extent that the said \$400 per item limit, or the \$10,000 aggregate limit, is inadequate.

(5. A certificate of good standing from the Florida Secretary of State, regarding the entity "Beaches Memorial Services, LLC", shall be provided to the Division within 5 business days of this Board meeting. In fact, subsequent to preparing these written recommendations, the Division has received that certification from the Florida Secretary of State, so that condition is satisfied.

(6. Mr. Todd Ferreira will submit his fingerprints and otherwise cooperate in the Division's obtaining a criminal background check; and further, the approval herein is conditioned on the criminal record background check on Mr. Todd Ferreira indicating that Todd Ferreira has no reportable criminal record. Counsel for Mr. Ferreira and the applicant has indicated that he has submitted his fingerprints, although we have not yet, as a matter of routine, received the report from the FDLE.

(7. The applicant will not be responsible in disciplinary action for violations of law committed by the current owners or the current owner's employees or principals.

(8. The applicant herein shall, within 60 days of closing, provide the Division with a detailed map of the cemetery, and a set of cemetery bylaws.

Closing on the Transaction

(9. The closing on the transactions under the applications herein shall occur within 21 days of this of July 22, 2016 Board meeting. Provided, the Division may extend the deadline for such closing by up to 60 days if:

(a) The Division finds that the acquiring party is and will continue during such extension to actively manage the properties and is making progress in meeting the reasonable needs of the cemetery customers and families; and

(b) The Division finds that there is a reasonable expectation that the closing will occur.

Mr. Shropshire – To repeat, the Division recommends approval of all the applications, subject to the conditions that I have just read and that have been provided to the Board in writing in the printed material. That concludes the Divisions presentation concerning Item #1. Mr Chairman, do you have any comments or requests of the Division on Item #1?

Chair – Yes I do. The customers of Beaches Memorial Park and First Coast Funeral Home entered into agreements with the expectation and the understanding that their business transaction would give them peace and tranquility. Instead, in recent times, to their surprise and to their dismay, families have been faced with adversarial and confrontational practices that left them disappointed, confused and financially devastated. We have the opportunity today to open the doors of the funeral home and unlock the gates to the cemetery and assure consumers they will be treated honestly and fairly. So, fellow Board members, please join me and support my motion.

MOTION: The Chair moved for the approval for the application to acquire control of the cemetery, the application for approval of change of ownership of the funeral establishment, and the applications for preneed branch licensure, all subject of course to the conditions specified by the Division. Mr. Andrew Clark seconded the motion, which passed unanimously.

Chair – Thank you, Board members.

Mr. Shropshire – Mr. Chairman, the next items would be Items #2(a) and #2(b), regarding the Voluntary Relinquishments. Ms. Farrington, are you on the line?

Ms. Deirdre Farrington – This is Deirdre Farrington, Assistant General Counsel for the Department.

Mr. Shropshire – Yes, Ms. Farrington. Would you make the presentation on Items #2(a) and #2(b) at this time?

Ms. Farrington – The Board members have been provided in their packages for each Settlement Stipulation, the Administrative Complaint, an investigative file for three (3) Administrative Complaints associated with the Cemetery Professionals license and four (4) Administrative Complaints and investigative files associated with the Kuzniar Group licenses. First, I will present the case with regard to Cemetery Professionals, LLC d/b/a Beaches Memorial Gardens. These are the Department’s cases Nos. 162870-14-FC, 163851-14-FC, 192758-16-FC, concerning license nos. F039753 for the cemetery company and F019496 for the preneed main license.

Chair – Board members, I believe that’s Item #2(b) in our information.

Ms. Farrington – If you prefer, I can start with the other, but I’ve read all the numbers now, so with your permission...

Chair – No, that’s fine. That’s fine. I was just reminding the Board members that it was 2(b).

Ms. Farrington – Thank you, Mr. Chair. The matters are presented to the Board for consideration of the Settlement Stipulation for Consent Order negotiated with Cemetery Professionals, the Respondent. The Respondent is not represented by counsel. The Stipulation encompasses the circumstances and charges of three (3) Administrative Complaints. In Case No. 162870-14-FC, a 2014 routine examination revealed that the Respondent sold 150 grave spaces to a community organization using an incomplete contract and an unapproved contract form. The Department, in an Administrative Complaint filed on June 27, 2016, charged the Respondent with failing to complete properly a preneed contract and using an unapproved preneed contract form and failing to timely deposit required funds into the Care and Maintenance Trust Fund. Case No. 163851-14-FC entails a 2014 consumer complaint which revealed that the Respondent used two (2) unlicensed individuals to complete a preneed sales contract and made no trust deposits related to the sale. The Department, in an Administrative Complaint filed on July 12, 2016, charged Respondent with failing to timely deposit required preneed funds into trust, failing to timely deposit required funds into the Regulatory Trust Fund, failing to remit required funds to the Preneed Consumer Trust Fund and employing an unlicensed person as a preneed sales agent. In Department Case No. 192758-16-FC, it is alleged that the Respondent allowed its cemetery license to lapse on December 31, 2015, and failed to renew the license and further that in early 2016, the Department made numerous attempts to perform an annual inspection of Respondent’s premises, records and information, but the Respondent, through its owner and through its manager, refused to cooperate with an inspection. The Department, in an Administrative Complaint filed on July 12, 2016, charged the Respondent with operating a cemetery with an inactive license and refusing to submit its premises, records and information to inspection by the Department. The Respondent, through its registered agent, Amanda Rayan, was properly served with or waived service of each Administrative Complaint and subsequently entered into this Stipulation. The Stipulation requires the Respondent to surrender its cemetery and preneed main licenses with the surrender having the same effect as revocation and bars the Respondent from ever again applying again for licensure under Chapter 497. The terms of the Settlement Stipulation are reasonable under the facts and

circumstances of this case. The Department requests that the Board approve the Settlement and issue the Consent Order to conclude this matter. I'd be happy to answer any questions that the Board may have.

Mr. Keenan Knopke – Mr. Chairman, this is Mr. Knopke. I need to recuse myself from this item, Item 2(a) and 2(b). I was on the Probable Cause Panel.

Chair – Thank you for that disclosure.

MOTION: Mr. Ken Jones moved to accept the Settlement and issue the Consent Order to conclude this matter. Mr. Lew Hall seconded the motion, which passed unanimously.

Ms. Farrington – Thank you, Mr. Chair. With your permission, I'll proceed with Item 2(a).

Chair – Thank you.

Ms. Farrington – This case is against The Kuzniar Group LLC d/b/a First Coast Funeral Home. These are Case Nos. 174132-15-FC, 192302-16-FC, 193336-16-FC and 193839-16-FC. The Kuzniar Group holds license nos. F058039 as a funeral establishment and F019496 as a preneed branch. These matters are presented to the Board for consideration of the Settlement Stipulation for Consent Order negotiated with the Kuzniar by and through its managing member, Amanda Rayan. The Respondent is not represented by counsel. The Stipulation encompasses the circumstances and charges of four (4) Administrative Complaints. First, DFS Case No. 174132-15-FC, a routine 2015 examination revealed that the Respondent had failed to renew its funeral establishment license. The Department in an Administrative Complaint filed on June 27, 2016 charged the Respondent with operating a funeral establishment without a valid license and failing to display a current photograph of its funeral director in charge. Second Case is No. 192302-16-FC. An October 2015 consumer complaint revealed that Respondent's manager, Nadar Rayan, met with a consumer and acted as a funeral director in that transaction and that the Respondent failed to complete the funeral services contract in a timely way. The Department in Administrative Complaint filed on June 27, 2016 charged the Respondent with committing fraud, deceit, negligence, incompetency or misconduct in the operation of its establishment, employing an unlicensed person as a funeral director, furnishing an incomplete contract to a consumer and failing without justification to timely honor a contract for funeral services. The third Case is No. 193336-16-FC. A 2014 consumer complaint revealed that the Respondent used two (2) unlicensed individuals to complete a preneed sales contract and made no trust deposits related to the sale. The Department in an Administrative Complaint filed on July 12, 2016, charged the Respondent with failing to timely deposit required preneed trust funds, failing to timely deposit required funds into the Regulatory Trust Fund, failing to remit required funds to the Preneed Consumer Protection Trust Fund and employing an unlicensed person as a preneed sales agent. The last is Case No. 193839-16-FC. A for cause inspection on July 7, 2016 revealed that the Respondent failed to store properly a dead human body, thereby allowing the body to become badly decomposed. The inspection further revealed that the Respondent was operating without a funeral director or a funeral director in charge and had an improperly equipped embalming room. An Emergency Order of Suspension was entered on July 8, 2016. The Department, in an Administrative Complaint filed on July 12, 2016, charged the Respondent with failing to have a full time funeral director in charge and failing to have a funeral director reasonably available to the public, failing to properly handle and store a dead human body, having an improperly equipped prep room, committing fraud, deceit, negligence, incompetency or misconduct in the operation of its establishment, and filing a death certificate the Respondent knew or should have known contained false information. Respondent, through its registered agent, Amanda Rayan, was properly served with or waived service of each Administrative Complaint and subsequently entered into this Stipulation. The Stipulation requires the Respondent to surrender its funeral establishment and preneed branch licenses with the surrender having the same effect as revocation and bars the Respondent from ever again applying for licensure under Chapter 497. The terms of the Settlement Stipulation are reasonable under the facts and circumstances of these case. The Department requests that the Board approve the Settlement and issue the Consent Order to conclude this matter. I'd be happy to answer any questions that the Board may have.

Chair – Thank you. Ms. Anderson?

Ms. Jean Anderson – Yes?

Chair – Were you on any of the Panels for this?

Ms. Anderson – No, not these recent ones.

Chair – Thank you very much. Board members, is there a motion?

MOTION: Mr. Hall moved to accept the Settlement and issue the Consent Order to conclude this matter. Mr. Jim Davis seconded the motion, which passed unanimously.

Mr. Shropshire – Mr. Chairman, this is Shropshire. May we move to Item #3 on the agenda.

Chair – Please do.

Mr. Shropshire – Yes, Mr. Chairman, Item #3 is a request regarding discretion on receivership proceedings and will be presented by Ms. Farrington. Ms. Farrington?

Ms. Farrington – Thank you, sir. This request is with regard to the license of Cemetery Professionals, LLC d/b/a Beaches Memorial Gardens, cemetery license number F039753. This matter is presented to the Board in an abundance of caution for consideration for a Petition for Receivership, which may be filed should the Department find the need arises. To be clear, this request is for approval of the Department's discretion to file a petition at some future point, not for immediate filing of such a petition. It's the Department's position that a receivership may be necessary as authorized by statute to protect the public's interests and rights and to ensure the orderly and proper conduct of the professional affairs and business of Cemetery Professionals LLC d/b/a Beaches Memorial Gardens during and in the aftermath of the administrative proceedings concerning the Kuzniar Group d/b/a First Coast Funeral Home. Amanda Rayan is managing member and Nadar Rayan is manager. By way of the information provided to you in the Board packages and in the Board memo, the Division has established that the cemetery has voluntarily relinquished its license to operate; that the owner Amanda Rayan has a Cease and Desist Order against her; that the company's manager Nadar Rayan is involved in administrative proceedings, to revoke, suspend or relinquish his license; that Mr. Rayan has been arrested and is in jail on a \$100,000 bond. Should the proposed sale for unforeseen reasons fail to take place, the Department believes it would be wise to be positioned to file immediately a Petition for Receivership of this cemetery and ask for the Board's approval to do so if such actions should become necessary. I just want to, for the record, mention that the Board materials provided for this request include the Administrative Complaint in Case Nos. 162870-14-FC, 163851-14-FC, 193336-16-FC and 192298-16-FC. Those are various Administrative Complaints filed against Cemetery Professionals, The Kuzniar Group and Nadar Rayan. In addition, a Cease and Desist Order, a Notice of an Intent to Issue a Cease and Desist Order and Administrative Complaint No. 163854-14-FC against Yolanda Hall, an unlicensed individual, a Notice of an Intent to Issue a Cease and Desist Order and Administrative Complaint in Case No.163852-14-FC against Amanda Rayan, an unlicensed individual were included, as were an Emergency Order of Suspension against First Coast Funeral Home in Case No. 193839-16-FC and a Petition for Injunction for Immediate and Ongoing Access filed in Duval Circuit Court against Cemetery Professionals and First Coast Funeral Home in Case No. 2016-CA-004686. That concludes my presentation. I hope that brief interruption did not cut off any portion of the comments that I made. I finished enumerating the materials that were provided to the Board. I would be happy to answer any questions that the Board may have regarding this request.

Chair – Board members, we have before us a request for approval to petition for receivership if necessary. Is there a motion?

MOTION: Mr. Powell Helm moved to approve the request for approval of the Department's discretion to file a petition at some future point, not for immediate filing of such a petition. Mr. Hall seconded the motion, which passed unanimously.

Mr. Shropshire – Mr. Chairman, this is Mr. Shropshire. The Division has noted that in regard to Item #2(a), Board member Jean Anderson was given some incorrect information. She was on Probable Cause for that proceeding. I would suggest that the Board revote on that matter with Ms. Anderson recused.

Chair – Thank you. Ms. Anderson is recusing herself on matters of #2(a). There was a motion and a second and all those in favor, aye?

Board members – Aye.

Chair – And any opposed? And that motion does carry. Thank you for that clarification.

Mr. Shropshire – Thank you, sir. Mr. Chairman, this is Shropshire. I know from speaking with the Board members that they have interrupted their busy schedules to do this meeting and they have told me that they need to get back to their regular appointments as soon as possible and the Division having nothing further for the Board at this meeting I would suggest a motion to adjourn would be appropriate.

Chair – Thank you. Board members? Any questions, comments? Otherwise, this meeting is adjourned.

Board members – Thank you.

10. Adjournment

The meeting was adjourned at 10:43 a.m.