

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
TELECONFERENCE MEETING
September 12, 2019 - 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's September 12, 2019. I'm calling this meeting to order. Ms. Simon, will you please give your preliminary remarks and do a formal roll call?

Ms. Ellen Simon – Yes, Mr. Chairman. My name is Ellen Simon. I am Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, September 12, 2019, and it is approximately 10:00 A.M. A Board meeting was originally scheduled for September 5, 2019. However, due to the concern regarding the impact of Hurricane Dorian, the meeting was rescheduled for today's date. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by teleconference and notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to all interested persons. The call-in number was placed on the agenda. The Board staff present for this meeting are in the Claude Denson Pepper Building in Tallahassee FL. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared. Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board's Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. At this time, Mr. Chairman, I will take the roll:

Joseph "Jody" Brandenburg, Chair
Keenan Knopke, Vice Chair
Jean Anderson
Francisco "Frank" Bango
Andrew Clark
Lewis "Lew" Hall
Powell Helm
Ken Jones
Darrin Williams

Also noted as present:

Mary Schwantes, Executive Director
Larry Harris, Board Legal Advisor (via phone)
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Larry Holsey, Department Staff

Ms. Simon – At this point, Mr. Chairman, we have a quorum for the business of the Board.

Chair – Thank you.

2. Action on the Minutes

A. August 1, 2019

Chair – The first item on the agenda is action on the minutes of the August 1, 2019, meeting. Is there a motion?

MOTION: Mr. Ken Jones moved to adopt the minutes of the meeting. Mr. Darrin Williams seconded the motion, which passed unanimously.

3. Old Business

A. Informational Item – Monthly Report Requested by the Board
(1) Mitchell, Ivan W. (Funeral Director and Embalmer)

Ms. Simon – Mr. Ivan Mitchell was originally before the Board in April of 2019, with an application for an internship license. As part of the discipline, the Board requested monthly reports from the funeral home, which employs Mr. Mitchell. The latest report is included within your Board package.

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

Ms. Simon – This item is informational only. Pursuant to s. 497.466, F.S., the applicants have been issued their licenses and appointments as preneed sales agents.

- 5. **Application(s) for Continuing Education Course Approval**
 - A. **Recommended for Approval without Conditions – Addendum B**
 - (1) *Elite Professional Education, LLC (113)*
 - (2) *National Funeral Directors Association (136)*
 - (3) *SCI Management - Dignity University (99)*
 - (4) *Selected Independent Funeral Homes (137)*
 - (5) *The Dodge Institute for Advanced Mortuary Stu (81)*

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the courses presented have been reviewed by the CE Committee and the Committee, as well as the Division, recommends approval of the applications for the number of hours indicated.

MOTION: Mr. Lew Hall moved to approve the applications. Mr. Powell Helm seconded the motion, which passed unanimously.

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

Ms. Simon – The CPTF claims presented on the Addendum have been reviewed by the Division and the Division recommends approval for the monetary amounts so indicated.

MOTION: Ms. Jean Anderson moved to approve all the claim(s), for the monetary amounts indicated. Mr. Williams seconded the motion.

- 7. **Application(s) for Florida Law and Rules Examination**
 - A. **Informational Item (Licenses Issued without Conditions) – Addendum D**
 - (1) *Direct Disposer*
 - (a) *Boroczky, Cynthia*
 - (b) *Saylor II, Charles E.*
 - (2) *Funeral Director (Internship and Exam)*
 - (a) *Farmer, Logan M.*
 - (b) *Person, Angelina D.*
 - (3) *Funeral Direct and Embalmer (Endorsement)*
 - (a) *Maxwell, Andrea*

Ms. Simon – This is an informational item. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved these applications.

- 8. **Application(s) for Internship**
 - A. **Informational Item (Licenses Issued without Conditions) – Addendum E**
 - (1) *Embalmer*
 - (a) *Farmer, Logan M. (F230714)*
 - (b) *Weimer, Daniel V. (F081816)*
 - (2) *Funeral Director and Embalmer*

- (a) *Banfield, Korey M. (F076353)*
- (b) *Baskin, Draven (F380200)*
- (c) *Dowden, William B. (F382954)*
- (d) *Fisher, Benjamin R. (F298054)*
- (e) *Obando, Karina V. (F382155)*
- (f) *Olson, Kayla C. (F375974)*
- (g) *Remy-Westbrook, Shante L. (F381140)*
- (h) *White, Chelsey N. (F042831)*
- (i) *Woodie Jr., George (F374433)*

Ms. Simon – This is an informational item. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved these applications.

- 9. **Application(s) for Embalmer Apprentice**
 - A. *Informational Item (Licenses Issued without Conditions) – Addendum F*
 - (1) *Theil, Ryan (F376955)*

Ms. Simon – This is an informational item. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved this application.

- 10. **Notification(s) of Change in Location**
 - A. *Informational Item – Addendum G*
 - (1) *Central FL Direct Cremation Svc Inc d/b/a Loomis Family Cremations (F041057) (Minneola)*
 - (2) *Strong & Jones Funeral Home, Inc. (Tallahassee) (F041596)*

Ms. Simon – This is an informational item. The establishments listed have applied for a change of location of their businesses. The only criteria for approval is that the new locations pass inspection by the Division. The inspection for Central FL Direct Cremation has not yet been conducted, but when it is, the change of location will be approved by the Division. An inspection for Strong & Jones’ new facility has been conducted and the application was approved by the Division.

- 11. **Application(s) for Registration as a Training Facility**
 - A. *Informational Item (Licenses Issued without Conditions) – Addendum H*
 - (1) *Robarts Family Funeral Home Inc (Wauchula) (F092078)*

Ms. Simon – This item is informational only. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved this application.

- 12. **Application(s) for Monument Sales Agent**
 - A. *Informational Item (Licenses Issued without Conditions) – Addendum I*
 - (1) *Livingston, Colt L (F379277) (Ruskin)*

Ms. Simon – This item is informational only. Pursuant to s. 497.554, F.S., the Division has previously approved this application.

- 13. **Application(s) for Preneed Branch License**
 - A. *Recommended for Approval without Conditions – Addendum J*

Ms. Simon – Pursuant to s. 497.453, F. S., the applicant listed has applied for a preneed branch license. The application was complete without reportable criminal or disciplinary history. The Division is recommending approval.

MOTION: Mr. Helm moved to approve the application subject to the condition that Millennium Crematory LLC is granted licensure. Mr. Jones seconded the motion, which passed unanimously.

14. **Petition(s) for Waiver of Rule**

A. **Recommended for Approval without Conditions**

(1) **Concurrent Intern**

(a) **England, Heather A. (F328609)**

Ms. Simon – In this instance, Ms. England was issued an internship license on December 7, 2018 and was unable to complete her internship. She submitted an application to renew the internship license due to illness, hardship or awaiting results and is requesting a waiver of the Rules 69K-18.002 and 69K-18.003, F.A.C. Ms. England has a relevant criminal history that was reviewed at the December 6, 2018 Board meeting as follows:

- In May 2016, Ms. England pled no contest to misdemeanor Reckless Driving and Public Intoxication. She was sentenced to 12 months of probation for each charge to be served consecutively. She was also fined \$1.500 and ordered to serve 30 days community service.

The Division is recommending approval without conditions.

MOTION: Mr. Helm moved to approve the application. Mr. Keenan Knopke seconded the motion.

Larry Harris – Board members, this is Larry Harris. This is a Petition for a Rule Variance or Waiver, and as you all are well aware of from prior meetings, in order to approve a variance or waiver you have to specifically find that the petitioner has achieved the purpose of the underlying statute by other means and has demonstrated to your satisfaction that compliance with the rule would either be an undue hardship on the petitioner or would violate principles of fairness. If you find that this petitioner has achieved the purpose of the underlying statute by other means, and would either have an undue hardship or a principle of fairness would be violated, or both, you can grant the petition. So, I just wanted to make sure that those findings were included in your motion and I would need to know for the Order whether you thought that compliance with the rule for Ms. England would be an undue economic hardship, or whether it would violate the principles of fairness, or both.

Chair – There's been a motion made to approve. Would you like to include that in your motion to approve?

Mr. Helm – I guess so.

Chair – Because of a hardship and illness?

Mr. Helm – Yes. I granted the waiver because of her hardship.

Chair – Thank you. Is there a second to that motion?

Mr. Knopke – There was a second by Knopke. I agree with Mr. Helm.

Chair – Thank you, Mr. Harris, for your explanation. There's been a motion to approve and it's been seconded. And all those in favor, aye?

Board members – Aye.

Chair – And any opposed? And that motion carries.

15. **Application(s) to Acquire Control of an Existing Cemetery Company**

A. **Recommended for Approval with Conditions**

(1) **Venice Memorial Gardens, Inc. (Venice) (F039569)**

Ms. Simon – Venice Memorial Gardens, Inc_(Venice) herein submits an Application for Change of Control of an Existing Cemetery Company for the above-named cemetery property. The cemetery location being acquired is licensed as named at the above specified location. The application was received by the Division on July 26, 2019 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 a stock purchase, wherein the current principals and owners are relinquishing 75% ownership to John and

Michelle Williams, who will ultimately be acquiring 100% ownership of Venice. The new owners will acquire all the assets and liabilities and continue to operate at the location listed in your Board package under its existing name. If this application for change of control is approved, Venice will continue to operate the cemetery as Venice Memorial Gardens (F039569). Additionally, the applicant has agreed to fulfill and honor all preneed contracts previously written by the company.

The care and maintenance trustee report for CY 2018 is included in your Board package. The cemetery report appears to be in line with the reported gross sales for CY 2018 for the listed property being acquired. The Division is recommending approval subject to the following conditions:

- 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 Stock Purchase Agreement, executed by all parties, and all amendments thereto, also fully executed.

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

16. Application(s) for Change of Ownership (Collective Coversheet)

A. Recommended for Approval with Conditions

(1) American Burial and Cremation Service, Inc. (Punta Gorda)

(a) Application(s) for Funeral Establishment

(b) Application(s) for Transfer of Preneed License

Ms. Simon – American Burial and Cremation Service, Inc (ABCS), a corporation, seeks approval of both an application for funeral establishment licensure based upon a change of ownership (F162230), and an application for transfer of a preneed main license (F021931) at the below listed location. The change of ownership is due to the death of the current owner, Larry Taylor, wherein his ownership interests are being transferred to the proposed principals and owners: Eric Johnson, Carolyn Johnson, and Michel Botts. The fingerprints for the principals were returned without criminal history. More specifically, the entities that are being acquired is as follows:

- 1) American Burial & Cremation Services, Inc d/b/a Larry Taylor Funeral and Cremation Services, a licensed funeral establishment, license # F162230, physical address: 1515 Tamiami Trail, Punta Gorda
- 2) American Burial & Cremation Services, Inc d/b/a Larry Taylor Funeral and Cremation Service, a licensed preneed main, license # F021931, physical address: 1515 Tamiami Trail, Punta Gorda

Included within your Board packages are the separate applications regarding the above listed properties. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at this location, the obligation to fulfill those preneed contracts will be assumed by the new owners. If approved, Applicant will continue to sell trust-funded preneed contracts through First Florida Trust (Live Oak Banking Company), administered by Funeral Services, Inc (FSI), and utilize their approved prearranged funeral contract forms.

The Division is recommending approval subject to the following conditions:

- 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 pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities, (if any), of the location(s) being acquired.

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

(2) SW Florida Funeral and Cremation Services Inc. (Punta Gorda)
(a) Application(s) for Cinerator Facility
(b) Application(s) for Funeral Establishment

Ms. Simon – SW Florida Funeral and Cremation Services Inc, an incorporated entity, seeks approval of applications for licensure as both a cinerator facility and a funeral establishment. The applications are being submitted due to a change of ownership wherein SW Florida Funeral and Cremation Services Inc is acquiring the establishments listed within your Board packages. A completed background check of the principal(s) for the business revealed no relevant criminal history. More specifically, the entities that are being acquired are as follows:

- 1) ICS Cremation and Funerals Inc, a cinerator facility, license #F041470, physical address: 2620 Highlands Road, Punta Gorda, FL 33983
- 2) ICS Cremation and Funerals Inc, a funeral establishment, license #F039915, physical address: 2620 Highlands Road, Punta Gorda, FL 33983

Enclosed within your Board package are the separate applications regarding the above listed properties for both the cinerator facility and the funeral establishment. Items 16.A. (2)(c)-(e), which are following, are contingent upon approval of these two (2) applications. If these applications are approved, then the other items on 16.A.(2) of your agenda will also be presented to the Board. If these applications are not approved, then the other items will be withdrawn from the agenda. The Division is recommending approval subject to the following conditions:

- 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 executed 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 pass an onsite inspection by a member of Division Staff.

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

(c) Settlement Stipulations for ICS Facilities
1) Cinerator Facility

- 2) *Direct Disposal*
- 3) *Funeral Establishment*
- 4) *Preneed License*

Ms. Simon – This is a Settlement Stipulation that will be presented by Mr. Marshawn Griffin. Mr. Griffin?

Marshawn Griffin – International Cremation Society d/b/a ICS Cremation Society is a direct disposal facility, license number F054865. International Cremation Society, Inc., is a cinerator facility, license number F041470. International Cremation Society, Inc. d/b/a ICS Cremation Society, Inc., is a preneed main, license number F019474. ICS Cremation and Funerals is a funeral establishment, license number F039915. The four (4) licensees will be collectively referred to as “Respondents”.

The Department conducted an investigation of Respondents and found that Respondents: failed to timely respond to a consumer complaint; failed to timely provide a refund; engaged in at-need funeral sales as a direct disposer; failed to timely remit funds to the preneed trust; charged for travel protection and failed to procure travel protection; used contracts that contained pages that were not approved by the Department; operated a direct disposal establishment at the same address as funeral establishment; failed to timely renew licensure; failed to timely provide services; failed to appoint a preneed licensee; failed to use a Department approved form for its Bodies Handled Reports; failed to make all required disclosures on a Statement of Goods and Services; failed to treat human remains with dignity and respect; failed to have adequate storage space for human remains; and allowed a direct disposer to sign contracts as a funeral director.

Respondents have entered into a proposed Settlement Stipulation. The proposed Stipulation provides as follows: Respondents’ licenses shall be permanently revoked. Furthermore, Respondents are prohibited from ever being licensed pursuant to Chapter 497, Florida Statutes. The Department requests that the Board approve the Stipulation.

MOTION: Mr. Jones moved to approve the Settlement Stipulation, which provides that Respondents’ licenses shall be permanently revoked. Furthermore, Respondents are prohibited from ever being licensed pursuant to Chapter 497, Florida Statutes. Mr. Hall seconded the motion, which passed unanimously.

(d) Settlement Stipulation for Ronald D. Nichols (Direct Disposer) (F020599)

Ms. Simon – This is a Settlement Stipulation for Ronald D. Nichols. Mr. Griffin?

Mr. Griffin – Ronald D. Nichols (“Respondent”) is a direct disposer, licensed under Chapter 497, Florida Statutes, license number F020599. The Department conducted an investigation of Respondent and found that Respondent failed to timely respond to a consumer; failed to timely provide contracted for cremation services; failed to timely provide a refund; failed to provide requested contract documentation; engaged in at-need funeral sales as a direct disposer; failed to timely remit funds to the preneed trust; failed to procure travel protection; used contracts that contained pages that were not approved by the Department; and operated a direct disposal establishment at the same address as funeral establishment.

Respondent has entered into a proposed Settlement Stipulation. The proposed Stipulation provides as follows: Respondent’s license shall be permanently revoked. Furthermore, Respondent is prohibited from ever being licensed pursuant to Chapter 497, Florida Statutes. The Department requests that the Board approve the Stipulation.

MOTION: Mr. Hall moved to approve the Settlement Stipulation, which provides that Respondent’s license shall be permanently revoked. Furthermore, Respondent is prohibited from ever being licensed pursuant to Chapter 497, Florida Statutes. Mr. Helm seconded the motion, which passed unanimously.

(e) Settlement Stipulation/Voluntary Relinquishment for Taryn N. Shelby (Preneed Sales Agent) (F020583)

Mr. Griffin – Taryn Shelby (“Respondent”) is a preneed sales agent, licensed under Chapter 497, Florida Statutes, license number F020583. Respondent wishes to voluntarily relinquish her licensure. The voluntary relinquishment will have the same force and effect as a revocation of licensure.

Respondent has entered into a proposed Settlement Stipulation. The proposed Stipulation provides as follows: Respondent is permanently revoked from licensure as a preneed sales agent. Respondent is prohibited from ever being licensed as a preneed sales agent in the state of Florida. Furthermore, the stipulation provides that Respondent is permanently barred from acting as the funeral director in charge for any funeral establishment. The Department requests that the Board approve the Stipulation.

MOTION: Mr. Hall moved to approve the Settlement Stipulation, which provides that Respondent is permanently revoked from licensure as a preneed sales agent. Respondent is prohibited from ever being licensed as a preneed sales agent in the state of Florida. Furthermore, the stipulation provides that Respondent is permanently barred from acting as the funeral director in charge for any funeral establishment. Mr. Jones seconded the motion, which passed unanimously.

Ms. Simon – Thank you, Mr. Griffin.

17. Application(s) for Direct Disposal Establishment

A. Recommended for Approval with Conditions

(1) Integrity Funeral Home and Cremations Inc. (Jacksonville)

Ms. Simon – An application for a Direct Disposal Establishment was received by the Division on July 16, 2019. The application was incomplete when submitted but completed by August 9, 2019. The Funeral Director in Charge will be Ronald Dolinar (F046980). A background check of the principals revealed no relevant criminal history. The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. I believe we have Mr. Williams on the telephone with us.

Gregory Williams – Yes, I'm here. Thank you.

Ms. Simon – Mr. Chairman?

Chair – Mr. Williams, on your application, on page 6, under the Direct Disposer in Charge, one of the questions is answered "Yes" and "see note attached." I don't believe we have that note attached in the packet we received. However, Ms. Simon, do you have an explanation?

Ms. Simon – I do. If I could just have one moment, please.

Chair – Thank you. That's on page 6, Board members.

Ms. Simon – Board members, there was one page of the application, the note that the applicant was referencing, that was not included within your Board package. That note says that the new location in Fernandina Beach will not have onsite embalming. Ronald Dolinar will be FDIC of both locations and this is the location of Integrity Cremations, located in Fernandina Beach, and Integrity Funeral Home and Cremations Inc. located in Jacksonville.

Chair – Thank you. And also, Mr. Williams, you indicated that the cremations and refrigeration will be handled by Trinity Cremation Services. Can you tell us where that is, please?

Mr. Williams – Yes, that is actually C L Page Mortuary, on Moncrief Road in Jacksonville.

Ms. Simon – Before we go further, I'm sorry, Mr. Williams. Can you please raise your right hand to be sworn? Do you have your right hand raised?

Mr. Williams – I do.

Ms. Simon – Do you swear to tell the whole truth, and nothing but the truth, so help you God?

Mr. Williams – I do.

Ms. Simon – Please state your name for the record.

Mr. Williams – Greg Williams.

Ms. Simon – Please continue with your explanation.

Mr. Williams – That was it. It says Trinity Cremations, but it's doing business under C L Page Mortuary, in Jacksonville FL.

Chair – Thank you, Mr. Williams.

Mr. Williams – You're welcome. Thank you.

Chair – Board?

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. Mr. Knopke seconded the motion, which passed unanimously.

(2) Millennium Crematory LLC d/b/a Millennium Cremation Service (Sebastian)

Ms. Simon – An application for a Direct Disposal Establishment was received on July 29, 2019. The application was complete when submitted. The Funeral Director in Charge will be James Young (F042919). A background check of the principals revealed no relevant criminal history. The establishment is recommended for approval subject to the conditions as follows:

- 1) That the establishment passes an onsite inspection by a member of Division Staff.
- 2) That Millennium Crematory LLC d/b/a Millennium Cremation Service located at 800 8th Street, Vero Beach, FL 32962 is issued a license for the Cinerator Facility; otherwise new contracts for refrigeration and cremation arrangements will be required.

That item is not on this agenda, but the condition remains the same that that crematory gets licensed before this entity does.

Mr. Knopke – So, do we want to defer this application until the other gets approved?

Ms. Simon – I believe that Ms. Wiener is on the call and she may be able to provide further explanation. How I understand it, Millennium Crematory has already been on the agenda.

Wendy Wiener – That application was previously approved.

Ms. Simon – Right. It was previously approved; however, they have not been issued licensure yet because the conditions have not been met. Is that correct, Ms. Wiener?

Ms. Wiener – Kellie, are you on this call?

Kellie Hoover – Yes, Kellie Hoover's on the call.

Ms. Wiener – This is the one that you and I keep going back and forth on. What's the {inaudible}?

Ms. Hoover – In January, the cinerator application was approved, pending an inspection. They held off on that because he also had a DDE at the same time approved, but then there was trouble with the local County zoning with the DDE. So, that DDE from January is probably never going to happen, so he submitted this new one in July. The entity that goes with the preneed license that was approved last year in July.

Ms. Wiener – So, all of these licenses, once this one is approved and issued, all of his licensure should be in place?

Ms. Hoover – He should move forward with inspections and everything should be good.

Ms. Wiener – Correct. Ellie, does that answer your question?

Ms. Simon – It does. However, the condition on this application is that the cremation service be licensed as a cinerator facility before this is actually licensed.

Ms. Wiener – That license was already approved back in January.

Ms. Simon – It was. Like I said, the conditions have not been met. So, the only condition of this licensure today is that the cinerator facility actually be licensed before this entity is, and they are not licensed yet because their conditions have not been met.

Ms. Wiener – Okay. And we can follow up after this Board meeting to make sure whatever criteria are still missing, we can address those.

Chair – Thank you. That’s covered under conditions 1) and 2). Was there a motion?

MOTION: Mr. Jones moved to approve the application subject to the conditions recommended by the Division. Mr. Hall seconded the motion, which passed with one (1) dissenting vote.

18. Application(s) for Funeral Establishment
A. Recommended for Approval with Conditions
(1) Florida Mortuary Service LLC (Pensacola)

Ms. Simon – An application for a Funeral Establishment was received on August 13, 2019. The application was complete when submitted. The Funeral Director in Charge will be Gregory Luca (F060692). A background check of the principals revealed no relevant criminal history. The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

(2) Gendron Funeral & Cremation Services Inc. (Fort Myers)

Ms. Simon – An application for a Funeral Establishment license due to a change of ownership was received by the Division on July 5, 2019. The application was incomplete when received but was completed by July 25, 2019. The Funeral Director in Charge will be Daniel Fuller (F042678). A background check of the principals revealed no relevant criminal history. Adverse licensing history includes a Vermont revocation order filed on December 5, 2000 and a Florida disciplinary order filed on October 24, 2002 both filed against Michael Gendron, the only listed principal of the applicant. A Florida Order Approving Application filed on September 14, 2009 is also relevant to this matter. All three orders are provided in this Board packet. This funeral establishment is the qualifying entity for a preneed license. In a letter included within your Board package dated July 25, 2019, Michael Gendron, the president of the applicant, provided that his establishment will fulfill any McKee Funeral Home outstanding preneed contracts.

The establishment is recommended for 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 executed 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 pass 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.

MOTION: Mr. Knopke moved to approve the application subject to the conditions recommended by the Division.

Chair - Is there a second? The motion dies for lack of a second. Ms. Simon?

Ms. Simon – Mr. Chairman, how would you like to handle this matter?

Chair – I'd like to ask Board counsel.

Mr. Harris – You all have an application. You have to act on it within ninety (90) days or it could be deemed approved. Therefore, you had a motion to approve it and it died for lack of a second. I would think someone would want to make a motion to deny it and state the reasons for the denial, for the record. Assuming that got enough votes to pass, it would be denied and that would obviously give the applicant hearing rights. They could request a hearing on that. Likewise, what I've had Boards do is they have entered a vote to deny, but then enter a stay of that vote. We're going to vote to deny, but we're going to stay entry of the Order for a certain number of days to allow the staff to contact the applicant and suggest that the applicant may want to withdraw the application to avoid having a licensure denial on their record. If the applicant withdraws within the certain period of time then the withdrawal is accepted and the application is withdrawn. If the applicant doesn't respond or doesn't withdraw then the Order of Denial, the Notice of Intent to Deny is entered. That is always an option because many boards, such as yourself, I know are concerned about the effects of denials on multi-state licensure of individuals having to report that and having discipline. So, the denial would be an option to stay the Order to give the applicant a chance to withdraw might be something that you all would be interested in.

Chair – Thank you. And any motion to deny would have to be accompanied by the reason for denial. Is that correct, Mr. Harris?

Mr. Harris – That's correct. The application reveals that this applicant does have disciplinary history in another state and that disciplinary history appears to be related to the practice of the profession. That would be a statutory basis for denial of this application.

Chair – Thank you. Board members, what's your pleasure?

Ms. Wiener – Mr. Chairman, this is Wendy Wiener. I represent, regulatorily, both the buyer and the seller on this, at various times, currently the seller. Can I inquire as to what the basis would be for denial, when this same applicant holds other licenses currently, in this state, issued by this Division, on numerous occasions in the past?

Chair – Ms. Wiener, I would advise you that there is no motion for denial.

Ms. Wiener – I understand. So, I'll table that question until there is such a motion. Thank you.

Chair – Thank you. Mr. Knopke?

Mr. Knopke – Yes sir?

Chair – You made a motion before. Would you care to make that motion again?

MOTION: Mr. Knopke moved to approve the application subject to the conditions recommended by the Division. The Chair seconded the motion, which passed with one (1) dissenting vote.

(3) Southern Belle Services LLC d/b/a Precious Memories Home for Funerals (Tallahassee)

Ms. Simon – An application for a Funeral Establishment license due to a Change of Ownership was received by the Division on July 15, 2019. The application was incomplete when received and complete on August 14, 2019. The Funeral Director in Charge will be Christopher L. Moultry (F043049). A background check of the principals revealed no relevant criminal history. This funeral establishment is not the qualifying entity for a preneed; however, the new establishment will assume all responsibility of any unfulfilled contracts entered in by the current establishment. The change in ownership stemmed from revocation of the current establishment’s license. The establishment is recommended for 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 executed 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 pass an onsite inspection by a member of Division Staff.

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

19. Application(s) for Monument Establishment Retailer
A. Recommended for Approval with Conditions
(1) Broward Monument Company LLC (Fort Lauderdale)

Ms. Simon – An application for monument retailer establishment licensure based upon a change of ownership was submitted on August 12, 2019. A completed background check revealed no criminal history for its listed principal. If approved, Applicant will operate as a monument establishment retailer at the above specified location and utilize the monument retail sales agreement that has been submitted for approval.

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

- 1) That the closing on the transaction to acquire ownership occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction be substantially on terms and conditions as represented to the Board at the May Board meeting.
- 3) That the 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 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.

Mr. Helm – Mr. Chair, I have a question, please.

Chair – Mr. Helm?

Mr. Helm – Ms. Simon, it's a little off base of what's before us right now, but I noticed in this packet that there were two (2) sales agents that applied. Did that not come through or are we waiting on something on that?

Jasmin Richardson – I'm waiting to approve them once this application is approved, because they don't need to come before the Board for approval. It'll just be a notification.

Mr. Helm – Okay, but is it going to be at a later meeting?

Ms. Richardson – The notification will be at a later meeting, that they've been approved.

Mr. Helm – Okay. Who was the previous owner?

Ms. Simon – Mr. Helm, just give me a moment to review the application. I assume you've already reviewed it and you did not find the information?

Mr. Helm – I could not find it.

Ms. Simon – I don't have that information right now.

Mr. Helm – Okay.

Ms. Simon – Wait just one moment, sir.

Mr. Helm – I don't want to hold the meeting up. I'd just like to know that later if you all would let me know.

Ms. Simon – Yes sir.

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

20. Application(s) for Removal Facility
A. Recommended for Approval with Conditions
(1) Delta Removal Service Corp (Hialeah)

Ms. Simon – An application for a Removal Service was received on July 16, 2019. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The facility is recommended for approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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

Mr. Helm – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Helm – No, this is Powell.

Chair – Mr. Helm, go right ahead.

Mr. Helm – I have to go take care of some business right now, so if I could be excused from the meeting, I'd appreciate it.

Ms. Simon – Mr. Helm, before you go, the previous owner of that facility was Eduardo Mata (sp).

Mr. Helm – Thank you.

Mr. Knopke – Mr. Chairman?

Chair – Yes, Mr. Knopke?

Mr. Knopke – I will be leaving the meeting as well. I have a company board meeting to attend.

Chair – Thank you. You’re both excused. Thank you.

Mr. Helm – Thank you.

Mr. Knopke – Thank you. Bye.

(2) *Transdignity, Inc. (Miami)*

Ms. Simon – An application for a Removal Service was received on August 1, 2019. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The facility is recommended for approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

MOTION: The Chair moved to approve the application subject to the condition that the facility passes an onsite inspection by a member of Division Staff. Ms. Anderson seconded the motion, which passed unanimously.

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

A. *Recommended for Approval with Conditions*

(1) *Monument Retail Sales Agreement*

(a) *Broward Monument Corporation (F062914) (Ft Lauderdale)*

Ms. Simon – Broward Monument Company LLC submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its monument retailer establishment whose application is also being presented at this Board meeting. The Division recommends approval subject to the condition two (2) full sized print-ready copies are received by the Department within 60 days of this Board meeting.

MOTION: Mr. Hall moved to approve the agreement subject to the condition that two (2) full sized print-ready copies are received by the Department within 60 days of this Board meeting. Mr. Clark seconded the motion, which passed unanimously.

22. Executive Director’s Report

A. *Operational Report (Verbal)*

Ms. Simon – At this point, I’m turning the meeting over to Mary Schwantes, Division Director.

Ms. Schwantes – Good morning. A couple of quick updates. First, on Hurricane Dorian. This was our Labor Day weekend storm for 2019, which meant, at least for state offices, that planning needed to be done early since state offices would be closed for the Labor Day holiday. We are all glad that the storm did not cause much damage in Florida. As part of the storm preparation, the Division sent out a message reminding licensees of important hurricane preparation information. This message also included information regarding the post-storm filing of death certificates, etc., which was coordinated with Ken Jones of the Bureau of Vital Statistics. We want to thank Mr. Jones and his office for their coordination efforts on these matters, and also, of course, want to thank Florida’s four (4) industry associations for their assistance in emailing the message to their members.

Our normal post-storm efforts would involve “wellness” calls and possible physical checks on licensees as needed. The storm stayed just far enough off the coast that, after a few test calls to coastal areas, we determined that damages were minor, if any, and that there was no need to conduct any more calls. We are happy to report that we have not heard of any significant issues and indeed SCI reported to the Division that all of its establishments came through the storm fine with no power or

refrigeration issues. Like everyone, we are hoping that the rest of the hurricane season remains uneventful, but are glad that Florida came through that storm unscathed, relatively.

Regarding the Board appointment process, the deadline for receiving applications was Friday, August 16, 2019. We have received twenty-six (26) applications for the five (5) Board positions which become open at the end of this month. These applications are being reviewed by the Department. The CFO will submit nominations to the Governor for each of the positions, per statute. The nominees will be notified so that they can complete the next part of the application process, which will involve completing the Governor’s application forms and any other information that the Governor requires. I do not have any idea on the timing of that, at this point, but if anyone has any questions or if you know of anyone who has questions on the process itself, or the status of their applications, if they would give me a call, that would be great.

The next Board meeting is on October 3rd at the St. Petersburg College. We look forward to seeing everybody there. That ends the Operation Report. Thank you, Mr. Chair.

B. Department’s Rulemaking Report (Action)

Ms. Simon – I provided the Board members with a memorandum of the outstanding rules that are open by the Department and by the Board. The Division is requesting that Rule 69K-32.002, F.A.C, be opened for the purpose of striking the age component of the Communicable Diseases course.

Chair – Board members, is there a motion to open this rule?

MOTION: Mr. Clark moved to approve the Department’s request to open Rule 69K-30.002, F.A.C. Mr. Hall seconded the motion, which passed unanimously.

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

Ms. Simon – This item is informational only. Are there any questions?

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 September 5, 2019 Board Meeting
 Date of Report: August 26, 2019

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
AJ Manuel Funeral Home, Inc.	1-Aug-19	243597-19-FC	\$300	19-Sep-19	No	D
AJ Manuel Funeral Home, Inc.	1-Aug-19	243599-19-FC	\$300	19-Sep-19	No	D
Alphonso West Mortuary, Inc.	1-Aug-19	244891-19-FC	\$300	9/19/2019	No	D
Cannon Funeral Home, LLC	1-Aug-19	243574-19-FC	\$300	19-Sep-19	No	D
Dean Lopez Crematory	1-Aug-19	243540-19-FC	\$300	19-Sep-19	No	D
Dean Lopez Funeral Home (Big Pine)	1-Aug-19	243538-19-FC	\$300	19-Sep-19	No	D
Dean Lopez Funeral Home	1-Aug-19	243534-19-FC	\$300	19-Sep-19	No	D
Final Waters LLC d/b/a Todd Ferreira Funeral Services	1-Aug-19	243523-19-FC	\$300	19-Sep-19	No	D
L C Pottier Funeral Home:	1-Aug-19	243541-19-FC	\$300	19-Sep-19	No	D
Stone Brothers Funeral Home, Inc	1-Aug-19	243593-19-FC	\$300	19-Sep-19	No	D
Vior Funeral Home Inc.	1-Aug-19	243567-19-FC	\$300	19-Sep-19	No	D
Holmes Funeral Directors	1-Aug-19	218173-19-FC	\$3,000	16-Sep-19	No	D
Alberta Leonardo	1-Aug-19	218178-19-FC	\$2,000	16-Sep-19	No	D
Derryck Theodis Richardson Jr.	1-Aug-19	221194-19-FC	\$1,500	16-Sep-19	No	D
Heath Funeral Chapel, Inc.	1-Aug-19	243577-19-FC	\$300	16-Sep-19	No	D
Heath Funeral Chapel, Inc d/b/a Polk County Crematory	1-Aug-19	243580-19-FC	\$300	16-Sep-19	No	D
SCI Funeral Services of Florida LLC-Naples d/b/a						
Hodges Funeral Service of Naples Memorial Gardens	Agust 1, 2019	233405-18-FC	\$1,500	16-Sep-19	No	D
SCI/Florida Memorial d/b/a Florida Memorial Gardens	1-Aug-19	209459-17-FC	\$2,000		No	D
Florida Keys Crematory	1-Aug-19	243502-19-FC	\$300	16-Sep-19	No	D

Miami Funeral Services & Crematories, Inc d/b/a National Funeral Homes	1-Aug-19	243639-19-FC	\$300	25-Sep-19	No	D
Miami Funeral Services & Crematories, Inc d/b/a Auxiladora Funeria Nacional	1-Aug-19	243636-19-FC	\$300	25-Sep-19	No	D
BK's Removals	Jun-19	230157-18-FC	\$1,500	24-Aug-19	No	A
Reed's Runeral Home	Jun-19	230173-18-FC	\$2,000	24-Aug-19	No	A
Hubert C. Reynolds Junior	Jun-19	and 236982-18-	\$5,250	24-Aug-19	No	A
William Manker	18-Apr-19	200600-18-FC	\$10,000	5/27/2019	No	Immediate Final Order issued
Willie J. Owens	7-Feb-19	198403-18-FC;	\$3,500	1-Jun-19	Yes	Paid in Full
Reynaldo Lampkins	12/6/2018	200645-16-FC	\$4,000	2/21/2018	No	Immediate Final Order issued
<p>A. When payment in full becomes past due, the FCCS Division works with the DFS Office of the General Counsel 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 not 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>						

23. Chairman's Report (Verbal)

Chair – I believe our next meeting has been discussed. That’s all I have.

24. Public Comments (Verbal)

Ms. Simon – Are there any public comments to be made at this time on any items on this agenda? Hearing none.

25. Office of Attorney General’s Report (Verbal)

A. Attorney General’s Rules Report

Ms. Simon – Mr. Harris?

Mr. Harris – Thank you, Ms. Simon. Mr. Chair, with your permission? The first item I’d like to present to you all is the Rules Report. As you can see, we have one rule that’s been adopted and gone into effect. We have a number of other rules where you all have opened for development and those developments have been published. I don’t think there’s any language for the Chapter 18 or the 21.007 Rule. The only other item we have is the very first one, 7.005, Trust Agreements and Trustees. It’s my understanding that you all had a meeting, a public hearing scheduled for that at your September meeting that was cancelled and because it’s a rule hearing, we’re going ahead and suspending that until the October 3rd in-person meeting.

Ms. Simon – Actually, Mr. Harris, we have a Rulemaking Workshop that is scheduled for October 4th.

Mr. Harris – Okay. So, with that I can answer any questions that you all have or if not, we can move on to the next item.

Chair – Let’s move ahead.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
SEPTEMBER 2019**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-7.015	Trust Agreements and Trustees.		08/12/2019	08/20/2019			
69K-18.001	Embalmer Intern Training Program.		08/12/2019	08/20/2019			
69K-18.002	Funeral Director Intern Training Program.		08/12/2019	08/20/2019			
69K-18.003	Concurrent Internships.		08/12/2019	08/20/2019			
69K-21.007	Responsibility of Funeral Director in Charge.		08/12/2019	08/20/2019			
69K-25.0025	Licensure by Military Experience; Funeral Directors, Embalmers, and Direct Dispositors; Licensure Renewals of Spouses of Armed Forces Members	10/4/2018	10/19/2018 1/3/2019 (Notice of Change) 3/7/19 (Second Notice of Change) 4/19/19 (Third Notice of Change)	10/29/2018 Vol. 44/211	11/14/2018 – Vol. 44/222 11/20/2018 – JAPC letter rec'd 12/11/2018 - JAPC response 12/7/2018 – JAPC letter rec'd 12/27/2018 - JAPC response 1/16/2019 Notice of Change – Vol. 45/11 1/15/19 JAPC letter rec'd 1/18/19 – JAPC response 1/18/19 – Rule TOLLED 3/15/19 – Second Notice of Change published Vol. 45/52 3/22/19 – JAPC letter rec'd 3/28/19 – JAPC response 4/29/19 – Third Notice of Change published – Vol. 45/83	5/22/19	6/12/19

B. 2019-2020 Annual Regulatory Plan (Action)

Mr. Harris – Mr. Chair and Board members, you all are familiar with. The Legislature requires, every year, every state agency to submit an annual rulemaking plan. It's really a planning document. It's non-binding, but it's intended to share with the Governor and the Legislature and other interested agencies a couple of pieces of information. Number one, any laws that have been changed that require rulemaking. That's in Section 1 and you can see on page 1 of this, there have been some changes to Florida Statutes that are going to require rulemaking. This report identifies those rules. The second section, for planning purposes, is rules that the Agency intends to work on, that you're not required by legislation but you ought to work on those rules. You can see on page 1 the list of rules that staff is recommending that you all are going to be working on over the next year. It's not a binding document. That is, if a statute is listed, you are not required to work on it. Likewise, if something is not listed you still can work on it. The idea is simply for planning purposes to allow the Governor and Legislature to see what agencies are doing on rules. The third part is for updates from last year's plans and the final part would be the certification. The Board Chair, if the Board votes to approve this Annual Regulatory Plan, the vote would need to include that the Chair is authorized to certify the Plan and then Mr. Barnhart would certify the Plan and it would be filed and a Notice published in the Florida Administrative Register. So, what I would be looking for from you all is a vote to approve the Plan. If you all have any changes, you could note those and we'll make those changes. If there are no changes, then you would be authorizing Chair Brandenburg to sign the Plan, Mr. Barnhart to sign it, and to file it.

MOTION: Ms. Anderson moved to approve the Plan authorizing The Chair to sign it, Mr. Barnhart to sign and file it in the Florida Administrative Register. Mr. Clark seconded the motion, which passed unanimously.

Ms. Simon – Mr. Harris, has that concluded your report?

Mr. Harris – Yes ma’am. That’s all I had. Thank you, Mr. Chair. I appreciate it.

Chair – Thank you, Mr. Harris. We appreciate you.

26. Request(s) to Renew License

A. Funeral Director and Embalmer

(1) Richard Jr., Samuel E. (F059663)

Ms. Simon – Mr. Richard has applied to renew his Funeral Director and Embalmer license (F059663) on August 6,2019. Mr. Richard answered “yes” to the criminal history question; as well as an internal criminal history check revealed two (2) misdemeanor convictions:

- On January 31, 2018, Mr. Richard pled no contest to Disorderly Conduct and was fined \$391.83.
- On September 4, 2018, Mr. Richard was convicted of misdemeanor Possession of Cannabis and Use of Drug Paraphernalia and was sentenced to 12 months’ probation for each count, to run concurrently. Also, he was ordered to pay \$1200 in fines. Per the letter submitted by the Department of Corrections, he has paid all fines associated and will complete the court ordered probation on September 3, 2019.

The Division is recommending approval of the renewal with no conditions.

MOTION: Mr. Clark moved to approve the request for renewal. Ms. Anderson seconded the motion, which passed unanimously.

27. Upcoming Meeting(s)

A. October 3rd (St. Petersburg/Pinellas Park – St. Petersburg College, Health Education Center, 7200 66th St. N)

B. November 7th (Teleconference)

C. December 5th (Jacksonville – Embassy Suites by Hilton Jacksonville Baymeadows, 9300 Baymeadows Road)

28. Adjournment

Chair – Ms. Simon, you mentioned a Rulemaking Workshop on October 4th, which is the Friday after the meeting. Was that published?

Ms. Simon – Yes sir.

Chair – Okay. I’m sorry, I didn’t have that on my calendar.

Ms. Simon – There are different rules that need to be amended based upon statutory changes in the 2019 Legislative Session. This is one of them. Specifically, what we were looking at is Chapter 660 is no longer a part of Chapter 497, Florida Statutes, so we were looking at removing the reference to Chapter 660 out of Rule 69K-7.015, F.A.C., and that is the purpose of the Rulemaking Workshop.

Chair – Do you have a published agenda?

Ms. Simon – Not yet, sir. However, for practical purposes, I have just given you the agenda for the meeting, but there will be an agenda made available.

Chair – At what facility will that be?

Ms. Simon – I believe it’s in the Claude Denson Pepper Building. I do not have th information right in front of me, but it will be in Tallahassee.

Chair – Oh, it’s not in St. Pete?

Ms. Simon – No sir.

Chair – Okay. It's the day after our Thursday Board meeting in St. Pete?

Ms. Simon – Yes sir.

Chair – Thank you. Board members? Any comments, concern, good of the cause? I'm glad everybody has made it through the challenges of Dorian and I have no other comments.

Ms. Simon – Thank you, Mr. Chairman.

The meeting was adjourned at 11:02 a.m.