

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
February 7, 2019 - 10:00 A.M.
Claude Denson Pepper Bldg., Room G-01
111 W Madison Street
Tallahassee FL 32399

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'. It's February 7, 2019. We're meeting in Tallahassee FL, at the Claude Pepper Building. Now that the meeting's been called to order, Ms. Simon, would you make your preliminary remarks and do the roll call, please?

Ms. Ellen Simon – Yes, Mr. Chairman. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is February 7, 2019, and it is approximately 10:00 a.m. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. Notice of this meeting has been duly published in the Florida Administrative Register. This meeting is taking place in Tallahassee FL, at the Claude Denson Pepper Building. An agenda for this meeting has been made available to interested persons, and extra copies are located in the meeting room. 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 Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. At this time, Mr. Chairman, I will call the roll:

Joseph "Jody" Brandenburg, Chair
Keenan Knopke, Vice Chair
Jean Anderson
Francisco "Frank" Bango
Andrew Clark
James "Jim" Davis {**ABSENT**}
Lewis "Lew" Hall
Powell Helm
Ken Jones
Darrin Williams

Also noted as present:

Mary Schwantes, Executive Director
Tom Barnhart, Board Legal Advisor
James "Jim" Bossart, Department Counsel
Marshawn Griffin, Department Counsel
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Paul Rantuccio, Department Staff
Susan O'Connell, Department Staff
Nicole Singleton, Department Staff
Lashonda Morris, Department Staff
Misty Burch, Department Staff
Ben Hershel, Department Staff

Ms. Simon – Mr. Chairman, there is a quorum for the business of the Board.

Chair – Thank you.

2. Action on the Minutes

Chair – The next item on the agenda is the action on the minutes of December 6, 2018.

A. December 6, 2018

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

B. January 3, 2019

Chair – Next is the actions on the minutes from the January 3, 2019 meeting?

MOTION: Mr. Williams moved to adopt the minutes of the meeting. Mr. Andrew Clark seconded the motion, which passed unanimously.

Chair – Ms. Simon?

3. Old Business

*A. Petitioner's Request for Formal/Informal Hearing
(1) Williams, Charles D*

Ms. Simon – Mr. Williams, if you're here, please step forward. Board members, this matter was originally before the Board on August 2, 2018. After reviewing Mr. Williams' application, the Board determined that the application should not be ruled on based upon the fact that in March 2006, Mr. Williams pled nolo contendere to and was found guilty of lewd and lascivious molestation, a 1st degree felony. Mr. Williams was sentenced to twelve (12) years of incarceration followed by thirteen (13) years of probation. The Board determined that the Applicant's prosecution was not complete because Mr. Williams continued to face approximately nine (9) more years of probation. A Notice of Intent to Take No Action on Application was filed on August 28, 2018. According to the Notice of Intent, the applicant had twenty-one (21) days from the date of receipt to request a hearing to contest the action. He was informed that the Department must receive the request for hearing within that 21-day period.

Mr. Williams was served with the Notice of Intent on August 28, 2018. The Department received a Written Statement Disputing the Board's Reasoning for Refusing to Rule on September 27, 2018, twenty-nine (29) days after Mr. Williams was served. Additionally, the pleading from Mr. Williams did not include a request for a hearing, which is required by Chapter 120, F.S.

Based upon both Mr. Williams' pleading not being received by the Department within twenty-one (21) days, and the fact that the pleading did not include a Request for Hearing as required by Chapter 120, F.S., the Division recommends that the Board affirmatively deny Mr. Williams' request for licensure.

Chair – Yes?

Ms. Simon – Please raise your right hand to be sworn in. Please state your name.

Charles Williams – Charles Williams.

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

Mr. C. Williams – I do.

Chair – Thank you, Mr. Williams. Mr. Barnhart?

Tom Barnhart – Board members, it would be my recommendation that we make a ruling today upon the merits of the application. That is somewhat different from what I recommended before. So, I just wanted to make that clear before we started discussion.

Chair – Define "merits of the application."

Mr. Barnhart – Well, the first time, the Board didn't reach the merits of the application. We cited a statutory provision, which allowed us to not rule upon the application, because the applicant still had nine (9) years of probation, but I may have made a mistake in recommending that because the prosecution was complete in the sense that the sentence was given but it was not entirely complete because the probation still had nine (9) years to run. So, with due caution, I think we have to reach the merits of the application this time.

Chair – Thank you. Board?

Mr. C. Williams – Mr. Chair?

Chair – Just one moment. Mr. Hall?

Lew Hall – Do you want to hear discussion or do you want a motion?

Chair – Are you here to answer questions or make a statement to the Board?

Mr. C. Williams – Well, I'd like to make a statement.

Chair – Please do.

Mr. C. Williams – The prosecution is over. When I accepted the plea deal, that ended the prosecution. I'm not under prosecution. Yes, I'm on probation. However, the statute clearly states that the crime has to relate directly or indirectly to the practice or business of funeral directing and embalming, cemetery dealings, preneed sales, and alike. The crime does not relate to that. I'm not under prosecution and the statute says that I can have my license. I did not lose my license for disciplinary reasons. My license expired. When I was incarcerated, I didn't renew them or put them on inactive status, so they became null and void. Your counsel, the lawyer there, I know that he knows this. The statute allows me or the Board to reinstate my license or make provisions for me to get my license back.

Mr. Barnhart – If I can respond, once he's done.

Chair – Thank you. Are you completed with that portion?

Mr. C. Williams – Yes.

Chair – Okay.

Mr. Barnhart – Board members, I'd like to point you to a few different statutes in your practice act that you'll need to keep in mind as you consider this application. S. 497.141(5)(a), F.S. says, "*The licensing authority may not issue, and effective July 1, 2011, may not renew, a license under this chapter to an applicant that has a criminal record required to be disclosed under s. 497.142(10) unless the applicant demonstrates that issuance of the license, according to rules adopted by the licensing authority, does not create a danger to the public.*" Then if you look at s. 497.142(10)(c), F.S. "*Crimes to be disclosed,*" I disagree with Mr. C. Williams that this crime does not relate to the practice or business of funeral directing or embalming. But even if he was correct, subsection 2 says, "*Any other felony not already disclosed under subparagraph 1. that was committed within the 20 years immediately preceding the application under this chapter.*" Then if you look at s. 497.152(2), it gives grounds for denial of any application, "*CRIMINAL ACTIVITY. — Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction that relates to the practice of, or the ability to practice, a licensee's profession or occupation under this chapter.*"

I have reviewed some of the case law and I believe there is ample authority for the proposition that this type of crime relates to the practice indirectly or directly. And then, keep in mind the other two (2) statutes, which come into play are ss. 497.368(1)(c), F.S., for the embalmers. It says, "*The applicant may not be licensed under this section unless the licensing authority determines the applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters.*" And the same statutory provision is found for funeral directors in s. 497.373(1)(c), F.S. So those are the statutes I think you should consider when determining your decision on this particular application. Thank you.

Chair – Mr. Hall?

Mr. Hall – Mr. Chair, based on previous criminal history and terms of probation, I would move to deny. Do you want us to include those statutes in there?

Mr. Barnhart – If you would, please.

MOTION: Mr. Hall moved to affirmatively deny Mr. Williams' request for licensure based on previous criminal history pursuant to ss. 497.141(5)(a), 497.142(10)(c)(1), 497.142(10)(c)(2), 497.152(2), 497.368(1)(c), and 497.373(1)(c), F.S. Mr. Williams seconded the motion.

Chair – Mr. Knopke?

Mr. Knopke – Is it appropriate to ask Mr. C. Williams a question?

Mr. Barnhart – Sure.

Mr. Knopke – When you cited the statutes that you did, were you not aware of the good character requirements in doing that? And the fact that you said what you were incarcerated for wasn't related to funeral directing and embalming. While in the broad sense, it does go back to that good character part and your ability to go into a home on a preneed sale or on a removal or anything else.

Mr. C. Williams – How would that hinder me, sir?

Mr. Knopke – How would that hinder you? I think that would hinder your employment, but I also think that from the standpoint if families knew your background, they may be concerned about that.

Mr. C. Williams – Probably some families would. Not all families. I would argue that. Not all families.

Mr. Knopke – I wouldn't argue it either way. I just asked you the question and that's why I'm asking for the answer.

Mr. C. Williams – I think that we have all fallen and it's how you handle that. Do you stay down and wallow in the mud or do you try to pick yourself up? Learn from your mistakes, not do them again, and move forward with your life. That's what I'm trying to do.

Chair – Thank you.

Mr. Knopke – Thank you.

Chair – Any other questions or comments? There's been a motion to deny based on the grounds that were included in the motion, and it's been seconded. All those in favor of denial, say aye?

Board members – Aye.

Chair – And any opposed? And that motion carries. Thank you.

Mr. C. Williams – And I'll get a copy of this, Ms. Ellen, in the mail?

Mr. Barnhart – Yes you will, and it will have your appeal rights listed in there.

Mr. C. Williams – Thank you.

Mr. Barnhart – Thank you.

Chair – Thank you for coming.

4. **Disciplinary Proceedings:**

A. **Settlement Stipulations**

(1) ~~Vangie Scott: Case No. 223491-18-FC; Division No. ATN-30639 (F044038) (Probable Cause Panel B)~~
WITHDRAWN FROM THE AGENDA

This item was withdrawn from the agenda.

(2) *William T Long: Case No. 187365-16-FC; Division No. ATN-27172 (F043767)*

Ms. Simon – Mr. Bossart is representing the Department.

Jim Bossart – Mr. Chairman, may I proceed?

Chair – Please do, Mr. Bossart.

Mr. Bossart – Thank you. My name is James A. Bossart. I'm representing the Department of Financial Services, in this matter. The case before you now is the case of William T. Long. Williams T. Long (Respondent) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F043767. Respondent was the funeral director in charge (FDIC) and owner of Altman-Long Funeral Home (funeral establishment), a funeral establishment formerly licensed under Chapter 497, F.S., license number F040899, and formerly doing business as a funeral establishment in Debary FL.

The Department conducted an investigation that found the funeral establishment failed to treat human remains with dignity and respect in violation of ss. 497.152(1)(b) and (8)(a), F.S.; failed to provide services relating to the final disposition of human remains, in violation of ss. 497.152(1)(b), (10)(e), (9)(f), and (13)(a), F.S.; and failed to have a full time FDIC or licensed funeral director reasonable available to the public during normal business hours in violation of s. 497.380(7), F.S., and Rule 69K-21.007, F.A.C.

Respondent, as the FDIC, per s. 497.380(7), F.S., is responsible for these violations. Respondent has entered into a proposed stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine of \$2500, and undergo a nine-month period of probation during which he may not serve as an FDIC of any licensed funeral establishment. The Department recommends that the Board approve this Settlement Stipulation.

Chair – Thank you. Yes ma'am?

Wendy Wiener – I'm just here to answer any questions.

Chair – Thank you. Board members, any questions?

Mr. Hall – Mr. Chair?

Chair – Yes?

Mr. Hall – I guess Mr. Long's not here and Ms. Wiener is filling in as a replacement.

Ms. Wiener – I am.

Mr. Hall – My concern is when we visited with Mr. Long on the other issue on his personal license, and we were more or less, in that testimony, led to believe that that was a one-time problem. When we read through this material, it goes all the way back to 2000 and 2003, with procedural issues and stuff that we've had through the years, and it doesn't get any better. The County cancelled the contract. You got bodies that weren't interred for five (5) or six (6) months. Then in the information on the case, it even shows that Alavon Cremation Services that took over for the County, buried somebody. I don't know how a direct disposer can handle a burial. That was another question I had. If something's going on this long, it's a continuous

problem. We didn't have some of this information during the last case. I guess it was under investigation. Why would we even continue these licenses is my question?

Ms. Wiener – Well, first, the funeral establishment license no longer exists. Mr. Long sold that business, so he is not affiliated with that business and does not own that. So, actually, the only case before you has to do with Mr. Long, as FDIC for his former establishment. So, he hasn't owned it for some years. As to how Alavon took over the County's case and did interments, whether it was a direct disposal establishment or not, I don't know the answer to that question. I think they actually have a funeral establishment license in their group, but I think, for the moment, that's not material. Unfortunately, when I responded to the Division at the early part of this case, with regard to the allegations, I set forth in writing to Diedre Farrington, who was the attorney at the time, Mr. Long's defense. I thought that it was going to be included in these materials, but I noticed just this morning that it was not, so let me reiterate that. Mr. Long's contract was for burial. At the time that this occurred, legally authorized person was not the standard for burial. You had to obtain the authorization of, I think the phrase in the law was, family or next of kin. Mr. Long was unable to obtain an authorization from family or next of kin, and that is why the remains were not interred.

Florida Statutes, Chapter 497 particularly, set forth no time period in which a burial must occur. It's not like with cremation that after a forty-eight (48) hour period, once you have all of the authorizations, it starts the clock. That doesn't exist in the burial concept, and so we strongly defended this case. We believe absolutely nothing was done wrong in this case, with regard to these indigent remains, which were, I gather, ultimately interred. Now whether they were interred on appropriate authorizations I do not know. I know that Mr. Long's early defense in this matter, from your staff when it first came up, was that he did not have, and I don't believe that your files will show, authorizations from next of kin or family. There are notations in the record that the County was the legally authorized person, but if you'll note, that was contemplated under s. 497.005(39), F.S., which at the time was the records to the statutory definition of legally authorized person. Not applying to cremations at that time and prior to July 1, 2016, did not apply to authorizations to inter. So, Mr. Long has agreed to enter into this Settlement Stipulation for reasons that are personal to himself, but primarily to put this behind him, but we strongly believe that there was no violation of the statute committed with regard to these indigent remains.

Mr. Hall – I think my concern is and when testified before us before and we were determining his license, everything was always someone else's fault. He was going to agree with something just to get it to go by. Whether it be the court, the Division or whatever. Some of the letters that he fired off to the Division's Assistant Director, the tone of it, as legal counsel, I don't think you would have recommended that letter going out. I think some of those letters and stuff would have been helpful in that previous hearing we had with him to determine whether he kept his license. That's the concern I have.

Chair – I'll call attention to your Board packet, electronic page 128. It's on Altman-Long letterhead, dated February 2016. As a Board member, when I read that letter...

Ms. Wiener – Pardon me, Mr. Chairman. For page 128, I have just the letter F.

Chair – No, it's on Altman-Long letterhead.

Mr. Barnhart – Jody, what page did you say?

Chair – 128.

Ms. Wiener – Oh, thank you.

Chair – That letter concerned me somewhat because it was almost like contempt and disrespect for the Board and for the Division, in that Mr. Long said, "ARREST...this information is NO business of the Department..." He also said as to his substance abuse treatment and not being available as FDIC, "is a PRIVATE matter and NO business of the DEPARTMENT." It was contentious to me and I continue not to be comfortable with some of Mr. Long's responses.

Ms. Wiener – I have nothing to do with this response from February 9, 2016. I will say that with regards to the allegation about an arrest, unless the matter had proceeded forward, the actual fact of an arrest is of course not a matter about which this Board is required to be notified or can hold against any particular applicant. So, the tone of this letter, I can't speak to the tone. I

believe that when you heard from Mr. Long personally, you heard that while he was going through this particular time period, he was in a very dark place, in his personal life. So, perhaps that accounts for the tone, but as to this particular disciplinary violation, about which we are here this morning, that's about whether he violated Chapter 497, F.S., with regard to the indigent remains.

Chair – Let me say this. When he became before us and we granted his license, I'm speaking for myself only and no other Board member, had I known this information and the background, my decision might have been different on granting him a license.

Ms. Wiener – To the extent that there's any implication that Mr. Long incorrectly or wrongly held this information back, this matter was under investigation and as your own counsel, I'm sure, will direct you, this was not information that was suitable for consideration during that process.

Chair – And I understand that, counselor. All I'm saying is if I had known this, my decision may have been different on that. And I recognize that we didn't have it before us, even though it was an investigation at that time. As Mr. Hall stated, it was Mr. Long's testimony that he had he never been in any trouble and everything was in order. Mr. Hall?

Mr. Hall – And I understand what she's saying. We need to rule on this particular case here.

Chair – Right.

Mr. Hall – This material disturbed me a lot, because he came before us, there's a stellar record, etc., this is one issue we had. Are we able, from the Division's standpoint, when the license comes up for renewal, are we able to earmark that and address this at that time, on his renewal?

Mr. Barnhart – In my opinion, once you deal with this matter, it should not come up again, as far as whether he should be renewed or not.

Mr. Hall – When it comes up for renewal and he has to disclose where he has a criminal background, would that allow us to reopen that, on his person license? On his renewal, he has to state whether he has any criminal history. Would that allow the renewal period to do that?

Ms. Simon – Mr. Hall, I believe that that renewal period has already passed, so that's already been dealt with at the last renewal period. I'm not sure if it would be relevant to the next one.

Mr. Hall – With this additional information that's been presented here and that we see, we couldn't attach that to it, as we didn't have it available at the last one?

Mr. Barnhart – Not if he answered truthfully on his prior application. If he disclosed information that was there, but if it was something that happened later on, then he might have been correct in stating the facts concerning that, during his application process, then you couldn't use that against him. But, if he misstated or left things out that he should have put in there, then that's a different matter.

Mr. Hall – If I'm not mistaken, the application may say, "since your last renewal" and this information just came available to us since then so is that possible?

Ms. Simon – Again, it's not a crime that has occurred since the last renewal. That's the only concern I have, Mr. Hall.

Mr. Hall – Okay.

Chair – Mr. Jones?

Mr. Jones – I would make a motion to deny, but I want to make a counter-motion on a different settlement, so I guess the motion to deny first.

MOTION: Mr. Jones moved to reject the Settlement Stipulation. Mr. Knopke seconded the motion.

Mr. Knopke – I have a question, too.

Chair – Okay. After we vote or before?

Mr. Knopke – I'd like to ask Ms. Wiener a question.

Chair – Please do.

Mr. Knopke – Where's your client today?

Ms. Wiener – He travels for his work and I did not anticipate that there would be a need for his testimony on this particular settlement. Often, it is the case where...this is presented to you, not as an informal hearing or a matter about which testimony would be required, so I did not require him to take leave of his travel and be here.

Mr. Knopke – What kind of work does he do now?

Ms. Wiener – He was working for a casket company selling caskets, wholesale.

Mr. Knopke – Okay. I just would have thought, with his long history, that he would have been able to be here.

Ms. Wiener – I did not anticipate any need for his testimony, so don't ascribe that to him, in any way. That was not his decision, but mine.

Chair – There's been a motion made to reject the Settlement Stipulation and it's been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? And the motion carries. Mr. Jones?

MOTION: Mr. Jones moved to offer a counter to the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$2500, and undergo an eighteen (18) month period of probation during which he may not serve as an FDIC of any licensed funeral establishment. Mr. Knopke seconded the motion.

Chair – I believe Mr. Long is on probation now.

Ms. Wiener – When you issued his renewal, he is on probation. Those terms run like along the same lines. I think that term will expire much earlier than eighteen (18) months. I'm not authorized. Like I said, I didn't anticipate that this would be this, so I'll have to reach him. I feel fairly certain that he will agree to those terms. I can reach him when we take a break from this meeting and then come back and inform the Board of his acceptance if that's his desire.

Chair – We haven't voted on it, yet. Perhaps, you can reach him, even though he's traveling.

Ms. Wiener – I'm sure I'll be able to reach him some time as we go through today, but just not right at this second.

Chair – Thank you.

Mr. Knopke – A question for Mr. Jones.

Chair – Yes?

Mr. Knopke – Is your motion for this eighteen (18) month probation to run concurrent or start at the end of the one that he's already on?

Mr. Jones – Mr. Barnhart, would it be concurrent?

Mr. Barnhart – I'd suggest that it just {inaudible}

Chair – Yes?

Jasmin Richardson – I'm just going to inform you that it expires on August 28th of this year.

Chair – Thank you.

Ms. Richardson – That is when his current one expires.

Mr. Jones – I would run concurrent.

Chair – Good information.

Mr. Jones – Is that what your recommendation is?

Mr. Barnhart – It would seem to me like it would be too short, because it's only like six (6) more months. So I'd recommend that it run from the date that the Order is filed.

Ms. Wiener – That would be about a year afterwards.

Mr. Barnhart – And give them thirty (30) days to accept or reject it.

Mr. Knopke – So, in essence, we would be adding a year to his probation?

Mr. Barnhart – Approximately.

Mr. Jones – So, that's really where I want to be. So, is that acceptable to who seconded the motion?

Mr. Knopke – Yes, that's fine.

Chair – So we have a motion, and a second.

Mr. Helm – May I ask you a question?

Chair – Please do.

Mr. Helm – I'm sure I'm not the only one who feels this way, sitting on this Board, so I'm kind of confused. I'd like to first address the timeline. The case that's before us now, what year was that?

Ms. Wiener – It predates July 1, 2016, so the time period in which the allegations occurred, I can't tell you off the top of my head. I want to say that this all occurred right around the time that he was going through the ugly situation with his ex-husband.

Mr. Helm – When was he up for his renewal that we just passed?

Ms. Wiener – That was a renewal from the end of 2017 renewal cycle that move its way through the process and was just approved much later than that because of the administrative process.

Mr. Helm – 2016 is before 2017. Is that not correct?

Ms. Wiener – That is correct. However, this matter was an open investigation at that time, which cannot be a part of that prior determination.

Mr. Helm – It may have been an open investigation, but it was still before he went into his renewal. So, I'm sure everybody sitting here feels like we've been duked. We've been told something that wasn't so.

Ms. Wiener – There are processes in place...

Mr. Helm – Would you not feel that way if somebody did that to you?

Ms. Wiener – No.

Mr. Helm – Lawyer or no lawyer?

Ms. Wiener – No, and I'll tell you why. There are processes in place for matters that are the subject of investigation. If someone alleges that you, as a monument establishment, did something wrong, and you absolutely know that you did not do it wrong, should that allegation have a bearing on your capacity to continue to be licensed? If the matter had been closed, if we had taken this matter to Administrative Hearing and the Administrative Law Judge had found that in fact he was not entitled to bury these indigent remains because he did not have the authorization of the family or next of kin, and therefore there was no wrongdoing, then this matter would not be a subject appropriate to rule, in a negative way, upon his license application. That's why there are safeguards built in to our due process system, both on the federal level and on the state level and on the administrative level, and I would argue that those are extremely important for all of the licensees of the State of Florida no matter what their occupation.

Mr. Helm – He's agreed to the last stipulation on the drug thing on the last renewal. He should have learned his lesson on one of them, wo why would he agree to both of them if he didn't do it?

Ms. Wiener – I will posit to you that every licensee around will settle a matter for an administrative fine that is something that they are capable to pay rather than to go through the formal administrative hearing process. Now this is a case where we would have challenged the facts. In order to prove the factual allegations are incorrect, you have to go to a formal administrative hearing. It would cost Mr. Long about \$15,000 for me to push that through the process only for those facts to come back to this Board and for the Board to ultimately impose discipline. I will tell you that looking around this room there are licensees here who have settled matters that they know for a fact they did not do anything wrong, but the settlement is done because it is more cost effective and it is better to get on with your business than to spend time focused on an adversarial hearing with an uncertain outcome, and those are simply the procedural safeguards that are imposed upon all of you by Florida law.

Chair – Thank you.

Mr. Helm – Mr. Barnhart, could you help clear that up just a little bit or help me understand this thing?

Mr. Barnhart – I was looking for the Administrative Complaint in this case. Mr. Bossart, can you tell me what page it's on?

Mr. Bossart – I don't believe that an Administrative Complaint was ever filed, sir.

Mr. Barnhart – You don't think one was ever filed?

Mr. Bossart – No sir.

Ms. Wiener – No. I believe it came to me, through Diedre Farrington, when she worked for the Department, and it was one of those that happens when a settlement comes before...

Mr. Barnhart – Generally, a case is not public until ten (10) days after probable cause is found by a Probable Cause Panel. So, if there was no probable cause in this case, I guess the claim could be made that it's always been private. I don't know. Can staff help me about that? Is there a point in time when a case that does not go through probable cause becomes a public case?

Ms. Simon – I will defer to counsel on that, as to when a case actually becomes public.

Mr. Bossart – Well upon the issuance of a Consent Order, it becomes a public case, at that time. Since this matter has not been before a Probable Cause Panel, it's not a public case.

Mr. Barnhart – So there's no knowledge of this case until it comes to a position of proposed settlement?

Mr. Bossart – No knowledge?

Mr. Barnhart – No public knowledge?

Mr. Bossart – That's correct. No public knowledge.

Chair – Mr. Knopke?

Mr. Knopke – Question for the Department. We're struggling with when stuff came, whether we should have known or not. Is there anything continuing to be ongoing that you can tell us about involving Mr. Long, as we get ready to make this decision?

Ms. Simon – I'm not aware of anything.

Mr. Knopke – The other comment for Powell and some of us, and I understand what Wendy just said. In putting it into a business sense, there's sometimes we get sued. You look at it and you look at your attorney and say that's going to take a year or two (2) years. It's going to disrupt my business. Not to mention, cost a lot of money. I'll pay the \$10k, settle the deal and move on. I look at this as being that's what he's trying to do. Whether we like it or not, he's trying to make a business decision. Again, that's not the right way and I agree like everybody. We would have liked to have seen more of this beforehand, but I say let's move and get done with it.

Chair – There's a motion before the Board and it's been seconded. And all those in favor, aye?

Board members – Aye.

Chair – And any opposed. And that motion carries. We look forward to hearing from you.

Ms. Wiener – I think actually what Mr. Barnhart said was that this stipulation would simply come back to him and then he'll have thirty (30) days to reject it or to accept it. Is that?

Mr. Barnhart – Right. From the date of the Order being filed, which would be two (2) weeks from now, so it would be about forty-five (45) days or so.

Ms. Wiener – I feel pretty good that that will be signed, but we will follow that process.

Mr. Barnhart – Okay.

Ms. Wiener – Thank you.

Chair – Mr. Jones, could you confirm that motion, please. There's been a question of clarification.

Mr. Jones – I said \$3000, eighteen (18) months, and no FDIC.

Ms. Simon – And that eighteen (18) months was to begin?

Mr. Barnhart – From the date of the filed Order.

Mr. Jones – Is that clear?

Ms. Simon – Yes.

Chair – Thank you.

Mr. Bossart – You said \$3000?

Mr. Jones – \$3000, eighteen (18) months, and no FDIC. Thank you.

Chair – Thank you, Ms. Wiener. Thank you, Mr. Bossart.

Ms. Wiener – Thank you, Board.

***(3) Willie Owens: Case Nos. 198403-16-FC, 195918-16-FC, 204672-17-FC; Division No. ATN-28332 (F046671)
(Probable Cause Panel B) (Collective Settlement Stipulation)***

Ms. Simon – Mr. Bossart is representing the Office of the General Counsel.

Mr. Bossart – Mr. Chairman?

Chair – Mr. Bossart, go right ahead.

Mr. Bossart – This is a resubmission. Mr. Willie Owens (Respondent) is a funeral director and embalmer licensed under Chapter 497, license number F046671. Respondent was the funeral director in charge (FDIC) of Signature Memorial Funeral & Cremation Services LLC (funeral establishment), a Florida limited liability corporation doing business licensed under Chapter 497, Florida Statutes and under the same name as a funeral establishment, license number F090323 in Gainesville, Florida.

The Department inspected the Respondent's funeral establishment on May 13, 2016, and January 10, 2017. The inspections found that the funeral establishment failed to store and treat human remains with dignity and respect, failed to have a general price list, failed to adopt and implement standards for the proper investigation and resolution of claims and complaints relating to its practice as a funeral establishment, failed to record the name of the deceased with respect to each dead human body handled by the funeral establishment, and failed to notify the Department at least ten (10) days before making major alterations or modifications to the physical structure of the funeral establishment, all in violation of sections 497.152(1)(a), (1)(b), (4)(h), (8), (12)(b), and (14)(a); 497.380(1); 497.382(1), 497.386(1),(2) and (4), Florida Statutes, as well as Rules 69K-21.002(4)(c); 69K-21.003(1); 69K-33.001(2)(a) and (i), Florida Administrative Code. As FDIC of the funeral establishment, Respondent was liable for funeral establishment's compliance with these statutes, pursuant to section 497.380(7), Florida Statutes.

Respondent previously entered into a proposed stipulation. The proposed stipulation provided as follows: Respondent would pay an administrative fine of \$3,500.00 in six (6) installments. Furthermore, Respondent expressly acknowledged that section 497.386(2), Florida Statutes, provides that a dead human body may not be held in any place or in transit over twenty-four (24) hours after death or pending final disposition unless the body is maintained under refrigeration at a temperature of 40 degrees Fahrenheit or below or is embalmed or otherwise preserved in a manner approved by the licensing authority, in accordance with the provisions of Chapter 497, F.S., and also acknowledges that section 497.386(3), Florida Statutes, provides, in pertinent part, that a dead human body transported by a common carrier or any agency or individual authorized to carry dead human bodies must be placed in a carrying container adequate to prevent the seepage of fluids and escape of offensive odors.

However, the Board rejected the proposed Settlement Stipulation at the August 2, 2018, Board meeting and issued its counteroffer. The counteroffer was the fine was to be paid in one installment only and the Respondent must undergo two (2) years of probation. The Respondent declined to accept the Board's counteroffer and requested a formal hearing. This case was to be submitted to the Division of Administrative Hearings for a formal hearing, however, the parties agreed to wait for Case

No. 204672-17-FC to be filed so all three (3) cases could be consolidated and considered at hearing together. Case No. 204672-17-FC is ready to be filed. It's sitting on my desk, pending the outcome of this Board meeting. In the meantime, the Respondent and his attorney has requested this opportunity to address the Board concerning this matter. The Department takes no position one way or the other in this case. This is just Willie Owens request to address the Board.
Christopher Butler – Thank you, Mr. Bossart.

Chair – Excuse me. Your name is?

Mr. Butler – I'm Christopher Butler.

Chair – Are you counsel?

Mr. Butler – I'm counsel for Mr. Willie Owens.

Chair – Mr. Butler, thank you.

Mr. Butler – You're welcome.

Chair – Would you like to address the Board or are you here to answer questions?

Mr. Butler – Maybe a little bit of both.

Chair – Okay.

Mr. Butler – First, I wanted to thank you for the opportunity to consider this resubmission. Back in August this was brought before the Board and the Board counteroffered Mr. Owens with two (2) years of probation and a one-time payment of the fine instead of the six (6) installments that Mr. Bossart and I had agreed to. But I want to bring forth these facts or mitigating circumstances for the Board's consideration or reconsideration with regards to the two (2) years of probation that concerns Mr. Owens. Mr. Owens resigned from Signature Memorial on March 1, 2017, after this incident, and to preserve the integrity of his profession. Mr. Owens found himself in the middle of a situation that he no longer wished to be in with sloppy management. He wasn't actually in charge is what Mr. Owens found out, so he resigned quickly on March 1, 2017. March 2018, a year later, these charges came to fruition, as a result of that March 13th incident, at the funeral home. So, we would hope that by providing you with and filling in those blanks with a little more fact, mitigating circumstances, we'll ask the Board to reconsider the two (2) year probationary period and to allow Mr. Owens to adhere to the settlement proposal that Mr. Bossart and I had entered into with regards to the charges.

Chair – Thank you, Mr. Butler.

Ms. Anderson – Mr. Chair?

Chair – Ms. Anderson?

Ms. Anderson – I served on Probable Cause Panel B in this case, so I'm recusing myself.

Chair – Thank you for that statement. We appreciate that disclosure. Mr. Jones?

Mr. Jones – You indicated that he was FDIC, but you said he wasn't in charge. Will you clarify what you mean by that?

Mr. Butler – Yes. In reviewing the record, I don't know if Mr. Bossart was able to send you the documents. There was some communication apparently when Mr. Owens was in route back to the facility with the deceased as he had been instructed to do so by the owner. But then there's an affidavit from another funeral home who had a conversation with someone that was not Mr. Owens, and we haven't identified that person, who indicated that he was actually in route but couldn't give him the location or an ETA. We haven't discovered who that person was. It certainly was not Mr. Owens. There were a couple of incidences similar to that where we've learned through the record was alleged to be Mr. Owens, but it was. That's where we

discovered that information. Mr. Owens was basically used by someone, but he took instructions from the owner, Ms. Jamie Thomas, and then someone other than Mr. Owens actually made phone calls, spoke to clients that Mr. Owens had to no idea about.

Mr. Jones – Thank you.

Chair – Thank you. Can you tell me the ownership interest? You talked about the owner. Was that Tony Tanner?

Mr. Butler – The first time I learned of that Tanner name was through the record. I'm a good investigator. I'm going to give it to the Board straight. I've determined that Jamie Thomas was the owner of the person and she provided instructions to Mr. Owens. But where do her instructions come from? Presumably from the individual you named, according to the record, but we're not sure. But what I did discover was that Ms. Jamie Thomas, I believe she's an inspector, has a disliking for either Signature Memorial or Mr. Tanner and she might have known that Mr. Tanner was involved, but Mr. Owens was without that information. So, he was in the middle of some issues there between Ms. Thomas and presumably Mr. Tanner.

Chair – Thank you for your candidness on that. Thank you so much.

Mr. Butler – You're welcome.

Chair – Mr. Barnhart?

Mr. Barnhart – Sir, I think you said that Mr. Owens resigned on March 1, 2017. Is that right?

Mr. Butler – That's correct.

Mr. Barnhart – The inspection which led to these charges occurred, according to the Administrative Complaint, on May 13, 2016. Right?

Mr. Butler – That's correct.

Mr. Barnhart – Some nine (9) or ten (10) months before he resigned. Right?

Mr. Butler – Right. May I?

Chair – Please.

Mr. Butler – That was the day of the incident that started this all. There was a decedent who that funeral home, Signature Memorial, had lost.

Mr. Barnhart – If I could stop you, I thought you said the incident was March 13, 2017, that's why I was confused about the timeline.

Mr. Butler – My apologies.

Mr. Barnhart – It was May 13, 2016?

Mr. Butler – May 13, 2016, according to the charge, but I believe the record shows...my apologies. May 13, 2016 is the day of this whole incident on the charges...

Chair – Thank you for the clarification.

Mr. Butler - ...where the charges stem from. My apologies. It was May 13, 2016. That morning, Mr. Owens had received some instructions from the owner, Jamie Thomas, to stop along the site where the deceased was being embalmed and to transport the deceased back to the facility. Meanwhile, Ms. Jamie Thomas and the receiving funeral home were trying to

figure out where the deceased was, all without communicating with Mr. Owens, who was in route back to the facility. It was not communicated to him where to bring the deceased until he got to Signature Memorial. As a matter of fact, when he removed the covered decedent, brought them into the funeral home, no member of the general public viewed or saw the body. In all respect, Mr. Owens temporarily placed the decedent on the table waiting for the funeral home to come and pick him up. Instead, a few minutes later, Ms. Thomas knocks on the door and she's frantic because she's looking for the deceased. And she asked Mr. Owens if he knew where the deceased was. He said yes, he's here waiting for, and this was around 2:00PM. So, Ms. Thomas did her inspection. She asked Mr. Owens to uncover the deceased so that she could identify him and take pictures, and she did. And then she called the receiving funeral home, but not until about three (3) hours after Mr. Owens had arrived to make the transport and make the transition.

Chair – Thank you, Mr. Butler. Is Mr. Owens currently working as a funeral director?

Mr. Butler – Not currently. Not since he resigned on March 1, 2017. He has not accepted new employment as FDIC. From what I understand, he has done some side work, some embalming for funeral homes, but he has not reemployed.

Chair – Thank you.

Mr. Knopke – Is your client here today?

Mr. Butler – He is here. Would you like to inquire with him?

Mr. Knopke – No, I was just wondering if he was here or not.

Mr. Butler – He's here. There just wasn't enough room for him and I both up here.

Mr. Knopke – Does he understand by being FDIC what the responsibilities are in the statute for that?

Mr. Butler – Yes, he does, which is why he eventually and ultimately resigned on March 1st.

Mr. Knopke – Okay. When the inspection occurred, when all this was found, was he the FDIC?

Mr. Butler – So he thought.

Mr. Knopke – It's not a maybe. Is he identified at the front door of the firm, on the paperwork that he's the FDIC?

Mr. Butler – On the paperwork, yes, but he later found in all actuality that he wasn't actually in charge.

Mr. Knopke – That's the risk that you take by being named, and if you sign the paper saying you're FDIC, that ownership or management above you can maybe direct that differently. He did the right thing by walking out or resigning, but up until then he maybe should have left sooner.

Mr. Butler – I believe financial interest kept him there.

Mr. Knopke – If he hasn't worked there since then, he can still go and get a job as a funeral director, and I can guarantee that there would probably be lots of firms that may be interested in him as a funeral director only.

Mr. Butler – That is true, but I don't believe at the time he had been paid for the work that he had put in, which is why he stayed as long as he did.

Mr. Knopke – The Jamie Thomas that keeps getting asked about, is that a Department inspector? Is that a local inspector? Who is that person?

Mr. Butler – I believe she's a local inspector. If my memory serves me correctly, she's based out of Orlando.

Mr. Knopke – But who does she work for?

Mr. Butler – The Department.

Mr. Knopke – Okay.

Ms. Simon – She is not one of ours.

Mr. Knopke – She’s not one of ours? Who is she?

Mr. Butler – Apparently, she’s someone who has a vendetta against Signature Memorial that my client is no longer involved with. She’s an inspector, as far as I know.

Chair – Not.

Mr. Butler – According to the record. Mr. Bossart, do you have that information?

Mr. Knopke – Why would he even let somebody see remains, take pictures of remains that doesn’t work for this Department?

Chair – Wasn’t she identified as the owner?

Mr. Butler – I’m sorry. Jamie Thomas is the owner. The inspector...

Mr. Knopke – I’m sorry I thought you said Ms. Thomas was the inspector.

Mr. Bossart – Ms. Miriam Del Valle did the inspection.

Chair – Right.

Mr. Butler – She did the initial inspection when they first opened, which was a few months prior, but there was another young lady...

Chair – Tina Williams.

Mr. Butler – Tina Williams.

Mr. Knopke – Ok. So that’s who did took pictures and so forth. Okay.

Mr. Butler – Correct, Tina Williams.

Mr. Knopke – I thought you said it was Jamie Thomas.

Mr. Butler – My apologies.

Ms. Simon – I believe at that point, both Tina Williams and Ms. Del Valle were there.

Mr. Knopke – Okay.

Mr. Butler – That’s correct.

Chair – So we have before us a request to consider the original Settlement Stipulation that we previously voted to modify. That’s what’s before us today. Do you want to approve the previous Settlement Stipulation, stay with the current that we recommended or do you want to modify that in any way that might be acceptable to counsel and his client? Mr. Jones?

Mr. Clark – Mr. Chair, I apologize. I was just reminded that I previously declared my affiliation with Hiers-Baxley Funeral Services. Hiers-Baxley ended up handling up the care of the decedent that's being discussed. That affiliation will have no impact on my ability to render a fair and impartial decision.

Chair – Thank you for that statement. Mr. Jones?

MOTION: Mr. Jones moved to offer a counter Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$3500, payable in three (3) months and one (1) year of probation.

Mr. Jones – I tried to meet you in the middle, Mr. Butler, with you client. Hopefully, if the Board approves it, it's acceptable.

Mr. Hall seconded the motion.

Chair – Motion's been made.

Mr. Knopke – Mr. Chair? I just want to discuss something.

Mr. Jones – And if I may, just for clarification, deny the counter and make this counter for \$3500, payable in three (3) months and one (1) year of probation.

Mr. Butler – Would that be unsupervised probation, sir?

Mr. Jones – That would be up to the Department.

Mr. Knopke – I was the one who made the counter motion before of what they rejected. The reason behind making that motion, in the general sense, we're not in the collection business. What his personal life is, he's had this time to get a job, get the funds together, whatever. We're not in the collection business. I'm going to ask the question again later on about another issue about did we get stuff or not. So, I'm going to vote against it, simply from the standpoint that it needs to be resolved and closed. We'll be sitting here watching and asking Ms. Simon and Ms. Schwantes are we collecting. Well, no we got to start that process and now we get into a legal thing. A few years from now we'll still be screwing around with this thing, so I'm going to vote against it.

Chair – We have a motion and a second. The clarification on the motion is how long is the probationary period?

Mr. Jones – One (1) year.

Chair – And during that period of time, is there a restriction on being a funeral director in charge or was that not your intent.

Mr. Jones – I would say yes, for the year. Just for clarification, based on Mr. Butler just so that Mr. Owens can truly understand FDIC, if that's acceptable.

Chair – Thank you. And who made the second on that?

Mr. Hall – I did.

Chair – And do you second the amendment there?

Mr. Hall – Yes.

Chair – So there's been a motion made, and it's been seconded and all those in favor, aye?

Board members – Aye.

Chair – And any opposed?

Mr. Helm – No.

Mr. Knopke – No.

Chair – Okay, would the ayes please raise your hands? One, two, three, four, five. And those opposed? One, two and one abstaining from voting. The motion carries.

Mr. Butler – Thank you.

Chair – Thank you.

Mr. Barnhart – Would you summarize it?

Mr. Jones - \$3500, payable in three (3) months and one (1) year of probation, and he can't serve as FDIC for one (1) year.

Ms. Simon – As this is a counter stipulation, there are thirty (30) days to accept.

Mr. Butler – Yes ma'am. We understand. I will discuss this with Mr. Owens. Prior to my appearance here today, I had identified some case law from the Administrative Court and that I'll discuss with Mr. Owens. But if he accepts the stipulation then we won't need to take this any further.

Chair – If you wish, I will call upon you to notify the Board whether it's accepted or not, while we're here. No obligation to, but if you wish...

Mr. Butler – Okay. May I have a few moments?

Chair – Go right ahead.

Mr. Butler – Thank you.

Chair – You have as long as you need. Thank you.

B. Material Facts Not Disputed (Section 120.57(2) Hearings)

~~(1) Delawrence Charles Blue: Case No. 204708-17-FC; Division No. ATN-27659 (F078465) (Probable Cause Panel B) WITHDRAWN FROM THE AGENDA~~

This item was withdrawn from the agenda.

(2) Stevens Brothers Funeral Home: Case No. 212761-17-FC; Division No. ATN-28924 (F041633) (Probable Cause Panel A)

Ms. Simon – Again, Mr. Bossart is representing the Office of the General Counsel.

Mr. Bossart – May I proceed, sir?

Chair – Please do.

Mr. Bossart – The above-referenced matter has been scheduled for an informal hearing to consider the attached Motion for Determination for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact. Stevens Brother Funeral Home, (Respondent) at all times relevant, was a Florida corporation doing business licensed under Chapter 497, F.S., and under the same name as a funeral establishment, license number F041633 in West Palm Beach FL.

On October 8, 2018, the Department filed an Administrative Complaint against Respondent. The Administrative Complaint alleged that Respondent failed to maintain its qualification for licensure by failing to conduct business at a specified street

address or location consisting of at least 1250 contiguous interior square feet. The Administrative Complaint was served on Respondent by certified mail on October 25, 2018, at its Pompano Beach mailing address. Included with the Administrative Complaint was a Notice of Rights informing Respondent that the failure to respond in writing within twenty-one (21) days of receipt of the Administrative Complaint would constitute a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint, and an Order of Suspension or Revocation by the Board would be entered against Respondent.

The Department did not receive an Election of Proceeding form or any other written response from Respondent within the twenty-one (21) day period following the date of service, i.e. on or before November 15, 2018, or for any date thereafter, up to today. This fact is attested to by the affidavits executed by the Division Director, Mary Schwantes, and the Agency Clerk, Julie Jones. Respondent's failure to file a response constitutes a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint. Therefore, the Department requests that the Chairman of the Board entertain a motion finding that Respondent was served with the Administrative Complaint by certified mail and containing a Notice of Rights and an Election of Proceeding form, that it failed to respond with the allotted twenty-one (21) day period, and has, therefore, waived its right to request a proceeding involving disputed issues of material fact in the matter.

A copy of this memo, along with a copy of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact, have been sent by U.S. Mail to Respondent's last known address of record. At this time, it would be appropriate for the Chair to entertain a motion finding that the Respondent has waived its right to a s.120.57(1) Hearing, based on the Respondent's failure to file a timely response.

Chair – Is there a motion?

Mr. Knopke – Mr. Chair, I am recusing myself as I served on Probable Cause Panel A.

Chair – Thank you. Is there anyone here from Stevens Brothers or representing Stevens Brothers that would like to come before the Board?

MOTION: Mr. Jones moved that the Respondent has waived its right to a s.120.57(1) Hearing, based on the Respondent's failure to file a timely response. Mr. Helm seconded the motion, which passed unanimously.

Mr. Bossart – Now that the Board has determined that the Respondent has waived its right to request a proceeding in this matter, the Department believes it's appropriate for the Chair to entertain a motion adopting the allegation of the facts as set forth in the Administrative Complaint.

Chair – Is there a motion?

MOTION: Mr. Helm moved to adopt the allegation of the facts as set forth in the Administrative Complaint. Mr. Williams seconded the motion, which passed unanimously.

Mr. Bossart – The Department now contends that the Board's finding of fact supports the finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. It is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

Chair – Motion?

MOTION: Mr. Helm moved to find Respondent in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Bango seconded the motion, which passed unanimously.

Mr. Bossart – The Department also offers into evidence the investigative report with exhibits, a copy of which has been previously furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. As to the penalty, the Department recommends that the license should be revoked.

Chair – Thank you. Board?

MOTION: Mr. Hall moved to accept the Department’s recommendation for revocation of the license. Mr. Williams seconded the motion, which passed unanimously.

Chair – Thank you, sir.

Mr. Bossart – Thank you, sir.

*****ITEM RECALLED*****

**(3) Willie Owens: Case Nos. 198403-16-FC, 195918-16-FC, 204672-17-FC; Division No. ATN-28332 (F046671)
(Probable Cause Panel B) (Collective Settlement Stipulation)**

Ms. Simon – Mr. Chairman, if I may recall the case of Mr. Willie Owens.

Chair – Mr. Butler?

Mr. Butler – Thank you. We just have one question. My client has presumtively accepted the agreement, but he just wants to know when the probation starts and if it could go {inaubdible} back to August 17th, when he resigned or does it start the date that the Order is signed?

Chair – I believe the day that the Order is signed.

Mr. Butler – Okay.

Chair – It’s accepted?

Mr. Butler – Accepted.

Chair – On behalf of your client?

Mr. Butler – Yes.

Chair – Thank you so much.

Mr. Butler – You’re welcome. Thank you.

Chair – We appreciate your prompt response to us.

Mr. Butler – You’re welcome. Thank you.

5. 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.

6. Application(s) for Continuing Education Course Approval
A. Recommended for Approval without Conditions – Addendum B
(1) Cremation Association of North America (16008)
(2) Elite CME, Inc (113)
(3) FuneralCE (43)
(4) Independent Funeral Directors of Florida Inc. (135)
(5) Kates-Boylston Publications (29810)
(6) M.K. Jones & Associates, Inc. (3605)
(7) Matthews International (30408)

(8) National Funeral Directors Association (136)

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: Ms. Anderson moved to approve the applications. Mr. Hall seconded the motion, which passed unanimously.

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

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

- (1) *Embalmer (Endorsement)*
 - (a) *Fuentes, German M*
- (2) *Funeral Director (Endorsement)*
 - (a) *Turner, Rodney S*
- (3) *Funeral Director and Embalmer (Endorsement)*
 - (a) *Coughlin Jr, Gerald A*
 - (b) *Hoyt, Michael D*
 - (c) *King, Janice M*
 - (d) *McCluney, William P*
 - (e) *Wilson, Ashley D*
- (4) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Frenier, Lizbeth E*
 - (b) *Harrison, Michael D*
 - (c) *Lucke, Holly M*
 - (d) *Ortiz Jr, Antonio*

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

B. Recommended for Approval without Conditions

- (1) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Taylor III, Charles E*

Ms. Simon – If Mr. Taylor is here, please step forward. Hearing no response. An application for a Funeral Director and Embalmer license was received by the Division on December 13, 2018. The application was complete when submitted. A background check revealed a relevant criminal history; however, the criminal history was reviewed at the February 1, 2018 Board meeting where Mr. Taylor’s application for Concurrent Internship was approved. The relevant criminal history is that in November 2008, Mr. Taylor pled guilty to Operating a Vehicle while Driver’s License was Revoked. Mr. Taylor was sentenced to four (4) days probation. The Division is recommending approval without conditions.

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

C. Recommended for Denial

- (1) *Funeral Director (Endorsement)*
 - (a) *Billings, Daniel K*

Ms. Simon – Mr. Billings submitted an application on June 21, 2018, at which time the application was deficient. The Division received the last of the deficient items on July 31, 2018. The applicant’s fingerprints returned with no criminal history, however the applicant did answer yes to the criminal history question and submitted a criminal history form, which revealed that in 2015, Mr. Billings pled no contest to Disregard of Safety on a Highway and was fined \$395 and placed on probation for two (2) years. The applicant does not meet the educational standards set forth by section 497.373(1)(d), Florida Statutes:

- 1) Received an associate in arts degree, associate in science degree, or an associate in applied science degree in mortuary science approved by the licensing authority; or

- 2) Holds an associate degree or higher from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education and is a graduate of a course of study in mortuary science or funeral service arts approved by the licensing authority from a college or university accredited by the American Board of Funeral Service Education.

However, section 497.374(1)(b)1., Florida Statutes, provides that the licensing authority shall issue a license by endorsement to an applicant who:

- 1) Holds a valid license to practice funeral directing in another state of the United States, provided that, when the applicant secured her or his original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in this state; or
- 2) Meets the qualifications for licensure in s. 497.373, F.S. and has successfully completed a state, regional, or national examination in mortuary science or funeral service arts, which, as determined by rule of the licensing authority, is substantially equivalent to or more stringent than the examination given by the licensing authority.

Mr. Billings only holds a Bachelor of Science in Social Work but is not a graduate of a course of study in Mortuary Science or Funeral Service Arts. He has no degree associated with the industry. Because of that, the Board could only approve the application if it finds that Mr. Billings' requirements for licensure in Ohio were substantially equivalent to or more stringent than those in Florida. The Division is recommending denial.

Chair – Thank you. Ms. Wiener.

Ms. Wiener – Good morning, Board, again. I have a document that compares the requirements of Florida law with the requirements of Ohio law. It also includes the Ohio law, some additional information referred to on this summary, a copy of the licensing database screenshot showing that Mr. Billings' license is current in Ohio, and a couple of recommendations. I would ask for your indulgence to allow me to provide this information. This information was previously going to be provided to the Board. Mr. Billings was going through the application process some time ago, but he terminated his employment with that employer, so there was a gap in the situation and it came to the agenda late, so we apologize for not having this to you earlier.

Chair – That's not part of our electronic Board packet?

Ms. Wiener – It is not.

Ms. Simon – If I may? Ms. Wiener, I believe that the Board has received the letters of recommendation submitted by Mr. Billings last week. They were sent to the Board members. They have also received the description of the apprenticeship that was taken.

Ms. Wiener – Did they get the funeral director list? I don't think so.

Chair – If you have something and you have it available to all Board members, you may come forward with that.

Ms. Wiener – I do for demonstrative purposes. It's not necessary that it be placed into the record per say.

Mr. Barnhart – Excuse me, may I say something?

Chair – Yes, please.

Mr. Barnhart – Ms. Wiener, this looks like quite a bit of information that the Board has not seen previously, correct?

Ms. Wiener – I think, as Ms. Simon said, I believe that they have seen the letters of recommendation.

Mr. Barnhart – Right, but what did you just pass out.

Ms. Wiener – So this cover page is simply a cheat sheet, if you will, that the Board can use as I am making an argument about the substantially equivalent nature of Mr. Billings funeral director training. What is immediately behind it is simply a copy of the Ohio law about how to become licensed as a funeral director. And then behind that is the funeral director only task list, which gives some detail that the Board can look at about exactly what you have to do in Ohio to become a licensed funeral director.

Mr. Barnhart – And what I'm trying to get at is it looks like a lot of information for them to review on the fly, while we're trying to review the merits of your application.

Ms. Wiener – Well, as I said, I would be happy, during my argument, to just kind of make references to these things as we go along and then we could kind of see where we go, if that would be acceptable.

Chair – The primary question that I have is how do I reconcile my concern that he never had any mortuary college, funeral service education that is part of the Florida regiment, that you have to have at least some funeral service formal education? It appears to me that there's none listed.

Ms. Wiener – You're exactly right. You've hit on the very core of the concept, which is was Mr. Billings' funeral director training either substantially equivalent to or superior to that that would have been required of him had he obtained a diploma, not an AS degree or an AA degree, but simply a diploma from an ABFSE educational institution? And so, what you have before you is the funeral director only task list, which details exactly what must be done by a funeral director in Ohio to become licensed. I would argue to you that it is more stringent than what is required of a student who attends an ABFSE diploma program, which is a three (3) semester program which can be completed in well less than two (2) years. Whereas in Ohio, Mr. Billings was required to undergo full-time training as an apprentice, pursuant to Ohio law, for twenty-four (24) months, at which he had to personally attend and participate in no fewer than fifty (50) funerals, and Mr. Billings would tell you that he participated in more than fifty (50) funerals.

He had to complete every one of the tasks on the task list, which is provided to you as the third item in that packet. Periodic progress reports were required of the master funeral director, under which he trained. That also required a report to the Board, within thirty (30) days, after the first six (6) months of his apprenticeship, and then regular reports thereafter on an annual basis. Quarterly master funeral director reports regarding every one of the items on that funeral director only task list. Upon completion of that, he had to sit for a comprehensive examination in Ohio, take the Ohio Laws and Rules, and also his National Boards, all of which he passed. So, I would argue that when you, as a person deciding to pursue a diploma in funeral directing, where you already have either a two (2) year or a four (4) year education, whereas in this case Mr. Billings does have a four (4) year college degree in Social Work, which I would argue to you makes him well suited for the business of being a funeral director. What you would have to do, in the State of Florida, would be to provide your diploma from your ABFSE program. And I think if you take a look at the requirements of the funeral director only task list and the process that must be undergone in Ohio, you will see that the process that Mr. Billings had to go through was at least substantially equivalent to the education that one would receive in a diploma program at an ABFSE institution.

Chair – Thank you. Board members? Mr. Hall?

Mr. Hall – A couple questions, Ms. Wiener, if I can. Is it my understanding, from looking at these requirements from Ohio, they didn't require anything in mortuary studies?

Ms. Wiener – That is correct. They require that their funeral directors be trained in Ohio on hand under the direction of a master funeral director for a twenty-four (24) month full-time apprentice program.

Mr. Hall – The final requirement taking the State Boards, taking the Rules and Regulations, and then the National Board are still required. But then there is a requirement for us for a mortuary program, too. So, I don't see any way he's qualified in that area. Is he qualified as a social worker and would be a good fit for the funeral home? Probably so. Probably 100% I would agree with that, but there's nothing here. Ohio kind of looks like to me like an Alabama or Arkansas where you get two (2) cereal box tops and \$100 and you get a license. The apprenticeship alone is not going to...just because you worked {inaudible}, but you still had to go to school and you had to do these final things. He's done a big part of this, at the end, where he took the National Boards and the State Boards, but in my opinion, the thing he has to do at this point is to get into St.

Pete or one of the schools that has the online enrollment and knock that out. They have express courses now that he can take on the funeral director side. I think an aggressive person could probably do it in six (6) months. Now they're telling me there's an express lane, so to speak, on that and you can do it in half the time. So, I think, in my opinion, to qualify in Florida, that's what he would need to do.

Ms. Wiener – While I appreciate your concerns, I would remind you and other Board members that the determination is not whether the training was identical to what is required in Florida. In fact, if it was that analysis that the Board was required to go through, there would be no analysis at all, because it wouldn't even be a question. Instead, the Legislature intended for the Board to look specifically at the education of a funeral director from another state and determine whether it is substantially equivalent to or superior to that that is required in Florida. And again here, what we have is the Florida requirement is for the three (3) semester certificate program. If you look at the third document in the packet, the funeral director only task list, you will find three (3) pages of extensive requirements. And for those of you who have attended an ABFSE program, which I would suspect are many of you on this Board, you will see that a lot of what was required to be learned, or I would suggest to you that there are more requirements to a program like this program in Ohio, which takes a lot longer than an express program of maybe less than six (6) months, that that training is at least substantially equivalent to. It doesn't have to be exactly equivalent, just substantially equivalent to what is required to get a certificate from an ABFSE program.

Mr. Hall – I don't know that I personally agree with that. I guess if I'm going to have a surgeon that's going to work on me next week, I want one that's had the studies, not just observed. I think this is the same thing. I will agree and I think most funeral directors at this table would agree that once they come out of school, most of the students come out of school really want me to get out of their chair and take my spot. All of us young guys, when we come out of school, we're beating our chests, we're ready to take over. We didn't have a clue. You're going to learn in the day to day operations of the funeral home how to be a funeral director, how to be an embalmer, and you're going to learn things from those people. I agree with that, but I still think we're lacking that schooling that we need. That's just my personal opinion.

Mr. Knopke – Mr. Chair?

Chair – Yes?

Mr. Knopke – He's applying to be a funeral director only, correct?

Ms. Wiener – Yes.

Mr. Knopke – His social history, not using that in broad term, probably does make him a very good possibility for a funeral director. If he's completed this list, as described from Ohio, he's clearly capable of being a funeral director, and obviously he is a funeral director in Ohio and met their qualifications. I would love to have somebody walk in my door looking for a job that can do all this. I don't give a big hoot about whether they came out of school, other than that's part of the requirement. School, and I'm going to refer back to 1970-71, when I had the pleasure of attending Miami-Dade to become a funeral director/embalmer. I worked my butt off to get through that. I passed the Laws and Rules and did what I had to do. Had I not worked in the apprenticeship before then, I wouldn't have done anything in school, other than play around in Miami. I would say he's a good candidate. He'd be successful. I think the requirements that are there meet what we probably want in funeral directors coming forward.

MOTION: Mr. Knopke moved to approve the application.

Mr. Hall – Going back, and the Division can correct me if I'm wrong, I know the funeral director's program allows for a person to come in that has a degree, an Associates or higher, to come in and start their internship and their schooling at St. Pete, like we talked about, and do it concurrently. They can work under direct supervision for six (6) months, general supervision after that. So that would allow an individual like him to come into a facility and begin work almost immediately, while he's finishing up those requirements. That's just my thought.

Chair – Mr. Jones?

Mr. Jones – Years of service in Ohio, and no disciplinary action?

David Billings – I was a licensed funeral director for eight (8) years.

Mr. Jones – He needs swearing in.

Mr. Billings – I'm sorry.

Chair – Please swear him in.

Ms. Simon – Please raise your right hand. Please state your name for the record.

Mr. Billings – David Billings.

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

Mr. Billings – I do.

Mr. Jones – Mr. Billings?

Mr. Billings – I began my apprenticeship in 2011. I was licensed in 2013 and have been a licensed funeral director in the State of Ohio ever since.

Ms. Wiener – Do you have any disciplinary history?

Mr. Billings – No disciplinary history.

Chair – Excuse me. Mr. Jones?

Mr. Jones – That was it. Thank you.

Chair – Thank you.

Mr. Jones – I wanted to clarify because I hadn't heard anything on discipline.

Chair – Thank you.

Ms. Wiener – If I might, I would remind this Board that it has looked at substantial equivalency, in fact, at the meeting last month, it looked at substantial equivalency and accepted the work history and life experience history in determining the substantial equivalency of the matter.

Chair – But you're leaving out one difference. That person had a degree in Mortuary Science or had schooling, had a diploma in Mortuary Science. That's the difference.

Ms. Wiener – That is true, but I would argue that there are two (2) degree requirements and in that situation, there was a degree that was missing and we took a look at substantial equivalency, as a Board, and voted to approve. I would simply argue that there is...the Board, I believe has appropriately applied the standard, which is to say the determination is substantial equivalency, not identical requirements.

Chair – Thank you.

Mr. Clark – Mr. Chairman? I have a question of the Division.

Chair – Mr. Clark?

Mr. Clark – Was the recommendation of denial based on s. 497.374(1)(b)(1), F.S., because (1) just states that the requirements for licensure were substantially equivalent or more stringent than this state? So, the Division’s perspective is the eight (8) years of work or the apprenticeship is not as stringent as mortuary school?

Ms. Simon – Yes sir.

Mr. Clark – Thank you.

Chair – Thank you.

Ms. Wiener – Pardon me, Mr. Chairman?

Chair – Yes ma’am?

Ms. Wiener – One more item to add. Mr. Billings reminded me that his college course work included pre-mortuary science courses as well, so he did have that education at the undergraduate level during his Bachelor of Science work.

Chair – Thank you.

Mr. Jones – I’m going to second the motion Mr. Knopke made.

Chair – There’s been a motion made to approve the license application, and it’s been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed?

Board members – No.

Chair – All the ayes, please raise your hand. One, two, three. And those opposed? And the motion does not carry (5 opposed). Is there another motion?

Ms. Wiener – Perhaps the Board would entertain granting his license with a probationary period so that he would be under the supervision of his employers.

Mr. Hall – Mr. Chair? I think that’s the option we just gave a while ago. Since he has an Associate’s Degree or higher, that funeral director application we have fits into that. He can be under the supervision of the director at the funeral home. He could go to work. Do funerals under direct supervision. Six (6) months after that, if they think he’s good to go, they turn him loose. In the meantime, he could be working on that program at one of the colleges. He’s got everything else he needs. He’s so close and that puts the man to work. It’s nothing against him. Like Keenan said, mostly any of us would be tickled to death if somebody walked in and we could put them to work. Our industry needs that, I can tell you, but I think that that’s the best option for him. It allows him to go to work immediately and the funeral home can put him to work, seeing families.

Chair – Any other discussion? Is there a motion?

Mr. Knopke – What impact does it have on him to deny the request?

Ms. Simon – That would be a decision for the Board. The next time he comes before the Board, the Board would see the denial and see the basis for the denial, with the previous Board package.

Mr. Jones – Does probation hinder if someone made a motion for six (6) months to a year of probation? Does that hinder it down the road, being it was a probationary action?

Ms. Simon – There’s nothing in the law that responds to that. It would be a Board decision.

Mr. Helm – Mr. Chairman?

Chair – I think Mr. Hall outlined an alternative path and I think everything that Mr. Hall said was factually correct for an alternative path. Mr. Helm?

Mr. Helm – How do we put that into a motion?

Chair – Deny and then it's up to him to take the alternative path.

MOTION: Mr. Helm moved to deny the application.

Ms. Wiener – If I might? If the Board's determination is to deny, then I would ask that you allow him to withdraw his application. Otherwise, he's going to have to report that on every application in the future, and I don't believe that's really your purpose.

Chair – We haven't voted. So, do you wish to withdraw?

Ms. Wiener – Unless there is a motion to approve him under some conditions that would be found acceptable to the Board.

Chair – The motion that we have before us is to deny, and it's up to you whether to withdraw the application or not.

Ms. Wiener – I don't know if Mr. Helm would consider postponing his motion to deny or withdrawing it until there was a determination about whether there was some condition under which he might be approved. The fact of the matter is going through the process and being able to work as a funeral director during your education is much different than actually being licensed as a funeral director. Though he has been licensed for eight (8) years, as a funeral director, we're really sending him back to square one, which seems inappropriate given the qualifications that he has to be a funeral director only. We are not sending him to the embalming realm. We are asking for him to be licensed as a funeral director, not an embalmer.

Mr. Hall – That program works perfectly. Both associations worked on that several years ago to do that and allow a man like him coming in, to start to work immediately. He could file the paperwork with the State and get started. I agree with you. I would rather withdraw it. I wouldn't want probation listed on it either. To me, that has an implication that he's done something wrong. He's not done anything wrong. He just does not have the qualifications to do that. This would allow him to go to a funeral home today, in Florida, go to work and see families, and finish that six (6) month program for a funeral director only. If he wants to expedite it, and he's an aggressive person, he could probably knock it out quicker than that.

Ms. Wiener – Can I ask that you table this matter while I confer with my client?

Chair – Of course.

Ms. Wiener – If he takes the denial, we need to contemplate that.

Mr. Helm – Mr. Chairman, I withdraw my motion.

Chair – Mr. Helm has withdrawn his motion, and you take your time with your client.

Ms. Wiener – Thank you.

8. **Application(s) for Internship**

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

(1) **Funeral Director**

(a) *Gates, Everett E F335119*

(b) *Halyard, Morris J F126236*

(2) **Funeral Director and Embalmer**

(a) *Atieno, Sabina F332354*

- (b) *Meyer, Stefanie C F334597*
- (c) *Stinsman Jr, Ronald W F335180*

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 E**
 - (1) *Jernigan, Nicole F336176*
 - (2) *Montana, Adam P F334608*
 - (3) *Searls, Carolyn M F331065*

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

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

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. Anderson moved to approve all the claim(s), for the monetary amounts indicated. Mr. Hall seconded the motion.

Chair – Mr. Helm has a question.

Mr. Helm – Can anyone explain the last two (2) on the first page, Marilyn Marsh? There are two (2) different claimants and one (1) beneficiary. I was just wondering about that.

Ms. Simon – Ms. Morris?

LaShonda Morris – Ms. Marsh is still living, from what I understand, so she is filing a claim for refund. And then for Mr. Marsh, they rendered services and Shikany's was filing a claim for the remaining balance for the services they rendered. They are husband and wife.

Mr. Helm – Martin is deceased?

Ms. Morris – Right. Ms. Marsh is still living.

Mr. Helm – And while they were doing it she went and pulled her stuff {inaudible}.

Ms. Morris – Right.

Mr. Helm – I got it.

Ms. Morris – Okay.

Chair – Does that answer your question?

Mr. Helm – Yes.

Chair – Good. There's been a motion made to approve and it's been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? And that motion does carry.

11. Application(s) for Direct Disposal Establishment

**A. Recommended for Approval *with* Conditions
(1) Tulip Cremation Inc. (Bartow)**

Ms. Simon – An application for a Direct Disposal Establishment was received on December 11, 2018. The application was complete when submitted. The Funeral Director in Charge will be Adriana Corral (F065323). A background check of the principals revealed no relevant criminal history. The establishment is recommended for approval with the condition that the establishment passes an onsite inspection by a member of Division Staff.

Mr. Knopke – Mr. Chair, a quick question?

Chair – Yes?

Mr. Knopke – There's a letter from Palm State Crematory that they're going to provide refrigeration and cremation services for Tulip, who is in Bartow FL. Has anybody checked the mileage between the Bartow FL street address and the mileage to Palm State, in Clearwater, to see if it's within the acceptable mileage?

Mr. Helm – It is.

Mr. Knopke – It is? Okay.

Chair – Thank you.

Mr. Knopke – Thank you, sir.

Mr. Hall – Mr. Chair?

Chair – Yes, Mr. Hall?

Mr. Hall – The only question I have for the Division is this firm had contacted our firm because we were in the area. I looked at their website and it references your choice of funeral preference, funeral cost, etc. The direct disposer section needs clean up. They're licensed in several states, but their referral to funeral homes and funeral processes, etc. on their site needs to be, and I don't know how they'd do that since they're in different states, or how they're going to do it for Florida, but they're addressing funerals on the direct disposer site.

Chair – Is it possible then to table this application until the Division can check into any discrepancies on their website that would indicate that they're a funeral establishment instead of a direct disposer?

Mr. Hall – Can we approve it subject to that?

Ms. Simon – We wouldn't be able to do that. I think Mr. Hall already stated it. It is a national corporation and being that it's national, they cannot change their website particularly for Florida. So, I do not know how they can overcome that.

Mr. Hall – I don't know how we'd allow them to do it then.

Mr. Jones – I think as you said, we should table it.

Mr. Barnhart – What's the deemer date on this?

Chair – My next question is the deemer date on it.

Ms. Simon – Well, the application was submitted and completed on December 11th.

Mr. Barnhart – So, March 11th?

Ms. Richardson – March 11th.

Mr. Hall – Is there anyone here representing them?

Chair – Another option...

Adriana Corral – I'm here representing Tulip Cremations. Would you like me to come up?

Mr. Hall – Yes.

Chair – Would you like come forward?

Ms. Corral – I'm Adriana Corral, funeral director in charge.

Chair – Please be sworn in.

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

Ms. Corral – Adriana Corral.

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

Ms. Corral – Yes, I do.

Mr. Hall – Is there a way to clean that up for us on the site, that you know of, for the company?

Chair – Before you testify, you must be sworn in also.

Ms. Simon – Are both of you going to be speaking?

Unidentified speakers – Yes ma'am.

Ms. Simon – Both of you, please state your names for the record.

Myles Adams – Myles Adams.

Joshua Forbes – Joshua Forbes.

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

Mr. Adams – Yes.

Mr. Forbes – I do.

Mr. Hall – Is there a way to do that, in your company? On the site?

Mr. Adams – Yes, I think there would be, on our service area of our website, where someone would select Florida, and we'd have our region that we cover. There we'd be able to very clearly state what services we do and don't offer, and that we're only a direct disposal establishment.

Mr. Hall – Okay, because when you pull it up, it shows the different states you're in, but that wouldn't work for us here. If you're able to clean it up, and you can satisfy the Division that you can do that, I'm okay.

Mr. Helm – You need to put it as a condition.

Mr. Adams – May I ask a question?

Chair – Please.

Mr. Adams – Would that just be for the Florida specific session or it would be when you go onto our homepage we couldn't say anywhere that we're a funeral establishment, because our other licenses in other states are for funeral establishments?

Mr. Hall – In my opinion, since I look at it and it's got the states, it's showing that on there. I think it's an issue because it doesn't define the difference between it on the states. It would be my thought. I would make a motion to approve it, if you get the cleanup on the site, because you can't list anything at all as far as funerals, since you are a direct disposer. Okay?

Ms. Simon – So to confirm, Mr. Hall...

Mr. Hall – Approval with the condition of an onsite inspection and the removal of any relationship to funeral homes or funeral services on site.

Ms. Simon – On the main page?

Mr. Hall – Yes. Are you able to do that, you're saying, for Florida?

Mr. Forbes – I think so. I would have to check with our engineer.

Mr. Hall – Are you good, if they just coordinate that with you, Ms. Simon?

Ms. Simon – I am. I don't know how likely that is, but yes, absolutely. I would need to be contacted and told that it's time to review the website. I don't know how feasible that is.

Mr. Forbes – Is there any way we can potentially get back to you on this? I don't know how to do it, because I'm not a web developer, but I imagine it's possible. But, you're right. It might be more difficult than either of us know to change the entire website. I understand the concern, obviously. Like for our GPL, you can't say funeral any more you have to say direct disposal, so I understand that, but again I'm not entirely sure that we can basically make an entirely separate website for only visitors in the State of Florida. Alternatively, that's going to be tough, as well, because say for example you have a next of kin that's based in a different state that visits our website for a decedent that's in the State of Florida. There's some issues there as well.

Mr. Hall – If you didn't put that on your main website, but it's only when it's clicked on Florida, if it only identifies it then, is the rest of the Board good with that? I would be. Just don't define that on your main website, and let them click on the state they're in, and then you can identify funeral service in the state that you're approved in to do that. It just shouldn't come up when you it pulls up Florida. Does that sound good, Ms. Simon?

Mr. Jones – That should not be an issue for you all to be Florida-specific.

Mr. Forbes – Sure.

Mr. Jones – And you all are agreeable to that?

Mr. Forbes – Yes, and to confirm, you would want us to define ourselves very clearly as a direct disposal establishment as opposed to a funeral home or funeral establishment, on our Florida landing page, on the website?

Mr. Hall – And it needs to be on your GPLs, etc., too, and your contracts or anything.

Mr. Forbes – Of course.

Ms. Simon – I'm sorry. I'm a little confused. Mr. Hall, are you saying that on the main page, can it say anything about being a funeral establishment or you want that on each individual page only?

Mr. Hall – I think that needs to be on the individual pages, or it's going to be confusing to the public. If you pull up Tulip and it's got the different states that they have, it addresses these issues. You can advertise Tulip and do all that on your main page, but it should only define funeral once they click on the states that you're allowed to do that in. Then I don't think it creates a problem or confusion here for consumers or other licensees that's going to complain about it, if you do that as a direct disposer. That would be my thought.

Ms. Simon – The deemer date for this will be March 11th. It sounds as if you may want a continuance, actually, if you want to look into whether or not this is feasible. If it is, then to come back in front of the Board, telephonically, in March. Is that what would suit you?

Mr. Adams – And if it is feasible, is there any chance we could be approved with conditions today?

Ms. Simon – I'm sorry?

Mr. Adams – If that is feasible, is there any chance we'd approved with that condition today, or we'd have to go before the Board in March?

Chair – I think that the Board would entertain that. That's all we're asking for.

Mr. Hall – With the inspection and the stuff for the site, I think you could.

Ms. Simon – But we need a timeframe, because if we're not talking about deemer, I don't know how...

Chair – You don't issue the license until.

Ms. Simon – Right.

Mr. Jones – Based on your statement, you can make that change to Florida-specific page, I'll second the motion.

Mr. Adams – Yes, we can definitely make that change.

Mr. Forbes – I don't know what your thoughts are on this, but I would offer that we could put a disclaimer at the bottom of the website, on the main page, just to note that in the State of Florida we are licensed solely as a direct disposer establishment and not as a full-service funeral home. On the main page.

Chair – And not offer funeral services?

Mr. Forbes – And not offer funeral services. If the Board would provide me the language/sentence that we could put as a disclaimer on the bottom of our main landing page, TulipCremations.com, and that in conjunction with the Florida landing page, we can also say that we're a direct disposal establishment, then maybe that's something we can entertain.

Ms. Simon – This is changing what Mr. Hall suggested, which is fine. But are you saying now on the main page nothing has to change? It can still refer to funeral establishments, as long as there is a disclaimer at the bottom of the page that says this is not applicable to Florida?

Mr. Hall – I think if he does that, I'm comfortable.

Mr. Forbes – And then on the Florida landing page it would say direct disposal establishment.

Mr. Jones – I'm comfortable, as the second.

Chair – The motion then changes and Mr. Jones seconded that.

Ms. Simon – Please give the motion again.

MOTION: Mr. Hall moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff, adding a disclaimer approved by the Division to the main page, and changing the Florida landing page to remove all references to funeral service. Mr. Jones seconded the motion.

Ms. Corral – The onsite inspection, is that additional to the prior inspection?

Mr. Hall – That was the one that was already in the system. The inspector from the Division will come out and check your facility then sign off on it and give it back to you. I don't know if it's scheduled already or what.

Mr. Forbes – It has not been scheduled yet that I know of.

Mr. Hall – It's just a standard process.

Ms. Corral – Okay.

Chair – So it's not been inspected yet, by the State of Florida? By the Division?

Ms. Corral – We had the local inspector come in and then we did have the Board come in and made the inspection of the GPL and everything.

Mr. Adams – Tim Wheaton, I believe, was his name.

Mr. Knopke – I don't think they're going to be able to do what we're asking but let them try. The thing that I would add, in looking through their website right now, and going down through the different pages, to get to pricing information and so forth, you got a series of questions you have to answer and through all those pages. Is Mr. Hall requesting that on those pages that this language be added to every page to get there, or on the homepage at the bottom, or what?

Mr. Hall – I think the homepage, putting the disclaimer at the bottom, I would be happy with it. Then when they click on the Florida locations, then I think all reference to funerals, whether it's on the GPL or the site itself, has to be removed.

Mr. Knopke – Okay. I'm on the homepage right now. Then I click get a free instant quote. It'll ask you a few questions to get an accurate quote. Then three (3) more questions on another page. I have to answer one of them. Then they want to know what city. I type in the city. From there, they want my information. It's good stuff to get, but are you wanting this disclaimer on all of those pages before they get to Florida, or not?

Mr. Hall – As long as they eliminate any reference to funeral services on those Florida pages, for me...

Mr. Knopke – So you're talking about once they hit and go to Florida?

Mr. Hall – Yes.

Mr. Knopke – Not on the main homepage?

Mr. Hall – On the main homepage they're going to have a disclaimer explaining that Florida, they can't handle funeral services, as they are a direct disposal only offering cremation services, or however they want to word it. But when they get to the Florida page, as long as the GPL and the application does not refer to funeral services, funeral costs, etc., then I'm okay and I think most licensees would be okay.

Mr. Knopke – I understand what you're saying and I agree, but to get to the Florida page, you got to go to the homepage and then you got all these other pages of information you got to give before you get to the Florida portal.

Mr. Hall – On the front of the homepage, it's my understanding that they are going to put a disclaimer.

Mr. Knopke – Okay, you're going to put the disclaimer at the bottom, which is fine. My question is, when you're giving all this other information, does that disclaimer be at the bottom of those pages or not, and does it only appear again when you get to Florida? Because if it's only going to appear when you get to Florida, there's no point in it being on the front page.

Mr. Hall – I think it's important for it to be on the front page, because when I pull it up, you look at all the different states and they're going to have different requirements everywhere they go. So, I think if the disclaimer is on the front page, to me, and there's asterisks or something by it, that points out Florida, whether it's highlighted or whatever.

Mr. Knopke – I'd just much rather see it, if we're going to do it on the homepage, do it the bottom of all the pages before you get to Florida.

Chair – Ms. Schwantes?

Ms. Schwantes – Yes, thank you. Is it possible, on the homepage, in addition to the disclaimer, to put a link so that it says clearly if you are a Florida resident or concerned about Florida, or whatever the language would be, click here and then it goes directly to the Florida landing page, without going through any of the questions? Does that solve the issue?

Mr. Knopke – That makes sense to me. I think that's what Lew is trying to get to.

Mr. Adams – I think that would be possible, and one thing that might satisfy your requirements, Mr. Knopke, would be on our website we only offer direct cremation, if you want to get a quote on our website. If it's anything else in other states we're in you'd have to call us and speak with one of our funeral directors to actually find out what the costs would be for those other items or go to our GPL on our website. So, even if someone were to be going to another state, or when we're licensed in Florida, going through our Florida license quote page, it would still only have direct cremation. We would never be offering any additional funeral services on that quote.

Mr. Forbes – Additionally, there is our service area. If you were to click on that, there's no Florida option right now because we're obviously not in operation here, but the idea with the Florida landing page would be that you would go under our service area, click Florida and then that would bring you to the Florida landing page, as I have been referring to it and that's where you would have no mention of the word funeral. It would all say direct disposal specifically, given that's the legal language here in the state.

Chair – Do you have a Florida preneed license?

Mr. Adams – No, we do not.

Chair – Do you plan to have one?

Mr. Adams – We would like to have one at some point. We have not yet started that process.

Mr. Forbes – We have not made that application.

Chair – Make sure there's no reference to pre-planning and that type of thing.

Ms. Simon – On the main page?

Chair – I don't know about main page or whatever, but when they're talking about Florida, they don't have a license to do anything except direct disposal. They don't have a preneed license. Maybe one day in the future they will, but they shouldn't be discussing that without a license.

Mr. Hall – Mr. Chair, one last question? When I visited with your staff, your operation is basically we're a shell here and we're going to refer this to a funeral home in the area and we're going to make a contract with that company to handle

cremations. Is your anticipation then to expand that in other states to include funeral services in that with other funeral homes in Florida?

Mr. Adams – I don’t think we’d ever expand with a funeral establishment license in Florida, so we would just always be doing direct disposal. Just direct cremation.

Mr. Forbes – At this point we have no intentions of offering funeral services.

Chair – Thank you.

Ms. Simon -Right now, the motion that’s outstanding is a motion to approve with an onsite inspection, a hyperlink being placed on the bottom of the homepage saying that these services are not available in Florida; Florida is only licensed as a direct disposal establishment, and you can click on that hyperlink, which will take you directly to the Florida page, and on the Florida page it should specifically state that this is a direct disposal establishment only in Florida.

Chair – Thank you for restating Mr. Hall’s motion. And that motion has been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? And the motion carries. Thank you for coming before us.

Applicants – Thank you.

Mr. Jones – A ten (10) minute break, please.

Chair – Let’s have a fifteen (15) minute break. Back here at 12:15p.

*****BREAK*****

12. Application(s) for Funeral Establishment
A. Recommended for Approval with Conditions
(1) Archer Funeral Home Inc. (Lake Butler)

Ms. Simon – An application for a Funeral Establishment license due to a Change of Ownership was received by the Division on December 27, 2018. The application was incomplete when received. The application was deemed completed on January 11, 2019. The Funeral Director in Charge will be Doyle Archer (F046158). A background check of the principals revealed no relevant criminal history. This funeral establishment is the qualifying entity for a preneed license and pursuant to a letter signed by John Garrett and Brittnee Milton, the new establishment will assume all responsibility of any unfulfilled contracts.

The Division is recommending 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 passes an inspection by a member of Division Staff.

It was brought to my attention earlier today that there has been no application to transfer the preneed license. Without an application to transfer the preneed license, it cannot be a qualifying entity to continue to sell preneed. Ms. Hood?

Michele Hood – Michele Hood with the Independent Funeral Directors of Florida.

Ms. Simon – Please raise your right hand to be sworn in. Please state your name for the record.

Ms. Hood – Michele Hood.

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

Ms. Hood – I do. I was not aware, until shortly before this meeting, that there was a transfer occurring. I understand that they will not be able to continue to sell new preneeds, but they will be able to continue to service the preneeds that already exist. Is there a timeframe in which they need to request that transfer?

Ms. Simon – Within thirty (30) days, they can do that after getting their license.

Ms. Hood – Okay. I will consult with them and let them know what the requirements are.

Ms. Simon – And let them know that they cannot sell preneed until that happens.

Ms. Hood – Correct.

Ms. Simon – Okay. Thank you.

Ms. Hood – I don't think they're much anyway.

Chair – Thank you, Ms. Hood.

Ms. Hood – You're welcome.

Chair – We appreciate that. That's important for them to know, so if they do, they're not in compliance.

Ms. Simon – Again, the Division recommends approval of the application subject to the conditions outlined within your Board package.

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

(2) Camel Funeral Home Inc. (Clewiston)

Ms. Simon – An application for a Funeral Establishment was received on July 11, 2018. The application was incomplete when submitted. The application was deemed completed on January 4, 2019. The Funeral Director in Charge will be Pearl Matthews (F084725). A background check of the principals revealed no relevant criminal history. The Division is recommending approval with the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

(3) F&R Service Group LLC d/b/a Forbes Funeral Home & Cremation Services, Lake Butler (Lake Butler)

Ms. Simon – An application for a Funeral Establishment was received on December 11, 2018. The application was complete when submitted. The Funeral Director in Charge will be Matthew Beecher (F117624). A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition(s) as follows:

- 1) That the establishment passes an onsite inspection by a member of Division Staff.
- 2) That the fictitious name be registered with the Division of Corporations within ten (10) days of the Board meeting.

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

(4) *Gainer-Pollard Funeral Home LLC (Fort Walton Beach)*

Ms. Simon – An application for a Funeral Establishment was received on January 9, 2019. The application was incomplete when submitted. The application was deemed completed on January 25, 2019. The Funeral Director in Charge will be April Allen (F086406). A background check of the principals revealed a relevant criminal history for one of the principals, to wit, on July 9, 2015, Freddie Pollard pled guilty to Theft by Shoplifting and was sentenced to six (6) months of probation and a fine of \$450. The Division is recommending approval with the condition that the establishment passes an onsite inspection by a member of Division Staff.

Mr. Knopke – Question?

Chair – Yes?

Mr. Knopke – Ms. Simon, what is Mr. Freddie Pollard’s relationship in this? Is he a funeral director? Is he just an owner?

Ms. Simon – I believe he’s listed on the principals list. I’m looking for that right now. Here it is. He is listed as Corporate Officer.

Mr. Helm – He’s the only one listed.

Chair – Any other licenses? Freddie Pollard is licensed in Georgia, or at least he’s listed as being licensed in Georgia. No Florida affiliation according to the Other Licenses form.

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

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

Ms. Simon – Pursuant to s. 497.453, F. S., the applicants listed have applied for a preneed branch license. All Division records indicate that the applicants qualify for branch licensure. The Division is recommending approval.

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

14. *Application(s) for Removal Facility*
A. Recommended for Approval with Conditions
(1) Lighthouse Mortuary Transportation Service LLC (Kissimmee)

Ms. Simon – An application for a Removal Service was received on January 3, 2019. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The facility is recommended for approval with the condition that the establishment passes an onsite inspection by a member of Division Staff.

MOTION: Mr. Helm 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.

B. Recommended for Approval without Conditions
(1) Jeff Parker d/b/a Regional Removal Services (Pensacola)

Ms. Simon – An application for a Removal Service was received on December 3, 2018. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The facility passed its inspection on January 23, 2019. The Division is recommending approval without conditions.

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

C. Recommended for Denial
(1) Departuer Transporting LLC (Palatka)

Ms. Simon – Is anybody here for Departuer Transporting LLC? If so, please step forward. An application for a Removal Service was received on November 8, 2018. The application was incomplete when submitted. The application was deemed completed on December 10, 2018. A background check of the principals revealed relevant criminal history for one of its principals, to wit, in March 2004, James Mauesby, III was convicted of Felony Sale of Cannabis within 1000 feet of a place of worship and Possession of Methamphetamine with Intent to Sell, Manufacture, or Deliver and sentenced to eighteen (18) months confinement and court costs of \$305 (sentence to run concurrently). The facility passed its inspection on January 17, 2019. The Division is recommending denial of the application, based upon Rule 69K-1.008, F.A.C., which states that an applicant for new licensure that has a criminal history that's required to be disclosed shall not be approved unless the applicant demonstrates that issuance of the license will not create a danger to the public.

Chair – Thank you. Are you here to address the Board or answer questions?

James Mauesby – Sure. Thank you...

Ms. Simon – Before you continue, please raise your right hand. Please state your name for the record.

Mr. Mauesby – James Mauesby.

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

Mr. Mauesby – I do. I want to say thank you for the opportunity to be heard, on behalf of my case. I'm here to represent Departuer Removal Service, as a new business. I understand the things that I did in the past. That's behind me. I'm here to say I'm a new me. Just looking for a chance.

Chair – Thank you.

Mr. Mauesby – Yes sir.

Chair – Since the 2004 conviction, have you had any other arrests or convictions, for misdemeanor or felony?

Mr. Mauesby – Not even a ticket, sir.

Chair – Not even a traffic citation? Thank you.

Mr. Mauesby – Yes sir.

Mr. Jones – Question?

Chair – Yes?

Mr. Jones – How old were you?

Mr. Mauesby – I was nineteen (19). Yes sir. I'm thirty-six (36) today.

Chair – What have you been doing? How have you been employed?

Mr. Mauesby – Working with a few funeral homes that I know, in the neighborhood. Masters Funeral Home is one. Working at restaurants, trying to keep afloat.

Chair – What were you doing at the funeral homes?

Mr. Mauesby – Removing. Whatever they would have me to do that didn't call for having a license. Yes sir.

Chair – Any embalming?

Mr. Mauesby – No sir.

Chair – No funeral directing?

Mr. Mauesby – No.

Chair – Okay. Thank you.

Mr. Mauesby – Thank you.

Chair – Mr. Helm?

Mr. Helm – James, where it has the business list of principals, you have Willie Green, then you have your name listed as manager. Then you have your name, then Willie Green listed as manager. Why did we do that?

Mr. Mauesby – I didn't understand how to fill out the application when I was doing it, and I was trying to get help as I was completing it, so that's part of the reason.

Mr. Helm – Who's the manager?

Mr. Mauesby – I am. And Willie Green, can you step up please? He's the owner.

Mr. Helm – I don't have any questions for him. What's the Division's reason for denial?

Ms. Simon – The criminal history.

Chair – Could you read that again? The statute or rule that was your reason for denial.

Ms. Simon – Yes. I just need a moment.

Chair – You take your time.

Mr. Barnhart – I can read it for you.

Ms. Simon – Thank you.

Mr. Barnhart – There's always the question whether this relates to the practice or not. There are many crimes that do relate to the practice, in my opinion, but the main thing is s. 497.141(5)(a), F.S. states, "*The licensing authority may not issue, and effective July 1, 2011, may not renew, a license under this chapter to an applicant that has a criminal record required to be disclosed under s. 497.142(10) unless the applicant demonstrates that issuance of the license, according to rules adopted by the licensing authority, does not create a danger to the public.*" Now I think that most of us would agree that someone that is convicted of this crime, back in 2004,

did not have good character, but you need to look at what the person has done since 2004 to see if you think that he is a danger to the public or not. That's totally up to the Board to decide.

Ms. Simon – May I add one thing.

Chair – Yes.

Ms. Simon – If I may add that I'm not sure of the particular statute, but when there is an individual that's been convicted of trafficking a controlled substance, they would not be permitted to obtain licensure in Florida.

Mr. Helm – Now that's a different story.

Mr. Barnhart – Under what statute?

Ms. Simon – I don't know off hand.

Mr. Griffin – The statute basically states, and I can look it up, it's not that they can't be licensed. If I recall correctly, I think it's a per se. It creates a rebuttal of presumption that they're a threat to the community, but that's it. It's basically geared more towards a person who actively has a license versus somebody that is applying for a license, but if you give me a minute I can pull up the statute.

Ms. Simon – That's okay, Mr. Griffin.

Mr. Helm – One more question?

Chair – Please.

Mr. Helm – Would you be willing to accept two (2) years of probation?

Mr. Mauesby – I will.

Chair – Mr. Hall?

Mr. Hall – Could we hear from the owner, as far as a character reference for him? Can he speak with us?

Chair – Would you be willing to come forward, Mr. Green? And be sworn in, please.

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

Willie Green – Willie Green.

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

Mr. Green – Yes, I do.

Chair – Do you have a criminal history background?

Mr. Green – Yes.

Chair – Was it disclosed on the application?

Mr. Green – No, because it was over twenty (20) years.

Chair – Thank you, sir. Mr. Hall?

Mr. Hall – How long have you known this individual and what kind of reference can you give us on him?

Mr. Green – I've been knowing him personally. I'm married to his sister, but I've been knowing him at least three (3) years. Since I've known him, and before I even met him, because we weren't in the same city, I've always heard good things about him from his sister, but that is his sister. From my point of view, as a brother-in-law, he's a good person, a good family man. Also, he's good businessman, from what I can see. He presented the idea to me over and over again, because at first, I didn't buy it. Eventually I fell for it and we're doing everything side by side. As far as I'm concerned, he's an individual that can be trusted. He hasn't shown me that he's not trustworthy. I believe in him. Since I've known him, I haven't known him to do anything wrong. He has a family, kids and everything. His kids love him. I have a four (4) year old that love him, teenagers that love him. He's a good family man and he's an honest man. Whatever happened in his past, I think that's in the past. Today, I know he goes to work and make his money that way and he takes care of his family. He struggles like the rest of us.

Mr. Mauesby – Can I say something? Can I interrupt?

Chair – Let me ask you one question first. Where was your eighteen (18) months of confinement?

Mr. Mauesby – It was at New River East. I think it was Union City or Starke. I really don't remember which one.

Chair – What's it near? What city?

Mr. Mauesby – I think is Union City, but I was New River East.

Chair – Thank you.

MOTION: Mr. Knopke moved to approve the application subject to two (2) years of probation. Mr. Helm seconded the motion.

Chair – Counsel?

Mr. Barnhart – I was just going to ask him what he's done in the last fifteen (15) years, in an effort to try to rehabilitate his character, besides staying out of trouble, which is part of it, but what else have you done to try to rehabilitate your character?

Mr. Mauesby – Getting married was one of them. My wife led me to do the right things, keeping my goals. I'm trying to keep my family happy and do what I can do as a man.

Mr. Barnhart – What kind of work have you done?

Mr. Mauesby – Like I said, I worked with Masters. I brought in some things that I didn't send in to Ms. Jasmin. Working with Golden Corral for the last eight (8) years, in Georgia. Before leaving Palatka, I was working with D. A. Boyd and Sons Funeral Home. Prior to that, I went to Atlanta. That's when I did my eight (8) years. I've been back at Masters since I've been back from Atlanta the last couple of years. And Willie Watkins Funeral Home.

Chair – You're working with Quincy Masters?

Mr. Mauesby – Yes, right now. I have a recommendation from David Lovett and Quincy Masters.

Chair – I believe that's in our packet, yes. There's a motion made to approve with two (2) years of probation and it's been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed. The motion carries. Congratulations.

Mr. Mauesby – Thank you.

Chair – Do it right.

15. Application for Transfer of Preneed License

A. Recommended for Approval with Conditions

(1) Eden Funeral Services, LLC (F052853) (West Palm Beach)

Ms. Simon – The Department received the application on January 7, 2019 and no deficiencies were noted on the application. This is an application for the transfer of a preneed license for Eden Funeral Services LLC formerly under Rory Epstein, to Cheryl Epstein, current owner. This application is being filed due to a change of ownership of the funeral establishment whereas Mr. Epstein passed away and all ownership was subsequently transferred to his wife, Mrs. Epstein. A completed background check of officers has revealed no criminal history.

Applicant has agreed to assume responsibility of all preneed contracts written under the preneed licensee (F052853), if approved. Applicant will continue to sell trust-funded preneed contracts through Funeral Services Inc (FSI) under Argent Trust Company and utilize their approved pre-arranged funeral agreements. An application for a change of ownership of the qualifying entity (License # F052853) was approved subject to conditions at the December 6, 2018 Board meeting; the new license number is F328597. The Division is recommending approval subject to the condition that all preneed obligations of the preneed licensee under its current controlling party shall continue as its obligations under its new controlling party.

Chair – You’re representing, counsel?

Ms. Wiener – I am and just here to answer any questions.

Chair – Thank you.

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

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

A. Recommended for Approval without Conditions

(1) Pre-Construction Performance Bond(s)

(a) SCI Funeral Services of Florida, LLC d/b/a Volusia Memorial Park (F039488) (Ormond Beach)

Ms. Simon – SCI Funeral Services of Florida, LLC (SCI) intends to construct new mausoleums at the above location. Pursuant to s. 497.272, F.S., typically, a pre-construction trust must be put in place if sales are going to occur prior to completion. However, s. 497.272(8), F.S. provides that in lieu of the pre-construction trust fund, the cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator.

Chair – I want to declare my affiliation with SCI Funeral Services of Florida, and that affiliation will in no way affect my ability to make a fair and impartial decision on this item or anything coming before the Board today.

Ms. Simon – Cemetery agrees to complete said construction in accordance with the terms of the attached construction agreement with Ken Dear, Inc. The Division recommends approval of pre-construction performance bond without conditions.

MOTION: Mr. Knopke moved to approve the pre-construction performance bond. Mr. Bango seconded the motion, which passed unanimously.

Mr. Helm – Ms. Simon, you said mausoleums or mausoleum? One or more?

Ms. Simon – More than one.

Mr. Helm – Okay.

Ms. Simon – Do you have any further questions, Mr. Helm?

Mr. Helm – No.

Ms. Simon – Okay.

Mr. Helm – Mine says mausoleum.

Ms. Simon – Okay. I'm not sure. My information says mausoleums, but the same thing can be said for mausoleum (singular).

Mr. Helm – Okay, go ahead.

B. Recommended for Approval with Conditions
(1) Trust Transfer Request(s)
(a) FPG Florida LLC (F060727) (Bellevue)

Ms. Simon – FPG seeks approval of the below proposed trust asset transfer as more specifically set forth in Attorney's letter dated December 18, 2018. On December 6, 2018, the Board approved acquisitions by FPG of two (2) funeral establishment locations related to Loyless Funeral Homes, as well as the licensing of these locations as preneed branches under FPG's preneed main license (F060727). FPG acquired all the assets and liabilities for both the funeral and preneed for these locations.

FPG seeks approval of the transfer of the following: FSI 1993 Master Trust (70/30 trust) to the Florida Settlor Trust Agreement under Regions Bank and the First Florida Trust Agreement (90/10 trust) to the FSI First Florida Trust – FPG Preneed Assets under Regions Bank. If approved, Regions is or will be trustee, all as more specifically set out in Attorney's letter dated December 18, 2018.

The Division recommends approval of the proposed trust transfers as identified above; and

- 1) That the representations of FPG, as set forth in Attorney's letter dated December 18, 2018 be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Regions provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trust to be transferred pursuant to Attorney's letter dated December 18, 2018.
 - A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in Attorney's attached letter dated December 18, 2018.
 - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Attorney's attached letter dated December 18, 2018.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

Mr. Clark – Mr. Chair?

Chair – Yes, Mr. Clark?

Mr. Clark – I want to state for the record my affiliation with Foundation Partners Group of Florida. I will not vote in this matter, but I am available for questions.

Chair – Thank you, Mr. Clark.

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

Ms. Wiener – Mr. Chairman, whenever you wish to recall Mr. Billings' matter, we're prepared.

Chair – I would like to do that now.

*****ITEM REVISITED*****

*C. Recommended for Denial
(1) Funeral Director (Endorsement)
(a) Billings, Daniel K*

Ms. Wiener – We would ask for, if we might, the Board’s indulgence for Mr. Billing’s to be able to address the Board about the specifics of his education so that this Board can assure itself that it’s making the right decision.

Chair – Let’s get back to this. It was 7. (C).

Ms. Wiener – He was previously sworn.

Chair – Just a moment. Is everybody where they need to be? Okay.

Ms. Wiener – I think it might be helpful for the Board to understand, we’ve had a brief opportunity to take a look at what would be required of Mr. Billings were he to be required to attend the certificate program at St. Pete. First of all, the site says that it can be completed in as little as eighteen (18) months, and it prepares you for, and this is from their website, what you will learn. Embalming and restorative techniques, which of course are immaterial to his application, standards of professional and ethical conduct, and health, safety and legal requirements. Now of course if he is approved for licensure, he will be required to take the Florida Laws and Rules, so the legal requirements associated with our industry, he will be addressing in additional education for himself while he prepares for Laws and Rules. But, I wanted to call your attention to the materials in your Board packet, from his transcript, relating to some of the prerequisites that he took and also the education specific to the industry. I would ask that Mr. Billings address those topics and then the topics specific to the industry.

Chair – Mr. Billings?

Mr. Billings – Thanks for giving me the opportunity to clarify some things. As an undergrad student at Bowling Green State University, I went to BGSU with the intention to graduate with an Associate’s Degree in Pre-Mortuary Science, however, life changes things. I went to an advisor and asked what is the next best thing? What will transfer? Social Work was a spot-on transfer from Pre-Mortuary Science, but during my Pre-Mortuary Science program, I took the writing skills, which are needed in the funeral directing business, obviously, for obituaries, preparing documents, things like that. I took Sociology, Social Wellness and Social Psychology, Biology, Anatomy, Ethics, Intro to Business, Social Problems within the Family Context, and Speech Interviewer and Speech Communication. Those were some of the courses that are relevant amongst the course I actually took in social work, which I truly believe go hand in hand with the Mortuary Science program. I actually felt that I did more social work as a funeral director than I did as a social worker, in the social work field. I was actually not pushing papers, I was actually meeting with families and actually helping them get through one of the toughest days in their lives. So, I feel that I have the education requirements met that Florida requires.

During my apprenticeship, which was years ago, it was like class. When I met with families, I not only had to report to the Board of the fifty (50) families that I met with my master, but I was working over seventy (70) hours a week, as an apprentice, and that was just physically being in the building. We had seven (7) funeral homes, and I was going back and forth between multiple locations, with my master, and obviously training with other directors to get their approach as well. Let alone being on-call seven (7) days a week, 365 days a year, including holidays. So, I’ve done it, and that whole entire time I was with the Hanneman Family. But, when I would meet with those other families, I would still have to meet with Mr. Hanneman, in regard to what I learned from that arrangement conference, because as we all know in this profession, no family is ever the same. Everybody has different things that pop up. And so, we would talk and discuss what I learned from that family arrangement conference. Obviously, Mr. Hanneman went a little bit above and beyond, because he was in the process of phasing out for retirement and he was looking for someone to take over the family business. So, things that I was required to do outside of the apprenticeship was learning how the caskets were made at McCord Products, which is what they own and operate, in Bowling Green OH, but understanding the different gauges of caskets by meeting with representatives of Batesville. He actually required me to go to a floral shop and learn how to do assemble a casket spray, so that if something should happen during a visitation, when the florist is closed, I could assist the family with things like that.

Ms. Wiener – Mr. Billings, let me run through the requirements for the actual St. Pete program, and I'm going to ask you if you have taken the classes that are equivalent to these. Have you take three (3) communications and speech classes?

Mr. Billings – Yes.

Ms. Wiener – In the social and behavioral sciences, you have to have three (3) classes. Of course, you have a degree in that. Am I correct?

Mr. Billings – Correct.

Ms. Wiener – That is a four (4) year college degree?

Mr. Billings – Four (4) year college degree.

Ms. Wiener – You have to take Humanities and Arts, three (3) credits. Have you taken those?

Mr. Billings – Yes.

Ms. Wiener – How about Math?

Mr. Billings – Yes.

Ms. Wiener – How about Ethics?

Mr. Billings – Yes.

Ms. Wiener – Something entitled World View?

Mr. Billings – Yes.

Ms. Wiener – You have to take some financial and accounting classes.

Mr. Billings – Correct, which I did.

Ms. Wiener – You have done that. Are you literate? You have to take a class in computer literacy. Have you been able to?

Mr. Billings – I wasn't required in college to take a computer class, however, my years of experience working in my careers have given me that.

Ms. Wiener – You're required to take Anatomy, however, that's immaterial for your funeral director only. So how about business courses? Did you take any of those?

Mr. Billings – I took Intro to Business, yes.

Ms. Wiener – And you will take the Florida Laws and Rules, if licensed?

Mr. Billings – Correct.

Ms. Wiener – Infectious Diseases? I understand you already hold the certificate, in Florida.

Mr. Billings – Yes, continuing education.

Ms. Wiener – Yes, the CEU. Funeral Services Management?

Mr. Billings – I was a manager for Hanneman Family Funeral Homes for six (6) years, overseeing three (3) of their seven (7) funeral homes.

Ms. Wiener – Did you have funeral directors that reported to you directly?

Mr. Billings – Yes, I had two (2) funeral directors underneath me.

Ms. Wiener – On Funeral Direction, you’ve described your funeral directing training and education. Is there anything else about that that you would like to add?

Mr. Billings – In regard to the directions of the funeral home, obviously I planned, when I was working for Hanneman’s, I was in charge of all of the funerals that came through that door. Our average at-need was over 200 for the locations that I served in. Each one of those funeral services, whether it was a traditional or cremation, went through me. I oversaw each and every one of those services.

Ms. Wiener – Now, at St. Pete, you would also be required to take Embalming and Restoration. Were you to be pursuing the embalmer license, that would be relevant. However, I would posit it not relevant here. And then, of course, you have to take a professional practicum. For how long have you actually served as a licensed funeral director?

Mr. Billings – Since 2013. That’s when I became licensed.

Ms. Wiener – And your apprenticeship was how long?

Mr. Billings – Two (2) years. Twenty-four (24) months.

Ms. Wiener – I would submit to the Board that Mr. Billings has demonstrated that his training, as a funeral director, is substantially equivalent to that that would be required if he were to attend St. Pete and obtain his diploma from there.

Chair – Thank you. So, we tabled this for you to decide whether you wanted to move forward with the vote on denial or approval. What is your decision on that?

Ms. Wiener – There was actually no motion on the table when we tabled the matter, which I appreciate Mr. Helm withdrawing that. We would request that this Board approve Mr. Billings as a funeral director, given his training and experience and educational qualifications.

Chair – Thank you.

MOTION: Mr. Knopke moved to approve the application based on Mr. Billings’ training, experience and educational qualifications. Mr. Jones seconded the motion, which passed with two (2) dissenting votes.

Mr. Billings – Thank you very much.

Ms. Wiener – Thank you.

17. Request(s) to Renew License (Criminal History)

A. Recommended for Denial

(1) M. Maisano Mortuary Removal and Transport LLC (F159892)

Ms. Simon – The licensee submitted the renewal payment the Removal Service on December 3, 2018; however, the licensee answered yes to the criminal history question. In August 2018 Mr. Maisano was adjudicated guilty of Battery, Actual Intentional Touch, Strike and sentenced to probation for one year. This is an application for a removal service. The Division is recommending denial based on s. 497.141(5)(a), F.S. regarding criminal history.

Chair – Is there anyone representing M. Maisano Mortuary Removal and Transport that would like to come before the Board? Hearing none.

MOTION: Mr. Helm moved to deny the application based on s. 497.141(5)(a), F.S. regarding criminal history. Mr. Clark seconded the motion, which passed unanimously.

Mr. Knopke – Mr. Chair?

Chair – Yes sir, Mr. Knopke?

Mr. Knopke – Ms. Simon, he did get notification of the proposed denial.

Ms. Simon – No. We don't typically do that.

Ms. Richardson – Yes, he was told that he would be recommended for denial. It was difficult for him to get here, but he was going to try to make it.

Mr. Knopke – Notification was by phone or?

Ms. Richardson – By phone.

Mr. Knopke – Okay. Thank you.

Ms. Richardson – You're welcome.

Chair – Let me just look at something. Just a moment, please. Thank you.

18. Executive Director's Report
A. Operational Report

Ms. Simon – At this time, I will turn the meeting over to Ms. Schwantes, our Division Director.

Ms. Schwantes – Thank you. We have a few things to discuss today. As a result of a Department reorganization last month, the Division no longer reports to the General Counsel's Office. Instead, the Division now reports to Deputy CFO Jay Etheridge. Deputy CFO Etheridge is also responsible for overseeing the Department's Divisions which handle Workers' Compensation; Public Assistance Fraud; Investigative and Forensic Services.; and Fire Marshall functions. We are pleased to be part of this team and look forward to working more closely with all the Divisions which report to him, particularly as we consider our similar information technology needs and the systems which may provide common solutions in these areas. Deputy CFO Etheridge is present with us today. I hope that you all will have opportunity to meet him after this meeting if you have not already had a chance. As you all know, whenever we are in an area where I can bring staff in, I invite and encourage staff to come and sit in on the meetings. I have a couple of new people to introduce to you. Misty Burch is one of our licensing specialists. She started about six (6) months ago, here in Tallahassee, so she's not had an opportunity to attend one of these meetings before. Susan O'Connell is in an overlap position with Paul Rantuccio, as a Financial Administrator. Paul is also here. Paul is retiring at the end of March and we're really going to miss him.

Chair – Congratulations, sir. {APPLAUSE}

Ms. Schwantes – So, when Paul retires at the end of March, then Susan will take on full responsibility for the oversight of our licensing team, consumer services and of course our budget preparation, and other financial oversight. So, she'll have her hands full and has two (2) months to get used to that. Welcome everybody.

As a legislative update regarding this Session - the Department is in the process of finalizing its proposed legislation for 2019. As you know, we received a lot of input from industry representatives during our Public Workshops. As far as a wholesale rewrite of the Chapter 497, more time is needed than the Department had before this Legislative Session to fully review,

consider, and adequately address all of the issues which were discussed during the Public Workshops, as well as suggestions received following the workshops. But this is still being contemplated for the next Legislative Session. For this reason, any changes to Chapter 497 for this Legislative Session will be a part of the Department's overall bill, which is still in drafting. I have not yet heard when that will be filed or otherwise available for circulation. I know we've had a lot of inquiries on that. Again, we really want to thank everyone who attended the workshops or otherwise provided input - all suggestions which were received will be fully taken into consideration when we review more extensive changes to the Chapter which may be proposed in the future.

Next, I want to talk about Work & Son. In December, Department Counsel Marshawn Griffin and I gave an update on several matters involving the Work & Son owned licensees. The Department continues to monitor these matters very closely. Work & Son owns six (6) businesses, including three (3) licensed cemeteries - which are known as Royal Palm North (St. Petersburg), Royal Palm South (St. Petersburg) and Sarasota Memorial Park (Sarasota). Currently the Department has eight (8) pending legal actions involving these cemeteries. Administrative Complaints have been filed in these eight (8) cases. As before, it is not appropriate to go into detail on any of the administrative actions regarding these properties or discuss any specific matters which are not of public record. However, we continue to receive numerous complaints, and also media inquiries, regarding the cemeteries. In fact, you may have seen a news video on Sarasota Memorial Park which was published a few days ago in the Sarasota area. I want to again emphasize that all complaints received by the Division are investigated, even if the subject matters are also being addressed in other cases or investigations. It doesn't matter. If we get a complaint, we investigate it.

You will recall that Cliff Work and/or Work & Son are also involved in several non-regulatory actions, which involve arguments concerning the six (6) businesses, including a divorce proceeding and a Chapter 11 Federal Bankruptcy proceeding. On Friday, February 15th, there will be a hearing, more like a trial, in the Bankruptcy Court on several motions, including a motion by Keri Work (Cliff Work's wife) to dismiss the bankruptcy action and an alternative Motion for the Appointment of a Bankruptcy Trustee or Receiver. Department Counsel and several Division staff will be present at that hearing. As much as possible, we will continue to keep the Board updated as matters progress. I bring this again to your attention, because it is very public. It's a hot topic, if you will. In the meantime, as we got through the process, and as we continue to update you when we can, we would remind Board members to please refer any consumer or media inquiries they may receive on these matters to the Division for appropriate handling.

Mr. Helm - May I ask a question?

Ms. Schwantes - Yes? I may not be able to answer, but you can ask.

Mr. Helm - Well, you may not. Because we are getting a lot of questions from people, are you able to give them any answers whatsoever?

Ms. Schwantes - Answers as in? Can you be more specific?

Mr. Helm - The place looks terrible. What are we doing about it?

Ms. Schwantes - The thing that we can best encourage people to do is to file a complaint so that we can look at it on an investigation, and then as needed, pursue it through administrative actions through Legal and otherwise. We can't give them an automatic answer. We can't tell them that the mowing is going to occur next Thursday.

Mr. Helm - Okay. I'm just asking this so that everybody hears. So, are you allowed to tell anybody that we have eighteen (18) complaints we're dealing with right now?

Ms. Schwantes - I am not. Nor will I tell this Board that, because these matters might come before this Board in the future, on disciplinary matters. I would not want to prejudice this Board, even with a percentage. I could tell you the percentage of complaints, but I will not, because again, I would not want to prejudice this Board, and I'm sure Board counsel will advise the same way.

Mr. Barnhart - Hopefully, these cases will come before the Board.

Mr. Helm – I'm asking these questions so people hear.

Ms. Schwantes – I understand.

Mr. Helm – So they'll know why I can't answer them or somebody else, because I live in the area and work in the area.

Mr. Barnhart – The Administrative Complaints are public records. There are certain records that they could get copies of as public records, but we don't want to jeopardize any investigations if they are not yet public.

Mr. Helm – Do you want to continue to get complaints?

Ms. Schwantes – Yes sir. Absolutely. We encourage anyone who has a complaint to file a complaint and we will investigate it. Again, it does not matter if someone has complained that the same tree has fallen over and needs to be removed. It does not matter. Every complaint received will be investigated.

Mr. Helm – Thank you.

Mr. Knopke – Are the businesses open for business on a daily basis?

Ms. Schwantes – They are. Well the cemeteries, as I understand it, are. There might be one licensee that's not. I'm not positive about that.

Mr. Helm – Well, what are you considering open? Access to the cemetery?

Ms. Schwantes – My understanding is that the licensees are open for business. That's what I have heard, and I have to stop it at that point. Access has been an issue.

Mr. Knopke – Okay.

Ms. Schwantes – Let's just leave it at that.

Mr. Knopke – So, in regard to the funeral businesses, are there licensed directors, FDICs at those locations that are open? Funeral establishment locations?

Ms. Schwantes – As far as I know, yes, but it's not something that I've looked at specifically.

Mr. Knopke – Thank you.

Ms. Schwantes – Any other questions about Work & Son? And again, the reason why we bring up the eight (8) that we've talked about already is because they are already public, having gone through probable cause and the Administrative Complaints being filed. However, again, we are not talking specifics about any of those, even right now, before the Board, as these matters may still come before the Board for disciplinary action in the future. Okay. Included in your Board packets are two (2) letters that I want to bring to your attention as part of this report.

B. Misc. Correspondence to the Board – Barbara Leggett

Ms. Schwantes – Very briefly summarized, Ms. Leggett is a consumer whose complaint against licensee Charles Scalisi was investigated and closed for reasons not relative to the correspondence submitted. Mr. Scalisi's license was suspended by this Board in 2016 for three (3) years. Ms. Leggett's aunt had entered into a preneed contract with one cemetery in the 1990s, then purchased another preneed contract and cemetery plot from Charles Scalisi when her husband passed away around 2005. Ms. Leggett's aunt passed away in 2015. Ms. Leggat is interested in possible legislation to make sure that consumers don't face similar situations in the future regarding the duplicative purchase of preneed arrangements and property. To that end, she sent a letter to each Board member via email to this Division for our distribution to the Board members. I understand that she also sent the email to a few of the Board members at their employment emails, which she obtained from their company

internet sites. You will note that the letter refers to attachments. Those attachments are copies of her complaint and related documents. Upon advice of the Board Counsel, we have not included those attachments with the Board package, particularly as they involve matters which are not before this Board and should therefore not be considered. Basically, this is our manner of distributing this letter to all Board members, so that you all see it, not just the people who received it directly through their employment offices. Also, in distributing the letter in this fashion as part of the Board package for this meeting, the Department does not express an opinion as to Ms. Leggett's legislative proposals. Of course, if Board members have any interest in pursuing Ms. Leggett's proposal or similar proposals, please let us know. This is pretty much purely for informational purposes, but I had to explain the fact that the attachments were not included. If you have any interest in pursuing anything, let us know.

Schwantes, Mary

From: BARBARA LEGGETT <buchanan165@yahoo.com>
Sent: Sunday, January 06, 2019 2:59 PM
To: Schwantes, Mary
Subject: Florida Statute 497

Attention: State Registrar

TO WHOM IT MAY CONCERN:

Regarding Florida Statute 497.164 (2)

"The board shall regulate such solicitation to protect the public from solicitation which is intimidating, overreaching, fraudulent, or misleading; which utilizes undue influence; or which takes undue advantage of a person's ignorance or emotional vulnerability."

I have attached my records to support a consumer violation of Statute 497.164 (2). My relatives, Louis and Katherine Angelini had a pre-need contract with Sylvan Abbey. When her husband Lou passed away, (from a long illness) my Aunt Katherine called Charles Scalisi, who she thought of as a friend, from the Clearwater Italian American Club. Please refer to a Scalisi Family Christmas photo sent to my relatives, where my Aunt noted, "works in funeral home". Members of the Clearwater Italian American Club (including Charles Scalisi) were aware of their pre-need contract with Sylvan Abbey. When my Uncle passed, Mr. Scalisi used undue influence, advantage and my Aunt's emotional vulnerability to get her to purchase duplicate funeral services and cemetery property at "his" cemetery, hence not just "works at a funeral home"

I think one possible solution to avoid future consumer concerns of soliciting/selling of what would be duplicate cemetery property and funeral services would be to have the purchaser/buyer disclose such on a state approved contract and sign. Although understandably, under emotional vulnerability, the purchaser/buyer acknowledges the duplication.

As Board Members, I am seeking your assistance and input to prevent this type of situation from happening to others. Once I hear from you, I will make every effort to bring this to the attention of members of Florida government.

Thank you.

Barbara Leggett

Chair – Thank you.

C. Misc. Correspondence to the Board – Ken Jones

Ms. Schwantes – This letter relating to the redaction of portions of a decedent's social security number from the death certificates is included purely for informational purposes. Mr. Jones, do you have anything you wish to add regarding these new procedures?

Mr. Jones – It was effective the 5th. So, February 5th, we started this. If you're a funeral director, you're probably tired of seeing emails from my office, with my name on it, but we wanted to make sure everyone understood this is in accordance with the Department of Health's General Counsel saying that if you're not entitled to the manner and cause of death, you

should not give the entire social security number on a death certificate. With research from Tax Collectors, Clerk of the Courts, any other entities that we dealt with, the full nine (9) digits were not needed. If you got a copy without the cause of death, and as you well know, the Clerk of Courts and others prefer to file the death certificates without cause. So, without the full nine (9) digits, it should not be an issue. It should not affect your clients. If you have any issues, please contact me personally and I'll work with you. Thank you and I wanted to let the Department know. I think we've saturated the community with this.

Ms. Schwantes – We're trying.

Mr. Jones – Yes. Thank you.

Ms. Schwantes – Thank you.

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

January 16, 2019

Mary Schwantes
Division Director
Division of Funeral, Cemetery and Consumer Services

Dear Ms. Schwantes:

This is to inform you that the Florida Department of Health, Bureau of Vital Statistics will be redacting the first five digits of the decedent's social security number on the Certifications of Death issued from a Florida death record. This is in accordance with the Department's General Counsel's recommendation in compliance with §119.071 (5), Florida Statutes and will be effective February 5, 2019.

- Eligible applicants requesting the confidential cause of death portion of the death record will continue to receive the entire social security number with the cause of death information.
- Applicants that are not entitled or not requesting the confidential cause of death portion of the death record will only receive the last four digits of the social security number.

If you have any other questions regarding this matter, please contact me at (904) 359 – 6982 or Ana Gould at (904) 359 – 6900 ext. 1016.

Sincerely,

Ken Jones

Ken Jones
State Registrar/Bureau Chief

KTJ/mn

Cc: Jennifer Johnson

Florida Department of Health
Bureau of Vital Statistics
P.O. Box 210 • Jacksonville, FL 32231-0042
Phone: 904 • 359 • 6900
www.floridavitalstatisticsonline.com
FloridaHealth.gov



Ms. Schwantes – The next Board meeting will be a telephonic Board meeting on Thursday, March 7, 2019. The next in-person Board meeting will take place in Tampa, FL, on Thursday, April 4, 2019. This ends the Operation Report. Thank you, Mr. Chair.

D. Report: Payment of Disciplinary Fines and Costs

Ms. Simon – This is the report of the payment of disciplinary fines and costs. That is informational-only.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 February 7, 2019 Board Meeting
 Date of Report: January 22, 2019

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Reynolds Lampkins	12/6/2018	200645-18-FC	\$4,000	2/21/2019		D
Don Alan Moore	12/6/2018	196720-18-FC	\$4,000	1/14/2019	B	Paid in full
Don Alan Moore Licensed Funeral Director	12/6/2018	196721-18-FC	\$4,000	1/14/2019	B	paid in full
Elijah Bell	12/6/2018	222792-18-FC	\$1,000	2/2/2019	B	Paid in full
Elijah Bell's Funeral Services	12/6/2018	222794-18-FC	\$2,000	2/2/2019	B	Paid in full
Right Choice Cremations-Florida LLC, D/B/A Right Choice	Oct-18	216709-18-FC	\$1,750	11/22/2018	B	Paid in full
Denielle Daugherty	Oct-18	216670-18-FC	\$1,750	11/22/2018	B	Paid in full
A. When payment in full becomes past due, the FCS Division works with the DFS Legal Division to enforce payment. B. Once fines and costs are paid in full, licensee kept on this report 3 months, showing Paid in Full, and then dropped off report, also licensee dropped off report after disciplinary action filed due to nonpayment of the fine and costs. C. The Order to this case is still in process, as no Due date is not yet established. D. Due date has not passed, as of the date of this report. E. As of the date of this report, monthly payments were current.						

Chair – We did good on our collections.

Mr. Hall – May I ask a question of Ms. Wiener. Half of the CPTF claims are from Beaches. Do you know if we’re coming close to the end of this, as 50% of these are Beaches?

Ms. Wiener – I don’t know. They have not told me how they are on that, but I can inquire and let the Board know at the next meeting.

Mr. Hall – Just curious.

Chair – Thank you.

19. Chairman's Report (Verbal)

Chair – Again, I want to recognize the Board members who give unselfishly of their time, on the items coming before the Board. They’re always prepared and I never have to wonder if the Board members have done their homework, because you all come prepared and it’s evident, as we go through the Board agendas that you’re dedicated in serving in that role. It’s recognized and I appreciate you.

20. Public Comments (Verbal)

Ms. Simon – Are there any public comments that have not been previously expressed? Mr. Williams?

Bill Williams – Thank you. Bill Williams, with FSI. We've got a scheduling conflict with an upcoming Board meeting, in that a lot of us in the audience will be attending a national conference. We are pleading with the Board that if there is any way possible to change that one Board meeting, in April, to another date. Now I know it's not the easiest thing to do, but we've had this scheduling conflict now for two (2) or three (3) years in a row, and a lot of us will have to be there for that conference and would ask that you consider changing the Board meeting in April to another date.

Chair – That's the April 4th Board meeting in Tampa. I don't know what's been arranged or contracted for that Board meeting in Tampa, but I think we should be sensitive to that. I would certainly recommend that we explore perhaps changing that to the next week of April 11th. Mr. Knopke, would you be available on the 11th?

Mr. Knopke – I would.

Chair – And other Board members? I know it's short notice.

Mr. Knopke – And I would not be there the week of the 4th, to host, since I live there, because that's an ICCFA commitment.

Chair – Do we have a feel for that or a reaction?

Ms. Schwantes – As far as the Division is concerned, we would of course try to find another hotel or conference room with availability, but they do book up fairly far in advance, so we would have to look at that. But if it is the Board's wish to try to move the timing of that, we have plenty of time to get notice out on the relocation.

Chair – I was thinking about notice also.

Mr. Knopke – I would offer Curlew Hills Funeral Home, as a location, in Palm Harbor, right across the Bay, for the meeting that week.

Chair – Thank you.

Mr. Helm – Do we have to have it on Thursday? One day may not make a difference in scheduling, and we could stay at the same hotel.

Ms. Schwantes – Again, we would have to check into the hotel facility and see what's available. I do not believe that if we back out at this point on the conference room that we would have a charge, but again we need to look at that contract as well.

Chair – Ms. Simon?

Ms. Simon – Mr. Chairman, I had already surveyed the Board, regarding ICCFA and the only individual on the Board that was going to attend was Mr. Knopke, and that is why we haven't looked into this matter sooner, but now we will.

Chair – I would submit to you that perhaps some of the Board members said that they weren't attending because there was a Board meeting.

Ms. Schwantes – We'll certainly look into it, if it's the Board's desire.

Chair – Perfect.

Ms. Schwantes – We'll look into seeing what we can do to move it.

Chair – Let us know, as soon as you can, so we can adjust our schedules. I'm with Mr. Helm. It does not necessarily have to be on a Thursday. That's just been so customary. Perhaps we could move it up a day or two (2). Would that interfere with you?

Mr. Hall – If it’s up a day I’ll be out of town. I will only be back on that Wednesday prior to the meeting, so that I could attend the meeting. I just don’t know how I’ll get my information to study.

Ms. Schwantes – Mr. Chair?

Chair – Yes?

Ms. Schwantes – May I ask, since we’re looking at various dates and locations for this, could I ask each of the Board members to please let LaTonya Bryant know what dates you are not available, between April 1st and April 18th?

Chair – Thank you. We can do that. I think. Board, right? Okay. Any other comments?

Mr. B. Williams – Thank you for the consideration.

21. Office of Attorney General’s Report
A. Attorney General’s Rules Report

Mr. Barnhart – The updates to the report that you’re looking at, we have a lot of rules that are going to have effective dates of either February 20th or February 18th. For those who want to fill in some blanks on the chart, the adopted date is not particularly important, but the effective date on 1.003 and 1.004, the first effective date is February 20th, the next is February 18th. Page 2, effective date for 17.002 is going to be February 18th; 17.0030, effective date is going to be February 18th; the next three (3) rules listed there, 18.001, 18.002, 18.003, are going to have effective dates of February 20th. Page 3, the two effective dates above the disciplinary rule, 25.003 effective date should be February 18th; 27.001 effective date should be February 20th. That pretty much concludes my report. Where you see blanks for Notice Published, I believe these rules were open at the same time as most of these other ones and the thought was that the Veterans Bill might have affected these rules, but preliminary looks at is that we took care of all the rules that we needed to take care of because of the Veterans Bill, but I will be confirming that with Board staff, Mary and Ellen. We’re looking pretty good on Rules right now.

Chair – How do we stand with JAPC responses?

Mr. Barnhart – All current.

Chair – All current?

Mr. Barnhart – Yes sir.

Chair – Okay. Good.

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

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-1.003	Miscellaneous Fees; Name Changes and Duplicate Licenses	12/6/2018	6/11/2018 (RD) 12/21/18 (RN)	6/19/2018 Vol. 44/119	12/31/18-Vol. 44/252		
69K-1.004	Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions	12/6/2018 (voted to repeal)	6/11/2018 (RD) 12/20/18 (RN)	6/19/2018 Vol. 44/119	12/28/18-Vol. 44/251		
69K-1.005	Licensure Application Procedures		6/11/2018 (RD)	6/19/2018 Vol. 44/119			
69K-5.003	Application for Preneed Sales Agent License and Appointment		6/11/2018 (RD)	6/19/2018 Vol. 44/119			
69K-5.012	Application and Renewal Procedures for Broker of Burial Rights License		6/11/2018 (RD)	6/19/2018 Vol. 44/119			

69K-11.001	Disciplinary Guidelines and Penalties for Cemeteries, Preneed Sales, and Monument Establishments	10/4/2018 (voted to repeal)	10/19/2018 (RN)		10/29/2018 - Vol. 44/211 11/13/2018-JAPC letter rec'd 11/15/2018-Notice of Correction-Vol. 44/223 11/19/2018-JAPC response	12/3/2018	1/1/2019
69K-11.002	Minor Violations and Notice of Non-Compliance for Cemeteries, Preneed Sales, and Monument Establishments	10/4/2018 (voted to repeal)	10/19/2018 (RN)		10/29/2018 - Vol. 44/211 11/13/2018-JAPC letter rec'd 11/15/2018-Notice of Correction-Vol. 44/223 11/19/2018-JAPC response	12/3/2018	1/1/2019
69K-11.003	Citations for Cemeteries, Preneed Sales, and Monument Establishments	10/4/2018 (voted to repeal)	10/19/2018 (RN)		10/29/2018 - Vol. 44/211 11/13/2018-JAPC letter rec'd 11/15/2018-Notice of Correction-Vol. 44/223 11/19/2018-JAPC response	12/3/2018	1/1/2019

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-17.002	Application Fees; Licensure by Endorsement for Embalmers and Funeral Directors	12/6/2018	6/11/2018 (RD) 12/20/18 (RN)	6/19/2018 Vol. 44/119	12/28/18-Vol. 44/251		
69K-17.003	Fees	10/4/2018	6/11/2018 (RD) 10/19/2018 (RN)	6/19/2018 Vol. 44/119	10/29/2018 - Vol. 44/211 11/13/2018-JAPC letter rec'd 11/26/2018-JAPC response	12/4/2018	12/24/2018
69K-17.0030	Direct Disposer/Establishment; Fees	12/6/2018	6/11/2018 (RD) 12/20/18 (RN)	6/19/2018 Vol. 44/119	12/28/18-Vol. 44/251		
69K-18.001	Embalmer Intern Training Program	12/6/2018	6/11/2018 (RD) 12/21/18 (RN)	6/19/2018 Vol. 44/119	12/31/18-Vol. 44/252		
69K-18.002	Funeral Director Intern Training Program	12/6/2018	6/11/2018 (RD) 12/21/18 (RN)	6/19/2018 Vol. 44/119	12/31/18-Vol. 44/252		
69K-18.003	Concurrent Internships	12/6/2018	6/11/2018 (RD) 12/21/18 (RN)	6/19/2018 Vol. 44/119	12/31/18-Vol. 44/252		
69K-25.001	Licensure by Endorsement; Embalmers		6/11/2018 (RD)	6/19/2018 Vol. 44/119			
69K-25.002	Licensure by Endorsement; Funeral Directors		6/11/2018 (RD)	6/19/2018 Vol. 44/119			

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-25.0025	Licensure by Military Experience; Funeral Directors, Embalmers, and Direct Disposers; Licensure Renewals of Spouses of Armed Forces Members	10/4/2018	10/19/2018 1/3/2019 (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		
69K-25.003	Licensure as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Practice Limitations; Expiration	12/6/2018	6/11/2018 (RD) 12/20/18 (RN)	6/19/2018 Vol. 44/119	12/28/18-Vol. 44/251		
69K-27.001	Embalmer Apprentice Program	12/6/2018	6/11/2018 (RD) 12/21/18 (RN)	6/19/2018 Vol. 44/119	12/31/18-Vol. 44/252		
69K-30.001	Disciplinary Guidelines and Penalties for Funeral Directors and Establishments, Embalmers, Removal Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities	04/05/2018	03/24/2017 (RD) 04/06/2018 (RN) 07/05/2018 (Notice of Change) 08/02/2018 (Notice of Change)	04/14/2017 Vol. 43/73	4/16/2018 – Vol. 44/74 5/4/2018 JAPC letter rec'd 5/16/2018 JAPC response 05/25/2018 Notice of Correction – Vol. 44/102 7/3/2018 JAPC response 7/10/2018 JAPC letter rec'd 7/12/2018 Notice of Correction – Vol. 44/135 7/12/2018 Notice of Change – Vol. 44/135 7/12/2018 JAPC response 8/13/2018 Notice of Change – Vol. 44/157	9/11/2018	1/1/2019

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-30.0021	Minor Violations and Notice of Noncompliance for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities	10/4/2018 (voted to repeal)	03/24/2017 (RD) 10/19/2018 (RN)	04/14/2017	10/29/2018 - Vol. 44/211	12/3/2018	1/1/2019
69K-30.003	Citations for Funeral Directors and Establishments, Embalmers, Removal Services, Refrigeration Services, Direct Disposers and Establishments, and Cinerator Facilities (30.003)	10/4/2018 (voted to repeal)	03/24/2017 (RD) 10/19/2018 (RN)	04/14/2017	10/29/2018 - Vol. 44/211	12/3/2018	1/1/2019

22. Administrative Report

The information was provided on the Agenda.

23. Disciplinary Report

The information was provided on the Agenda.

24. Upcoming Meeting(s)

- A. March 7th (Teleconference)
- B. April 4th (Tampa – Embassy Suites by Hilton Tampa Airport Westshore, 555 North Westshore Boulevard)
- C. May 2nd (Teleconference)
- D. June 18th (Orlando – Rosen Plaza Hotel, 9700 International Drive)
- E. July 11th (Teleconference)
- F. August 1st (Tallahassee – TBA)
- G. September 5th (Teleconference)
- H. October 3rd (St. Petersburg/Pinellas Park – St. Petersburg College, Health Education Center, 7200 66th St. N)
- I. November 7th (Teleconference)
- J. December 5th (Jacksonville – Embassy Suites by Hilton Jacksonville Baymeadows, 9300 Baymeadows Road)

25. Adjournment

Chair –Board member, anything for the good of the cause? Mr. Knopke?

Mr. Knopke – One last question, and I will direct this to Ms. Simon or Ms. Schwantes for the Department. Two (2) months ago at that in person Board meeting that I inquired about the Archdiocese of St. Petersburg provided the backup paperwork that I had asked for previously that they had said they were going to give when they came back for approval of the second phase. Has the Department ever received it?

Ms. Wiener – I’m not exactly sure why the Zoning Board and the engineer who’s trying to obtain said letter cannot talk to each other the right way, but the engineer believes that he has all of the zoning that is necessary, but I don’t have a letter in language that I think that the Board is looking for that says unequivocally this is zoned this way, so we are still working toward that. We touch it every week or so and connect with them, so as soon as it comes it will come.

Mr. Knopke – And you remember what my concern was. On the southside of the road where they have opened up that wasn’t in the original presentation. They may well own the land but the master plan was on the northside of the road and the development occurred on the southside, as I recall. I just want to make sure. I know they own it, but is it a part of what was originally approved? Because it didn’t look like that.

Ms. Wiener – You are correct. It is along the thirty (30) acres. It is not part of the original two (2) acres they thought they were going to develop. So, yes, it is in that whole area. They decided to develop a different two (2) acres for their initial two (2) acres and they know not to sell or do anything. They weren’t intending to sell anytime soon anyway. We’re still in a holding pattern with that but it is on our list.

Mr. Knopke – Thank you.

Ms. Wiener – Thank you.

Chair – Thank you, Mr. Knopke.

The meeting was adjourned at 1:21 p.m.