MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
April 18, 2019 - 10:00 A.M.
Embassy Suites by Hilton Tampa Airport Westshore
555 North Westshore Boulevard
Tampa FL 33609

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 April 18, 2019. We're in Tampa FL. I want to call this meeting 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 April 18, 2019, and it is 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 Tampa FL, at the Embassy Suites by Hilton Tampa Airport Westshore. 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 **{ABSENT}**
James "Jim" Davis **{ABSENT}**
Lewis "Lew" Hall
Powell Helm
Ken Jones
Darrin Williams

Also noted as present:
Tom Barnhart, Board Legal Advisor
James "Jim" Bossart, Department Counsel
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Gene Brimmer, Department Field Staff

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

Chair – Thank you. Board members, one of the important functions that are done and presented to the Board are the works and the findings of our Probable Cause Panels. Today, I thought I would recognize those people that are on the Probable Cause Panels that are in attendance. Jean Anderson, thank you so much for your work on that. Keenan Knopke, again, thank you so much. A person that you don't see every meeting, but he works diligently on the Probable Cause Panel, I want you to meet Richard Chesler. Stand up, Richard. Thank you for your work on the Probable Cause Panel. It's recognized and exceptional.

Many years ago, there was a person with a vision. A vision that permeated throughout the State of Florida. His vision was to build a network of associate funeral homes in the State of Florida that could repatriate those from out of state back to their home towns. With the influx of tourists visiting Florida and those moving from their hometowns to Florida, of course there are a lot of those people that when the time came, needed to be sent back to their hometowns. This person was such an out of the box thinker that he developed this network in Florida and it was something that had never been done. He has owned five (5) funeral homes and two (2) crematories in three (3) distinct areas of Florida: South Florida, the Tampa Bay area, and the

Central Florida area. I want to recognize a person who has been a licensed funeral director and embalmer in the State of Florida for sixty-two (62) years. Fred Richardt, would you please stand? {Applause} Thank you for your service to the profession. It's well recognized throughout the profession. He continues to operate two (2) funeral homes in the Kissimmee area. Thank you, Fred.

Fred Richardt – Thank you, Jody.

2. Action on the Minutes

A. March 7, 2019

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

3. Disciplinary Proceedings

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

(1) Probable Cause Panel A: Related Cases (Division No. ATN-22748)

(a) Manker Funeral Home: Case No. 200632-16-FC; Division No. ATN-27748 (F041821)

Ms. Simon – Mr. Bossart will be representing the Department in this matter.

Mr. Knopke – Mr. Chair, I am on Probable Cause Panel A and will not participate.

Chair – Thank you. Neither in discussion nor voting?

Mr. Knopke – Neither one.

Chair – Thank you.

Mr. Bossart – Mr. Chairman?

Chair – Mr. Bossart?

Mr. Bossart – Thank you, sir. My name is Jim Bossart and I'm here on behalf of the Department of Financial Services. The case before you is Manker Funeral Home: Case No. 200632-16-FC. The material has been scheduled for informal hearing to consider the attached Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues in Material Facts. On February 7, 2019, an Administrative Complaint was filed against Manker Funeral Home (Respondent). A true and correct copy of the complaint was attached as Exhibit A to the Motion for Determination of Waiver. The Department successfully obtained service of the complaint on the Respondent by certified mail on February 11, 2019. A true and correct copy of the postal delivery receipt is attached to the Motion as Exhibit B. On or about March 1, 2019, Respondent timely filed and Election of Proceeding. A true and correct copy of the Respondent's Election of Proceeding Form is attached as Exhibit C. The Respondent requested proceeding be conducted in accordance with ss. 120.57(2), F.S., 497.153(4)(b), F.S. Respondent's indicated a desire to submit a written statement of documentary evidence to the Board, in lieu of a hearing, which he has done. The Respondent did not dispute any of the factual allegations contained in the Administrative Complaint and has requested that the proceeding be conducted in accordance with ss. 120.57(2), F.S., 497.153(4)(b), F.S. The Respondent has submitted its statement into evidence. A copy of this memo along with a copy of a Motion for Determination of Waiver for Final Order by Hearing Not Involving Disputed Issues in Material Fact have been sent by US Mail to the Respondent. The Department believes that it is appropriate at this time for the Chair to entertain a motion adopting the allegations of the Facts as set forth in the Administrative Complaint as true.

Chair – Is there a motion?

MOTION: Mr. Frank Bango moved to adopt the allegation of the facts as set forth in the Administrative Complaint. Mr. Helm 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. Darrin Williams 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 assessed a fine of $2500, which is the maximum allowed under the penalty guidelines. Also, there's been some discussion, you'll notice, in the investigation packet, with the Division staff asserting Mr. Manker's age and his competency or his mental state. The Department would suggest, while we couldn't file an Administrative Complaint based solely on that, that perhaps it would be appropriate for Mr. Manker not to serve as a funeral director in charge and that a condition be imposed that he could not be an FDIC and must hire a full-time FDIC to run the premises full-time. It's merely a suggestion.

Chair – Ms. Simon?

Ms. Simon – Is anybody here representing the licensee? From Manker Funeral Home or for William Manker? Thank you. Hearing no response. Mr. Barnhart, in a case of this nature where there are four (4) to five (5) counts on the Administrative Complaint, is the maximum fine $2500 or is it $2500 times the number of counts on the Administrative Complaint?

Tom Barnhart – Each count would have a maximum fine…

Ms. Simon – Of $2500?

Mr. Barnhart - …or range of fines. A separate action against the individual would not be proper in this case, because it's against the funeral home. Possible the second case against the individual, but this is against the funeral home.

Chair – Board, I know you've had a chance to review this. What's disturbing is the number of violations and the types of violations and he fact that there was probation for some of the same violations within the past couple of years. I know that we take the repeated violations under consideration and I ask that you deliberate knowing that the violations are serious.

Mr. Bossart – I feel it's fair to Mr. Manker to point out that he appears to be compliant as of now.

Chair – Thank you. Remember this is for the funeral home license and the next case coming before us is his individual license.

Lew Hall – Mr. Chair, if I could ask of Mr. Barnhart? So, at this point, you don't want to address the issue that we've discussed as for him hiring another funeral director under the funeral home side or his personal license? Does that fall under the funeral home?

Mr. Barnhart – In this particular case, we should just look at the Administrative Complaint for this particular case and address those alleged violations, which have already been accepted by the Board as an informal. As far as penalties, you do have aggravating and mitigating circumstances in your disciplinary rules. I don't know that there's been in discussion in the written file about any aggravating circumstances that might apply. You do have that option about finding specific aggravating circumstances which would allow you to go beyond the usual discipline in a case like this. Then you've got a second category of second or subsequent offenses, and we know it's not just the first offense, so you have those parameters to work through, too.

Ms. Simon – If I may?

Chair – Ms. Simon?

Ms. Simon – I think that it would be appropriate, in terms of the funeral establishment, and Mr. Barnhart will stop me if it's not, to lay out the fact that they have another funeral director in charge on record right now.

Mr. Hall – Oh, they do?

Ms. Simon – They do. I looked it up before I came here. While I haven't checked with Mr. Barnhart, I don't know that the funeral director in charge is actually working at the facility, but I know they do have a funeral director in charge of the record.

Mr. Hall – So, can we make that requirement, Mr. Barnhart, that the funeral director in charge be actively working a full-time schedule?

Mr. Barnhart – If it's in accordance with your statutes. I understood that the FDIC does not have to be on the premises any certain amount of time. It's just that they have to be responsible for everything that happens.

Mr. Hall – My concern is that Mr. Manker's the only funeral director there now. So, if we're concerned about his capability of dealing with the public, at this point, that leaves no one else but the FDIC right now.

Mr. Barnhart – Mr. Manker's alleged inability to carry on as an FDIC or funeral director at the premises, I don't think that's part of the Administrative Complaint, but if you could require the FDIC to be on the premises any certain amount of time in accordance with your statutes, I think that would be appropriate. Or if you could order that as part of any probation that you might order in this case.

Mr. Hall – Or just require a licensed funeral director. If they want to hire someone else other than the FDIC, to be on the premises on a full-time basis.

Mr. Barnhart – But, Mr. Manker is licensed, correct?

Mr. Hall – It's my understanding that he still is.

Mr. Barnhart – I don't think we can tell just from this proceeding whether he's capable of performing or not. I'd have to have some medical testimony from an expert.

Chair – Mr. Jones?

Mr. Jones – I noticed on the findings, it said that they were on probation, September 2016. When did they come off of probation?

Ms. Simon – Before the allegations in this matter.

Mr. Jones – Have they been off a year?

Ms. Simon – Over a year.

Mr. Jones – Over a year? Thank you.

MOTION: Mr. Hall moved for a fine $2500 per each of the four (4) counts.

Chair – Is that that the totality of your motion?

Mr. Hall – I would like to have someone on the premises 24 hours, but they're saying we can't do that without medical witnesses.

Ms. Simon – I'm not certain that if you ask, and I apologize Mr. Chairman, for a period of probation and during that period of probation make it a condition that there be, in terms of licensed staff, I'm not sure if that would be permissible. Mr. Barnhart?

Mr. Barnhart – I think if you order that in your probation, if you order probation, that would be a reasonable condition.

Mr. Hall – So if we added a two-year probation to that and request it for that period, do you think that's appropriate, Mr. Barnhart?

Mr. Barnhart – I think you would have to specifically say exactly what condition that would be as far as the probation. You'd be able to put that separately in the probation terms so they'd know exactly what they'd have to do.

Mr. Hall – And do you want that to be from a medical expert? That exam? Or how would you want that done?

Mr. Barnhart – I don't think it has to be. I think the record shows that they need more supervision and more responsible supervision. I think that would be an appropriate condition without any medical testimony. Based on the inspections that you've had, you've had several inspections, and through the years they've had problems, but I understand now that they've been corrected.

Ms. Simon – The problems that were listed on the initial charges have been corrected. We still have, what appears from the last inspections, problems with the staff, as Mr. Barnhart mention. Mr. Hall, for the sake of any future motion, there are four (4) counts in the Administrative Complaint.

Mr. Hall – That's what I said. $2500 for each of the four (4) counts. That's what I'm referring to.

Chair – How do you correct the factual evidence that there's been preneed sold over the years without being licensed to sell preneed? How do you correct that and be in compliance now? How do you correct that?

Ms. Simon – Mr. Chairman, from a legal standpoint, I believe, while the other case may have contained allegations regarding selling preneed in the Administrative Complaint or any charging document, in this case, the Administrative Complaint that was filed does not contain any allegations to that fact.

Mr. Bossart – I believe we reinvestigated the preneed funeral contracts. That was one reason why the case took so long. It came up as a dry hole. We couldn't verify or ascertain any of them, because of the age, and lack of witnesses.

Chair – What was it I read in part of the record that they went out to a shed and produced old files that indicated that there were preneed files written?

Ms. Simon – That was correct that there were preneed arrangements were found that were absolutely written and our investigators did gather those. However, when we went to contact the consumers, as requested by the prosecution, we were unable to reach them due to the age of those contracts, which is why that count was not alleged in the Administrative Complaint.

Mr. Jones – Were those written after the 2016 or during that 2016 investigation for selling preneed?

Mr. Bossart – Prior to 2016. Very much prior, thirty (30) years.

Mr. Jones – Thank you.

Ms. Simon – There were some more recent.

Mr. Hall – Question, Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – Some of the records showed that he had referred them to a local bank to set money aside for their preneed. Was that pre-2016, also or during the probation period?

Ms. Simon – I'm not certain. I think there may have been one (1) contract that was during that time, but the rest were all pre-2016.

Mr. Hall – Okay.

Ms. Simon – I understand the concerns that you may be having. If you want to deviate more, Mr. Barnhart had mentioned the aggravating or mitigating factors, but besides for that what the guidelines call for are the fine and a period of probation during which time you can make the conditions that you prefer, as part of motion, if not including aggravating circumstances.

Mr. Hall – I'm still concerned what the State's going to allow on the FDIC. We say there's a new one there. I wasn't aware of that, but if you're saying he's not required to be there and he's not going to be the director that's meeting families, who is seeing the families? From past experience in the records here, it doesn't appear that he has the ability to do that or manage the facility, etc., Mr. Manker. I don't know about the person's experience who he has in place now. Who's actually seeing the public and caring for the public?

Chair – My concern is protecting the public, protecting the citizens of Florida, after time and again having evidence come before this Board that there are deficiencies and that the Board take action to assure that the public is protected, and some type of closure or a suspension of the funeral establishment license. Nothing else we've done has really gotten their attention. I know that we have a motion before us for a $2500 fine on each of the four (4) counts, so that's where we stand right now.

Mr. Hall – Was there consideration on the State's part for suspension or revocation in this case?

Mr. Bossart – No sir.

Mr. Hall – No. Does it fall within the guidelines?

Ms. Simon – Again, it falls within the guidelines only if you cite to aggravating factors that Mr. Barnhart would cite as to what constitutes an aggravating factor. With aggravating factors, you can, but without aggravating factors, you can do the most of $2500 per count as well as probation. Under the disciplinary guidelines it says that you can do suspension until compliant, but that wouldn't factor in here because the issues that have been mentioned in the Administrative Complaint had been corrected at the last time we conducted an inspection. So, if you don't want to stick with that you would need to cite to aggravating factors on the record. Mr. Barnhart?

Mr. Barnhart – I think suspension should be considered in cases where the licensee is unwilling or unable to correct the violations, but as I understand it here, even though we've had a lot of violations alleged and apparently, they were committing, especially the preneed over a period of time, preneed is not a part of these cases apparently. It sounds like everything, except for more supervision on site, has been complied with. It doesn't sound like there's compelling facts that would warrant suspension, in my opinion.

Chair – I call the Board members' attention to the litany of violations starting on page 53 of your electronic copy. Violation after violation to page sixty-eight (68). There's violations listed, the comments and then the next violation and comments, and on and on.

Mr. Jones – Mr. Chair, on page 33 of 238 of the electronic file. The inspector noted that Mr. Manker could not comprehend the request made by the examiner. So, the examiners are stating that they're in a sit down to talk about the issues with him as the FDIC, but he couldn't understand what they were talking about. That is noted on page 33.

Chair – I know that we all pray for the Wisdom of Solomon and we all want to do the right thing. So, at this point in time, we have a motion that includes $2500 fine on the four (4) counts, for a total of $10,000. Is there a second?

Mr. Helm – Would Mr. Hall like to add anything to his motion? That's what I was wondering.

Mr. Hall – I think probably a two-year probationary period. My understanding is if he does not pay these fines, there's going to be an automatic suspension anyway. Correct?

Ms. Simon – If you also ask that the fines be paid within thirty (30) days, then if those fines aren't paid we would pursue administrative action to suspend the license.

Mr. Hall – Good. Let's do two-year probation period and thirty (30) days to pay the fines.

Ms. Simon – If I may? Do you have any conditions of the two years of probation?

Mr. Hall – I'm still wrestling with Mr. Barnhart's explanation on what we can do with funeral director. Like Mr. Brandenburg, my concern is public interest and I don't think there's any guidance or supervision here at this facility. I don't know who the new person is. I wish there was someone here from the establishment to testify.

Mr. Helm – If I understood Mr. Barnhart, that needs to be taken care on the next case, or on this case?

Mr. Barnhart – Well, as far as the individual, the next case, but as far as the funeral home, if there's something that you can come up with to put in the probation there that would help and be reasonable, I think we could put it in the funeral home's probation.

Mr. Helm – So Mr. Hall could put in his motion, two-year probationary period plus better supervision?

Mr. Hall – Provide evidence of a licensed funeral director and embalmer being on staff? Could we request that evidence?

Mr. Barnhart – As I understand it, that's already been done.

Mr. Hall – We're saying that's the FDIC.

Ms. Simon – Mr. Barnhart, if I may? If there was research done as to the new FDIC and that's not in the record, can it still be stated during this meeting?

Mr. Barnhart – Everybody can have the same amount of information, but I would recommend that it not be brought up unless it's in the record. The way I look at it too, couldn't you do more inspections and if there is a continued problem about supervision or people being on the premises to counsel families, couldn't you deal with it then?

Ms. Simon – A suggestion, Mr. Hall? Perhaps, as a condition of your two-year probation is that there is a full-time funeral director and embalmer on staff other than Mr. Manker. I don't know if you can do that, but that may be more oversight for what you're looking for.

Mr. Hall – What would the Division be comfortable with on these inspections? How often? Three (3) months? Six (6) months?

Ms. Simon – You understand the type of staff that we have, the limitations we have, Mr. Hall.

Mr. Hall – Right.

Ms. Simon – I apologize for that. We can go out. We don't need to have authority to go out as often as we please. The problem is to have the staff to do that.

Mr. Hall – If memory serves me, on the last appearance here before the Board, we requested the requirement of two (2) staff members to be on these inspections because of issues we had there onsite.

Ms. Simon – Yes sir.

Mr. Hall – So that ties up more of our people.

Mr. Barnhart – I would think that you'd want to put this funeral home near the top of your list for continual inspections to make sure they're complying with everything. You're not going to have to spend time on inspecting homes that are impeccable. You'd only need to look at those so often, but of the ones you know have had problems, I think it's natural to do more inspections to make sure these things are going properly and the public's being served.

Chair – Mr. Hall, would you repeat your motion or are you still working on it, sir?

Mr. Hall – I moved for a fine $2500 per each of the four (4) counts, two-year probationary period during which time the Division has the right to inspect to confirm there is a licensed funeral director and embalmer onsite to care for families. That does not have to be the FDIC, correct?

Ms. Simon – No, but just so you know that by stating that, Mr. Manker would qualify.

Mr. Hall – Well, are we able to say someone other than Mr. Manker? Can we do that? Not without the medical test?

Mr. Barnhart – Do we know what number of hours that the FDIC is spending at the business? Is it no time at all? Is that in the record at all?

Ms. Simon – There is no legal requirement that an FDIC be on staff. Just that they are accountable for the actions that occur in the funeral home. We have no reason to believe that the FDIC is at the facility at all or we do not believe either way.

Chair – You could say that during the two-year probationary period that there be inspections every six (6) months.

Mr. Barnhart – The Division can inspect any time.

Chair – With a minimum, because if you say any time, it may not get inspected.

Mr. Barnhart – That would be on the Department, and you wouldn't want to say once every six (6) months because then they'd be handcuffed.

Chair – At a minimum.

Mr. Barnhart – I believe the Department would be comfortable with that.

Chair – We need inspections. Perhaps we need more inspectors, because if we don't have inspectors enough to focus on violations of this type…

Ms. Simon – Mr. Brandenburg, we do have inspectors, you know that, but we also have constraints on our budget in terms of how many inspectors we can hire. In this particular matter, we can do more inspections, but as Mr. Hall pointed out, we need two (2) inspectors to inspect this facility. One (1) person cannot go out by themselves, based on previous discussions, and the mere oversight by the Department, we can do that. It's just I don't know that that does the protections that you're talking about.

Mr. Hall – Mr. Barnhart, if I may, if we leave this in this motion, the licensed funeral director and embalmer, of course which is required anyway to be on staff, and we address the issue with the medical issues that we think are involved on the individual side of his funeral director's license, are we able to address that there?

Mr. Barnhart – Once again, I don't think the evidence would be in the record that he's not capable of performing his job.

Mr. Hall – Are we able to ask for that and require that due to the information that's been gathered in the past on past inspections? We've got examiners saying that he doesn't understand, he doesn't comprehend. We had issues in the past which requires us to send two (2) inspectors instead of one (1). Inappropriate actions have been there onsite. With those actions that have taken place, can we request that for this licensee's license to have an examine and provide to the Division?

Mr. Barnhart – Is there anything in the statute that authorizes the Board or the Department to have someone undergo a physical or mental examination? If you don't have any authority under the statute, I don't know what you could do other than making sure that they comply with everything and do periodic inspections. If you don't have the authority to do that under the statute…

Mr. Hall – Okay. With not being able to do that, I'm still going to say the $2500 per count and the two-year probationary period. I don't know if we want to list anything or if the Division wants anything listed. You have the right to inspect any time you want anyway, so I don't know if that's necessary.

Chair – Does everybody understand the motion? There's a motion before us.

Mr. Helm – Second.

Chair – And there's a second. Mr. Barnhart?

Mr. Barnhart – The two-year probationary period is still on your motion, right?

Mr. Hall – Yes.

Mr. Barnhart – Is that with the usual terms and conditions that we would normally put under our rule?

Mr. Hall – Yes sir.

Mr. Barnhart – Okay.

Mr. Hall – So again, my understanding is if he doesn't pay the $2500 then he's going to be suspended anyways. He has thirty (30) days to pay.

Mr. Barnhart – If he doesn't pay the fines timely then I think it's got to go back to Probable Cause.

Ms. Simon – Actually, no. What happens is, and it isn't $2500 it's $10,000. The Department has the authority to take emergency action without going to Probable Cause so it doesn't need to go through that.

Mr. Helm – Doesn't the thirty (30) days have to be in your motion?

Mr. Hall – Yes. Did I not put that on there?

Mr. Barnhart – Thirty (30) days to pay the fines?

Mr. Hall – Yes.

Chair – That's the usual terms. So, we have a full understanding. We have a motion and we have a second. All those in favor, aye?

Board members – Aye.

Chair – And any opposed. That motion carries. Thank you, Mr. Bossart.

(b) Manker, William E.: Case No. 200600-16-FC; Division No. ATN-27748 (F043671)

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

Mr. Bossart – Mr. Chairman?

Chair – Please.

Mr. Bossart – This is Jim Bossart again. The case before you now is William E. Manker: Case No. 200600-16-FC. The material has been scheduled for informal hearing to consider the attached Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues in Material Facts. William E. Manker is a licensed funeral director and embalmer licensed under Chapter 497, F.S., license number F043671. Respondent is the owner and FDIC of Manker Funeral Home (F041821) doing business in Miami FL.

On February 7, 2019, an Administrative Complaint was filed against Respondent. A true and correct copy of the complaint is attached to the Motion as Exhibit A. The Department successfully obtained service of the complaint on the Respondent by certified mail on February 11, 2019. A true and correct copy of the postal delivery receipt is attached to the Motion as Exhibit B. Respondent timely filed and Election of Proceeding on March 1, 2019. A true and correct copy of the Respondent's Election of Proceeding Form is attached as Exhibit C.

The Respondent requested proceeding be conducted in accordance with ss. 120.57(2), F.S., 497.153(4)(b), F.S. Respondent's indicated a desire to submit a written statement of documentary evidence to the Board, in lieu of a hearing. The Respondent does not dispute any of the factual allegations contained in the Administrative Complaint. A copy of this memo along with a copy of a Motion for Determination of Waiver for Final Order by Hearing Not Involving Disputed Issues in Material Fact have been sent by US Mail to the Respondent. The Department believes that it is appropriate at this time for the Chair to entertain a motion adopting the allegations of the facts as set forth in the Administrative Complaint.

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

Mr. Bossart – The Department 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. Hall moved to find Respondent in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Helm 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 exists at your pleasure. Whatever the Board determines is the appropriate penalty for Mr. Manker.

Chair – I do note that there are four (4) counts in the Administrative Complaint.

Mr. Knopke – Mr. Chair, just for the record, I need to continue to be recused on this case as well.

Chair – Thank you. Anything else, Mr. Bossart?

Mr. Bossart – No sir. That's it.

Chair – Again, is there anyone here representing William Manker? Anyone here? Hearing no response. Board, what's your pleasure.

Mr. Helm – Are there the same amount of counts on this one?

Ms. Anderson – Yes, four (4).

MOTION: Mr. Hall moved for a fine of $2500 per count due in thirty (30) days, and a two-year probationary period. Ms. Anderson seconded the motion, which passed unanimously.

Chair – Thank you, sir.

Mr. Barnhart – Board members, I just want to bring to your attention the disciplinary grounds under s. 497.152(1)(b), F.S. I'm sure you're familiar with the first part of it, *"Committing fraud, deceit, negligence, incompetency, or misconduct in the practice of any of the activities regulated under this chapter."* That's one of the grounds for bringing disciplinary action and (c) is, *"Failing while holding a license under this chapter to maintain one or more of the qualifications for such license."* So, there are things that you have in the statute that on a full-scale investigation you could possibly bring a case like this back with different charges that you might be able to do some more with. I just wanted to point that out.

Mr. Helm – For the future?

Mr. Barnhart – Yes.

Chair – Thank you.

4. Application(s) for Preneed Sales Agent

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

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

5. Application(s) for Continuing Education Course Approval

A. Recommended for Approval without Conditions – Addendum B

(1) Education Workers Group (11208)
(2) Elite CME, Inc (113)
(3) Florida Cemetery, Cremation & Funeral Association (75)
(4) Funeral Service Academy (23408)
(5) FuneralCE (43)
(6) Independent Funeral Directors of Florida, Inc. (135)
(7) Kates-Boylston Publications (29810)
(8) LifeNet Health of Florida (22608)
(9) National Funeral Directors and Morticians Assoc., Inc. (15608)
(10) National Funeral Directors Association (136)
(11) New Jersey Funeral Service Education Corp. (7002)
(12) SCI Management - Dignity University (99)
(13) Selected Independent Funeral Homes (137)

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

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

6. Application(s) for Approval as a Continuing Education Provider

A. Recommended for Approval without Conditions – Addendum C

(1) AREDC Safety Consulting, LLC (34608)

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the entity listed has been reviewed by the CE Committee and the Committee, as well as the Division, recommends approval of the application to become a provider.

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

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

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

(1) Embalmer (Endorsement)

(a) Gullett, Scott

(2) Funeral Director (Endorsement)

(a) Fahey, Eugene T

(3) Funeral Director (Internship and Exam)

(a) Gamboa, Brianna A

(b) Kabboord, Rachel T

(4) Funeral Director and Embalmer (Endorsement)

(a) Banks, Peter J

(b) Osterling, Joseph W

(c) Swank, Bethany K

(d) Wilson, John M

(5) Funeral Director and Embalmer (Internship and Exam)

(a) Kaley, Tabatha M

(b) Lee, Justin T

(c) Plummer, LaTonyia L

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

8. Application(s) for Internship

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

(1) Funeral Director

(a) Davies, Joi B F342797

(b) Inman, Robert B F342871

(c) Ondina, Dominic F342798

(2) Funeral Director and Embalmer

(a) Azpeitia, Dannette A F079360

(b) Cross, NaTasha F346591

(c) Donohue, Aspen F343376

(d) Johnson, David M F093036

(e) Lambe, Richard C F348772

(f) McCutchen, Beth A F342845

(g) Smith, Joseph A F092232

(h) Walden, Mykal A F343627

(i) Young, Jarvis L F243756

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

(a) Sturgis, Robert A.

Ms. Simon – Mr. Sturgis was issued an internship license on February 15, 2018 and it expired on February 15, 2019. He has submitted an application to renew the internship license due to illness, hardship or awaiting results. Mr. Sturgis did not complete the internship due to several medical issues as detailed in the letter included with your Board package. The Division is recommending approval without conditions for the period of one year from the date of the April 2019 Board meeting.

Chair – Is Mr. Sturgis here? Robert Sturgis? Hearing no response.

Mr. Williams – I just have a question, Mr. Chair.

Chair – Mr. Williams?

Mr. Williams – In terms of this applicant, would one year be sufficient? Since he's been having some health issues, what happens if he doesn't complete it within the year? Does he come back before the Board?

Ms. Simon – Mr. Williams, the statute or rules only allow us to do a one-year extension. I'm not sure if he can get another extension after the year. Regardless, he may be able to, but we can only grant the one-year today.

Mr. Williams – Okay.

Chair – Good point. Thanks for bringing that up.

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

C. Recommended for Denial (Criminal History)
(1) Funeral Director and Embalmer
(a) Mitchell, Ivan W

Ms. Simon – Is Mr. Mitchell in the audience?

Ivan Mitchell – Yes ma'am.

Ms. Simon – Please step forward. An application for a Concurrent Intern license was received by the Division on March 22, 2019. The application was incomplete when submitted. All deficient items were returned on April 2, 2019. A background check revealed a relevant criminal history:

- In September 2010 the applicant pled guilty to Lynching – Second Degree, that occurred in 1997, and was sentenced to fourteen (14) years' incarceration.
- In December 2017 the applicant's Motion to Amend Sentence was granted as the applicant had served ten (10) years and the balance of the sentence was suspended.

The Division requested original documentation concerning the arrest that led to the Applicant's incarceration. However, the licensee failed to provide the requested documentation. Instead, the documentation the Applicant provided only related to court documents and not the original arrest. The Division is recommending denial pursuant to Rule 69K-1.008, Florida Administrative Code.

Mr. Mitchell, are you here to make a statement to the Board or simply answer questions?

Mr. Mitchell – Answer questions, as well as a statement. I'll make the statement afterwards.

Ms. Simon – Can you please raise your right hand to be sworn in?

Mr. Mitchell – Yes ma'am.

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

Mr. Mitchell – I do.

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

Mr. Mitchell – Ivan William Mitchell.

Chair – Mr. Mitchell, you said you wanted to address the Board?

Mr. Mitchell – Yes sir. Shortly after any questions that anyone may have.

Chair – Now's the time to address the Board.

Mr. Mitchell – I would like to say that regardless of my past, I ask that you do not past judgment on me for my past. I'm a new man. I was a boy at the time that I committed the crime. The man that stands before you is a man of understanding. I have grown and would like to be of service to my fellowman. That's pretty much it. Any questions? I'm willing to answer freely.

Chair – You were arrested for and incarcerated for Lynching.

Mr. Mitchell – Yes sir.

Chair – I don't see an explanation or an arrest report in here. Can you explain to the Board the circumstances surrounding that?

Mr. Mitchell – Yes sir. I was in my twenties. I was with some friends. A fight broke out. Pretty much me and some friends beat up some guy and apparently, I'm sorry, but he lost his life. In the State of South Carolina, the charge is when two (2) or more people get into a fight with one individual, it is expressed as lynching. Now, they just recently revised the charge where it would be by a mob of people, but it was just three (3) of us and unfortunately it just got out of hand and I was young at that time.

Chair – What year did you graduate from Mortuary College?

Mr. Mitchell – 2001.

Chair – In Atlanta?

Mr. Mitchell – Yes sir. Gupton-Jones.

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

Mr. Hall – Mr. Mitchell, you said that you didn't have any problems after that, but if I'm looking at material, it looks like in 2011 there were some additional issues with possession of substance. Can you help me with that?

Mr. Mitchell – In 2011, I was still incarcerated. Unfortunately, prior to I did receive a drug charge and I pled guilty in 2011.

Mr. Hall – That was prior to the lynching or afterwards?

Mr. Mitchell – Prior to.

Mr. Hall – When you went to enroll in school, at Gupton-Jones, did they explain to you that if you have a felony charge that you could have an issue with licensing?

Mr. Mitchell – No sir.

Mr. Hall – Nobody?

Mr. Mitchell – If so, I didn't remember. I was too busy trying to pursue what I really enjoy.

Mr. Hall – Okay. Looking through the information, were you going to be licensed in South Carolina or here? What was your intention?

Mr. Mitchell – I was working with Mr. Palmer, from Palmer Memorial Chapel, and he was helping me get my license at that time. Unfortunately, during my incarceration, Mr. Palmer passed away. The door of opportunity happened for me once I came home from prison and I would like to take advantage of that opportunity.

Mr. Williams – Mr. Chair?

Chair – Mr. Williams?

Mr. Williams – Are you currently under any type of probation?

Mr. Mitchell – No sir.

Mr. Williams – Have all fines been paid?

Mr. Mitchell – I do have continuing court fees that I am still paying on as of now.

Mr. Williams – Is that related to the lynching?

Mr. Mitchell – Yes sir, it is.

Chair – Mr. Knopke?

Mr. Knopke – The fees that you're paying to the court, how much longer do they last?

Mr. Mitchell – Just roughly $700, but I have children as well and I have an ill mother. So, I'm pretty much spreading myself thin, with helping my family, as well.

Mr. Knopke – Are those fees current, as far as the required payment, or are they delinquent at this point?

Mr. Mitchell – No sir, they're current.

Mr. Knopke – Okay. Back to the request of the Department for you to provide arrest records and so forth, why didn't you provide that?

Mr. Mitchell – Well, from my greatest understanding, I believe I have provided as much as I could. When I was asking questions about what all I needed to provide, it was expressed to me to provide enough information to bring understanding of what the lynching was about. From what was expressed to me, no one understood what lynching was about. I could've provided the arrest warrant, but they said it was not needed to be provided, just the indictment papers.

Mr. Knopke – Well clearly, at least when I read it, my view of the lynching is different than what you've described to us. Your buddies and you beat somebody up and they unfortunately passed away.

Mr. Mitchell – Yes sir, unfortunately.

Mr. Knopke – Just the word lynching leads you to go a whole, totally different direction. I would have thought you would have tried to explain that in a better way than just what the indictment said, even with a personal letter or something to that effect. When you were released from prison, was that because of good behavior, or was it because you just asked and they said, yes it's really pretty crowded in here and you look like a nice guy so we'll let you go. Don't take it the wrong way as being sarcastic.

Mr. Mitchell – Yes sir. I understand.

Mr. Knopke – What were the circumstances around that? This is a pretty serious charge, and to get out early…

Mr. Michell – Yes sir, and if I may? At the time of the initial incident, my involvement was not that severe, but any involvement is involvement. At the time of sentencing, I asked the judge for reconsideration. The judge did his investigation and understood that, but yet I was sentenced to an amount of time. After serving a period of time, the judge granted me that reconsideration.

Mr. Knopke – The other participants in the crime. Were they charged?

Mr. Mitchell – Yes sir.

Mr. Knopke – Are they still in jail?

Mr. Mitchell – One individual is.

Mr. Knopke – And you've been out since 2017?

Mr. Mitchell – Yes sir.

Mr. Knopke – What have you been doing from 2017 to now? Have you been working at a funeral business?

Mr. Mitchell – No sir, I have not. In my first year coming home, I was more in tune with trying to build my relationship with my children. There's a great gap between us. My mother became ill, so between, as I said before, taking care of my mother and being with my children, that was most important for me to build that relationship with them first and to take care of my mother.

Mr. Knopke – Are you currently employed in a funeral home anywhere?

Mr. Mitchell – Yes sir. I'm here in Florida in Sanford with Waldon Funeral Home.

Mr. Knopke – Okay. How long have you been with them?

Mr. Mitchell – I just started, as of this year, after completing the year with trying to build my relationships.

Mr. Knopke – Okay. Thank you.

Chair – What have you been doing with Waldon Funeral Home? Are you embalming? Funeral Directing?

Mr. Mitchell – No sir. I'm just an attendant. Just making removals. Running death certificates.

Mr. Knopke – Is there anybody from Waldon here? If you'd like to come up.

Chair – Would you please be sworn in?

Kristy Waldon – Yes sir.

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

Ms. Waldon – I do.

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

Ms. Waldon – My name is Kristy Waldon. I'm the owner of Waldon Funeral Home. Today I stand on behalf of not only myself, but my staff. I actually have a letter from one of the board members who wanted to give her input as to the added value that Mr. Mitchell has added to our firm. He started with us in January and he's been a great help. He's been a great help to us. He works hard, gets to work on time, gets the task completed, and we just ask that you all give him this opportunity. He's a hard worker.

Chair – You mentioned a letter from a board member?

Ms. Waldon – Yes sir.

Chair – Do you have copies of that with you?

Ms. Waldon – I have one (1) signed copy and then the other is not signed, but I do have two (2) copies.

Chair – A member of what board?

Ms. Waldon – Our board, at the funeral home, not this board. Sorry about that. But in addition to that I also wanted to state that Mr. Mitchell does have a copy of what he submitted to the Board and there was an explanation in there about the lynching and what was explained.

Mr. Knopke – Mr. Chairman may I ask?

Chair – Of course.

Mr. Knopke – Has he shown any anger issues?

Ms. Waldon – No sir. Not at all. He's very helpful. We haven't seen any of that. None of that has been displayed, so we believe he's an asset.

Mr. Knopke – Do you and your board understand that if he were approved, and I'm not sure if he will or will not be, the potential risk to your firm if it doesn't work out and he commits another crime or crimes similar to? The public relation issues you may have with your firm and so forth.

Ms. Waldon – We have discussed that and that's one of the things that was mentioned in the letter that at first, they did have some concerns, but after meeting him and working along with him, they feel comfortable with him and his capabilities to help move forward.

Mr. Knopke – Did you or when he applied, did you know him before he applied to work there?

Ms. Waldon – Yes.

Mr. Knopke – Okay.

Ms. Waldon – I've known Mr. Mitchell for about thirteen (13) or fourteen (14) years, so I know that he has a passion for the industry. I know that he has a passion for people. Not just we talked about prior to him coming home, but what he's displayed since he's been here assisting us.

Mr. Knopke – Not to get personal, are you all married or in a relationship?

Ms. Waldon – No sir.

Mr. Knopke – Okay. So, you're not speaking from a personal standpoint?

Ms. Waldon – No sir.

Mr. Knopke – You're speaking from a business standpoint.

Ms. Waldon – Yes sir.

Mr. Knopke – Okay. That's all I have.

Chair – I have a question, Mr. Mitchell.

Mr. Mitchell – Yes sir?

Chair – When the incident occurred that lead to your eventual incarceration, were you under the influence of drugs or alcohol?

Mr. Mitchell – I would say I was under the influence of alcohol. We were at a party at the time.

Chair – You still drink alcohol?

Mr. Mitchell – I drink a beer occasionally, but I'm not that much of a drinker anymore.

Chair – Thank you. Mr. Barnhart?

Mr. Barnhart – Mr. Mitchell, in looking at your application I was confused by the chronology of some of the events that you put down. On page 9 of our materials, you state that the date on which your pled guilty, pled no contest, or were found guilty was September 2010.

Mr. Mitchell – Yes sir.

Mr. Barnhart – Is that correct?

Mr. Mitchell – September 2010 I pled guilty to the lynching. It was originally Lynching 1st Degree. When you go to court you can plead to the initial charge or they reduce it to a lesser charge.

Mr. Barnhart – And this was some thirteen (13) years after the alleged incident?

Mr. Mitchell – Yes.

Mr. Barnhart – And you were sentenced to fourteen (14) years, right?

Mr. Mitchell – Yes sir.

Mr. Barnhart – You served ten (10)?

Mr. Mitchell – Yes sir.

Mr. Barnhart – So doesn't that make it a 2020 release?

Mr. Mitchell – The incident occurred in '97. I was arrested in 2007, well excuse me, 2006 and recommitted in 2007.

Mr. Barnhart – What do you mean recommitted?

Mr. Mitchell – Well, I got out on bond and there was an issue with my lawyer and myself with money and my bond was revoked. Therefore, I was placed back into the county jail. That was 2007. In 2010, three (3) years in the county jail. 2010 I went to court and plead guilty to the Lynching 2nd Degree.

Mr. Barnhart – So you were not picked up or charges for about nine (9) years?

Mr. Mitchell – Yes sir.

Mr. Barnhart – From '97 to 2006?

Mr. Mitchell – Yes sir.

Ms. Anderson – So, you were not incarcerated immediately after…

Mr. Mitchell – The charge? No ma'am.

Ms. Anderson – You were free for those seven (7) years?

Mr. Mitchell – Yes ma'am.

Ms. Anderson – On bond?

Mr. Mitchell – No ma'am. No ma'am. The incident occurred and, in truth, we just left it alone. It was left.

Ms. Anderson – No charges?

Mr. Mitchell – I don't want to be cold or brutal because I do have regret for it. The incident occurred in '97 and we just left it, we forgot about it, we walked away from it and then in 2006, information came about and we were picked up.

Ms. Anderson – So no one was charged at the time of the death?

Mr. Mitchell – No ma'am. At the time of death, no ma'am.

Mr. Williams – Question?

Chair – Mr. Williams?

Mr. Williams – I guess I'm just trying to understand. So, in '97, the incident occurred. In 2006, you were picked up for the incident from '97?

Mr. Mitchell – Yes. I turned myself in.

Mr. Williams – And then you were incarcerated from 2007 to 2010?

Mr. Mitchell – Correct.

Mr. Mitchell – Were there any other charges after 2010?

Mr. Mitchell – No.

Mr. Barnhart – Which year was your bond revoked? Around 2010?

Mr. Mitchell – No sir, 2006, 2007 my bond was revoked. Excuse me, 2007, final May 7th exactly, my bond was revoked.

Ms. Simon – If I may?

Mr. Mitchell – Yes ma'am?

Ms. Simon – When you were sentenced in 2010, you were sentenced for fourteen (14) years?

Mr. Mitchell – Yes ma'am.

Ms. Simon – You were given credit for time served that you had already served?

Mr. Mitchell – The three (3) years, yes ma'am.

Ms. Simon – Which is what lead to the ten (10) at the time of your sentencing?

Mr. Mitchell – Yes ma'am.

Mr. Knopke – Mr. Chair?

Chair – Yes?

Mr. Knopke – Between the time of the crime, '97, and 2006, you weren't charged with anything?

Mr. Mitchell – No sir.

Mr. Knopke – Were you on the run, so to speak, or were you just, and I say you but I'm asking for all three (3) of the people involved?

Mr. Mitchell – No sir, we weren't on the run. We just moved on with our lives. I tried to put it behind me. It was a very painful situation. From that point forward, in '97, I was pretty much trying to get my life together. Trying to find myself, as a young man. Unfortunately, I was still having a struggle with that. In '98, I was still finding myself, and then I went off to school. It was a deep passion for me to help my people. So, I went off to school, Gupton-Jones, and then I graduated and came back to Columbia and worked for Palmer Memorial Chapel, for Mr. Edward Palmer.

Mr. Knopke – What did you do there?

Mr. Mitchell – I was an attendant there, as well.

Mr. Knopke – So you never took a licensing exam anywhere?

Mr. Mitchell – I was on the process of doing so. I was cleaning up my misdemeanors, getting an expungement for my misdemeanor and proceeding forward and then my life took a turn.

Mr. Knopke – When you turned yourself in, what caused you to do that?

Mr. Mitchell – Very much a lot of regret, a lot of pain, a lot of remorse that I was living with for so many years.

Mr. Jones – How old were you in 1997?

Mr. Mitchell – Roughly about twenty-two (22), give or take.

Ms. Anderson – I hate to keep harping on this.

Chair – Excuse me just one second. Were you finished?

Mr. Knopke – I had another question.

Chair – Please go ahead, Mr. Knopke.

Mr. Knopke – When you turned yourself in, was there a warrant for your arrest?

Mr. Mitchell – Yes there was a warrant.

Mr. Knopke – How long had that been out?

Mr. Mitchell – I turned myself in the same day that the police came to my mother's house.

Mr. Knopke – So, they had either gotten some additional evidence or something that made them want to come find you. Is that right?

Mr. Mitchell – Actually, no sir. A young man that was involved was picked up first and then he gave the statement against the rest of us.

Mr. Knopke – And so they came to get everybody at that point?

Mr. Mitchell – That is correct.

Mr. Knopke – Okay. I'm good.

Chair – Ms. Anderson?

Ms. Anderson – Going back to the fight that resulted in the death, there had to be some kind of ruling on this man's death. Was it ruled accidental?

Mr. Mitchell – No ma'am. Apparently, it was ruled, I guess, as a homicide, because we all were charged with it.

Ms. Anderson – At that time they charged you and the other guy? You said there were only three (3) of you, and one (1) was the victim?

Mr. Mitchell – Well there were four (4) of us in total, as far who was there.

Ms. Anderson – So, when it was ruled a homicide, you all were charged, the participants were charged?

Mr. Mitchell – Yes ma'am.

Ms. Anderson – Was there a trial?

Mr. Mitchell – No ma'am. We all pled guilty. No trial.

Ms. Anderson – And so there was no sentencing at that time?

Mr. Mitchell – The sentencing was when we pled guilty.

Ms. Anderson – So, that was in '97, '98?

Mr. Mitchell – No ma'am. We pled guilty, well, I personally pled guilty in 2010. Everyone else pled guilty on separate days, separate years.

Ms. Anderson – I just didn't see the gap between 1997 and five (5) or six (6) years. I don't know. I don't understand what was going on during that period of time.

Mr. Helm – Excuse me. I think what Ms. Anderson is asking is when was it declared a homicide? That's what she's trying to understand.

Mr. Mitchell – This is only a guess, from a legal point, it would be from the time that they issued the warrant.

Mr. Helm – Which was when?

Mr. Mitchell – That would be in 2006. Yes, 2006.

Mr. Knopke – So, in '97, when the incident occurred, you weren't picked up? The three (3) of you weren't arrested?

Mr. Mitchell – We weren't charged. It was a cold case, as it was stated to us.

Mr. Knopke – Okay.

Chair – Ms. Simon asked to speak.

Ms. Simon – Just based on my criminal law experience, what I can tell you, Ms. Anderson, is that in 1997 when the incident occurred, it could have been ruled a homicide at that time. However, at that time, and this is all speculation, because I don't know what happened in this particular instance, it could have been ruled a homicide and there wasn't sufficient evidence to go forward then. The sufficient evidence may have been found later when the colleague was picked up for the same incident or for another crime, and the information came to light, in 2007, 2006.

Mr. Mitchell – Correct.

Chair – Thank you. Mr. Hall?

Mr. Hall – Mr. Mitchell, you expressed you were twenty-two (22) at the time.

Mr. Mitchell – Roughly, yes sir.

Mr. Hall – How old was the victim?

Mr. Mitchell – I want to say maybe twenty-five (25). He was a little older than myself, so twenty-five (25).

Mr. Hall – What was the reason for the lynching.

Mr. Mitchell – The situation really didn't involve me per se. Again, I was with a group of friends. The young man apparently had gotten into a stolen car and gave it to a friend of mine's brother, younger brother. The younger brother in turn got locked up for the stolen car that the deceased gave him.

Mr. Hall – May I ask another question of Ms. Waldon?

Chair – Please do.

Mr. Hall – If his funeral director and embalmer's license is denied, will you all continue to work him as a staff person, staff attendant?

Ms. Waldon – Yes sir.

Mr. Hall – Okay.

Mr. Jones – May I ask a question?

Chair – Mr. Jones?

Mr. Jones – You've been pretty straight forward. It seems like you're answering the questions. Make me feel comfortable that you can do the job and why you should be awarded a license.

Mr. Mitchell – There's a lot of pain in me, and that pain comes from my youth. I can't sum up my life for you in just one word. I lost my father at a young age. I lost my mother, due to a lot of problems. I didn't lose her physically, as far as death, but we just fell out. We had a lot of misunderstanding and I didn't have any guidance. So, it took me to go to prison to find the man that I am before you today. Had I not, I would have still been lost. I would have still been a boy, no matter what age I became. I would have still been wild and reckless, but I am not that individual. I'm not that young boy. I'm a young man who is willing to help those who are grieving, because I do have a passion for it. Out of all the things that I've tried to do with

my life, this is the one career that I would truly go up and down, heaven and hell for, because that's what I've done. While in jail, in '97, with minor charges, I was pursuing this profession, to go to school. And while I was sitting in jail, I got accepted. My sister came to see me, while I was sitting in the county jail, and said, "Hey, the school called you back, and they said that they would like for you to come down." So that was a start. And then when I got out and I went to different funeral homes to ask just to help, just to be a helper so that I could learn the profession, I was denied. I was denied. Everyone told me to go to school first. So, I did. I did just that. I went to school, with no understanding for the career, no understanding for the profession at all, and I did just that. I went to school and I graduated. Then when I came back, I went to those very same funeral homes that told me I had to go to school and no one gave me a chance still, but one young man, Mr. Palmer. He gave me a chance, and ever since then I've been trying my best to put my best foot forward in this career, in this profession.

Mr. Jones – Thank you.

Chair – Did you pass the National Board Exam?

Mr. Mitchell – Yes sir, I did.

Chair – In what year was your misdemeanor? Right after school?

Mr. Mitchell – Right after school. 2001.

Chair – 2001?

Mr. Mitchell – Yes sir. Late 2001.

Chair – Ms. Richardson, no other deficiencies on the application?

Jasmin Richardson – Not that I know of.

Chair – Thank you. Mr. Knopke?

Mr. Knopke – You mentioned earlier, your children. How many?

Mr. Mitchell – I have five (5) children.

Mr. Knopke – How old?

Mr. Mitchell – My oldest is twenty-six (26), my next is twenty (20), my next young lady will be eighteen (18) this year, and I have two (2) that are fifteen (15).

Mr. Knopke – Do you see them regularly?

Mr. Mitchell – I try my best, but since I moved here, I stay on the phone with them. So, we FaceTime.

Mr. Knopke – They're in South Carolina?

Mr. Mitchell – My oldest lives in New Jersey, my next lives in Virginia where she attends Virginia State, my next lives in Georgia and will be graduating this year, and two (2) are in Columbia.

Chair – Mr. Jones?

Mr. Jones – I would make a motion to approve with two (2) years of probation.

Mr. Williams – Second.

Mr. Knopke – Can I ask you to add to that?

Mr. Jones – Sure.

Mr. Knopke – Can we add that Ms. Waldon, or somebody representing the firm, at least for the first twelve (12) months, send in monthly reports to the Department stating what his activities are, any issues, good or bad?

Ms. Simon – Mr. Knopke, the internship is only for one (1) year, so a two (2) year probation…

Mr. Jones – Is that what you were trying to tell me?

Chair – Ms. Richardson?

Ms. Richardson – So, it's only a one (1) year license, so he does still have to come back for his funeral director and embalmer license, if it's within those twenty (20) years. At that time, you could impose another probation, but at this point, his license is only good for one year.

Mr. Jones – So, I'll amend the motion to approve the application subject to a one-year probation, with a report, to the Division, by Waldon Funeral Home, if you're agreeable to that.

Mr. Williams – Second.

Mr. Knopke – It's a monthly report. It can be a one (1) page, whatever you feel is necessary, but it needs to have some detail as to what he's done, activities, if there are comments. If there's letters from families saying he's a great guy, attach that stuff to it. If they say he's not a good guy.

Mr. Jones – Because that would come back for us to review the next time.

Chair – Ms. Richardson?

Ms. Richardson – I would just kind of say, they already have to do a quarterly report. Can they just attach it to the quarterly report as a separate report?

Mr. Knopke – Personally, myself, I'd prefer it be that, because if there's a problem, I don't want to wait for a quarter and then after that to get it.

Mr. Jones – I'm good with the monthly.

Chair – And would you include in that that the monthly report be shared with the Board?

Mr. Jones – Yes.

Mr. Knopke – Would you include too that if the report doesn't come from the funeral home, that his internship is suspended?

Mr. Jones – Is that agreeable?

Ms. Waldon – That's fine.

Mr. Jones – I'm fine with that.

Mr. Williams – That's fine.

Chair – Mr. Hall?

Mr. Hall – Just one final question, Mr. Mitchell. You were twenty-two (22) at the time this occurred. Not really a young boy. At that time, you're a man. Did you do anything to try to attempt to stop this lynching? You said you weren't really the main one involved, but did you do anything to try and stop it?

Mr. Mitchell – No sir. If I may address?

Mr. Hall – Yes sir.

Mr. Mitchell – No disrespect. Often time age is thrown around to convert a person into being a man or not. As I've learned, age doesn't make you a man. It's just that you're older. It doesn't mean that you have understanding in who you are. I didn't and I was still wild, as I explained, and I was still reckless. So, age didn't determine me as a man back then. I would say I'm more of a man today than I ever was, at twenty-one (21), twenty-two (22), or any age thereafter.

Mr. Hall – But at twenty-two (22), old enough to know right from wrong, and some man lost his life.

Mr. Mitchell – And, sir, no disrespect. That is true. Yes sir.

Mr. Hall – Okay.

Chair – So, we have a motion before us and we have a second. All those in favor, aye?

Board members – Aye.

Chair – And any opposed?

Mr. Hall – No.

Chair – One (1) opposed, and the motion carries. Stay right there just a moment.

Mr. Knopke – May I?

Chair – Go ahead.

Mr. Knopke – I need to make another motion on this if I can? I would make a motion to reopen what we just passed to add a condition on it, if I can.

Chair – What is the condition?

Mr. Knopke – That the reports be sent on the first of the month, every month.

Mr. Jones – I'm fine with that.

Mr. Williams – That's fine.

Chair – And that's okay with the second. And all those in favor, aye?

Board members – Aye.

Chair – And any opposed? I can't compel you to do this. But would you please find a way to come back before this Board when you get your license to say hello and let us know how you're doing?

Mr. Mitchell – I'm compelled. It's my honor. It is my honor.

Chair – That's a request.

Mr. Mitchell – It's my honor.

Chair – Thank you. Good luck.

Mr. Mitchell – Thank you. Thank you all.

Ms. Waldon – I just have one question. The address that the report is going to would be the same as where the quarterly reports would go?

Mr. Knopke – Yes ma'am.

Mr. Jones – Good luck.

Mr. Mitchell – Thank you all, ladies and gentlemen. Thank you.

9. Application(s) for Embalmer Apprentice

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

(1) Childers, Elizabeth A F344195
(2) De La Rosa, Bianca F347130
(3) Fischer, Ashley N F348933
(4) Inman, Robert B F342871
(5) Johnson, William K F343344
(6) Lucena Meyer, Victor A F342858
(7) Willis, Lauren A F344218

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 (Criminal History)

(1) McWilliams, Morgan A

Ms. Simon – An application for an Embalmer Apprentice license was received by the Division on February 20, 2019. The application was incomplete when submitted. All deficient items were returned on April 1, 2019. A background check revealed a relevant criminal history:

- On October 14, 2014 the applicant pled nolo contendere to Trespass Property/After Warning and was sentenced to Fine/Cost and Credit Time Served.
- On October 22, 2014 the applicant pled nolo contendere to Defraud Innkeeper/Less Than $300 and was sentenced to Fine/Cost and Credit Time Served.
- On March 9, 2015 the applicant pled nolo contendere to Disorderly Intoxication and was sentenced to Fine/Cost and Credit Time Served.
- On March 25, 2015 the applicant pled nolo contendere to Disorderly Intoxication and was sentenced to Fine/Cost and Credit Time Served.
- On April 29, 2015 the applicant pled nolo contendere to Trespass Property/After Warning and was sentenced to Fine/Cost and Credit Time Served.

The Division is recommending approval without conditions.

Chair – Morgan McWilliams, are you here? Mr. McWilliams? Hearing no response.

Mr. Knopke – Mr. Chair, I'll make a motion to approve as presented. I would have liked to have seen the applicant here, but I will tell you that is one of the best letters I've read in my life on laying out your life, what you did, what you didn't do, and how you've come back to the other side. My compliments to them for that.

MOTION: Mr. Knopke moved to approve the application. Mr. Jones seconded the motion, which passed with one (1) dissenting vote.

10. Application(s) for Registration as a Training Agency

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

(1) Baldwin Brothers Memorial Care Services Inc d/b/a Baldwin Brothers (F191139) (Ocala)

Ms. Simon – This is an informational item. The Division has reviewed the application listed and found it to be complete and that the applicant met the requirements to be a training agency. Pursuant to Rule 69K-1.005, F.A.C., the Division has previously approved this application.

B. Recommended for Approval with Conditions

(1) Petition(s) for Waiver

(a) Foundation Partners of Florida LLC d/b/a David C Gross Funeral Home (St. Petersburg)

Ms. Simon – Foundation Partners of Florida LLC d/b/a David C Gross Funeral Home, a limited liability company, previously submitted an application for approval of a funeral establishment based upon a change of ownership. This change of ownership application was reviewed and approved at the March 7, 2019 Board meeting and is pending a new license number. Under previous ownership, this establishment was registered as a training agency. This newly approved establishment is now seeking approval of a waiver of Rule for 69K-18.004, Florida Administrative Code, regarding certain requirements for licensure as a training agency. Additionally, this establishment is seeking to continue their training agency status. The funeral establishment is located at 6366 Central Avenue, St. Petersburg, FL 33707. The Division is recommending approval subject to the following conditions:

1) That Rule 69K-18.004, Florida Administrative Code, be waived as requested by the licensees, provided there has been no dispute by the public within 30 days of the date the request was published; and
2) That the Application for Registration of a Training Agency be granted so that the aforementioned funeral establishment may continue to be registered as a Training Agency under the new ownership.

MOTION: Mr. Jones moved to approve the petition, retro back to the day of closing, so that nobody loses any time, and subject to the conditions recommended by the Division. Mr. Knopke seconded the motion, which passed unanimously.

11. Notification(s) of Change in Location

A. Information Item – Addendum H

(1) Phoenix Cremation Society d/b/a Tri-County Cremation & Funeral Home (F040718) (Longwood)

(2) Simply Cremation LLC (F255221) (Port St. Lucie)

Ms. Simon – This is an informational item. The establishments listed have applied for a change of location of their businesses. The only criteria for approval is that the new locations pass inspection by the Division. In the case of the entities listed, the inspections have occurred and were approved by the Division and the change of location was approved by the Division.

12. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum I

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.

Mr. Knopke – Mr. Chair?

Chair – Yes?

Mr. Knopke – May I ask Ms. Simon a couple of questions?

Chair – Please.

Mr. Knopke – Is Riverside Florida Funeral Home a new firm on the list? I don't remember seeing that firm before. In one place it's listed as Riverside Florida Funeral Home LLC and one place it's listed as Riverside Florida Funeral Home. I assume it's the same. And the same question applies to Martin Funeral Home. Is that a new one? And if we're not sure, that's fine.

Ms. Simon – Mr. Knopke, to be honest, I'm not sure.

Mr. Knopke – Okay.

Mr. Helm – Does anybody know? I'm like Keenan. I've never seen Riverside either.

Mr. Knopke – I'll make the motion to approve. I'm sure if they're on here this time, they'll be there next time and we'll have an answer then.

MOTION: Mr. Knopke moved to approve all the claim(s), for the monetary amounts indicated. Mr. Jones seconded the motion.

Chair – Just because I don't see where it is, do we know the approximate dollar amount in the Consumer Protection Trust Fund?

Mr. Hall – It's $8,933,677, as of April.

Chair – Thank you. Just curious about that.

13. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Genesis Funeral Home and $495 Cremation Center Inc. (Hollywood)

Ms. Simon – Is a representative of the funeral home here today? Hearing no response. An application for a Funeral Establishment license due to a Change of Ownership was received by the Division on January 25, 2019. The application was incomplete when received. The application was deemed completed on February 25, 2019. The Funeral Director in Charge will be Paul Ray (F042763). A background check of the principals revealed no relevant criminal history. This funeral establishment is not the qualifying entity for a preneed license.

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.

Mr. Jones – I have a question.

Chair – Yes, Mr. Jones.

Mr. Jones – What is the full name of the establishment? Is it "and $495 Cremation?"

Ms. Richardson – Yes.

Mr. Jones – And are they charging $495 for cremation? I'm just looking at it. Is that misleading or not?

Mr. Knopke – Yes.

Mr. Jones – I'm just asking.

Chair – Is there an inspection involved in that? Yes. They have to pass inspection. We can make it a special consideration to check their General Price List and see.

Mr. Hall – Are you saying would it look them in to that?

Mr. Jones – I'm kind of wondering does it lock them in to that. If they change that price, do they have to change that name? I'm just asking from a consumer standpoint.

Mr. Knopke – Does it imply that they're operating two (2) establishments at one (1) place?

Mr. Jones – That's my next question. I'm just curious.

Mr. Knopke – Good question.

Ms. Simon – Apparently, if I may?

Chair – Please.

Ms. Simon – They are currently licensed, by the same name.

Mr. Jones – I know they were licensed, but are they continually keeping up with what the name is?

Ms. Simon – Originally, Mr. Shropshire had asked the same question. I'm not certain at this point.

Chair – This is a change of ownership.

Mr. Jones – Yes. I saw the name prior, but I was just curious. Is it that price and does it stay that price? If not, is their name misleading? I guess I'm speaking out loud to what I was thinking.

Chair – You probably echoed the thoughts of many.

Mr. Jones – Thank you.

Mr. Knopke – Do we have a deemer issue here?

Ms. Simon – Well, the application was submitted and deemed completed, I think I said at the end of February.

Chair – February 25th.

Ms. Simon – So, yes. Well, the ninety (90) days would be…

Mr. Barnhart – It would be around May 25th.

Mr. Knopke – Do we have another meeting between now and May 25th? Probably not.

Mr. Barnhart – There's a telephone meeting.

Mr. Hall – A teleconference.

Mr. Williams – Next month.

Mr. Knopke – What I was going to make a motion to is to defer and request the new owner to explain is this misleading or not. We've had concerns before about different firms and a name, and we've asked them to change it or amend it, or so forth. I understand he's taking over or buying a firm that has an approved name, but it's misleading, in my opinion.

Ms. Richardson – Just as an FYI, it is still one (1) of the same owners and they're just adding a person. So, it's not like they're changing total ownership. One of the same people is still the owner of the establishment.

Chairman – Mr. Vargas remains the owner, adding Mr. Ray.

Ms. Richardson – Yes.

Mr. Knopke – Even so, if the mistake was previously made, there's no reason for us to continue that mistake going forward, if we can have the opportunity to get it corrected. I'd like to ask them why they have it in their name, if that's not the price.

Mr. Hall – Do we know if there's a direct disposer licensed at that facility, Jasmin?

Ms. Richardson – There's no direct disposal establishment. On their website, it does say $495 direct cremation.

Chair – The sixth part of the recommended conditions is that the applicant passes an inspection by a member of Division staff. Could we direct that Division staff person to look at their General Price List and see if indeed they're offering $495 cremations and report back to the Board?

Ms. Simon- I'm not certain whether the inspection has already occurred. Do you know, Ms. Richardson?

Ms. Richardson – Hold on for one second. As I did state, I just checked their website and on their website, it says direct cremation for $495.

Mr. Knopke – That's what they're charging?

Ms. Richardson – That's what's on the website.

Chair – Is there a motion?

MOTION: Mr. Knopke moved to defer the application to the next meeting.

Mr. Knopke – There has been an inspection? This is the one where it says, "Hollywood."

Chair – There has been a motion to defer to the next meeting.

Mr. Williams – In person meeting?

Chair – The next meeting is telephonic.

Mr. Williams – Okay.

Chair – You understand that, right?

Mr. Knopke – Yes.

Mr. Hall – Quick question. Could we approve it subject to clarification of that name? Do we want to do that, since the inspection was already done?

Ms. Richardson – I don't see that it's been inspected.

Mr. Knopke – In looking at the website, the name of the business is Genesis Funeral Home. That's what it looks like here. It says quality service underneath. It says Welcome to Genesis Funeral Home; En Espanol; Quality Service & Affordable Prices; $495 Direct Cremation and it goes into detail what is included in that price; then it goes $595 for a Private View; $695 with Sea Scattering; $795 Cremation with Memorial, and so for and so on. The $495 doesn't even…

Chair – Is it your point that it's not in the name of the location?

Mr. Knopke – Yes. It doesn't appear on their website to be in the name.

Mr. Jones – That's why I was asking for clarification on the name.

Ms. Richardson – That is the name on SunBiz.

Mr. Hall – What does the Division of Corporations show?

Ms. Richardson – Genesis Funeral Home and $495 Cremation Center.

Mr. Hall – That's what Division shows?

Ms. Richardson – Yes.

Mr. Hall – Strange.

Chair – And tell me our concern.

Mr. Knopke – Jody, my concern is one, it could appear to the public that there's two (2) businesses there; there's a funeral home and there's also a direct cremation. Secondly, what are they going to do if they ever change their price. Sooner or later they're going to change their price because the overhead will pass what they're charging. Are they going to come back and change their name at that point or not? And maybe there's absolutely nothing wrong with this, but I would like for us not the be in the position of assuming. I'd rather have them come and answer the questions. That's why I made the motion that I did.

Chair – How do we alleviate your concerns? If they were standing before us today, how would they alleviate your concerns?

Mr. Knopke – I would ask them are there two (2) separate businesses here. I would also ask if they think this is misleading and if they do then why on the website don't they say Genesis Funeral $495 Direct Cremation. It doesn't show it that way. It shows it as Genesis Funeral Home, up at the top, in the gold. It doesn't say $495 Cremation. It lists their prices, but that's it.

Chair – Do you want to address the Board?

Jay Rhodes – Yes.

Chair – Please be sworn in.

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

Mr. Rhodes – I do.

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

Mr. Rhodes – Jay Rhodes. This sign for Genesis used to have the full name like you see in this application. I just did Google Maps, and I haven't been by this place in a long time for a variety of reasons, bottom line it says Genesis Funeral Home out front, on the sign and they're supposed to match. Right? So, there's a discrepancy to work with right there.

Chair – Thank you for your input.

Mr. Rhodes – You're welcome.

Chair – So, there's a motion to defer the decision on this to the May meeting. Is there a second?

Mr. Bango – I'll second it.

Chair – And it's been seconded. All those in favor, aye?

Board members – Aye.

Chair – And any opposed? And the motion carries.

Ms. Simon – Ms. Richardson?

Ms. Richardson – Can I get clarification on what information we're supposed to get from the people?

Ms. Simon – I assume, if I may respond for you, Mr. Knopke, that you would like them to appear in person?

Mr. Knopke – Yes, on the call. We have questions. A Board member has questions about it.

(2) Sean A Banks Mortuary & Cremation Center LLC (Avon Park)

Ms. Simon – Is there a representative here of that applicant here today? Hearing no response. An application for a Funeral Establishment license due to a Change of Ownership was received by the Division on February 26, 2019. The application was complete when received. The Funeral Director in Charge will be Sean A. Banks (F045426). A background check of the principals revealed no relevant criminal history. This funeral establishment is not the qualifying entity for a preneed license.

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.

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

(3) Yates Funeral Home LLC (Port St. Lucie)

Ms. Simon – An application for a Funeral Establishment was received on February 5, 2019. The application was incomplete when submitted. The application was deemed complete on March 13, 2019. The Funeral Director in Charge will be Peter Piscitelli (F103047). 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.

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

Chair – Is that counsel?

Bryan Holmes – I'm standing in on behalf of Wendy Wiener, on behalf of Yates Funeral Home.

Ms. Simon – I'm sorry. I did not realize you were the attorney representing them.

Mr. Holmes – It's okay.

Chair – Go right ahead.

Mr. Holmes – Mainly, I'm here just to answer any questions that the Board may have, but we did want to clarify one point. I know there was discussion at the last meeting that the application may have been deficient. It's been reviewed by us and our client. We do not feel that it was deficient. There was additional information that was requested that was substantive, that was not a requirement under 497. The information has since been provided and we just want to clarify that the application was never actually deficient. The applicant, or the Division simply requested more substantive information.

Chair – What was that regarding?

Mr. Holmes – It was the Other Licenses form for the principals of the business, not the applicant.

Chair – Thank you.

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.

Mr. Helm – Do you know anything about the funeral home? I just had a question. I'm curious.

Mr. Holmes – The funeral home itself?

Mr. Helm – Yes. How far are they apart? The two (2) establishments. They can't be very far apart.

Chair – Ft. Pierce and Port St. Lucie.

Mr. Helm – One's Ft. Pierce and one's Port St. Lucie. Yates Funeral Home and Crematory in Ft. Pierce. You don't know how far they are apart?

Mr. Holmes – I apologize. I'm not familiar with that.

Mr. Helm – Okay. I just wondered. I was just curious.

Chair – Thank you.

Ms. Simon – If I may?

Chair – Please.

Ms. Simon – Just for the Board's edification, as to the applications received by the Division, if there are principals listed and we understand that the principals are licensed, we will ask them for their other licensure information, as a routine matter.

Chair – Excuse me. Please address that.

Mr. Holmes – Board members, we wish to comply with all the requests of the Division. We just would like to reaffirm our position that the substantive requirements of the application request the other forms for the applicant itself. And the application is very clear that the applicant is only the person that is applying, it's not the principals. Further along in the form, the application requires the Other Licenses Form to be attached for the applicant. It doesn't request it for the business principals. So, to go over and above that and stretch out this process would be requesting additional that's not required under 497 and is not within the Division's authority to do so. And in this instance, there were other applications that were submitted at the last Board hearing, and those went through and this one was withheld. So, our client has not been delayed for information that it never knew it was required to submit, because it's not a requirement under 497. So, this ultimately delays the process for an applicant that is compliant with the statutory requirements, because there is supplemental information that is substantive and not noted in the statute or in the Board's rules, set forth in 69K, F.A.C. So, we would just like to place that on record. Going forward, we don't believe that that is in within the authority. If that is within the authority, then it needs to be amended on the application itself so that that information can be provided up front and not be delayed at the Board hearing where that application is submitted.

Chair – Thank you for placing that on the record.

Mr. Holmes – Thank you.

14. Application(s) for Removal Facility

A. Recommended for Approval with Conditions

(1) ALG Transport Service, LLC (Tallahassee)

Ms. Simon – Is there anybody here representing the licensee in this matter? Hearing no response. An application for a Removal Service was received on March 22, 2019. The application was complete when submitted. 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.

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

(2) BK'S Removals LLC (Wellington)

Ms. Simon – An application for a Removal Service was received on March 20, 2019. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. Applicant was granted Removal Service licensure on or about March 2, 2017. An annual inspection was attempted on or about January 25, 2018. The result of the inspection is that it was revealed that the licensee changed locations without notifying the Division. On December 4, 2018 a closing inspection was completed because the licensee was unable to be located. Regardless, the license had expired on November 30, 2018.

Due to the fact that the licensee was unable to be located, the business was served with an Administrative Complaint on or about February 20, 2019. The administrative case is expected to be in front of the Board in June 2019. The Division is recommending approval subject to the condition(s) as follows:

1) That the removal service passes an onsite inspection by a member of Division Staff.
2) That the Applicant is placed on one year of probation

Chair – Is there a motion?

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

Chair – Refresh my memory. When we have applications, is part of the process determining whether they have local business licenses at their place of business? Is that part of the process?

Ms. Simon – I believe, Mr. Brandenburg, that's part of the inspection form, or at least I know that I have seen inspections occur where it is listed that the business licensure needed locally has not been received and therefore, they did not pass our inspection.

Chair – Thank you.

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

A. Recommended for Approval <u>without</u> Conditions

(1) Preneed Funeral Trust Agreement

(a) Independent Funeral Directors of Florida, Inc (IFDF) (Tallahassee)

Ms. Simon – In accordance with ss. 497.458 and ss. 497.464, Florida Statutes, IFDF hereby submits the above-named trust agreements for approval of the trusting of preneed funds to be utilized by various licensed preneed establishments. The Division is recommending approval without conditions.

MOTION: Mr. Knopke moved to approve the agreement. Mr. Jones seconded the motion, which passed unanimously.

Chair – Ms. Hood?

Michele Hood – I just wanted to note one change on the cover page.

Ms. Simon – Would you please raise your right hand to be sworn in? Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Ms. Hood – I do.

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

Ms. Hood – Michele Hood, Independent Funeral Directors of Florida. I believe it was just an error on the cover page. It has our address listed still as 119 Park Avenue, and that address should be updated to reflect 1424 E. Piedmont Drive, Suite 202, Tallahassee FL 32308.

Chair – Let the record reflect that change and please not for any further correspondence that change of address.

Ms. Hood – It is correct in all of the documents that were presented and approved. It's just the cover page, so I wanted to make sure the Department has the correct address.

Chair – Thank you so much.

Ms. Hood – Thank you so much. I appreciate it.

Chair – I appreciate you bringing that to our attention.

16. Executive Director's Report

A. Operational Report

Ms. Simon – Ms. Schwantes is not here at today's meeting due to the fact that she was needed in Tallahassee for Legislative Committee meetings, both in the House and the Senate. She will be on the telephone conference in May and will be present at the June meeting where she will have a full report on what has happened within the Legislative Session. However, for today's meeting, I'd like to introduce the people that are here from the Division. We have Gene Brimmer. He is one of our

investigators with the Department. We also have Jasmin Richardson and LaTonya Bryant, without which both of them we would not be able to put on these Board meetings. So, thank you so much.

B. Form DFS-N1-2183 Trustee Report

Ms. Simon – The form has previously been submitted to the Board for approval. However, there are some modifications that we thought would improve the form and therefore we are submitting it to the Board again for approval of the amended form.

Chair – Is there a motion to approve the amended form?

MOTION: Mr. Jones moved to approve the amended form. Mr. Knopke seconded the motion, which passed unanimously.

Ms. Simon – Thank you. That form will now go through the administrative process to become {inaudible}.

Florida Department of Financial Services
Division of Funeral, Cemetery, and Consumer Services

PRENEED TRUST FUND, ANNUAL TRUSTEE REPORT

Under sections 497.458 and 497.464, Florida Statutes (F.S.)

Pursuant to section 497.458(1)(k), F.S., and Rule 69K-7.0095, Florida Administrative Code (F.A.C.), beginning April 1, 2018, and on or before April 1st thereafter, a trustee that held a preneed licensee trust at any time during the previous calendar year shall furnish the Department an annual report with the required information, specified below, in the format and pursuant to procedures specified by Department rule.

This form shall be used to submit the trustee's required annual report, which is incorporated by reference in Rule 69K-1.001, F.A.C., and can be accessed via the Division of Funeral, Cemetery, and Consumer Service's (Division) website at http://www.myfloridacfo.com/division/funeralcemetery/. The annual report must be filed with the Division at the following address: Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee FL 32399-0361.

****

Calendar Year Ending December 31, _____

Licensee Name: _____ Licensee Number: _____

Address: _____

☐ *Check here if there was only one trustee for this entire reporting year. If more than one, complete both columns.*

	As of January 1st Calendar Year Reporting	As of December 31st Calendar Year Reporting
Trustee Name:		
Address:		
City, State, Zip:		
Trust Account No.:		
Contact Person:		
Contact Phone:		
Trustee Appointment Date:		
Trustee Resignation Date:		
Date Assets Moved to Successor Trustee:		
Fair Market Value of Assets Sent to Successor Trustee:	$	$
Trust Activity:		
Beginning Fair Market Value	$	
Fulfillments:	$	$
Cancellations:	$	$
Defaults:	$	$
Ending Fair Market Value	$	$

****

TRUSTEE CERTIFICATION:

Under penalties of perjury, as account manager of the trustee, I hereby certify that the information reported in this trustee's annual report is true and correct to the best of my knowledge and the belief of the trustee.

SIGNATURE OF TRUSTEE ACCOUNT MANAGER:

Print name of account manager: _____

_____ _____

Signature Date signed

DFS-N1-2183
Eff. 03/19, Rule 69K-1.001, F.A.C.

C. 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
April 18, 2019 Board Meeting
Date of Report: April 5, 2019

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
William Long	7-Feb-19	187365-16-FC	$3,000	29-Apr-19	D	
Willie J. Owens	7-Feb-19	195918-16-FC; 198403-16-FC; 204672-17-FC	$3,500	30-May-19	D	
Reynaldo Lampkins	12/6/2018	200645-16-FC	$4,000	2/21/2018	A	
Don Alan Moore	12/6/2018	196720-16-FC	$4,000	1/14/2018	B	Paid in full
D Alan Moore Licensed Funeral Director	12/6/2018	196721-16-FC	$4,000	1/14/2018	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
A. When payment in full becomes past due, the FCCS Division works with the DFS Office of the General Counsel to enforce payment. B. Once fines and costs are paid in full, licensee kept on this report 3 months, showing Paid in Full, and then dropped off report; also licensee dropped off report after disciplinary action filed due to nonpayment of the fine and costs. C. The Order re this case is still in process, so no Due date is not yet established. D. Due date has not passed, as of the date of this report. E. As of the date of this report, monthly payments were current.						

17. Chairman's Report (Verbal)

A. Request Made for Review

Chair – Thank you. The Division has informed me that there's a Board member interested in having a discussion regarding the licensure requirements of funeral directors. Towards that end, I'd like to establish a Committee designed to discuss the licensing requirements of funeral directors and to report back to the Board. I would like the Committee to meet at some point in May and I'd like volunteers for the Committee. The Division will have to notice any meetings and the Committee Chairperson will have to decide if the meetings would be in person or on the phone. If in person, the Committee Chair should work with the Division regarding the logistics. We'll call this the License Review Committee. With that in mind, is there volunteers of the Board members. Don't anticipate this to be lengthy and arduous, but nevertheless, needing attention. Mr. Hall?

Mr. Hall – I'll volunteer.

Chair – And Mr. Knopke?

Mr. Knopke – Yes.

Mr. Williams – I'll volunteer.

Chair – And Mr. Williams. Thank you. That's three (3) members and I'll name Mr. Hall the chairman of that, if you will accept the chairmanship on that.

Mr. Hall – Ok.

Chair – Thank you. Please proceed with your usual diligence. Thank you so much for being a part of that. The Division will work with you on whatever you need. Ms. Simon has assured us that she will certainly work with that Committee.

Ms. Simon – Absolutely.

Chair – Thank you.

18. Public Comments (Verbal)

Ms. Simon – Is there anyone in the audience that would like to submit public comment on any of the items on today's agenda? Hearing no response.

Mr. Knopke – Mr. Chairman, may I ask the Department a question?

Chair – Please do.

Mr. Knopke – I'd asked this previously about the Catholic Cemetery in Tampa here. Had the paperwork that we have asked for been submitted yet? The additional zoning or whatever about being on the southside of the road as opposed to the northside that was part of their application, which they said was in the application, but it wasn't that anybody could find.

Ms. Simon – Mr. Knopke, I believe that we have received no such documentation.

Mr. Knopke – Okay. I will continue to ask and I would ask that you all at least inquire through Ms. Wiener, since I think she represented them, for an update on that paperwork.

Ms. Simon – Yes sir.

Mr. Knopke – Thank you.

Chair – Thank you. Yes sir. Please come before the Board.

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

Mr. Barnhart – Is this public comment?

Chair – Yes.

Mr. Barnhart – They don't need to be sworn in.

Ms. Simon – Okay.

Kevin Davis – I just wanted to ask, on the funeral director licensing if there were going to be any public members on that ad hoc Committee?

Chair – Let me answer that. Hold on just a moment. It's legal counsel's opinion that Committee members have to be Board members, should be Board members. However, comment and participation from everyone in the industry will be encouraged. So, it's not expected to be any type of closed meeting. It will all be published, Government in the Sunshine, but thank you for your interest in that. I know that Mr. Hall will reach out to you and others for your comments. The Committee members have to come from Board members.

Mr. Davis – Thank you.

Chair – Thank you.

19. Office of Attorney General's Report

A. Attorney General's Rules Report

Mr. Barnhart – You see your Rules Report and it's looking pretty close to the same the last couple of months. As far as I know, the blank spots you see in your Report, where it says, "Notice Published," I believe it because we determined that at least to this point, we don't need any changes made to those rules, by the Board, but I will be getting with Ms. Simon and Ms. Schwantes to confirm that to make sure there's nothing we need to do with these rules. If so, then we'll be in good shape and ready for some more amendments that you think are necessary or advisable. Do you have any questions?

Chair – Do you expect any more comments from JAPC?

Mr. Barnhart – Not on anything we have in front of you, on the Rules Report. Most recently, for a couple of other boards, especially Construction, every so often JAPA attorneys will review rules of agencies for board's conditions that you may not have any current rule activity, but they have what they consider an ongoing duty to review all the rules, and you'll start getting letters just out of the blue. You don't think anything's going on until they send you a letter and they say they have a problem with a rule.

Chair – No warning?

Mr. Barnhart – No. They can just start coming one after the other. So, at the present time, we don't have those letters coming for any of our rules of 69K, but you never know when they might start coming. You hope they don't, but you don't know what's going to happen. So, I've been dealing with rules like that in Construction for some time. I think I'm on top of that. Before that it was {inaudible} and before that it was so and so. They just go from Board to Board, Commission to Commission and generate these letters, then spend time on them to try and improve the rules or at least explain to them why amendments or changes need to be made.

Chair – Thank you.

Mr. Barnhart – Oh, can I say one other thing?

Chair – Yes.

Mr. Barnhart – We had a case this morning about what appeared to be a lot of preneed violations and I would like to encourage Board members, if you come across a case like that for Probable Cause Panel, if you see at least written evidence, contracts or evidence that contracts have been viewed that show possible preneed violations or any other violations, which are shown by document, that you bring it to the prosecutor's attention and to my attention. That could support a charge in the Administrative Complaint, because at probable cause, you have a low threshold of proof that is required to bring a charge. You have a probability that there's been a violation made in that area and it looked to me like we had such a case there. Of course, it does matter if they've corrected the problem, but there were a number of alleged violations there and I believe it would have been a case where we could properly add those charges to probable cause. I know there's two (2) or three (3) Board members who serve on the Probable Cause Panels and there may be someone in the audience, too, who serves from time to time. I just encourage to look beyond that, because if you have a document, especially if it's executed and signed, that's a good start to prosecute that violation, if there's no license. Thank you.

Chair – Thank you.

BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES RULES REPORT
APRIL 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	1/31/19	2/20/19
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	1/29/19	2/18/19
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-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	1/29/19	2/18/19
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	1/29/19	2/18/19
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	1/31/19	2/20/19
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	1/31/19	2/20/19
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	1/31/19	2/20/19
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			
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) 3/7/19 (Second Notice of Change)	10/29/2018 Vol. 44/211	11/14/2018 – Vol. 44/222 11/20/2018 – JAPC letter rec'd 12/11/2018 - JAPC response 12/7/2018 – JAPC letter rec'd 12/27/2018 - JAPC response 1/16/2019 Notice of Change – Vol. 45/11 1/15/19 JAPC letter rec'd 1/18/19 – JAPC response 1/18/19 – Rule TOLLED 3/15/19 – Second Notice of Change published Vol. 45/52 3/22/19 – JAPC letter rec'd 3/28/19 – JAPC response		
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	1/29/19	2/18/19
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	1/31/19	2/20/19

B. Rule 69K-25.0025 – Revised Language

Mr. Barnhart – The one thing we do have to deal with is I'm finally going to get this 25.0025 done correctly, according to JAPC. There's one section that you see in that rule that's highlighted that we need to eliminate, which is like the first two (2) in the rule, but if I could get a motion and a second and a vote to approve that deletion of language, I think we'll be good with JAPC and we'll be able to get that adopted and effective.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-25.0025 Licensure by Military Experience; Funeral Directors, Embalmers, and Direct Disposers; Licensure Renewals of Spouses of Armed Forces Members.

(1) A member of the United States Armed Forces and a veteran of the United States Armed Forces whose appointed duties in the military is/was to act as a mortician or mortuary specialist, is eligible for licensure as a funeral director if the following are submitted:

(a) Proof of an associate's degree in mortuary science from a school or college approved by the American Board of Funeral Service Education or by the Board of Funeral, Cemetery, and Consumer Services;

(b) Either proof of passing the Arts section of the national board examination administered by the International Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination, or proof of passing a funeral director examination administered by a licensing authority of another state;

(c) Proof of having had the appointed duties of a mortician or mortuary specialist in the military;

(d) Proof of successful completion of the Florida Laws & Rules examination; and

(e) A copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper, or separation document.

(2) A member of the United States Armed Forces and a veteran of the United States Armed Forces whose appointed duties in the military is/was to act as a mortician or mortuary specialist, is eligible for licensure as an embalmer if the following are submitted:

(a) Proof of successful completion of a course, embracing at least the subjects specified in section 497.368(1)(d), (e), F.S., at a school or college approved by the American Board of Funeral Service Education or by the Board of Funeral, Cemetery, and Consumer Services;

(b) Either proof of passing the science section of the national board examination administered by the International Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination, or proof of passing an embalmer examination administered by a licensing authority of another state;

(c) Proof of licensure to practice embalming in another state in the United States of America;

(d) Proof of having had the appointed duties of a mortician or mortuary specialist in the military;

(e) Proof of successful completion of the Florida Laws & Rules examination; and

(f) A copy of a military identification card, military dependent identification card, military service record,

military personnel file, veteran record, discharge paper, or separation document.

(3) A member of the United States Armed Forces and a veteran of the United States Armed Forces whose appointed duties in the military is/was to act as a mortician or mortuary specialist, is eligible for licensure as a direct disposer if the following are submitted:

(a) An official transcript showing a college level course in Florida Mortuary Law and a college level course in ethics;

(b) A copy of a high school diploma or GED certificate;

(c) Proof of having had the appointed duties of a mortician or mortuary specialist in the military;

(d) Proof of successful completion of the Florida Laws & Rules examination; and

(e) A copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper, or separation document ~~that indicates such member is currently in good standing or such veteran was honorably discharged~~.

(4) A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the Armed Forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show proof to the Board of the absence and the spouse's military status.

Rulemaking Authority 497.103, 497.168, 497.393, 497.602(4) FS. Law Implemented 497.168, 497.393, 497.602(4) FS. History–New_____.

20. Administrative Report

The information was provided on the Agenda.

21. Disciplinary Report

The information was provided on the Agenda.

22. Upcoming Meeting(s)

- **A.** May 2nd (Teleconference)
- **B.** June 18th (Orlando – Rosen Plaza Hotel, 9700 International Drive)
- **C.** July 11th (Teleconference)
- **D.** August 1st (Tallahassee – Betty Easley Conference Center, 4075 Esplanade Way, Room 166)
- **E.** September 5th (Teleconference)
- **F.** October 3rd (St. Petersburg/Pinellas Park – St. Petersburg College, Health Education Center, 7200 66th St. N)
- **G.** November 7th (Teleconference)
- **H.** December 5th (Jacksonville – Embassy Suites by Hilton Jacksonville Baymeadows, 9300 Baymeadows Road)

23. Adjournment

Chair – The next meeting is a teleconference meeting in May and then we're in Orlando at the Florida Morticians Association Convention. Then in October, we're in St. Petersburg, involved with St. Petersburg College. Thank you, Kevin Davis for agreeing to that. We like that and we like to be involved with you and your students. Board member, anything? Anything to report? Good of the cause? Thank you.

The meeting was adjourned at 12:06 p.m.