

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
December 3, 2020 - 10:00 A.M.

1. Call to Order, Preliminary Remarks, and Roll Call

Jody Brandenburg, Chair – Good morning, everyone. Welcome to the Board of Funeral, Cemetery, and Consumer Services' Videoconference. It's December 3, 2020. Ms. Simon, would you please make your preliminary remarks and accomplish the roll call?

Ellen Simon – Yes, sir. My name is Ellen Simon. I am the Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by videoconference and notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to interested persons. Both the link and call-in number is on the agenda, which has been made available to the public. The call -in number and other information relating to the Board meeting has also been published on the Division's website. The Division staff present for this meeting are attending from the locations in which they are telecommuting, during the COVID-19 pandemic. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared.

As this is a videoconference of the Board, there are some items I need to draw your attention to. For one, as a general rule, please do not utilize your video camera for the meeting unless you are a Board member, Board counsel, or an authorized Division employee. If you have a matter listed on the agenda and intend to appear before the Board to represent yourself, or if you are an attorney that is representing a client, only turn your video camera option on when we have reached the agenda item that you want to be heard on or when you hear your name called. Then turn your video camera option off again as soon as your matter has been addressed by the Board. Additionally, we will need everyone that is on the call to put their phone or audio feed on mute, if you are not speaking. As you can tell already in this meeting, the ambient noise coming from someone's phone or audio, which is not muted, causes severe disruption to the meeting. If you are not muted, you may be muted by Division staff. As a result, please make sure to unmute your phone or audio feed when you are preparing to speak. Additionally, if you are using your computer or smartphone for your audio feed, please remember to speak directly into the microphone on your device. To do otherwise negatively impacts the recording of this meeting. Just as in a live meeting, persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board's Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. As a final reminder, Board meetings are public meetings under Florida Law, and anything said via chat is subject to a public records request. The chat feature should only be used for technological issues you may be experiencing. You may direct any inquiries based on this to Mary Schwantes, Division Director. She is monitoring the chat feature and, as necessary, will forward your inquiry to someone who can assist in resolution of the problem. At this time, Mr. Chairman, I will call the roll:

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

Also noted as present:

Mary Schwantes, Executive Director
Rachelle Munson, Board Legal Advisor
LaTonya Bryant, Department Staff

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

Chair – Thank you.

2. **Action on Minutes**
A. **October 1, 2020**

Chair – Action on the Minutes from October 1, 2020?

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

3. **Old Business**
A. **Funeral Establishment**
(1) **Recommended for Approval with Conditions**
(a) **Peaceful Rest Funeral Home and Cremation Inc (Tampa)**

Ms. Simon – Is there a representative of that establishment on the call today? Hearing no response. Mr. Chairman, I received some information within the last twenty (20) minutes or so, in regard to this matter. It is in the shape of an e-mail, and what I would like to do is, I would like to send it to the Board members that are participating in this call, so it can be part of the discussion today. Would that be acceptable to you?

Chair – Yes.

Ms. Simon – I apologize, Board members. I just emailed that to you right now, so you should receive that email momentarily. And if I can just have one moment? An application for a funeral establishment licensure was received by the Division on August 12, 2020. The application was incomplete when submitted. A completed application was received on September 24, 2020. The Funeral Director in Charge will be Courtney Cunningham (F065144). A background check of the principals revealed no criminal history. When this coversheet was originally prepared, the Division's recommendation would be approval. However, based on the information that I just sent you, it appears to be evidence of a funeral service taking place on October 30th. Based upon this information that I just received this morning, and again I apologize. Since then, the Division would recommend denial.

Mr. Jones – Ms. Simon, I did not get a copy of that, so can you go into more detail?

Ms. Simon – Yes, sir. Let me try one more time. Maybe it did not go to your current email address. I am sending it to you now, but just before you get it, it appears to be a program evidencing a funeral service being provided by this applicant. And it appears to be a funeral service that took place on October 30th. The address provided on the program is the address that was provided by the establishment on application.

Mr. Williams – Ms. Simon, this is Mr. Williams.

Ms. Simon – Yes sir?

Mr. Williams – Mr. Chairman, may I speak?

Chair – Mr. Williams, go right ahead.

Mr. Williams – Ms. Simon, question? So, are you recommending denial based on the applicant having not gone through the process, in terms of being approved by the Board, since the funeral took place on the date as mentioned?

Ms. Simon – What I am recommending is denial based on unlicensed activity. While I'm on the phone with you, by the way, I have received some communication from the licensee, but it was undeliverable. I'm not able to read it. Not the licensee, the applicant. Mr. Brandenburg, in terms of the recommendation for denial, if a denial were to take place, the denial would be based on s. 497.380, F.S., which provides that good character of past records, and I'm paraphrasing, is necessary before being licensed.

Chair – Ms. Simon, what is the deemer date on this application?

Ms. Simon – The deemer date appears to be about December 16th, on or about that time. It's before the next Board meeting. I did speak with a representative of the applicant, the person that's listed on the actual application, but I spoke with her after I receive the information this morning. I let her know about what her options were in terms of today's meeting, based on the information I received.

Chair – Thank you. Ms. Munson?

Rachelle Munson – Yes, Good Morning, Board. I was just going to suggest, I understood Ms. Simon indicated, Chair, that she spoke with the Applicant earlier this morning, and also that the applicant is attempting to send a transmittal to her. I don't know what the content of that transmittal is, but if the transmittal is requesting...

{Background conversation}

Chair – Mr. Christopher Butler? Would you please mute, Mr. Butler?

Ms. Simon – Mr. Chairman, I apologize. The two (2) emails I've received were actually bounce backs from the attempt to send it to Mr. Jones. They were not from the applicant themselves.

Chair – Ms. Munson, go right ahead.

Ms. Munson – In light of that information, I can share with the Board that in discussions regarding very recent review of this information, the information indicates unlicensed activity. It is not definite proof of it, but it is very strong evidence of it. I was hoping that the applicant would be able to speak to it, and perhaps we would have the opportunity to, I've presented a few options, if the applicant were present. The applicant is not, but perhaps a conditional approval, until this information that's presented at the very last minute [inaudible] give the applicant an opportunity, I thought the applicant was trying to communicate with Ms. Simon, so I'm not sure what the Board would be willing to consider at this particular time, outside of the denial. I would like to emphasize, though, that this is evidence of unlicensed activity. I don't know if it's fabricated. I can't speak to anything else about it. It's a document without any investigation behind it.

Chair – I would like to pass on this and come back to it and suggest that someone in the Division get in touch with someone at Peaceful Rest Funeral Home, or the funeral director in charge, and have them join our meeting so we can make a more informed decision.

Ms. Simon – Mr. Brandenburg?

Chair – Yes?

Ms. Simon – I appreciate that the Board may want to do that. However, as I indicated, I did reach out to the person that is on the application, as the contact individual. I spoke with her, at length, and I gave her my email address to send any correspondence to me. I repeated it about five (5) times, and she indicated she had taken it down correctly and repeated it back to me. I also indicated that she could appear at this meeting today. I didn't know whether she had intended to before or not. And I let her know about her options. That she could waive the deemer rule on this matter, she could have her application be heard with this evidence I just received, or she can withdraw. I gave her those options.

Chair – Thank you, Ms. Simon. Mr. Knopke?

MOTION: Mr. Keenan Knopke moved to table the item until the end of the meeting to give the applicant an opportunity to join the meeting; if not, then the Board would act on the application at that time. Mr. Jones seconded the motion, which passed unanimously.

Chair – This is tabled until the end of the meeting, or near the end of the meeting, when we have direct contact with the

applicant.

Ms. Simon – Thank you, sir.

4. Disciplinary Proceeding(s)

A. Settlement Stipulations (Probable Cause Panel A)

(1) *Brown Memorial Funeral Home & Cremation Service, LLC: DFS Case No.: 243275-19-FC; Division No. ATN-32410 (F041798)*

Ms. Simon – Mr. Marshawn Griffin will be presenting for the Department.

Marshawn Griffin – Marshawn Griffin for the Department. Brown Memorial Funeral Home & Cremation Service, LLC (“Respondent”) is funeral establishment, licensed under Chapter 497, Florida Statutes, license number F041798. The Department conducted an inspection of Respondent and found that Respondent engaged in activities regulated by Chapter 497, Florida Statutes, with expired licensure. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay a \$300 fine. The Department requests that the Board accept this Settlement Stipulation.

Chair – Mr. Knopke?

Mr. Knopke – Yes, sir, Mr. Chairman. I wanted to recuse myself from 4. A. (1), (2), and (3), because I was on Probable Cause Panel A. And I also want to recuse myself from 4. C. (1) and (2).

Chair – So noted and thank you, Mr. Knopke. Board?

MOTION: Mr. Jones moved to accept the Settlement Stipulation, which provides that the Respondent pay an administrative fine of \$300. Mr. Williams seconded the motion, which passed unanimously.

(2) *J L Locke & Company: DFS Case No.: 243567-19-FC; Division No. ATN-32427 (F041384)*

Ms. Simon – Ms. Janjic will be presenting for the Department.

Danijela Janjic – Good morning. Danijela Janjic for the Department. J L Locke & Company (“Respondent”) is a cinerator facility, licensed under Chapter 497, Florida Statutes, license number F041384. Respondent operated a cinerator facility without holding a valid license. Respondent's license expired on November 30, 2018. The Department's inspection revealed that Respondent handled ninety-two (92) bodies while Respondent's license was expired. Respondent renewed their license on January 10, 2019. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine of \$300.00. The Department requests that the Board accept this Settlement Stipulation.

MOTION: Mr. Lew Hall moved to accept the Settlement Stipulation, which provides that the Respondent pay an administrative fine of \$300. Mr. Andrew Clark seconded the motion, which passed unanimously.

(3) *Richard L. Macon Funeral Home, Inc, d/b/a Freeman Funeral Home: DFS Case No.: 243147-19-FC; Division No. ATN-32472 (F041946)*

Ms. Simon – Ms. Janjic is representing for the Department.

Ms. Janjic – Danijela Janjic for the Department. Richard L. Macon Funeral Home, Inc., d/b/a Freeman Funeral Home (“Respondent”) is funeral establishment, licensed under Chapter 497, Florida Statutes, license number F041946. The Department conducted an inspection of Respondent and found that Respondent engaged in activities regulated under Chapter 497, Florida Statutes, with an expired license and failed to use a Department approved form for its Bodies Handled Reports. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows:

Respondent shall pay a \$300 fine and expressly acknowledges the requirements of section 497.382(1), Florida Statutes. The Department requests that the Board accept this Settlement Stipulation.

MOTION: Mr. Hall moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$300 fine and expressly acknowledges the requirements of section 497.382(1), Florida Statutes. Mr. Jones seconded the motion, which passed unanimously.

B. Settlement Stipulations (Probable Cause Panel B)
(1) Garrett, Floyd Brian: DFS Case No.: 261898-20-FC; Division No. ATN-34062 (F089562)

Ms. Simon – Mr. Griffin is presenting for the Department.

Mr. Griffin – Marshawn Griffin for the Department. Floyd Brian Garrett (“Respondent”) is a monument retailer sales agent, licensed under Chapter 497, Florida Statutes, license number F089562. The Department conducted an investigation of Respondent and found that Respondent failed to timely honor contracts; demonstrated negligence or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes; and aided and abetted an entity with an expired license in engaging in activities regulated by Chapter 497, Florida Statutes. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent will pay a \$1,500 fine and have his license placed on probation for one (1) year. The Department requests that the Board accept this Settlement Stipulation.

Powell Helm – Question, Mr. Chair?

Chair – Mr. Helm?

Mr. Helm – Mr. Griffin, I don't know whether this is appropriate time to ask this question or not, but this fine is for his sales agent license being expired?

Mr. Griffin – For failing to timely honor contracts and for entering into contracts on behalf of an entity whose license was expired.

Mr. Helm – I'm sorry, I should have said part of it was. Why I asked that question, what about the business? Is that something lighter?

Mr. Griffin –No. The entity is no longer in operation anymore, and I believe that counsel for Nationwide, Mr. [inaudible] could speak more to this, but the entity is no longer in operation. So, OGC felt that it was not necessary to take action against it.

Mr. Helm – Ok.

MOTION: Mr. Helm moved to accept the Settlement Stipulation, which provides that the Respondent to pay an administrative fine of \$1,500 and have his license placed on probation for one (1) year. Mr. Hall seconded the motion, which passed unanimously.

(2) Miami Funeral Services & Crematories d/b/a National Funeral Homes: DFS Case No.: 243581-19-FC; Division No. ATN-30427 (F132258)

Ms. Simon – Mr. Drake is on the line, who is representing the licensee and Mr. Griffin will be presenting for the Department. Mr. Griffin?

Chair – Mr. Williams?

Mr. Williams – Yes, sir?

Chair – Do you want to declare that you're a member of the Probable Cause Panel?

Mr. Williams – I apologize, Mr. Chair. I would like to recuse myself on cases 4. B. (1), (2) and (3), as I was on Probable Cause Panel B.

Chair – Good. Thank you, Mr. Williams. Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. Miami Funeral Services & Crematories d/b/a National Funeral Homes (“Respondent”) is funeral establishment, licensed under Chapter 497, Florida Statutes, license number F132258. The Department conducted an investigation of Respondent and found that Respondent engaged in a preneed sale with a consumer without the benefit of licensure. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay a four thousand dollar (\$4,000.00) fine. The Department requests that the Board accept this Settlement Stipulation.

Chair – I’m recognizing Mr. Paul Drake. Mr. Drake, do you want to address the Board, or are you here to merely answer questions that the Board may have?

Paul Drake – Thank you, Board Member Brandenburg. I’m just here to answer any questions the Board members may have. I also have Dayana Sosa on the line, who is the President of the funeral home. So, if there’s any questions, we’re here to answer them.

Chair – Thank you.

Mr. Knopke – Mr. Chairman?

Chair – Mr. Knopke, go right ahead.

Mr. Knopke – Question to Mr. Griffin. \$4000 fine and no probation?

Mr. Griffin – Yes, sir. The amount of the fine took into account a non-probation offer.

Mr. Knopke – Ok, Thank you.

Chair – Mr. Hall?

MOTION: Mr. Hall moved to accept the Settlement Stipulation, which provides that the Respondent to pay an administrative fine of \$4,000. Mr. Andrew Clark seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Drake for joining us.

Mr. Drake – Thank you.

(3) Related Cases – ATN-33104

(a) Hadley-Davis Funeral Home: DFS Case No.: 254469-19-FC; Division No. ATN-33104 (F056037) (No Board Member Recusal Necessary)

Ms. Simon – Presenting for the Department is Mr. Bossart. Mr. Bossart?

James Bossart – Thank you. Good morning, members of the Board. This is James Bossart for the Department. May I proceed, Mr. Chairman?

Chair – Mr. Bossart, go right ahead, please.

Mr. Bossart – Thank you. Hadley-Davis Funeral Home (“Respondent”) is a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F056037. The Department conducted an investigation of Respondent and found Respondent failed to obtain a certificate of death within five (5) days after assuming control of a dead body. Respondent has entered into a

proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine of \$1,500. The Department requests that the Board accept this Settlement Stipulation. Thank you.

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

MOTION: Mr. Hall moved to accept the Settlement Stipulation, which provides that the Respondent to pay an administrative fine of \$1,500. Mr. Helm seconded the motion, which passed unanimously.

Chair – Thank you.

(b) *Davis, Lori Arlene: DFS Case No.: 254474-19-FC; Division No. ATN-33104 (F043177) (No Board Member Recusal Necessary)*

Ms. Simon – Ms. Davis, are you on the call today?

Lori Davis – Yes, I am on the call.

Chair – Ms. Davis is on the call.

Ms. Simon – The case is being presented for the Department by Mr. Bossart.

Mr. Bossart – Thank you, sir. The case before the Board at the moment is Lori Arlene Davis. This is the companion case to the previous case. Lori Arlene Davis (Respondent) is a licensed funeral director and embalmer under Chapter 497, Florida Statutes, license number F043177. At all times material hereto, Respondent was the FDIC of Hadley Davis Funeral Home LLC (funeral establishment), a licensed funeral establishment under Chapter 497, Florida Statutes, license number F056037, and doing business in Miami Gardens, Florida. The Department conducted an investigation of the funeral establishment and found the funeral establishment failed to obtain a certificate of death within five (5) days after assuming control of a dead body. As FDIC, Respondent is responsible for this violation. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine of \$1,500. The Department requests that the Board accept this Settlement Stipulation. Thank you.

Chair – Thank you, Mr. Bossart. Ms. Lori Davis, did you want to address the Board or are you merely here to answer questions?

Ms. Davis – Well, basically, I just got on. I have an attorney representing me, and I just wanted to get on and hear what the Board had to say.

Chair – Mr. Martinez, do you want to address the Board, or you're here merely to answer questions?

Mr. Martinez – Just here to answer questions as needed. Thank you.

Chair – Thank you. Board?

MOTION: Mr. Hall moved to accept the Settlement Stipulation, which provides that the Respondent to pay an administrative fine of \$1,500. Mr. Helm seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Martinez. Thank you, Mr. Davis.

Ms. Davis – Thank you.

Mr. Martinez – Thank you very much, goodbye.

(4) *Related Cases – ATN-33743 & ATN-33477*

(a) Holmes Funeral Directors: DFS Case Nos.: 285585-20-FC & 258293-20-FC; Division Nos. ATN-33743 & ATN-33477 (F041651)

Ms. Simon – Is there anyone on the line representing Holmes Funeral Directors? Hearing no response.

Christopher Butler – Yes. Good morning.

Ms. Simon – Thank you, sir. Mr. Bossart is presenting for the Department.

Mr. Bossart – Thank you. Holmes Funeral Directors (“Respondent”) is a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F041651. On or about December 26, 2019, the Department conducted an inspection of Respondent. The inspection found the Respondent failed to provide a written contract prior to the funeral service and interment that listed in detail the items and services purchased together with the prices for the items and services purchased, failed to obtain at any time written authorization to embalm human remains, failed to maintain bodies handled reports, and engaged in incompetency, negligence, or misconduct in activities regulated under Chapter 497, Florida Statutes. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine of \$5000.00. The Department requests that the Board accept this Settlement Stipulation. I would point out, as listed in your memo, that the Respondent has had prior discipline enacted against them. Thank you.

Chair – Mr. Williams?

Mr. Williams – I’d like to recuse myself as I served on the Probable Cause Panel.

Chair – Thank you so much. We appreciate that. And Mr. Butler? Christopher Butler?

Mr. Butler – Yes? Good morning, sir.

Chair – Good morning. Would you want to address the Board, or you're merely here to answer questions?

Mr. Butler – Thank you, Sir Chairman, for the opportunity, but I am here to merely answer questions if the Board so wishes.

Chair – Thank you so much.

Mr. Hall – Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – May I ask a question of Mr. Bossart?

Chair – For Mr. Bossart?

Mr. Hall – Ms. Bossart, as you mentioned, there's been a lengthy history with this firm through the years, to the point of us removing the license of the owner permanently, his funeral director’s license. Then his wife took over the role, it’s my understanding as an unlicensed person with the ownership of the funeral home. Lengthy criminal histories there with the previous owner. Now, we continue with this, and at no point, even the larger fines, etc., has deterred any of this activity. Is there any reason we should continue with the license of this establishment?

Mr. Bossart – I believe the prior offenses cannot be considered second offenses under the penalty guidelines. So, technically, the fine is appropriate.

Mr. Hall – My question is, with someone having for years now, this extensive history with the Division, at some point do we not look at revocation of the license of this establishment?

Mr. Bossart – That would be within your prerogative, sir.

Mr. Hall – What’s your opinion or advice?

Mr. Bossart – That the Settlement Stipulation be approved.

Mr. Knopke – Mr. Chairman? If Mr. Hall is through.

Chair – I’m giving Mr. Hall time.

Mr. Hall – I’m through, Mr. Chair.

Chair – Go ahead, Mr. Knopke.

Mr. Knopke – Mr. Bossart, I can appreciate the fine. But again, there’s no probation here, when we’ve got all this history.

Mr. Bossart – The Division Staff did not think that probation was appropriate, or was not necessary. Let me put it that way.

Mr. Knopke – It seems like we’re taking the position, then, that we’re going to get more money, but not put anybody on probation. This is the second one, or third one of these this morning. I would think, based upon the activity that’s involved here, that we would at least to. While I realize we can go in at any point and do an inspection unannounced or whatever, I would think, just for the record, we would want some level of probation.

Mr. Bossart – That would be your privilege, sir, if you think it’s appropriate.

Mr. Butler – If I may address the Board here on behalf of Mr. Holmes?

Chair – Mr. Butler, go right ahead.

Mr. Butler – Thank you, Sir Chairman. Ladies and gentlemen of the Board, the situation that brings us before you today with the complainant, does not directly involve, and in my opinion, any wrongdoing of Holmes Funeral Directors. Holmes often finds itself in the middle of family disputes. And that’s what occurred here. Holmes had received permission to pick up a body from a former client who they had just recently serviced. And that person was supposed to come into the funeral home to sign all the documents, but Mr. Holmes received a call from the actual person who was authorized to get those, the estranged daughter, and at that time, he did not move forward. So, you know, I understand, with respect to Mr. Hall’s concern that there has been a lengthy history, but as Mr. Bossart has indicated, this is not considered a secondary offense. And this Settlement Stipulation was not negotiated with the Department. This was an offer by the Department under the circumstances, considering the material facts of this matter. So, you know, we would respectfully request that the Board accept the stipulation at this time. I have counseled, and I continue to do so with my clients, better recordkeeping practices, and I do believe moving forward, we have rectified the manner.

Mr. Hall – Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – Why would Mr. Holmes be seeing this family?

Mr. Butler – Excuse me?

Mr. Hall – Why would Mr. Holmes be seeing this family that you just spoke of? His license was revoked permanently.

Mr. Butler – Right. If I said that he had saw the family, I misspoke. The staff at Holmes Funeral Directors. When I say Holmes, I’m referring to Holmes Funeral Directors, his wife, Deliria and the staff.

Mr. Knopke – Mr. Chair?

Chair – Mr. Knopke?

Mr. Knopke – Mr. Butler, who was the funeral director that eventually signed the paperwork on this for this family? Do you know?

{Background conversation}

Mr. Butler – I'm sorry? Was there somebody speaking?

Mr. Knopke – It wasn't me. I was looking to you to answer the question.

Chair – Go ahead, Mr. Butler.

Mr. Butler – I am reviewing the Board's packet that was sent. I believe the funeral director, and I haven't found the document yet. Please bear with me a moment. Authorization was given by Steve Millar, the brother.

Mr. Bossart – Ms. Leonardo's the Funeral Director in Charge.

Mr. Butler – Right. And I know that she has requested to be excused today, due to a medical appointment, where she was not able to take in her phone. I don't seem to have the documentation. I received the Board's packet, but I don't have that information on the file. I don't want to misspeak with respect to your question. Mr. Knopke. With respect to your question. Mr. Knopke, I don't have that precise document in front of me to answer that, but I know that it was not Claude Holmes. It might have been Ms. Leonardo, if I'm not mistaken.

Mr. Bossart – If I might point out, one of the allegations in the complaint is that no written contract was ever provided. So, actually the information as to who the customer talked to is perhaps not even in the file. It's assumed that was Ms. Leonardo as she's in charge of the funeral home. If it was somebody else that information isn't available.

Mr. Butler – Right. Thank you, Jim. And as soon as that situation occurred, the meeting never happened. After the family dispute arose, they had an appointment at the funeral home to come in, and to sign the documents. But it escalated quickly amongst the family and therefore that meeting didn't happen, which is the only reason why the contract wasn't signed.

Mr. Hall – Mr. Chair?

Chair – Mr. Hall, go right ahead.

Mr. Hall – My concern and my questions for him, and of course it's all taped, so we can go back and check it later, is was it Mr. Holmes who was talking to this family? I know it was said that we misunderstood and it was the Holmes Funeral Home personnel, and probably Ms. Holmes. She's not licensed either, is my understanding, unless that's happened since she took over the establishment when we took his license. So, that would be two (2) unlicensed people operating without a license.

Mr. Butler – I believe Ms. Holmes is licensed.

Mr. Hall – Maybe I could be wrong, but I didn't understand it that way. And we questioned that when we transferred the establishment to her. So, I don't know if that's the case or not.

Mr. Butler – Ms. Holmes...

Mr. Knopke – Mr. Chair?

Mr. Butler – I'm sorry, Mr. Hall.

Chair – Just one moment. Go ahead, Mr. Butler.

Mr. Butler – Ms. Holmes is a licensed funeral director.

Mr. Hall – Is she? Ok.

Chair – Mr. Knopke?

Mr. Knopke – I draw your attention to page 159 of the electronic file., Exhibit A. There's a letter from an Anndrea Williams-Wilson: "*Dr. Mr. Holmes, As per our conversation on September 30, 2019, you informed me that the arrangements had been made to bury my father*", and it goes on from there. I assume Anndrea Williams-Wilson is the estranged daughter, Is that correct, Mr. Butler?

Mr. Butler – That is correct, and I've been in contact with her and she has agreed to submit a letter correcting her initial complaint. She's suffered some medical emergency as well and I wasn't able to get her signature on that, but she has since retracted her entire complaint on this side of events here.

Mr. Knopke – So, for something that happened over a year ago, and now we don't have people available. We've got retractions, and it seems to me that the letter speaks for itself that she wrote on September 30, 2009.

Mr. Butler – Well, Mr. Knopke, to your point, she didn't indicate that he made any initial arrangements. So, this was an effort to remedy the matter that had occurred.

Mr. Knopke – Ok.

Mr. Butler – This wasn't the initial contract signing or the selection of services. This was a remedy, and quite frankly she could have spoken to anyone at the funeral home. It didn't have to be Mr. Holmes. It didn't have to be at the funeral home to get this remedy. It could have been any staff member.

Mr. Knopke – Mr. Butler, the fact that we still don't have a signed contract, at least in the file that I can find, and I would welcome somebody to find it for me. We've got a letter...

Mr. Bossart – I believe there is not a signed contract, sir.

Mr. Knopke – There is? Where?

Mr. Bossart – There is no signed contract. That was the allegation of the complaint.

Mr. Knopke – I understand. The fact is we don't have a signed contract. They acted on that way. We've got a letter from the person that complained addressed to Dr. Mr. Holmes. It just seems odd to me. I'm not going to beat it to death.

Mr. Hall – Mr. Chair?

Chair – Mr. Hall, go ahead.

Mr. Hall – For the Division, if this stipulation agreement was approved, would it still allow us to potentially inspect and look at unlicensed activity? We're able to do that at any time, are we not? You're muted.

Chair – Ms. Simon, you're muted.

Ms. Simon – I apologize. May I respond, Mr. Chairman?

Chair – Ms. Simon?

Ms. Simon – Mr. Hall, Yes, of course. We're able to go in and inspect at any time, even if that is not a part of the stipulation.

Mr. Hall – Ok. So, we can inspect the facility for what we're determining here, and also for any unlicensed activity?

Ms. Simon – Well, I think that what you may be referring to as an investigation, but regardless, we would be able. We would have the authority to go out there, Yes, sir.

MOTION: Mr. Hall moved to accept the Settlement Stipulation, which provides that the Respondent to pay an administrative fine of \$5,000. Mr. Jones seconded the motion, which passed with one (1) dissenting vote.

Chair – Thank you, Mr. Butler. Ms. Simon?

(b) Leonardo, Alberta L: DFS Case Nos.: 258586-20-FC & 258294-20-FC; Division Nos. ATN-33743 & ATN-33477 (F044032)

Ms. Simon – Presenting for the Department is Mr. Bossart.

Mr. Williams – Mr. Chair?

Chair – Mr. Williams, go right ahead.

Mr. Williams – I would like to declare my participation on Probable Cause Panel B for this case as well.

Chair – Thank you for that declaration. Mr. Bossart, go right ahead.

Mr. Bossart – Thank you, sir. Alberta L. Leonardo (Respondent) is a funeral director and embalmer, operating under license number F044032. Respondent is the FDIC of Holmes Funeral Directors, a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F041651. On or about December 26, 2019, the Department conducted an inspection of the funeral establishment. The inspection found the funeral establishment failed to provide a written contract prior to the funeral service and interment that listed in detail the items and services purchased together with the prices for the items and services purchased, failed to obtain at any time written authorization to embalm human remains, failed to maintain bodies handled reports, and engaged in incompetency, negligence, or misconduct in activities regulated under Chapter 497, Florida Statutes. As FDIC, Respondent is responsible for these violations. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine of \$3000.00. The Department would ask that the Settlement Stipulation be approved. I would also point out that the Respondent does have prior discipline, by way of a Consent Order, but it is not the same as the previous violation of the funeral establishment. Thank you.

Chair – Thank you. Mr. Butler, you stated earlier that you have counseled the firm on better business practices. Have you also talked with and counseled Alberta Leonardo on the business practices and how to improve their business practices?

Mr. Butler – Sir, may I respond?

Chair – Please, Mr. Butler.

Mr. Butler – Yes, sir. I have on a continuous basis. As I believe that Holmes Funeral Directors will eventually retain my services to do so. To help in their data retention, records retention, and better business practices. I do provide counsel in that regard.

Chair – Were you involved in reaching this Settlement Stipulation?

Mr. Butler – Yes, Chair. I was involved with facilitating and communicating back and forth with my clients, the terms.

Chair – Thank you.

Mr. Helm – Mr. Chairman?

Chair – Mr. Helm?

Mr. Helm – Mr. Bossart, I must ask the question, again. Why was there not any probation on this one?

Mr. Bossart – The Division staff did not feel that it was necessary, sir.

Mr. Helm – That seems like a pretty standard answer. Well, I think it needs a probation with it.

Chair – I'm sorry? Mr. Helm, could you repeat that?

Mr. Helm – I think it needs probation with it.

Chair – Thank you.

Mr. Butler – Sir Chair, may I address Mr. Helm's comment?

Chair – Just one moment, Mr. Butler. Mr. Hall?

Mr. Hall – I didn't say anything, Mr. Chair.

Chair – I'm sorry. Mr. Butler, go right ahead.

Mr. Butler – We had reviewed the guidelines with regards to discipline of this particular infraction, and I don't have it in front of me, but I'm not, I don't think it...

Mr. Helm – You're muted, Mr. Butler.

Chair – You're muted, Mr. Butler.

Mr. Butler – Thank you. With respect to Mr. Helm's comment, the infraction that Ms. Leonardo has been brought to the Board before on, I don't believe probation is on the guidelines in that regard. I could be mistaken. We usually conduct a grid and an analysis for each of our clients here, and I couldn't seem to put my hand on the one for Holmes, but I recall that may not be one of the potential disciplinary actions under that statutory violation.

Chair – Thank you.

Mr. Bossart – May I say something to the Board, Mr. Chairman?

Chair – Mr. Bossart, you go right ahead.

Mr. Bossart – Thank you. The penalty guidelines do provide for up to one-year probation, for Ms. Leonardo, if that's the Board's desire. I would just point out that all the counts, well these are basically two (2) cases. Both cases involve very heated and quick family disputes between siblings. There seems to have been a lot of confusion, so I'm not sure that it is necessarily all the funeral director's fault. And I'm not sure a probation would necessarily serve any purpose. But if that's the Board's pleasure, then it may do so. Thank you.

Ms. Simon – Mr. Brandenburg?

Chair – Ms. Simon.

Ms. Simon – If I may? Just to add to that information, there are five (5) counts in this case, and as such, I believe that if the Board chose to go with probation, it would be up to five (5) years of probation.

Mr. Knopke – Mr. Chair?

Chair – Mr. Knopke?

Mr. Knopke – I'd make a motion to reject the proposed settlement.

Chair – Is there a second to that?

Mr. Helm – May I ask a question first?

Chair – Please, Mr. Helm?

Mr. Helm – Do you have another motion, Mr. Knopke?

Mr. Knopke – I'll come back with another one in a moment, if it's rejected.

MOTION: Mr. Knopke moved to reject the Settlement Stipulation, as presented. Mr. Helm seconded the motion, which passed unanimously.

Chair – Mr. Knopke?

Mr. Knopke – I'll make a motion to fine Alberta Leonardo \$3,000 and place her on three (3) years of probation.

Mr. Helm – I'll second that motion.

Chair – That motion has been made and seconded, Mr. Butler, can you approve this while we're on the conference call?

Mr. Butler – Sir Chair, unfortunately I'm not able to approve these terms. You know, we may be requesting a hearing before the State, in this regard, as we believe that the material facts here are heavily in dispute. This was a heated family issue that unfortunately brought in Ms. Leonardo. Unfortunately, I may not be able to approve at this time.

Chair – So, Ms. Munson, where are we with this?

Ms. Munson – The Order will reflect that the stipulation presented was rejected.

Chair – Thank you. And the subsequent motion matters, correct?

Ms. Munson – I'm sorry. The subsequent motion matters? I'm misunderstood.

Chair – It does not matter then?

Ms. Munson – No. It would just show that's rejected and I would go back to the Division to renegotiate or whatever they choose to do with it.

Mr. Jones – Yeah.

Chair – So, the Settlement Stipulation was rejected and it will go back to the Division. Next case, Ms. Simon.

Ms. Simon – Yes sir, Mr. Brandenburg.

C. Material Facts Not Disputed (Section 120.57(2) Hearings) (Probable Cause Panel A)
(1) Callahan Funeral Home Inc: DFS Case No.: 243532-19-FC; Division No. ATN-32438 (F067310)

Ms. Simon – Ms. Janjic?

Ms. Janjic – Danijela Janjic for the Department. The matter of Callahan Funeral Home Inc. (Respondent) is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion). Respondent is a funeral establishment licensed under Chapter 497, Florida Statutes, (F067310). On July 5, 2019, the Department filed an Administrative Complaint against Respondent for operating a funeral establishment with an expired license. Based on the foregoing, Respondent violated ss. 497.152(5)(b) and 497.380(3), Florida Statutes and is subject to discipline. The Administrative Complaint was served on Respondent by personal service on July 29, 2019. Included with the Administrative Complaint was a Notice informing Respondent that the failure to respond in writing, within twenty-one (21) days of service, or by August 19, 2019, would constitute a waiver of rights to request a proceeding on the matters alleged in the Administrative Complaint, and an Order of Suspension or Revocation by the Board would be entered against the Respondent. The Department did not receive an Election of Proceeding or any other written... {background interruption} ...can I ask whoever has their phone on to mute it, please?

The Department did not receive an Election of Proceeding Form or any other written response, from Respondent by August 19, 2019. This fact is attested to by the affidavit provided by Division Executive Director and the Agency Clerk. Respondent's failure to file a response constitutes a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint. Therefore, the Department requests that the Chairman of the Board entertain a motion finding the Respondent, Callahan Funeral Homes, Inc., was served as the Administrative Complaint by personal service containing a Notice of Rights and the Election of Proceedings form, and failed to respond within the allotted twenty-one (21) day period, and has therefore waived its right to request a Proceeding Involving Disputed Issues of Material Fact. A copy of this memo along with a copy of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact have been sent by US mail and e-mail to Respondent's last known address and e-mail address of record.

Chair – Board, is there a motion?

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

Chair – Go ahead, Ms. Janjic.

Ms. Janjic – Now that the Board has determined that the Respondent has waived its right to request a proceeding in this matter, 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. Jones moved to adopt the allegations of the facts as set forth in the Administrative Complaint. Mr. Helm seconded the motion, which passed unanimously.

Ms. Janjic – The Department now contends that the Board's findings of fact support a finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. The Department believes that 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.

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

Ms. Janjic – The Department offers into evidence the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish a prima facie case for the violations of the alleged and the Administrative Complaint. As to penalty in this matter, the Department recommends a penalty fine of \$300.

Chair – Is there anyone on the line representing Callahan's Funeral Home? Callahan Funeral Home? Hearing none.

MOTION: Mr. Jones moved that the Respondent shall pay an administrative fine of \$300. Mr. Hall seconded the motion, which passed unanimously.

(2) Related Cases – ATN-33136

(a) Chestnut Funeral Home: DFS Case No. 254987-19-FC; Division No. ATN-33136 (F040669)

(b) Chestnut, Charles; DFS Case No. 261483-20-FC; Division No. ATN No. 33136 (F046147)

Ms. Simon – The cases for Chestnut Funeral Home and Charles Chestnut have been pulled from today's agenda.

*D. Material Facts Not Disputed (Section 120.57(2) Hearings) (No Board Member Recusal Necessary)
(1) Jay Funeral Home: DFS Case No.: 243330-19-FC; Division No. ATN-32419 (F041892)*

Ms. Simon – Ms. Janjic?

Ms. Janjic – Yes, ma'am. Danijela Janjic for the Department. The matter of Jay Funeral Home (Respondent) is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion). Respondent is a funeral establishment licensed under Chapter 497, Florida Statutes, (F041892). On or about August 21, 2020, the Department filed an Administrative Complaint against Respondent for operating a funeral establishment with an expired license, failing to maintain the Bodies Handled Reports at the business premises, and not utilizing a Department authorized form. Based on the foregoing, Respondent violated ss. 497.152(5)(b), 497.380(3), and 497.382(1), Florida Statutes and is subject to discipline.

The Administrative Complaint was served on Respondent by certified mail on or about August 27, 2020. Included with the Administrative Complaint was a Notice informing Respondent that the failure to respond within the allotted twenty-one (21) days of service or by September 17, 2020, would constitute a waiver of rights to request a proceeding in this matter alleged in the Administrative Complaint, and an Order of Suspension or Revocation by the Board would be entered against Respondent. The Department did not receive an Election of Proceeding Form, or any other written response from Respondent by September 17, 2020. This fact is attested to by the affidavits executed by the Division Executive Director and Agency Clerk. Respondent's failure to file a respond constitutes a waiver of right to request a proceeding on the matters alleged in the Administrative Complaint. Therefore, the Department requests that the Chairman of the Board entertain a motion finding that the Respondent was served with the Administrative Complaint, containing the Notice of Rights and an Election Proceeding form that it failed to respond within the allotted twenty-one (21) day period, and has therefore waived its right to request a Proceeding Involving Disputed Issues of Material Fact. A copy of this memo along with a copy of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact have been sent by US mail and e-mail to Respondent's last known address and e-mail address of record. At this time, it would be appropriate for the Chair to entertain a motion determining whether the Respondent has waived its right to a s. 120.57(1) Hearing based on the failure to file a timely response.

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

Chair – Just a moment, I'm checking something here. Ok, it did not go before Probable Cause. Thank you. Go right ahead, ma'am.

Ms. Janjic – Now that the Board has determined the Respondent has waived his right to request a proceeding in this matter, 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. Knopke moved to adopt the allegations of the facts as set forth in the Administrative Complaint. Mr. Helm seconded the motion, which passed unanimously.

Ms. Janjic – The Department now contends that the Board's findings of fact support a finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. The Department believes that 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.

MOTION: Mr. Knopke moved to find the Respondent in violation of the statutes as charged in the Administrative Complaint. Mr. Clark seconded the motion, which passed unanimously.

Ms. Janjic – The Department offers into evidence the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish a prima facie case for the violations of the alleged and the Administrative Complaint. As to the penalty, the Department recommends a penalty fine of \$300.

Ms. Simon – Mr. Chairman?

Chair – Ms. Simon?

Ms. Simon – In an abundance of caution, is there anybody on the call representing Jay Funeral Home? Hearing no response.

Chair – Thank you for that interjection. We appreciate that. So, the \$300 fine is for the expired license and the Bodies Handled Reports?

Ms. Janjic – Yes. There is no set amount for the Bodies Handled Reports. Usually in the Settlement Stipulation, we have included their acknowledgment that they shall use the authorized form. And I guess we can add that language but there was no set amount under our guideline for that violation.

Mr. Knopke – Mr. Chair?

Chair – Mr. Knopke?

Mr. Knopke – I'll make a motion to fine a total of \$600.

Mr. Jones – Mr. Chair?

Chair – Mr. Jones did you second that.

Mr. Jones – No sir, but if I may really quick before we vote? If we go back under #4, disciplinary actions, we had the same thing where we had a failure to renew license and the Bodies Handled Reports. I believe they were fined \$300. If we're going to charge this Respondent more, is it because they didn't reply or what is the difference? I'm just asking.

Chair – Mr. Hall?

Mr. Hall – I would disagree with Mr. Jones. I think in some of the previous meetings, we've done the same thing, and so, it's a light fine, but in the matter of consistency, I think it's fair.

Chair – Which one is fair, Mr. Hall?

Mr. Hall – The \$300 is what we've been doing in some of the last meetings in today's meeting. So, in a matter of fairness and consistency, I think it makes sense.

Mr. Knopke – I'll withdraw the motion, Mr. Chair.

Ms. Simon – Mr. Chairman, if I may?

Chair – Mr. Knopke withdraws the motion. Ms. Simon?

Ms. Simon – Yes. Just for the Board's edification, there was a period of time that we were only asking for a fine similar to what was in the disciplinary guidelines, before 2019. I don't suspect that the Board will see the Department asking for that low fine anymore. Thank you, sir.

Chair – Thank you. So, is there a motion?

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

Chair – Mr. Helm?

Mr. Helm – According to what I've read, it says Respondent hasn't responded. Has anybody heard from this person yet?

Ms. Janjic – I have not heard from them. No.

Mr. Helm – Well, sorry, but I have to agree with Keenan, because he hasn't even called. The other ones did meet and everything. You haven't even heard from this guy and the other people did communicate. That's all I have to say.

Chair – Thank you, Mr. Helm.

MOTION: Mr. Jones moved that the Respondent shall pay an administrative fine of \$300. Mr. Hall seconded the motion.

Chair – There's been a motion made for a fine of \$300, and it's been seconded. And all those in favor, aye?

Board members – Aye.

Chair – Any opposed?

Mr. Helm – No.

Mr. Knopke – No.

Chair – Is that Mr. Helm and Mr. Knopke opposed?

Mr. Knopke – Mr. Knopke did.

Mr. Helm – Mr. Helm did.

Chair – So, the motion carries. Thank you.

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

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

6. Application(s) for Continuing Education
A. Course Approval - Recommended for Approval without Conditions – Addendum B
(1) Elite Professional Education, LLC (113)
(2) In-Sight Books (10008)
(3) International Cemetery, Cremation and Funeral Association (22808)
(4) Kates-Boylston Publications (29810)
(5) National Funeral Directors Association (136)
(6) New Jersey Funeral Service Education Corp (7002)
(7) WebCE (43)

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the courses presented on Addendum B 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. Knopke seconded the motion, which passed unanimously.

B. Provider Approval - Recommended for Approval without Conditions – Addendum C
(1) Wilbert Funeral Services (38808)

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

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

7. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum D

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

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

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

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

- (1) Direct Disposer**
 - (a) Conway, Baleigh A**
- (2) Funeral Director (Internship and Exam)**
 - (a) Frazier Jr, Randy R**
 - (b) Gates, Everett E**
 - (c) Wilson, Ralph E**
- (3) Funeral Director and Embalmer (Endorsement)**
 - (a) Briffa, Rebecca M**
 - (b) Collins, Catherine E**
 - (c) Crumling, Daniel S**
 - (d) Mendez, Stephanie**
 - (e) Miller, Christopher D**
 - (f) Murray, Michael**
 - (g) Sutton, Holly D**
 - (h) Sutton, Malory W**
- (4) Funeral Director and Embalmer (Internship and Exam)**
 - (a) Henry, Sondra L**
 - (b) Pettapiece, Robert**
 - (c) Post, Tyler L**
 - (d) Tingley, Kelsey R**

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

B. Recommended for Approval with Conditions

- (1) Funeral Director and Embalmer (Internship and Exam)**
 - (a) Wilson, Cedricjuan**

Ms. Simon – An application for an embalmer license was received by the Division on October 20, 2020 and was complete when submitted. Mr. Wilson’s application for licensure as an embalmer was approved at that time. Subsequently the application submitted an application for a combination license, as a funeral director and embalmer, as he had already been licensed individually as both. The Division is recommending approval subject to the condition that the licensee be placed on probation until August 10, 2021, as was a condition of his funeral Director licensure as ordered at the June 18, 2019 Board meeting.

Mr. Helm – I'll move to approve.

Wendy Wiener – Mr. Chairman? This is Wendy Wiener. May I address the Board?

Chair – Ms. Wiener, are you representing Cedricjuan Wilson?

Ms. Wiener – I am. Yes, sir.

Chair – Please address the Board.

Ms. Wiener – Thank you. This matter is before the Board. Let me take you back a few months, to the July 2020 Board meeting, at which Mr. Wilson appeared via videoconference to address this Board regarding his embalmer's license. If you will recall, he had agreed to probation for his funeral director's license issued back in 2019, as a result of a criminal history. However, he's made a lot of strides since that time. When he came before this Board just a few months ago, he argued that his license should not be placed on probation. If you look back in the July 22, 2020 meeting minutes, you will see a lot of discussion about the fact that this was a criminal history based on him having spanked his child, but yet his parental rights were not terminated. In fact, the child resides with him at present. There was quite a bit of discussion. And a lot of the discussion was about whether this Board had the capacity to remove the probationary period from his funeral director's license. Because this Board did vote to, and I believe it was unanimously, to license him as an embalmer without any probation attached thereto. And so, there was a lot of conversation back and forth on how, in fact, this Board could remove the probation from his funeral director's license, as well. There really wasn't a procedural capacity to do so at that time. And so, following that meeting, what we decided to do was to apply for a concurrent license for both his funeral director and embalmer license, and seek to have him licensed in that capacity without the probationary term. We certainly do not want to put his embalmer's license on probation. The purpose of this application was to, in essence, manifest what appeared to be the intention of this Board, just a few months ago, back in July of 2020. And so, we would ask that you license Mr. Wilson without any probation attached to this concurrent license.

Chair – Thank you, Ms. Wiener.

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

Chair – Thank you.

Ms. Munson – This is not an opposition Chair, but just to comment for the Board. I'm not interfering with your votes, but just for future reference, I think that Attorney Wiener has very well identified the situation in this case. However, for future consideration and I don't know if I'll have an opportunity to say so, in the advent of applying for concurrent licensure, with the understanding that a funeral director's licensure would be encumbered with probation, and the embalmer's license unencumbered. And then to apply for a concurrent licensure and have the effect of removing the Board's decision to encumber that portion of it relating to the funeral directorship, is something just to keep in mind in the future. And I'm not saying that this is a vehicle that will be used in any fashion, other than for the purpose of creating a concurrent licensure. But, this is just a point of caution to keep in mind that any vehicle that is going to remove any previous encumbrances would probably just need to have some type of discussion. I think Attorney Wiener has indicated that, perhaps it was not the Board's original or, not original, but follow up intent to allow the probationary encumbrance to remain on the funeral directorship license because of the situations or the specific facts that played into that particular licensing situation. However, the Board, again, just as a point of caution, if any encumbrance is placed on any specific licensure, prior to lifting that restriction, and normally that restriction is actually lifted by Order and it's called the Lifting of Restriction Order. The combining of the two (2) licenses or the concurrent licensure, which involves some type of discussion or identification or explanation for the record as to why the Board has decided to, for lack of a better term, lift that encumbrance or lift that restriction. Because, what would have existed as a separate license, by this action, no longer exists as a concurrent license, and I wanted the Board to be clear, to make sure that it is, in fact, your intent and for future consideration that will be your intent, and some explanation on the record could be helpful for directional purposes. As you can see, we rely on previous minutes for any future considerations that may, to some extent, be relevant to future cases. So, I just wanted to make that note for the record.

Chair – Thank you, Ms. Munson for your sage advice.

9. Application(s) for Internship

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

- (1) *Funeral Director*
 - (a) *Bouret-Corona, William F470550*
 - (b) *Callins, Tandria F471879*
- (2) *Funeral Director and Embalmer*
 - (a) *Bifulco, Santo F472456*
 - (b) *Bouthot, Jacqueline F470535*
 - (c) *Hall, Dylan D F427266*
 - (d) *Lee, Amy T F469464*
 - (e) *Loomis III, James R F475475*
 - (f) *Nero, Angela N F475539*

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

10. Application(s) for Embalmer Apprentice

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

- (1) *Lemorin, Nacha F471182*
- (2) *McCall, Ashli E F470520*
- (3) *Van Den Top, Tricia A F471830*

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

11. Application(s) for Monument Establishment Sales Agents

A. Information Item (Licenses Issued without Conditions) – Addendum H

- (1) *Mesa, Yanay F471744*

Ms. Simon – This is also an informational item. Pursuant to s. 497.554, Florida Statutes, the Division has previously approved the applicant listed on the Addendum H

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

A. Informational item (Licenses Issued without Conditions) – Addendum I

- (1) *Douglas M Udell Funeral Home (F041845) (Live Oak)*

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

13. Notification(s) of Change in Location

A. Informational item (Licenses Issued without Conditions) – Addendum J

- (1) *Brooks Cremation and Funeral Service (F040131) (Davie)*

Ms. Simon – This is an informational item. The establishment listed on Addendum J has applied for a change of location of their businesses. The only criteria for approval is that the new location pass inspection by the Division of Funeral, Cemetery, and Consumer Services, at which time that notification of change of location would be granted.

14. Application(s) for Direct Disposal Establishment

A. Recommended for Approval with Conditions

- (1) *Eternity Cremations of Nassau LLC (Fernandina Beach)*

Ms. Simon – An application for a direct disposal establishment was received by the Division on September 14, 2020. A completed application was received on November 6, 2020. The location is currently license as a Funeral Establishment,

Eternity Funeral Home and Crematory of Jacksonville LLC (F040672). The Funeral Director in Charge will be Brian Johnson (F044119). The Division is recommending approval subject to the conditions that the establishment pass an on-site inspection by a member of Division Staff; and receipt by the Division of written/typed communication indicating that funeral establishment license number F064329 is relinquished. Is there a representative of Eternity Cremations of Nassau on the phone today?

Michelle Ohmart– Yes. Good morning, Board. This is Michelle Ohmart, O H M A R T and Rex Gill, G I L L.

Chair – Thank you. Ms. Ohmart, did you want to address the Board, or you're merely here to answer questions that the Board has? Or Mr. Gill?

Ms. Ohmart – The only thing I'd like to say is we had our inspection yesterday.

Ms. Simon – I'm sorry, Ms. Ohmart. Before any statements are made, if you could please raise your right hand and be sworn in. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Ms. Ohmart – I do.

Ms. Simon – Please state your name again, and spell your last name for the record.

Ms. Ohmart – Michelle Ohmart, O H M A R T.

Ms. Simon – Thank you, ma'am. You wanted to make a statement?

Ms. Ohmart – Right. So, we had our inspection yesterday. Anna Rodriguez came out to the location. The inspection passed. We just need to submit one form, which I'm doing currently right now. Other than that, I believe that we have everything in place.

Chair – Any other comments to the Board?

Ms. Ohmart – No, sir.

Chair – Thank you.

MOTION: Mr. Knopke moved to approve the application subject to the conditions that the establishment passes an onsite inspection by a member of Division Staff and receipt by the Division of written/typed communication indicating that funeral establishment license number F064329 is relinquished. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you, Ms. Ohmart and thank you, Mr. Gill.

Ms. Ohmart – Thank you.

(2) Sunflower Cremation LLC (Bay Harbor Island)

Ms. Simon – An application for a direct disposal establishment was received on by the Division on October 16, 2020. While the application was incomplete when submitted, it was completed by November 10, 2020. The Direct Disposer in Charge will be Tricia Segura (F042432). A background check of the principals revealed no criminal history. The Division is recommending approval subject to the conditions that the establishment pass an on-site inspection by a member of Division Staff. Is there a representative of Sunflower Cremation LLC on the call today?

Tricia Segura – Yes. Good morning, Board. This is Tricia Segura.

Chair – Ms. Segura, did you want to address the Board or merely here to answer questions?

Ms. Segura – Chairman, I'm here to answer any questions that you guys might have for me.

Chair – Thank you.

Ms. Segura – Thank you.

Chair – Board?

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

Chair – Thank You, Ms. Segura.

Ms. Segura – Thank you, guys.

15. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) CEJ South Inc d/b/a Family-Funeral & Cremation (Mary Esther)

Ms. Simon – An application for a funeral establishment was received on by the Division on August 28, 2020. The application was incomplete when submitted. A completed application was received on November 3, 2020. The Division is recommending approval subject to the condition that the establishment pass an on-site inspection by a member of Division Staff. Is there a representative of CEJ South on the telephone call today?

Chris Jensen – Yes. My name is Chris Jensen, owner of CEJ South.

Chair – Sorry, Chris. What was your last name, please?

Mr. Jensen – Jensen, J E N S E N.

Chair – Thank you, Mr. Jensen. Did you want to address the Board or are you merely here to answer questions that may arise?

Mr. Jensen – Merely here to answer questions.

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. Hall seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Jensen.

Mr. Jensen – Yes, sir. Thank you.

(2) O Christopher McLemore Funeral Homes Inc. (Miami Gardens)

Ms. Simon – An application for a Funeral Establishment was received on by the Division on October 16, 2020. While it was incomplete when submitted, a completed application was received on November 6, 2020. The Division is recommending approval subject to the conditions that the establishment pass an on-site inspection by a member of Division Staff. Is there a representative of this entity on the call today? Hearing no response. Mr. Chairman?

Chair – Thank you. Board?

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. Jones seconded the motion, which passed unanimously.

16. Application(s) for Preneed Main License

A. Recommendation for Approval without Conditions

(1) Shalom Funeral & Cremation Services Co d/b/a Cherfils Funeral Home (Hollywood) (F200359)

Ms. Simon – The Department received the application on December 10, 2019, which was incomplete at the time of submission. The application was completed as of October 14, 2020. A completed background check of all principals was returned without criminal history. Applicant’s qualifying funeral establishment license (License # F200359) is located at the above address. If approved, applicant will utilize FSI as their trusting agent. If the Board will recall, this item was on your agenda last month, but it was withdrawn, and it is back before you today. The Division is recommending approval without conditions. Is there a representative of Shalom Funeral & Cremation Services on the phone today? Hearing the response. Mr. Chairman?

Chair – Board?

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

Chair – Thank you.

17. Change of Ownership (Collective Applications)

A. Recommended for Approval with Conditions

(1) Foundation Partners of Florida LLC (Various Cities)

(a) Cinerator Facility

(b) Funeral Establishments (3)

(c) Preneed Branch Applications (3)

(d) Training Agency Applications (2)

Ms. Simon – Foundation Partners of Florida LLC (FPG), a Limited Liability entity, seeks approval of applications for licensure for one (1) cinerator facility, three (3) funeral establishments, two (2) training agencies and three (3) preneed branch licenses. The applications are being submitted based upon a change of ownership, wherein Foundation Partners of Florida LLC is acquiring the establishments listed on the coversheet, in your Board package. Two (2) of the funeral establishments being acquired are also petitioning for a waiver of Rule for 69K-18.004, Florida Administrative Code, regarding certain requirements for registration as a training agency, and that has been published in the Florida Administrative Register. Additionally, the two (2) establishments are seeking to continue their training agency status. A completed background check of the principals revealed no relevant criminal history. All locations passed inspections on November 6, 2020. After speaking with a representative of the applicant, I received confirmation that FPG will any obligation to fulfill unfulfilled preneed contracts executed by the three (3) establishments, for which they are applying for funeral establishment licensure. The Division is recommending approval but would like to take this in a tiered process, if that is acceptable to the Board.

Chair – Mr. Clark?

Mr. Clark – Thank you, Mr. Chairman. I just wanted to state for the record, my affiliation with Foundation Partners Group of Florida and I’ll recuse myself from this matter. Thank you, sir.

Chair – Thank you.

Ms. Simon – May I, Mr. Chairman?

Chair – Just a moment. Just for clarification purposes, on page three there's something there that I don't understand. The paragraph begins, “As the proposed new owner...related obligations of Beach...” Can anyone explain this to me? Is there a representative of FPG that can explain that?

Ms. Simon – Mr. Chairman?

Chair – Yes, Ms. Simon?

Ms. Simon – If I may? I did contact Ms. Hansbury, which was why I made the additional comment at the end of my presentation. She did correct the information regarding “Beach”. She sent a new letter to the Division saying that all three (3) funeral establishments that Foundation Partners will assume any liability for any outstanding preneed contracts.

Chair – Good. Thank you so much on that. Now, and you said you wanted to take this by tiers?

Ms. Simon – Yes. Thank you, sir. Only a couple of them. One, I would ask that the Board rule on the Division's recommendation that Rule 69K-18, Florida Administrative Code be waived as requested by the licensees, provided there has been no dispute by the public within thirty (30) days of the date the request was published.

MOTION: Mr. Knopke moved 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 thirty (30) days of the date the request was published. Mr. Jones seconded the motion, which passed unanimously.

Ms. Simon – Therefore, the registration as a training agency will be continued from the old to the new. The Division recommends approval for the rest of the applications subject to the following conditions:

- That the closing on the transaction to acquire ownership shall occur within sixty (60) days of the date of this Board meeting.
- That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- That Applicant shall assure receipt by the Division within seventy-five (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.
- That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to ninety (90) days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 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.
- That the Applications for Registration of a Training Agency be granted so that the aforementioned funeral establishments may continue to be registered as Training Agencies under the new ownership.

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

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

- A. Preneed Sales Agreement Addendum(s) (Informational Item Only)**
 - (1) Curlew Hills Memory Gardens Inc. (F039581) (Palm Harbor)**

Ms. Simon – Curlew Hills submitted a preneed sales addendum form, which is included within your Board package, regarding the Sunset Point Cremation Payment Schedule. They have added a section for credit card and banking information to the addendum form. This addendum form will be used in connection with their approved Prearranged Trust Funded Funeral Agreement for the sale of preneed contracts.

- B. Preconstruction Performance Bond**
 - (1) Recommended for Approval without Conditions**
 - (a) SCI Funeral Services of Florida, LLC d/b/a Menorah Gardens & Funeral Chapel (F039492)**

Ms. Simon – Typically, a pre-construction trust must be put in place if sales are going to occur prior to completion. However, s. 497.272(8) provides that in lieu of the pre-construction trust fund, the cemetery company may provide a performance bond, which they have in this case, for over the amount that is the estimated amount of fulfilling the construction. The Division recommends approval of the previously named pre-construction performance bond without conditions.

Chair – I'd like to declare my affiliation with SCI Funeral Services of Florida. This affiliation will in no way impact my ability to make a fair and impartial decision on this item or any item today coming before the Board.

MOTION: Mr. Hall moved to approve the preconstruction performance bond. Mr. Knopke seconded the motion, which passed unanimously.

19. Related Items

- A. Application(s) to Acquire Control of an Existing Cemetery Company**
 - (1) Recommended for Approval with Conditions**
 - (a) Luke137 LLC d/b/a Foreverglades Cemetery (Belle Glade)**
- B. Application(s) for Preneed Branch License**
 - (1) Recommended for Approval without Conditions – Addendum K**
 - (a) Luke137 LLC d/b/a Foreverglades Cemetery (Belle Glade)**

Ms. Simon – Luke137, LLC, a limited liability company, seeks approval for the following applications for a change of ownership: an application to acquire control of an existing cemetery and application for preneed branch office license. The change of ownership is due to a change of control via an asset purchase agreement wherein Luke137, LLC is acquiring all the cemetery and preneed assets and liabilities of this location. The officers of the LLC will be Daunte L. Fields and Shauntay King. The fingerprints for the principals were returned without criminal history. If approved, Applicant is assuming responsibility for any outstanding preneed contracts that have previously been issued by or for fulfillment at the aforementioned location. The Division has no record of disciplinary action regarding Luke137, LLC. The Division recommends approval of these applications subject to the following conditions:

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

Mr. Knopke – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Knopke – Question to Ms. Simon and maybe Ms. Wiener will answer it, or Ms. Simon can answer it. Do the purchaser's outlined, the two (2) principals, have experience in the cemetery industry in the past?

Ms. Wiener – They do. They own another cemetery that was approved by this Board, some 4, 3, 5 years ago, a while ago. I don't know if I can remember. I can remember where my desk was in my office building, but I couldn't tell you the year.

Chair – It was in Riviera Beach, Mr. Knopke.

Mr. Knopke – Thank you very much.

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

Chair – Ms. Simon?

Ms. Simon – Yes, Mr. Chairman?

Ms. Simon – Can we go back to number 3?

Ms. Simon – Actually, if I can just confirm? On that, Mr. Knopke, I just want to make sure that was a motion for both the acquisition of the existing cemetery and the application for preneed branch office licenser? Yes?

Mr. Knopke – Yes, it was as well as on 19. A. (1) (a). I think there were conditions there, and that was part of it, and obviously under 19. B. (1) (a), is recommend motion without conditions.

Ms. Simon – I do not believe a further vote is necessary on that.

3. Old Business

A. Funeral Establishment

(1) Recommended for Approval with Conditions

(a) Peaceful Rest Funeral Home and Cremation Inc (Tampa)

Ms. Simon – Mr. Chairman, as you've requested the next item on the agenda is to go back to item number three, which was Old business. The application submitted by Peaceful Rest Funeral Home and Cremation Inc. Is there are representative of that entity on the call.

Vanessa Singleton – Yes. My name is Vanessa Singleton, the owner of Peaceful Rest Funeral Home and Cremation.

Ms. Simon – Mr. Chairman?

Ms. Singleton – Hello?

Chair – Ms. Singleton, would you mute your mic just for a moment? Ms. Simon, go ahead.

Ms. Simon – Yes, sir. Ms. Singleton, I'd ask when you're not speaking on this matter, if you can mute your mic because there is some feedback. Mr. Chairman, as I indicated before, earlier today, the funeral establishment application was received on August 12, 2020. It was incomplete when submitted by the completed application was received by September 24th. The Division is recommending denial based upon the documentation that I forwarded to you at the beginning of the Board meeting and I would suggest that if that were to take place, the basis of the denial be s. 497.380, Florida Statutes. Ms. Singleton, when you are not speaking, please put your phone on mute. I'm sorry, Mr. Chairman.

Mr. Williams – Mr. Chair?

Chair – Mr. Williams?

Mr. Williams – May I ask a question?

Chair – Please do ask your question.

Mr. Williams – Ok. Ms. Simon, maybe you can walk me through this thing. I received your e-mail, and then I see the Division’s remarks in reference to the completed application was received on September 24th. The Funeral Director in Charge will be Courtney Cunningham. A background check for the principals revealed no criminal history. So, when you say a background check, is that just on the principals or on the FDIC, as well?

Ms. Simon – That would be on the principals, sir.

Mr. Williams – Ok, so I guess my concern is we have the issue with this funeral director and also based on the information you just provided us. If my colleagues have their old Board material to October 2019. At that meeting, the person had criminal situations going on and we put the person on probation. The motion was done, And I just have some concerns that we're trying to approve this moving forward, because it seems like we have some issues arising with the FDIC. Ms. Simon?

Chair – Mr. Williams, the person that was on probation, was that Courtney Cunningham?

Mr. Williams – Yes, sir.

Chair – I just wanted to clarify that. Thank you.

Ms. Simon – Mr. Brandenburg?

Chair – Yes, Ms. Simon?

Ms. Simon – Perhaps it would be a good time at this moment to swear Ms. Singleton in?

Chair – Ms. Singleton?

Ms. Singleton – Yes?

Chair – Are you still on the call?

Ms. Singleton – Yes, I’m here.

Chair – Would you please be sworn in by Ms. Simon?

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. Singleton – I do.

Ms. Simon – Please state your full name and spell your last name for the record.

Ms. Singleton – Vanessa Singleton, S I N G L E T O N.

Chair – Thank you, Ms. Singleton. There’ll probably be some questions from the Board. Thank you for agreeing to be sworn in. We have information that Peaceful Rest Funeral Homes and Cremation had a funeral before it was a licensed funeral establishment. Can you tell us about the funeral of Mr. Crumbly, Sr.?

Ms. Singleton – I am not aware of any funeral being provided by Peaceful Rest. Neither myself, nor my funeral director, spoke with anyone. Actually, when I had my inspection done, I was asked by Mr. Schuller if I knew of a Tabbie Singleton, which I do. He is a family member, but he has no affiliation with my funeral home. And it seems to be causing me quite a bit of issue, because in the past he was a funeral director and I’m not sure what his actions are or what he may be doing, but he has no affiliation with my funeral home and there have been no funeral services done from Peaceful Rest.

Chair – The funeral folder that we have, that was not in any way connected with Peaceful Rest? Ms. Singleton? Ms. Singleton? Ms. Singleton? Do we know if Ms. Singleton is still on the call?

Ms. Simon – It appears she is not, Mr. Brandenburg.

LaTonya Bryant – She's still on, but she's on mute.

Chair – Ms. Singleton, you're on mute. Could you please unmute yourself?

Ms. Singleton – Hello?

Chair – Ms. Singleton?

Ms. Singleton – Yes. I'm sorry about that. We were disconnected.

Chair – Could you explain why the funeral folder for Mr. Crumbly indicated that it was Peaceful Rest Funeral Home? And can you indeed tell us if not Peaceful Rest Funeral Home, who handled the arrangements and funeral for Mr. Crumbly?

Ms. Singleton – I can't answer that question, because I don't know. There has been no business coming from Peaceful Rest that I am aware of, or my funeral director. I mean, if my cousin, who is very familiar with the funeral business, if he's out conducting business under my name I'm not aware of it. I have no participation in that activity at all.

Chair – What is the cousin's name?

Ms. Singleton – His name is Tabbie Singleton.

Chair – Tavern? Spell it, please.

Ms. Singleton – Tabbie, T A B B I E.

Chair – Thank you. And What state is he licensed to practice?

Ms. Singleton – When I spoke to the inspector, he informed me that he is unlicensed.

Ms. Simon – Mr. Chairman?

Chair – Ms. Singleton, the Board has a dilemma before it. It has all the appearance, yet you're denying that. Can you give us any more comfort that Peaceful Rest did not have anything to do with the family or the service of Mr. Crumbly?

Ms. Singleton – Honestly, I don't even know who Mr. Crumbly is. I never spoke with anyone in that family, nor did my funeral director. So, I can't give you any information on it, because I'm not aware of it.

Chair – Ms. Singleton, did you see this funeral folder before today?

Ms. Singleton – No, I never saw it.

Chair – Ok, thank you very much. Mr. Hall? Were you wanting to speak?

Mr. Hall – My concern was since we had this, since it's being presented to us right at the Board meeting, and we had the issue with criminal history on the FDIC, would she waive the deemer rule and allow the Division to continue to investigate this and bring it back to the next Board meeting?

Chair – Thank you, Mr. Hall. Ms. Munson, would you explain the deemer system to Ms. Singleton, please? Ms. Singleton, this is Board Counsel, Ms. Rachele Munson, speaking to you now.

Ms. Munson – Ms. Singleton, can you hear me OK?

Ms. Singleton – Yes. I can hear you.

Ms. Munson – Good morning. What the Board member has requested is for you to allow the Division an opportunity to continue to review the information in light of, not necessarily this document that was presented to the Board today, but to more fully review your criminal history or the criminal history information that is of record. And by doing so, by allowing the Board to complete that information, this can very well be presented for final review at the next Board meeting. We would actually just need a statement from you indicating that you do give the Board that permission to take the additional time. Normally, within ninety (90) days from the submission of a completed application, the Board or the Division acts on it. This has taken a little bit longer, and the Board is asking for an opportunity to do that if you so provide that waiver. Would you be willing to provide that waiver, ma'am?

Ms. Singleton – I'm sorry, I have a question.

Ms. Munson – Sure.

Ms. Singleton – Ok. Are you asking for permission to do a criminal background history on myself or my funeral director?

Ms. Munson – I'll let the Division speak to that directly. My response would be to more fully review application itself, ma'am. That's what the request is and to take into consideration whatever criminal history is of record. I would like to note that if the Board does not receive such a waiver today, they will be required to act. And if they feel that they do not have enough information for approval, their action could be denial. So, this is an effort to avoid that, and just complete the additional review. But, I'll let Ms. Simon speak to what extent that review will involve.

Ms. Simon – If the applicant waives the deemer provision and there is a request by the Board that there be a criminal history check of Courtney Cunningham before the next time we go forward, if that's what Mr. Williams was asking before, if I'm saying that correctly, then I would just ask for it before we come back. That will be done by the Applicant and proposed to us. Mr. Williams, I'm not sure if I was understanding you correctly.

Mr. Williams – Mr. Chair, may I respond?

Chair – Please, Mr. Williams.

Mr. Williams – Yes, ma'am, I just want to make sure that the Division does a criminal background check, because I thought I read that a criminal background check was done with nothing found, but I may have misread that. So, that's why I asked that question. Also, Mr. Chair, I would like to ask if maybe Mr. Jones, whether it is possible that the death certificate could be a part of that review, so that we can see who actually applied for the Death certificate to determine who may have handled arrangements at that point? Is that possible?

Mr. Jones – The Division can request that, Mr. Williams, and we will provide it.

Chair – Ms. Singleton, do you waive the deemer so this can be heard at the next Board meeting?

Ms. Singleton – Yes.

Chair – Thank you. That's a declaration for Ms. Singleton. Is there a motion?

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

Chair – Thank you for getting on the call, Ms. Singleton. We appreciate it, and we'll work toward resolution on this.

Ms. Singleton – Thank you very much.

Chair – You're welcome. Ms. Simon?

Ms. Simon – Before she goes, I just want to make sure. Ms. Munson, is that sufficient?

Ms. Munson – It's sufficient, because it's on the record. An e-mail or something in writing would be best, so you can have it documented, but the minutes will reflect it.

Ms. Simon – Thank you, I'm sorry, Mr. Chairman. If I may move along on the agenda?

Chair – Please do that.

20. Executive Director's Report
A. Operational Report (Verbal)

Ms. Simon – At this time, I will turn the meeting over to the Executive Director, Mary Schwantes, to give her report.

Ms. Schwantes – Good morning, Board members. First, let's talk about Board meetings. At the August meeting of the Board, the Board considered revisions to the schedule for its upcoming meetings, changing all meetings to be held by videoconference through January 2021. We promised to come back to the Board this month with an update on our meeting concerns and a recommendation for the future months of the current fiscal year, which ends June 30, 2021. I want to take a few moments to address those issues. The major considerations for continued videoconference versus in-person meetings are a direct or indirect result of the COVID-19 Pandemic. With virus infections rising and expected to significantly increase over the next few months, the risk of infection at an in-person meeting also increases. Vaccinations are not expected to be widely available until sometime this summer, with continued social distancing measures recommended until next fall. That's the latest news anyway. I know some of you have expressed a desire to have at least a few in-person meetings resumed. I want you to know that we actually looked into ways in which this might be accomplished. We would need a room large enough to continue to accommodate social distancing requirements and still provide opportunity for some form of videoconferencing ability, especially for those licensees and other interested parties who are unable or unwilling to attend in-person during the ongoing pandemic. With the increasing infections, however, as well as ongoing traveling budget concerns, this is just not feasible at this time.

I mentioned budget. We do have continuing budget concerns, which are again also primarily the result of the COVID Pandemic. The annual cost of in-person Board meetings is approximately \$30,000 to \$40,000. The Legislature has already reduced our operating budget by 6% for the fiscal year. Frankly, additional budget cuts are expected when the Legislature meets. It is currently unknown how much impact those cuts might have on our budget. So, we are creatively addressing the budget cuts in every possible way. As an example, our examination team is now conducting more exams or portions of exams remotely through coordination with the licensees and their trustees. Working with the Department's Information Technology Division, we are also changing processes to better adjust to the remote working world in which we now primarily operate. Vacant positions are not being filled. Yet, our expenses have also increased. As examples, we require extra protective equipment for our offices and field staff. Our Board counsel fees, through the office of the Attorney General's Office, have increased, pursuant to the contract and the actual cost of travel has increased. So, the bottom line is, our budget was tight before, but now we have no wiggle room at all in it, particularly not knowing what additional budget reductions we may be facing as a result of the legislative session. So, as a result of continuing travel concerns and risks presented by COVID-19, as well as the ongoing budget concerns just outlined, the Division is recommending that all Board meetings through the fiscal year, which ends on June 30, 2021, be held by videoconference, still allowing individuals to attend by telephone as needed. We intend to come back to the Board, after the legislative session, but prior to the fiscal year end, with recommendations regarding Board meetings after that, including a revised proposed calendar for the meeting for the next three (3) years. At this time, I'd like the Board to consider and vote on proposed changes in its upcoming meeting schedule, changing all Board meetings through June 30, 2021 to be held by video conference, which will also allow individuals to attend by telephone. And

Board Action is needed.

MOTION: Mr. Knopke moved to approve the proposed changes in the Board's upcoming meeting schedule, changing all Board meetings through June 30, 2021 to be held by video conference, which will also allow individuals to attend by telephone. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you.

Ms. Schwantes – Thank you, Board members. We know that it's not ideal, but it seems to be the best fit for the current situation. I wanted to give you, very briefly, an update on the Board Appointment Process. There is no update. It's status quo. So, the next Board meeting will be held by videoconference, and will take place on Thursday, January 7, 2021. We wish everyone a healthy and joyful holiday season and certainly a better new year to come. That ends the Operation Report. Thank you, Mr. Chair.

Chair – Thank you. I have a question. With the number of Board members that we have, if we were to have a meeting where there wasn't a quorum, what happens to the cases that are coming before the Board at that particular meeting?

Ms. Schwantes – Ms. Munson, did you want to answer that question?

Ms. Munson – Simply, you can't vote on them. So, if there's going to be some time sensitive issues, it would be perhaps an opportunity for the administrative staff to schedule a special meeting where a quorum can be accommodated or make some arrangements for waivers, such as was the case with the matter that we just handled moments ago. But, there's not much wiggle room with that. If it's time sensitive, without an Executive Order that suspends that, we would have no choice, but perhaps a special meeting, or be in violation, which those applications, for example, would be deemed.

Mr. Jones – Mr. Chair? Is it six (6) or seven (7) to have a quorum?

Ms. Schwantes – It's six (6).

Ms. Munson – Thanks.

Ms. Schwantes – Mr. Chair, may I?

Chair – Yes.

Ms. Schwantes – Thank you, sir. I just want Board members to know that this is a concern of ours, as well, and also a concern of the Department. I know that the CFO's Office is very well aware of the quorum concerns. We last year proposed as part of the Department's Bill to make changes to that portion of the statutes, because of the situations that we've been faced with in the last few years. Unfortunately, that concern is not currently changing the status of the Board Appointment Process. That's the best I can put on that. Thank you.

Chair – Thank you. I appreciate your report.

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

Ms. Simon – This is an informational report of the payment of disciplinary fines and costs. Assuming there are no questions?

Mr. Helm – There are questions.

Ms. Simon – Ok, great.

Chair – Good. Mr. Helm, go right ahead.

Mr. Helm – Just one question. The one on appeal, Wilson-Wolfe? Is there a time limit on his appeal or what's going on with that?

Ms. Simon – I'm not sure how to answer that for you, sir. I have not studied to see what is going on with the appeal. I have not checked that out. I can. I do not know if he requested a stay on his fine. I will need to check that out as well and report back to you next month. If he did not request a stay as to his discipline imposed, then we would be seeking further administrative action.

Mr. Helm – I'm sorry, I didn't hear what you said last.


Ms. Simon – Ok. If he did not request a stay, because if he requests a stay, then he would not have to follow or adhere to the order until the appeal matter is handled. But, if he did not request a stay, then he still would have to pay the fine within a specific period of time. I will check that out within the next month and if he did not request a stay, I will seek further administrative action before the Board or through the statutes, for failing to pay a fine. I believe that under our statutes, if somebody fails to pay or fails to abide by an Order within the period of time assessed that we can seek suspension of licensure. I'll look into that within the next month.

Mr. Helm – Ok, thank you.

Ms. Simon – Are there any other questions regarding the report? Hearing none. Mr. Brandenburg, I interrupted you, I'm sorry.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 Date of Board meeting: December 3, 2020
 Date report was prepared: November 23, 2020

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Brandon Cremation and Funeral Services Inc	5-Nov-20	255669-19-FC	\$500	12/21/2020		
A L Hall Funeral Directors Inc. d/b/a Tillman Funeral Home	5-Nov-20	254434-19-FC	\$2,000			
Isaac Miller	5-Nov-20	260760-20-FC	\$2,000			
Florida Cremation Services LLC d/b/a Valles Funeral Home and Crematory	5-Nov-20	254489-19-FC	\$3,500	12/21/2020		
Maykel Ribalta	5-Nov-20	254491-19-FC	\$3,500	12/18/2020		
Alternative Transportation Services	5-Nov-20	267466-20-FC	\$1,750			
Carriage Florida Holdings Inc. d/b/a All Cremation Options	5-Nov-20	258265-20-FC	\$300	12/21/2020		
Carriage Team Florida (Funeral) LLC d/b/a Conrad & Thompson Funeral Home	5-Nov-20	255950-19-FC	\$850	12/21/2020		
Michael Williams	5-Nov-20	217639-17-FC	\$5,000	2/16/2021		
Affordable Cemetery Monuments, Plaques & Property	5-Nov-20	270186-20-FC	\$1,500	12/21/2020		
Tri County Mortuary Transfer Services	5-Nov-20	243586-19-FC	\$300			
Coleman's Mortuary	5-Nov-20	243324-19-FC	\$2,000			
St. Fort's Funeral Home, Inc	5-Nov-20	244271-19-FC	\$2,500			
Evans St. Fort	5-Nov-20	244273-19-FC	\$2,500			
Beacon Direct Cremations, Inc.	1-Oct-20	243099-19-FC	\$1,500	20-Nov-20		
John Kuge	1-Oct-20	243105-19-FC	\$1,500	20-Nov-20	Yes	
Cremations of Greater Tampa Bay	1-Oct-20	258286-20-FC	\$1,000	20-Nov-20	Yes	
Thomas Cohen	1-Oct-20	339720-18-FC	\$2,500	20-Nov-20	Yes	
R. Butts, Inc. d/b/a Butts Memorial Chapel	1-Oct-20	256607-19-FC	\$1,500	15-Dec-20		
Rickey Sharnard Butts	1-Oct-20	256616-19-FC	\$1,500	15-Dec-20		
Bradwell Mortuary	1-Oct-20	259030-20-FC	\$2,000	20-Nov-20	Yes	
Monte C. Bradwell	1-Oct-20	259031-20-FC	\$2,000	20-Nov-20	Yes	
Lisa DeGiovine	1-Oct-20	269799-20-FC	\$1,500	20-Nov-20		
Marc Brooks	1-Oct-20	255318-19-FC	\$4,000	15-Nov-20		
Cremation Services of Mid-Florida, Inc.	1-Oct-20	264437-19-FC	\$3,000	15-Nov-20	Yes	
Jessica Jones	1-Oct-20	241661-19-FC	\$2,000	15-Nov-20	Yes	
Combs Funeral Home	1-Oct-20	258590-20-FC	\$1,500	15-Nov-20		
Marquis Turner	1-Oct-20	258594-20-FC	\$1,500	15-Nov-20	Yes	
Riverview Memorial Park, Inc.	3-Sep-20	257443-20-FC	\$5,000	22-Oct-20	Yes	
Stonemor Florida Subsidiary LLC d/b/a Roberts Funeral Homes Bruce Chpael East	9/3/2020	254449-19-FC	\$1,000	10/15/2020	Yes	
Stonemor Florida Subsidiary LLC d/b/a Roberts Funeral Homes Bruce Chpael West	9/3/2020	254441-19-FC	\$1,000	10/15/2020	Yes	

FLORIDA KEYS FUNERAL SERVICES LLC D/B/A KEY WEST MORTUARY	9/3/2020	243116-19-FC	\$2,250	10/15/2020	Yes	
SCI d/b/a Forest Lawn South d/b/a Forest Lawn Memorial Gardens South	13-Aug-20	244893-19-FC	\$3,000	9/21/2020	Yes	
John Comerford	13-Aug-20	255522-19-FC	\$1,500	9/21/2020	Yes	
Faith Memorials Inc d/b/a Comerford Vault Memorial	13-Aug-20	255516-19	\$1,500	8/20/2020	Yes	
Dillon Roberts	13-Aug-20	233486-18-FC	\$2,000	9/21/2020	Yes	
Buy and Sell Cemetery Plots, LLC	13-Aug-20	233374-18-FC	\$1,500	10/8/2020		
Camel Funeral Home	13-Aug-20	254447-19-FC	\$2,500	10/8/2020		
D.A. Boyd and Sons Funeral Home	13-Aug-20	243552-10-FC	\$500	10/8/2020	Yes	
Gainer-Pollard Funeral Home LLC	13-Aug-20	254989-19-FC	\$3,000	10/8/2020		
John Hanks	13-Aug-20	230107-18-FC	\$2,500	10/8/2020	Yes	
John A. Hanks d/b/a John Hanks Memorial Services	13-Aug-20	230153-18-FC	\$4,000	10/8/2020	Yes	
Wilson Wolfe, Inc., d/b/a Sweet Dreams Memorial	8/13/2020	256163-19-FC	\$4,000	9/24/2020		On appeal
Anthony M. White d/b/a A.M. White Mortuary	7/22/2020	256169-19-FC	\$2,000	9/14/2020	Yes	
Anthony M. White	7/22/2020	258551-20-FC	\$2,000	9/14/2020	Yes	
Trahan Mortuary Services, Inc. d/b/a Pensacola Crematory:	7/22/2020	255306-19-FC	\$2,000	9/14/2020	Yes	
Ana Alicia Logan	7/22/2020	254473-19-FC	\$500	9/14/2020	Yes	
Cremation Service of Florida LLC	7/22/2020	243562-19-FC	\$300	9/21/2020	Yes	
Kalis-McIntee Funeral & Cremation Center	7/22/2020	243608-19-FC	\$300	9/21/2020	Yes	
Carriage Funeral Holdings, Inc. d/b/a Emerald Coast Funeral Home and Reception Center	7/22/2020	255311-19-FC	\$850	9/14/2020	Yes	
Carriage Funeral Holdings, Inc. d/b/a Lee County Cremations Services	7/22/2020	254944-19-FC	\$300	9/14/2020	Yes	
Stone Brothers Funeral Chapel:	7/22/2020	243594-19-FC	\$300	9/14/2020	Yes	
A Good Shepherd's Funeral Home and Cremation	2-Apr-20	243596-19-FC	\$300	7/24/2020	Yes	
Darice Concepcion	5-Dec-19	233390-18-FC	\$2,500	6-Feb-20		A
<p>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.</p>						 11-24-2020

21. **Chairman's Report (Verbal)**

Chair – No report.

22. **Office of Attorney General's Report**

A. Attorney General's Rules Report (Informational)

Ms. Simon – Ms. Manson?

Ms. Munson – The report is provided for informational purposes only. Thank you.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
DECEMBER 2020**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69KER20-1	Licensure Compliance Regarding Inspection Deadlines.	07/22/2020	08/31/20	N/A	N/A	08/27/20	08/27/20
69K-1.006	Licensure Requirements Regarding Inspections.	07/22/2020	09/16/20 (RD) 11/16/20 (Withdrawal)	09/24/20	10/09/20 10/28/20 – JAPC ltr 11/06/20 – Atty Response		
69K-18.001	Embalmer Intern Training Program.		08/12/2019(RD)	08/20/2019 Vol.45/No.162			
69K-18.002	Funeral Director Intern Training Program.		08/12/2019(RD)	08/20/2019 Vol.45/No.162			
69K-18.003	Concurrent Internships.		08/12/2019(RD)	08/20/2019 Vol.45/No.162			
69K-21.005	Display of Licenses.		09/26/2019(RD)	10/03/2019 Vol.45/No.193			
69K-24.034	Operating Procedures for Refrigeration Services.		09/26/2019(RD)	10/03/2019 Vol.45/No.193			

23. Public Comments (Verbal)

Ms. Simon – Are there any public comments to be made on any items on today’s agenda? Hearing none, Mr. Chairman?

24. Administrative Report

The information was provided on the Agenda.

25. Disciplinary Report

The information was provided on the Agenda.

26. Upcoming Meeting(s)

- A. January 7th (Videoconference)
- B. February 4th (Videoconference)

27. Adjournment

Chair – Thank you. Again, as usual, thank your Board. Thank you, staff. We always appreciate you, and have a happy holiday season. Stay safe out there, and continue to take care of yourselves and your families, and all the best to you.

The meeting was adjourned at 12:14 P.M.