

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES**  
**TELECONFERENCE MEETING**  
**June 18, 2020 - 10:00 A.M.**

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

Mr. Jody Brandenburg, Chair – Good morning, everyone. Welcome to the Board of Funeral, Cemetery, and Consumer Services Teleconference meeting. It's June 18, 2020. Ms. Simon, would you please make your preliminary remarks and do the roll call?

Ms. Ellen Simon – Yes, Mr. Chairman. My name is Ellen Simon. I am Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, June 18, 2020, and it is approximately 10:00 A.M. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by teleconference and notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to all interested persons. The call-in number was placed on the agenda, which is made available to the public. The Board staff present for this meeting are also on the teleconference. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared. Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board's Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. Additionally, as this is a teleconference, we need everyone that is on the call to put their phones on mute if they are not speaking. The ambient noise coming from someone's phone, not muted, often causes disruption to the meeting. Lastly, due to a possible strain with my internet connection please be patient, if I need additional time as I go through the agenda. At this time, Mr. Chairman, I will take 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  
Marshawn Griffin, Department Counsel  
James "Jim" Bossart, Department Counsel  
LaTonya Bryant, Department Staff  
Jasmin Richardson, Department Staff

Ms. Simon – I will just ask those on the call one more time, if you are not speaking, please place your phones on mute. Thank you. Mr. Chairman?

Chair – Ms. Simon, is there a quorum?

Ms. Simon – Excuse me, Mr. Chairman. There is a quorum for the business of the Board.

Chair – Thank you.

**2. Action on the Minutes**

**A. May 7, 2020**

Chair – Action of the Minutes of May 7, 2020?

Darrin Williams – Mr. Chairman?

Chair – Yes?

Mr. Williams – This is Darrin Williams. I had a correction that I wanted to make in the minutes, if I could.

Chair – Sure.

Mr. Williams – On page two, item number 5. B., the case of David McWhorter. It stated the motion passed unanimously, but I voted against this case, and I just wanted to bring that to your attention for the minutes to reflect that.

Chair – Alright. Ms. Bryant, do you have that?

LaTonya Bryant – Yes, thank you.

Chair – Thank you, Mr. Williams. With that correction, is there a motion?

**MOTION:** Mr. Ken Jones moved to adopt the minutes of the meeting with the correction. Mr. Andrew Clark seconded the motion, which passed unanimously.

### 3. Disciplinary Proceedings

#### A. Settlement Stipulation(s)

##### (1) Probable Cause Panel B

##### (a) *Pinkney-Smith Funeral Home, Inc.: Case No.: 254957-19-FC; Division No. ATN-33158 (F039974)*

Ms. Simon – This item will be presented for the Department by Mr. Bossart.

Jim Bossart – Thank you. May I proceed, Mr. Brandenburg?

Chair – Please do.

Mr. Bossart – Thank you. The case before the Board is Pinkney-Smith Funeral Home, Inc.(Respondent), is a Florida funeral establishment licensed under Chapter 497, Florida Statutes, license number F039974, in Hawthorne, Florida. An investigation dated October 25, 2019 revealed that Respondent advertised and continues to advertise the sale of preneed contracts, without having a valid preneed license.

Based upon the foregoing, Respondent violated sections 497.152(1)(a), 497.152(5)(a), 497.152(9)(e), 497.157(1), and 497.452(1)(a), Florida Statutes, by advertising the sale of preneed funeral contracts, without having a valid preneed license. Respondent has entered into a proposed stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine of \$1,500.00 and undergo a one-year period of probation. The Department recommends that the Board approve this settlement stipulation.

I believe Mr. Bruce Smith, counsel for the Respondent is present at this meeting, if he has anything to add to what I just said or you have questions.

Bruce Smith – Good morning, Mr. Chair, Board members. This is attorney Bruce Smith appearing on behalf of Pinkney-Smith Funeral Home, and we agree with the stipulation.

Chair – Thank you. This is Jody Brandenburg. I have a question for Mr. Bossart and Ms. Simon. It appears that Pinkney-Smith Funeral Home has a location in Hawthorne FL, and also in Gainesville FL. And I note that the stipulation only covers the one location. Any comments on that? Mr. Bossart?

Mr. Bossart – I would refer to Ms. Simon. If there's a separate license, I wasn't aware of that.

Ms. Simon – Yes, Mr. Chairman, we're only dealing with one license number in this matter.

Keenan Knopke – Mr. Chairman, this is Knopke with a question.

Chair – Mr. Knopke?

Mr. Knopke – To either Mr. Bossart or Ms. Simon, does each individual license firm have a separate website, or do they share the website?

Ms. Simon – I'm unable to answer that.

Mr. Smith – Good morning, this is attorney Bruce Smith, on behalf of Pinkney-Smith Funeral Home. If they share the website, sir, it's one entity, basically.

Chair – I believe you'll agree, Mr. Smith, that each entity is a separately licensed funeral establishment. Is that correct?

Mr. Smith – I'm not aware of that. I believe the website appears at the Hawthorne location.

Mr. Knopke – Mr. Chair? Mr. Knopke.

Chair – Yes, Mr. Knopke?

Mr. Knopke – I would propose that we amend the proposed settlement to include both locations. I would hate to see them set up another website down the way and make the same mistake.

Chair – Is that a motion?

Mr. Knopke – That is my motion, yes.

Lew Hall – Second, Hall.

Powell Helm – Question, Mr. Chair?

Chair – Who's this?

Mr. Helm – Mr. Helm.

Chair – Yes, Mr. Helm?

Mr. Helm – Before the get further with the voting, I believe this is a question for Mr. Bossart. On the second paragraph, you stated an investigation dated October 25, 2019 revealed that Respondent advertised and continues to advertise the sale of preneed contracts. Does he continue to do it?

Mr. Bossart – That means, after the investigation, they still had their advertisements up, after October 25<sup>th</sup>.

Mr. Smith – This is Bruce Smith, on behalf of Pickney-Smith. The website has been taken down, sir.

Mr. Helm – Ok, Thank you!

Ms. Simon – This is Ellen Simon.

Chair – Ms. Simon, I was just about to call on you. Please.

Ms. Simon – Thank you, Mr. Chairman. I'm not sure that we are in a posture of being able to add an additional licensee to the settlement agreement, particularly in light of the fact that the settlement agreement calls for a fine and probation. Of course, I think that the defense counsel can waive anything, but I do not know that that is an appropriate matter to take up right now.

Rachelle Munson – This is Ms. Munson. If I may, Mr. Chair?

Chair – Yes, Ms. Munson?

Ms. Munson – I'd just like to interject that because we are dealing with a settlement agreement, I understand that Mr. Smith is here representing the client. But if there are any amendments to, it would need to be addressed by the client. I don't think that the attorney, Bruce Smith, can speak on behalf of the client regarding any amendments without taking those amendments back to him. If we are not in a position to accept the stipulation as presented, then another option would be to reject the stip for further review and perhaps give them an opportunity to come to a different agreement. But because this is just issued under the single license, as indicated, that portion of it, if it appears to be correct to the Board, we can move forward. And if there is another agreement to be filed under a separate license, that also can be handled separately. I just wanted to provide the various options that were available. Thank you.

Mr. Smith – Attorney Bruce Smith, on behalf of Pinkney-Smith.

Chair – Excuse me, Mr. Smith. Just a moment please. This is Jody Brandenburg. I think that was sage advice from our counsel, and I think we should act upon this Settlement Stipulation, and perhaps, in the future, there may be one or more Settlement Stipulations forthcoming. My advice is to act upon this Settlement Stipulation, un-amended. Mr. Smith, go right ahead.

Mr. Smith – I would just interject that. There is only one license, There's no other license.

Chair – So, the Gainesville operation is operating without a license?

Mr. Smith – I don't want to comment, sir. I was under the impression there was only one license. I'm not familiar with it. [inaudible] we'll act upon this Settlement Stipulation or we can try to address the other issue at a later date.

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

Mr. Knopke – Mr. Chair? Mr. Knopke.

Chair – Mr. Knopke? Go right ahead.

Mr. Knopke – I will be withdrawing my motion as presented and substitute it for a new motion to table this and ask the Department and Counsel for the Board to negotiate a new settlement to include both firms.

Ms. Simon – If I may, Mr. Chairman?

Chair – Ms. Simon, go right ahead.

Ms. Simon – Of course, Mr. Knopke, there can be something that we would table, but this was an investigation only into one licensee, and that is why there is a stipulation provided to the Board, on the one licensee we investigated. If there is another complaint generated with another funeral home, we can take it up at another time. However, this investigation was based on this licensee, and I would suggest that the Board consider not tabling it and instead motioning on this settlement stip as is.

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

Chair – Mr. Knopke, go right ahead.

Mr. Knopke – Ms. Simon, the only reason I'm trying to include the second one is simply because the counsel acknowledged that there's one website for both firms. So, the one that's not included, clearly was advertising the same thing, because it's the same website.

Mr. Smith – This is attorney Bruce Smith, on behalf of Pinkney-Smith. I can say for a fact that there were, it was advertised for both locations. I know that there was just one website {inaudible} because it's been taken down.

Chair – Thank you, Mr. Smith. Mr. Knopke, did you have a motion.

Mr. Knopke – Mr. Chair, let's leave it as it's been presented. I will vote against it if it's going to be just as presented. I understand that this is causing complications, both from the Department as well as counsel for Pinkney.

Chair – Okay. Your motion dies for lack of a second.

**MOTION:** Chair moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$1,500.00 and undergo a one-year period of probation. Mr. Jones seconded the motion, which passed with one (1) dissenting vote.

Chair – Thank you, Mr. Smith.

Mr. Smith – Thank you, Chair and Commissioners.

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

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

**5. Application(s) for Continuing Education Course Approval**  
**A. Recommended for Approval without Conditions – Addendum B**  
**(1) International Cemetery, Cremation and Funeral Association (22808)**  
**(2) New Jersey Funeral Service Education Corp. (7002)**

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

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

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

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

Mr. Helm – This is Helm, Mr. Chair?

Chair – Go right ahead, Mr. Helm.

Mr. Helm – I understand what the Consumer Protection program is. Once again, we have Prestwood Funeral Home up here. I don't know how everyone else feels about it. I can't remember exactly the amount before, but if I remember this is going to push it over \$20,000, taken away that they should not have. I'm sorry, there's got to be some way to go after these people. Can someone in the Division look into that, because I don't think it's very clear of the people that put money into this, the people that's done things right, and then we got these people that go out and sell stuff and don't even have anything and they just withdraw money out of it and walk away, with money in their pockets. I don't feel that's fair in any way.

Ms. Simon – Mr. Chairman, if I may?

Chair – Ms. Simon?

Ms. Simon – Just as information to the Board. I believe there have been criminal sanctions or criminal action taken against one (1) or two (2) of the people involved in Prestwood. I am not sure what happened with that criminal activity. I simply remember reading something in the paper about it.

Chair – Ms. Simon, for the satisfaction of Mr. Helm and other Board members, would you be able to report on that at the next Board meeting?

Ms. Simon – Yes sir.

Chair – Thank you. Mr. Helm, anything else.

Mr. Helm – No.

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

7. **Application(s) for Florida Law and Rules Examination**
  - A. **Informational Item (Licenses Issued without Conditions) – Addendum D**
    - (1) **Direct Disposer**
      - (a) **Morrison, Jill**
    - (2) **Funeral Director (Endorsement)**
      - (a) **McCreary Jr., William**
    - (3) **Funeral Director (Internship and Exam)**
      - (a) **Cross, NaTasha**
      - (b) **Davis, Reginald L**
    - (4) **Funeral Director and Embalmer (Endorsement)**
      - (a) **Snyder, Brittany K**
    - (5) **Funeral Director and Embalmer (Internship and Exam)**
      - (a) **Thompson, Tracie L**
      - (b) **Walden, Monica S**

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

8. **Application(s) for Internship**
  - A. **Informational Item (Licenses Issued without Conditions) – Addendum E**
    - (1) **Embalmer**
      - (a) **Weeks, Abigail F256861**
    - (2) **Funeral Director**
      - (a) **Hernandez, Brittney P F439664**
      - (b) **Nieves, Jeffrey M F290321**
    - (3) **Funeral Director and Embalmer**
      - (a) **Bolek, Kristina M F440602**
      - (b) **Chandler III, Clyde F441768**
      - (c) **Johnson, Quywanah F436176**
      - (d) **Taylor, Jeremy F322046**
      - (e) **Theil, Ryan F376955**
      - (f) **Tirado, Laura E F438205**

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

9. **Application(s) for Embalmer Apprentice**

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

- (1) *Hernandez, Brittney P F439664*
- (2) *Wunner, Brandon L F062890*

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

10. **Application(s) for Registration as a Training Facility**

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

- (1) *Johnson’s Memorial Chapel Inc (Boynton Beach)*
- (2) *SW Florida Funeral and Cremation Services Inc (Punta Gorda)*

Ms. Simon – This is an informational item. The Division has reviewed the applications and found them to be complete and that the applicants have met the requirements to be a training agency. Pursuant to Rule 69K-1.005, F. A. C., the Division has previously approved these applications.

B. **Recommended for Denial**

- (1) **Petition(s) for Waiver of Rule**
  - (a) *McWhite II, Albert R. F049445*

Ms. Simon – Mr. McWhite originally started his Concurrent internship on December 27, 2007 at which point the Division was unaware of a disposition pending in a criminal case. As a result of sentencing on pending criminal charges, Mr. McWhite was incarcerated and did not complete his internship. In 2009 and then again in 2012, Mr. McWhite expressed his interest to renew his internship; however, he did not apply and complete the necessary steps to go before the Board until June 18, 2019, where his application was tabled. Mr. McWhite’s criminal history is that on December 14, 2007, he pled Nolo Contendere to Robbery without a weapon as well as Driving while license suspended as a habitual offender. As a result of the crimes, Mr. McWhite was incarcerated for two (2) years which was followed by three (3) years of probation.

Mr. McWhite is applying to take his second internship as a concurrent funeral director and embalmer. Rule 69K-18.003, Florida Administrative Code, only permits one (1) internship in a lifetime. Attached to the application is a petition for waiver of Rule 69K-18.003, Florida Administrative Code. The Division is recommending denial of the application.

Chair – Is Mr. McWhite on the call?

Wendy Wiener – Mr. Chair, this is Wendy Wiener. I am counsel for Mr. McWhite and I would ask your permission to address the Board on this matter.

Chair – Please do.

Ms. Wiener – Thank you. Good morning, Board members. As I said, this is Wendy Wiener and I represent Mr. McWhite, who has filed this petition for a waiver of the relevant rule. You may recall that during your June meeting of last year, you considered a request from Mr. White, that he be permitted to complete a second one-year internship, because his first was interrupted due to a play that ultimately resulted in his incarceration. I would remind the Board that it appeared from my reading of the minutes of that meeting that it was the lack of the formality of a petition for a waiver of the rule that was the impediment to a favorable for Mr. McWhite. The action required that a petition filed, that it be noticed in the Florida Administrative Weekly and that the time for comment run before the Board could take action on it. Since that time, I would say in some ways, nothing has changed. And I should say that in other ways so much has changed in our world, but in Mr. McWhite’s case, his aspirations have not changed. He was working hard to gather the funds necessary to pay his legal bills associated with this project. We had hoped that the petition would have been heard at an earlier meeting, but a lot of things were delayed, I think, due to what we call the New Normal. In any event, Mr. McWhite, having been educated, having passed the National Board, both sections, and having continued to work in the funeral home setting, is ready and willing to start his internship. In terms of other things that have changed, he's done a lot of growing up, not just since 2007, as I believe you heard, during your June 2019 meeting, but also, since last year. He has a new baby. Everything is going very well. Despite

COVID-19, he is ready to go and ready to begin his internship. I would note that the law does not bar your approval of this internship. There is nothing in the law that prohibits him from taking an additional one-year concurrent internship. That requirement, or that obligation rather than impediment, is in the Rule, which can be waived by this Board. And nor does the law set forth any maximum time between an applicant's education and his internship. And so, I would ask that you favorably consider this petition and his request to complete a second internship and I'll be happy to answer any questions.

Mr. Williams – Mr. Chair?

Chair – Go right ahead.

Mr. Williams – Ms. Wiener, I'm reading the packet, and I guess, Rule 69K-18.003, F.A.C. says it allows only one (1) concurrent internship per lifetime of the individual applicant. So, with this being your interpretation, wouldn't this be the second internship for this applicant, being that the first one he was working doing this internship and he had an incarceration type situation and now this is the second one that he is trying to apply for?

Ms. Wiener – Yes. Mr. Williams, this would be his second. And I think it's important to note and let's circle back on this because perhaps this is an issue that other Board members will tune into as well. In governing the industry, there are laws and there are rules. Laws cannot be waived. Rules, however, can be waived by the regulator. So, back in June of last year, when Mr. McWhite came before the Board and the Board considered the facts surrounding his request for a second internship, it looked like the Board was prepared to grant that or at least it appears from a reading of the minutes, and I was at that meeting, that the Board was headed in that direction. But, the problem was that Mr. McWhite had not filed a petition for waiver of the rule and that is what we have done now. We have completed that process by filing that form, which requires that the petition be published for public record so that anyone with an objection can come forward. At this point, the petition has been filed, it has been noticed, no objections have come forward, and it is postured such that you could wave that rule and allow him to fulfill a second internship.

Ms. Munson – Mr. Chair, this is Ms. Munson. If I may, Mr. Chair?

Chair – Who is this, please?

Ms. Munson – Ms. Munson.

Chair – Ms. Munson, go right ahead. I was just about to call on you.

Ms. Munson – OK. Just for the purpose of providing the Board with some additional education regarding how the petition and the rule for variance and waivers can be applied, I'd like to direct you, as you may and probably already know, to s. 120.542, F.S. And if I may, I'd like to specifically read: "*Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.*" If this petition is approved, it can only be approved for that basis. If it is denied, it would need to be denied because the petitioner has not shown any of those elements specifically that it is a substantial hardship and would violate principles of fairness. "*For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.*" And I only provide that as a legal basis, under what legal circumstances a decision regarding this petition should be waived. Thank you, sir.

Chair – Thank you, Miss Munson.

Mr. Hall – Mr. Chair?

Chair – Who is this, please?

Mr. Hall – Lew Hall.



Chair – Mr. Hall, go right ahead.

Mr. Hall – If I could ask of Ms. Munson, as I understand her explanation on the waiver and variance on that, for this individual. However, if she could give us her legal advice on the criminal history in the past. What her opinion is, on that. We have a character issue. We have a criminal history in the past, so, how does it forget the waiver and the variance? How does this weigh into that, in her opinion?

Ms. Munson – This is Ms. Munson. The Board has noted a very extensive criminal history information. I will note for the record that with the criminal history, and I will call on Ms. Simon perhaps, who has a much lengthier experience with the application of these rules, to interject. With the criminal history, it may prevent grounds to bar the application, however, the petition, which is before the Board would be a superseding consideration if the petition is granted, if this individual can demonstrate the substantial hardship or the principle of fairness being violated. And I don't know if that necessarily answers your question on point, but maybe Ms. Simon can add additional comment regarding how similar criminal history has impacted the application process in the past.

Chair – Thank you, Ms. Munson.

Ms. Simon – Mr. Chairman?

Chair – Ms. Simon?

Ms. Simon – Just for the Board members' edification, I believe that the recommendation for denial was based on a number of factors. Partially included in that recommendation for denial was the applicant's criminal history. And if the Board sees fit, whatever the Board decides to do, approval or denial, please list the basis for denial, whether it was criminal history or not, or something.

Ms. Wiener – Mr. Chair, this is Wendy Wiener. May I be heard?

Chair – Ms. Wiener, can you hold your thought for just a moment? I'm looking something up in the statutes. Ms. Wiener, go right ahead.

Ms. Wiener – Thank you. Mr. McWhite's criminal history went before this Board in June of 2019. He is on the phone today, so he can address that for you again. The crimes that were committed and the reason for his incarceration were largely because of a violation of probation on a driving without a license conviction that had become a felony because of {inaudible}. This Board has thoughtfully taken into consideration the crimes that have been committed by applicants for licensure and where those crimes do not present a showing that the applicant would be a danger to the funeral-buying public, I believe that the law entitles you or even obligates you to license those individuals that can show that they are not a danger to the public. I would be happy for you to either question Mr. McWhite on criminal history or invite Mr. McWhite to simply speak on that issue at the moment.

Chair – Ms. Wiener, do you have any comment on the sections that were delineated for the recommendation for denial?

Ms. Wiener – Well, I do. I believe you're referring to what Ms. Munson was talking about. And in our petition, we set forth that Mr. McWhite will suffer an adverse effect if he's unable to complete his one-year concurrent internship. Obviously, he is not able to go forward with his thoughts and chosen career, the one for which he has extended a lot of time and energy and money to obtain an education, to take the National Boards. As I said, he has been working in the industry, but not in the area of a funeral director and so without completing his internship, he's ineligible for that advancement. This Board has, on several occasions, granted a second internship to petitioners who have been placed in this particular type of situation. If you go back to your June 2019 Board minutes, I think you will see that these issues were considered by the Board at that time, and this was all but ready for approval, pending simply this formality. In fact, the matter was actually not addressed. It was simply tabled so that this formality could be completed, which he has completed now. So, I would argue that Mr. McWhite meets the criteria for approval of this petition and that neither his criminal history nor any other factor would be a bar to his licensure.

Ms. Simon – Mr. Chairman?

Chair – Who is this, please?

Ms. Simon – This is Ellen Simon.

Chair – Go ahead, Ms. Simon.

Ms. Simon – I do not want to belabor this case more than it already has been, but I would like to bring to the Board's attention that we are deciding this case anew, and that we are not taking into account perhaps any status that we were in before, other than that it was tabled. I would like to bring to the Board's attention that contrary, I believe, to what Ms. Wiener said, the law does not state that unless the individual is a danger to the public, the licensure should be granted. That is not what it provides. I believe it generally provides that it can be taken into account.

Chair – Thank you, Ms. Simon.

Mr. Knopke – Mr. Chair? Mr. Knopke.

Chair – Mr. Knopke, go right ahead.

Mr. Knopke – Several questions. Ms. Wiener said Mr. McWhite was on the phone. Can we ask him to step up and be sworn in?

Albert McWhite – I'm here.

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

Mr. McWhite – Yes ma'am.

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

Mr. McWhite – Albert Reynard McWhite, II.

Chair – Thank you, Mr. Knopke?

Mr. Knopke – Thank you, Mr. McWhite, have you ever gotten your driver's license back, sir?

Mr. McWhite – Yes, sir, I did.

Mr. Knopke – Ok. Have you had any issues, legal issues, like this since 2007?

Mr. McWhite – I had one. Driving on a suspended license, but I didn't know my license was suspended.

Mr. Knopke – When was that?

Mr. McWhite – It might have been...I can't remember exactly when it was, but it was sometime between January and May, I believe. I can't really remember right of the top of my head.

Mr. Knopke – You remember about what year?

Mr. McWhite – It was this year.

Mr. Knopke – Ok, this year. Past that, you've not had any DUIs or anything like that?

Mr. McWhite – No, Sir, I've never had any DUIs.

Mr. Knopke – Ok. I'm just using examples in asking questions. Robbery with or without a weapon? You've got nothing else other than that one issue?

Mr. McWhite – That's it. Just that one issue. Yes, sir.

Mr. Knopke – And during that time, you've worked in the construction business. You've worked at funeral homes. You're currently working where?

Mr. McWhite – Nowhere now. My wife had a baby, so I'm a stay at home dad, because her job afforded her more benefits and more money than mine.

Mr. Knopke – How long has it been since you've worked in the funeral business?

Mr. McWhite – I've been working in the funeral business. I never stopped working in the funeral business. I've been working in the funeral business since 1998. I never stopped. Only during my incarceration.

Mr. Knopke – Ok, thank you for that. Ms. Simon, I have a question for you.

Ms. Simon – Yes, sir?

Mr. Knopke – In the Board package, under Applicant Name, there's a license number out to the right of Mr. McWhite's name. Is that license or registration currently in effect?

Ms. Simon – No, I do not believe so.

Mr. Knopke – Ok, so that would be the expired one from 2009 or whatever?

Ms. Simon – I think so. I'm checking right now.

Mr. Knopke – Ok, I understand.

Ms. Simon – Sir, that's when it's from.

Mr. Knopke – Ok, thank you. Mr. McWhite? Or, Ms. Simon? Ms. Simon, there's never been an issue as far as his ability or his job where he's worked in funeral homes since 1998, that you're aware of it?

Ms. Simon – I have not checked his discipline, Mr. Knopke. I am not familiar if there have been any issues. I'm not sure of any.

Mr. Knopke – Ok, you're not aware of any, at least since 2007?

Ms. Simon – Again, I can't speak to it. I don't believe that we have any orders against him at this time.

Mr. Knopke – Ok, thank you. Thank you, Mr. Chair.

Chair – Mr. McWhite? This is Jody Brandenburg.

Mr. McWhite – Good morning.

Chair – Good morning. Between January and May 2020, sometime in that area, you indicated that you were arrested for driving on a suspended license?

Mr. McWhite – Yes, sir.

Chair – Why was that license suspended?

Mr. McWhite – It was a child support issue. The child support offices have been close due to the COVID-19, so I haven't been able to do anything about it.

Chair – Does your license remain suspended?

Mr. McWhite – Yes, sir

Chair – Thank you

Ms. Munson – Mr. Chair? This is Ms. Munson. If I may?

Chair – Ms. Munson, go right ahead.

Ms. Munson – Mr. McWhite, the application that's presented before the Board does not appear to include information regarding the license suspension. Did you not update your application, sir?

Mr. McWhite – I didn't know I was supposed to update it. When I turned it in last year this case happened in between waiting for the new meeting and last year, so I didn't know I was supposed to update it.

Ms. Munson – Would that mean that if you felt there would be any type of development since your submission, did you not feel that the Board would need to know about those developments?

Mr. McWhite – Ma'am, well, I didn't know. I didn't know.

Ms. Wiener – Ms. Munson, I'm not sure that arrests are part of the criminal history that is required to be disclosed to the Board.

Ms. Munson – I wasn't talking about the arrest. I thought there was a conviction, well not a conviction, but his license was suspended. He wasn't just arrested for it, but I thought that was a completed charge.

Ms. Wiener – Driving infractions are outside of the purview of the things that are contemplated on the Chapter 497 license applications. I didn't want us to get off on a tangent on this, but I don't believe that this {inaudible} a criminal history.

Mr. Knopke – Mr. Chairman? This is Knopke.

Chair – Mr. Hall, I'll recognize you, as you had asked to be recognized earlier. Go right ahead, Mr. Hall.

Mr. Hall – My concern is still, obviously we've turned down applications for criminal history, turned them down for character. This individual testified earlier that he currently has his license back, now he tells us he does not. That was a habitual problem he had previously. He comes to us and wants us to create a hardship for him if we don't approve this. The hardship was not created by this Board. It was created by this individual. All that was self-inflicted. So, for me with criminal history, the character issue and these past issues that we've just talked about, I would move for denial.

**MOTION:** Mr. Hall moved to deny the request. Mr. Williams seconded the motion, which passed with two (2) dissenting votes.

Chair – Thank you.

Ms. Simon – Mr. Chair, before I continue on the agenda, I would like to remind everybody, once again, if you're not speaking, please, please place your phones on mute. That feedback is disrupting the meeting. Thank you.

11. **Application(s) for Monument Sales Agent**
  - A. **Informational Item (Licenses Issued without Conditions) – Addendum H**
    - (1) **Comerford, John P F443804**

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

**12. Application(s) for Direct Disposal Establishment**

**A. Recommended for Approval *with* Conditions**

**(1) Legacy Funeral Holdings of Florida LLC d/b/a Cremation Specialists of Florida (Winter Park)**

Ms. Simon – An application for a Direct Disposal Establishment was received on by the Division on March 6, 2020. The application was incomplete when submitted and completed on May 13, 2020. The Funeral Director in Charge will be Robert Bittle (F042949). A background check of the principals revealed no relevant criminal history.

The facility is recommended for approval with conditions. The usual satisfactory on-site inspection requirement for this application is temporarily waived throughout the length and duration of Executive Order Number 20-52 or any extensions thereof, or any other executive order by the Governor of the State of Florida declaring a State of Emergency regarding the COVID-19 pandemic. At the Division’s discretion, an on-site inspection will be held prior to or within a reasonable time following the expiration of the Executive Order. The applicant will have 30 days following the initial inspection to correct deficiencies, if any, which are noted during the inspection. If the applicant is not able to correct any deficiencies within that timeframe, the license will be automatically suspended. The application is recommended for approval subject to the condition that the establishment pass an onsite inspection by a member of Division Staff, or corrects any deficiencies within 30 days, otherwise its license will be automatically suspended.

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

**(2) Simply Cremations LLC (Monticello)**

Ms. Simon – An application for a Direct Disposal Establishment was received on by the Division on April 6, 2020. The application was incomplete when submitted and completed on May 22, 2020. The Funeral Director in Charge will be Christopher Dayne Parker (F067300). A background check of the principals revealed no relevant criminal history.

The facility is recommended for approval with conditions. The usual satisfactory on-site inspection requirement for this application is temporarily waived throughout the length and duration of Executive Order Number 20-52 or any extensions thereof, or any other executive order by the Governor of the State of Florida declaring a State of Emergency regarding the COVID-19 pandemic. At the Division’s discretion, an on-site inspection will be held prior to or within a reasonable time following the expiration of the Executive Order. The applicant will have 30 days following the initial inspection to correct deficiencies, if any, which are noted during the inspection. If the applicant is not able to correct any deficiencies within that timeframe, the license will be automatically suspended. The application is recommended for approval subject to the condition that the establishment pass an onsite inspection by a member of Division Staff, or corrects any deficiencies within 30 days, otherwise its license will be automatically suspended.

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

**13. Application(s) for Funeral Establishment**

**A. Recommended for Approval *with* Conditions**

**(3) Valmark Memorial Group Inc d/b/a Cremation-With-Care (Ft. Myers)**

Ms. Simon – Contrary to what was stated, this is not an application for direct disposal establishment. Instead, it is an application for a Funeral Establishment. This application was received by the Division on April 14, 2020. The application was complete when submitted. The Funeral Director in Charge will be Mark Davis (F042554). A background check of the principals revealed no relevant criminal history.

The establishment is recommended for approval with conditions. The usual satisfactory on-site inspection requirement for this application is temporarily waived throughout the length and duration of Executive Order Number 20-52 or any extensions thereof, or any other executive order by the Governor of the State of Florida declaring a State of Emergency regarding the COVID-19 pandemic. At the Division's discretion, an on-site inspection will be held prior to or within a reasonable time following the expiration of the Executive Order. The applicant will have 30 days following the initial inspection to correct deficiencies, if any, which are noted during the inspection. If the applicant is not able to correct any deficiencies within that timeframe, the license will be automatically suspended. The application is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff, or corrects any deficiencies within 30 days, otherwise its license will be automatically suspended.

Mark Davis – Excuse me, Mr. Chairman,

Chair – Who is this speaking?

Mr. Davis – This is Mark Davis for Valmark Memorial Group d/b/a Cremation-With-Care.

Chair – Do you wish to address the Board?

Mr. Davis – I do.

Chair – Would you please be sworn in?

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

Mr. Davis – Yes,

Ms. Simon – State your full name for the record.

Mr. Davis – Mark Davis.

Chair – Mr. Davis, go right ahead and address the Board.

Mr. Davis – I just wanted to clarify that the on-site inspection was completed on June 11th by the State Inspector.

Chair – Thank you for that information. Anything else, Mr. Davis.

Mr. Davis – No, sir.

Chair – Thank you. Board?

Mr. Jones – I would make a motion to approve, but I don't know if conditions are needed now if the inspection has been completed.

Ms. Munson – This is Ms. Munson. If I may?

Chair – Ms. Munson, go right ahead.

Ms. Munson – I think it would be proper, since we did not have the updated information and June 11th was just a few days ago, for the Board to approve subject to proof that the inspection has been completed.

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

***(1) Ivey Funeral Home LLC (Jasper)***

Ms. Simon – An application for a Funeral Establishment was received by the Division on March 16, 2020. The application was incomplete when submitted and completed on April 29, 2020. The Funeral Director in Charge will be Demarien Hawk (F081293). A background check of the principals revealed no relevant criminal history.

The establishment is recommended for approval with conditions. The usual satisfactory on-site inspection requirement for this application is temporarily waived throughout the length and duration of Executive Order Number 20-52 or any extensions thereof, or any other executive order by the Governor of the State of Florida declaring a State of Emergency regarding the COVID-19 pandemic. At the Division's discretion, an on-site inspection will be held prior to or within a reasonable time following the expiration of the Executive Order. The applicant will have 30 days following the initial inspection to correct deficiencies, if any, which are noted during the inspection. If the applicant is not able to correct any deficiencies within that timeframe, the license will be automatically suspended. The application is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff, or corrects any deficiencies within 30 days, otherwise its license will be automatically suspended.

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

***(2) The Family Funeral Home LLC (Miami)***

Ms. Simon – An application for a Funeral Establishment was received by the Division on April 30, 2020. The application was incomplete when submitted and completed on May 18, 2020. The Funeral Director in Charge will be Willie Pearl Matthews (F084725). A background check of the principals revealed no relevant criminal history.

The establishment is recommended for approval with conditions. The usual satisfactory on-site inspection requirement for this application is temporarily waived throughout the length and duration of Executive Order Number 20-52 or any extensions thereof, or any other executive order by the Governor of the State of Florida declaring a State of Emergency regarding the COVID-19 pandemic. At the Division's discretion, an on-site inspection will be held prior to or within a reasonable time following the expiration of the Executive Order. The applicant will have 30 days following the initial inspection to correct deficiencies, if any, which are noted during the inspection. If the applicant is not able to correct any deficiencies within that timeframe, the license will be automatically suspended. The application is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff, or corrects any deficiencies within 30 days, otherwise its license will be automatically suspended.

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

***B. Recommended for Denial***

***(1) Richard Funeral Services Inc. (Haines City)***

Ms. Simon – An application for a Funeral Establishment was received by the Division on April 29, 2020. The application was complete when submitted. The Funeral Director in Charge will be Samuel Richard Jr. (F059663). A background check of the principals revealed relevant criminal history for Samuel Richard Jr. Mr. Richard's criminal history has been previously reviewed at the April 1, 2010 and September 12, 2019 Board meetings where he was granted a Funeral Director and Embalmer's license and granted renewal of his license in 2019. Mr. Richard's criminal history is as follows:

- In 2000 he was sentenced to 6 months of probation for criminal mischief and possession of marijuana.
- In 2005 he was sentenced to 44 months state prison for possession of cocaine and cannabis, conspiring to traffic cocaine, drug paraphernalia, and aggravated battery.
- On January 31, 2018, Mr. Richard pled no contest to misdemeanor possession of marijuana and possession of narcotic paraphernalia.
- On September 4, 2018, Mr. Richard was convicted of misdemeanor possession of cannabis and possession of drug paraphernalia.

The establishment is recommended for denial based upon section 497.380(4), Florida Statutes.

Unidentified speaker – {inaudible}

Chair – I'm sorry, whoever was speaking, I could not understand. Will you please repeat it?

Matthew Kaylor – Yes sir. My name is Matthew Kaylor, and I am the Attorney for Mr. Richard. Last name spelled K, A, Y, L, O, R. Attorney in Lakeland Florida. Mr. Richard is present here. May we be heard?

Chair – Please, go right ahead.

Mr. Kaylor – I want to take issue with a couple of the items in the Division's remarks regarding Mr. Richard's criminal history. It says there, in the second paragraph, in 2005 that he had a conviction for aggravated battery. I would point out that that charge was dropped. It was dismissed. The third paragraph there, of the Division's remarks, it says that, on January 31, 2018, that he plead no contest to possession of marijuana and possession of narcotic paraphernalia. That is incorrect. Both of those charges were dismissed. On September 4, 2018, it's indicated that Mr. Richard was convicted of a misdemeanor possession of cannabis. That is not entirely accurate. He did plead to that charge, but adjudication was withheld and he was placed on the term of a 12-month probation that was early terminated after six (6) months, because he demonstrated such good behavior. Additionally, I would point out that all of these background check facts were previously, as was indicated by the person who was speaking before me, that were previously known by this Board and every time Mr. Richard came before this Board in 2010, and he achieved his embalmer's apprenticeship license that was originally recommended for denial, and obviously it was granted. In 2012, it was recommended that his funeral director and embalmer internship be approved with conditions, and it was ultimately approved, and he satisfied those conditions. In 2014, as well, he applied to become a funeral director and embalmer license holder, and that was approved with conditions. He was granted licenses three (3) times between 2014 and 2019. In 2019 he ultimately had his license renewed again. Every time it was based on full knowledge of all these criminal histories. I would also point out that Mr. Richard has already been serving as a Funeral Director in Charge for the last two (2) years to funeral homes in Polk County and that there is no evidence that has demonstrated a history of lack of trustworthiness or character or integrity in business or professional matters, that Mr. Richard is in compliance with all of the requirements of Chapter 497. I would also point out that Mr. Richard has already taken the steps of leasing a building that was previously used as a funeral home, in Polk County. He has purchased a hearse. He's purchased office equipment and furniture, and we would ask the Board to approve this license.

Chair – Anything else, Mr. Kaylor?

Mr. Kaylor – No. No thank you. Mr. Richard would like to be heard.

Chair – Mr. Kaylor, would please spell your last name again.

Mr. Kaylor – My name is Kaylor, Attorney Kaylor. Matthew Kaylor. K A Y L O R, in Lakeland Florida

Chair – Thank You so much. I had it incorrect on my notes. Thank you for that clarification.

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

Samuel Richard – I do.

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

Mr. Richard – Samuel Edward Richard, Jr.

Chair – Thank you. Mr. Richard, did you want to address the Board or are you here to answer questions?

Mr. Richard – Yes, sir. I would like to address the Board, if I may.



Chair – Please go right ahead.

Mr. Richard – Before I say anything, first and foremost, I just would like to say thank you for allowing me this opportunity to speak. As was said previously, for the past ten (10) years I have been before the Board. You guys have given me the opportunity to move forward in the direction that I was seeking. I haven't had any disciplinary actions against my license. I haven't done anything unethical. I don't have any complaints against my license. I'm just asking what you guys have done previously and that's grant me the opportunity to open Richard Funeral Services. This is my livelihood. This is how I take care of my family, and not allowing me to move forward would cause an adverse effect. I wouldn't be able to take care of my family and I wouldn't be able to provide for myself. So, I'm asking that you guys please allow me approval with conditions or stipulations, probationary period, anything you would like. Thank you for the opportunity. I haven't let you down before, and I won't let you down again, and I'm not a danger to the public.

Chair – Mr. Richard, this is Jody Brandenburg. How long were you Funeral Director in charge of an establishment?

Mr. Richard – Over two (2) years.

Chair – And did that establishment come under any disciplinary action during your years of Funeral Director in Charge?

Mr. Richard – No, sir.

Chair – Thank you.

Mr. Knopke – Mr. Chairman? Mr. Knopke,

Chair – go right ahead, Mr. Knopke.

Mr. Knopke – I'll make a motion to approve the applicant as presented without conditions. He's demonstrated every time he's come before us that we've approved for internship license and so forth, he met the obligation of the probation and so forth, and I think he deserves the opportunity.

Mr. Williams – Second, Williams.

Mr. Hall – Mr. Chair?

Chair – Go right ahead.

Mr. Hall – My concern for Mr. Knopke is yes, he was given the opportunity, but since then he's stubbed his toe multiple times again. So, even though he was given that opportunity, but the fact that he won't have an opportunity to provide for his family, you still giving him his funeral director's license, so he can continue to work as a funeral director and embalmer. But since he was granted those, with the dates his attorney just gave us, he's had additional charges against him. Whether all or some are corrected, he still has some additional charges since we gave him that opportunity.

Mr. Knopke – Mr. Hall, I realize that they impact the character a little bit, excuse me. It doesn't impact directly the operation or management of a funeral business. And that's where I'm drawing the separation. I'm not happy that he's got those things there, but, you know, those will impact probably his business going forward more than him being the funeral director in charge and owner. So, you got to look at his community and people that trust him out there. So, I stand by what I said originally, but thank you.

Chair – Mr. Hall, any other comments?

Mr. Hall – No sir.

Mr. Clark – Mr. Chair?

Chair – Who is this?

Mr. Clark – This is Andrew Clark.

Chair – Mr. Clark, go right ahead. I'm sorry, I couldn't recognize it.

Mr. Clark – No problem. I have a question for Mr. Richard.

Chair – Go right ahead.

Mr. Clark – Mr. Richard, were you a Funeral Director in charge in January of 2018 or September 2018?

Mr. Richard – I didn't understand the question. Could you repeat it for me, please?

Mr. Clark – Oh, yes. Were you a funeral director in charge in January of 2018 or September of 2018?

Mr. Richard – Yes sir.

Mr. Clark – I didn't hear the answer.

Mr. Richard – Yes, sir.

Mr. Clark – Thank you, sir. Thank you, Mr. Chairman. No more questions.

Chair – Any other questions or comments? So, we have a motion for the Board to approve, and it's been seconded and all those in favor, Aye?

Board members – Aye.

Chair – And any opposed?

Mr. Hall – No.

Mr. Helm – Helm opposed.

Chair – So, Ms. Simon, would you please do a roll call vote?

Ms. Simon – Yes sir. When I call your name please answer either aye or nay in terms of whether you want your acceptance of the motion. Darrin Williams?

Mr. Williams – Aye.

Ms. Simon – Ken Jones? Ken Jones?

Mr. Jones – Aye.

Ms. Simon – Powell Helm?

Mr. Helm – Nay.

Ms. Simon – Lew Hall?

Mr. Hall – Nay.

Ms. Simon – Andrew Clark?

Mr. Clark – Nay.

Ms. Simon – Excuse me?

Mr. Clark – Nay. No.

Ms. Simon – Okay. Mr. Knopke?

Mr. Knopke – Yes.

Ms. Simon – Mr. Chairman?

Chair – No.

Ms. Simon - There are four (4) nays and three (3) ayes. The motion does not pass.

Ms. Munson – This is Ms. Munson. If I may, Mr. Chair?

Chair – Ms. Munson, just a moment please.

Ms. Munson – Okay.

Chair – Ms. Munson, go right ahead.

Ms. Munson – I don't know the protocol of the Board, but I was making it known that if the Board so chooses to give the applicant an opportunity to withdraw his application rather than have a denial on his record, that may be something for consideration as well.

Chair – Ms. Munson, thank you for your interjection on that, and on occasion the Board has allowed applicants to withdraw their applications so that there will not be a denial on their record. So, thank you for bringing that up. Mr. Kaylor, I would hope that the Board would give you that opportunity.

Mr. Kaylor – {inaudible}

Chair – Ms. Munson, that opportunity is extended, even though there's been a denial vote?

Ms. Munson – It can be extended with the denial, but with the record reflecting that the vote is rescinded and there's a note for a new motion to accept the applicant's permission to withdraw.

Chair – So, we would need a motion to accept the applicant's withdrawal.

Mr. Jones – I'll make a motion.

Chair – Ms. Munson, please comment on that.

Ms. Munson – Yes, I would suggest that just because of the discussion that has taken place thus far, so the record will be clear of what happened.

Chair – Thank you. Is there a motion to allow the withdrawal of the application?

**MOTION:** Mr. Jones moved to approve the applicant's request to withdraw the motion. Mr. Knopke seconded the motion, which passed unanimously.

Chair – Thank You, everyone.

**14. Application(s) for Preneed Main License**

**A. Recommended for Approval without Conditions**

- (1) Warren Family Funeral Services LLC d/b/a Warren Funeral Services of Baldwin (Baldwin)*

Ms. Simon – The Department received the application on April 6, 2020, which was incomplete at the time of submission. The application was completed as of May 28, 2020. The principal of the LLC is James Warren. A completed background check of all principals was returned without criminal history. Applicant’s qualifying funeral establishment license (License # F327469) is located at the address listed within your Board package. If approved, this applicant will utilize FSI as the preneed trusting agent. The establishment is recommended for approval.

Chair – Is there anyone representing Warren Family Funeral Services of Florida? Anyone representing? Mr. Helm? I’m recognizing you.

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

**15. Application(s) for Preneed Branch License**

**A. Recommended for Approval without Conditions – Addendum I**

- (1) Boca Memorial Holdings LLC d/b/a The Gardens of Boca Raton Cemetery (F088705) (Boca Raton)*  
*(2) Jacobs Funeral Services LLC d/b/a Boca Raton Funeral Home (F091562) (Boca Raton)*  
*(3) SCI Funeral Services of Florida LLC d/b/a Sound Choice Cremation (F288731) (Sarasota)*  
*(4) Young & Fulford LLC d/b/a Young Fulford Funeral Home & Crematory (F334242) (Tallahassee)*

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

Chair – I’d like to declare my affiliation with SCI Funeral Services of Florida LLC, and that affiliation will not affect my ability to make a fair and impartial decision on this or any other items pending before the Board today.

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

**16. Application(s) for Removal Service**

**A. Recommended for Approval with Conditions**

- (1) Horizon Mortuary Transportation Services LLC (Miami)*

Ms. Simon – An application for a Removal Service was received by the Division on April 30, 2020. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The facility is recommended for approval with conditions. The usual satisfactory on-site inspection requirement for this application is temporarily waived throughout the length and duration of Executive Order Number 20-52 or any extensions thereof, or any other executive order by the Governor of the State of Florida declaring a State of Emergency regarding the COVID-19 pandemic. At the Division’s discretion, an on-site inspection will be held prior to or within a reasonable time following the expiration of the Executive Order. The applicant will have 30 days following the initial inspection to correct deficiencies, if any, which are noted during the inspection. If the applicant is not able to correct any deficiencies within that timeframe, the license will be automatically suspended.

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

- (2) Journey Mortuary Services LLC (Jacksonville)*

Ms. Simon – An application for a Removal Service was received by the Division on May 8, 2020. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The facility is recommended for approval with conditions. The usual satisfactory on-site inspection requirement for this application is

temporarily waived throughout the length and duration of Executive Order Number 20-52 or any extensions thereof, or any other executive order by the Governor of the State of Florida declaring a State of Emergency regarding the COVID-19 pandemic. At the Division's discretion, an on-site inspection will be held prior to or within a reasonable time following the expiration of the Executive Order. The applicant will have 30 days following the initial inspection to correct deficiencies, if any, which are noted during the inspection. If the applicant is not able to correct any deficiencies within that timeframe, the license will be automatically suspended. The condition is that establishment pass an onsite inspection by a member of Division Staff, or corrects any deficiencies within 30 days, otherwise its license will be automatically suspended.

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

***B. Recommended for Denial***  
***(1) Heavenly Touch Transportation Services LLC (Ft. Pierce)***

Ms. Simon – An application for a Removal Service was received by the Division on February 24, 2020. The application was incomplete when submitted and completed on May 4, 2020. A background check of the principals revealed a relevant criminal history for principal Jason Harris, to wit in 2006 Mr. Harris pled nolo contendere to two felony charges for false imprisonment and falsely impersonating an officer, and a misdemeanor battery charge. He was sentenced to thirty (30) days incarceration and five (5) years of probation. Mr. Harris did not provide the affidavit in this matter and only provided the court judgment. Therefore, the Division was unaware of the facts leading to this judgment until research was done to locate the affidavit describing the factual circumstances surrounding the criminal conduct. The removal facility is recommended for denial based upon section 497.385(1)(a), Florida Statutes.

Chair – Is there anyone...

Mr. Knopke – Mr. Chairman, Mr. Knopke here. I need to recuse myself on this matter.

Chair – Thank you. Mr. Knopke is recusing himself. Is there anyone representing Heavenly Touch Transportation Services, or is Mr. Harris with us?

Jason Harris – Yes sir. This is Jason Harris. Yes, sir.

Chair – Mr. Harris, do you want to address the Board or answer questions from the Board?

Mr. Harris – I do, sir.

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

Mr. Harris – Yes.

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

Mr. Harris – Jason Harris.

Chair – Mr. Harris, do you want to address the Board?

Mr. Harris – Yes, sir. I was actually charged in '05 for a crime that I committed when I was twenty-one (21) years old. It's been fifteen (15) years since any current crime, or any criminal activity has been committed. I currently do hold a state [inaudible] contractor's license that's been active since 2011. I currently still hold that license and also, I have a business partner with me who is also holds a bail bondsman license in the State of Florida. I don't want to be denied for this application. I have worked for many mortuary transport services here locally and I have not had any incidents with any funeral homes in any type of way or matter. We also did work for the [inaudible] Judicial Circuit of the Medical Examiners, and I have no recourse on any of those places either.

Ms. Simon – Does that continue to be Mr. Harris that is speaking?

Mr. Harris – Yes.

Ms. Simon – Ok. I'm sorry, Mr. Chairman.

Chair – Thank you, Ms. Simon. Mr. Harris, were you requested by the Division to provide a statement or an affidavit describing the factual circumstances surrounding the criminal conduct?

Mr. Harris – Sir, everything that was asked of us, we did submit to Misty Birch. We did everything that she required from us, except for the criminal history. I did get ahold of my attorney, and my attorney did disclose my criminal history and that was the only thing we could get. Because of the corona pandemic, all the courthouses and everything was closed, so we couldn't get the actual document from the courthouse.

Chair – Were you requested to provide facts leading to the judgement? The affidavit having the factual circumstances surrounding the criminal conduct?

Mr. Harris – Not to my knowledge, sir.

Chair – Thank you. Division, do you have a statement on that?

Ms. Simon – No, sir.

Chair – Hold on just a moment. I'm looking at the file. Thank you. Board, any questions or comments for Mr. Harris?

Mr. Hall – Maybe for the Division, Mr. Chair?

Chair – Please, Mr. Hall. Go right ahead.

Mr. Hall – Ms. Simon, since we've not been able to get this, he says it's due to the virus. Would the Division recommend we table this until we see that? Actually, when we can get it?

Ms. Simon – The affidavit was provided. The Division was able to locate it, and it is on pages 17, 18, and 19 of your Board package.

Mr. Harris – This is Jason. May I speak for a second?

Chair – Just a moment please, Mr. Harris. Thank you. Mr. Harris, go right ahead.

Mr. Harris – My adjudication in the '05 case was withheld. upon completion of my five-year probation. I completed my five-year probation with no violations. And since then, I have reinstated everything that I have. I currently do possess firearms and I'm legally allowed to possess firearms because the adjudication was withheld.

Chair – Do you agree with the arrest affidavit? The details of the arrest?

Mr. Harris – Do I agree? No.

Chair – Thank you. Board members, do you have any questions for Mr. Harris or how would you like to act on this?

Mr. Jones – Mr. Chair? This is Mr. Jones. May I ask a question?

Chair – Mr. Jones, you go right ahead.

Mr. Jones – Mr. Harris, you had indicated that you were working with some funeral homes. Also, you had worked with a medical examiner. Could you expound on when you say work with, what you're doing, please?

Mr. Harris – I actually worked for Tri-County Transport, back when Donny and {inaudible} used to own it several years back, and also, I worked for them in January to establish a rapport with the with the {inaudible} of the funeral homes. I actually did have a few good rappings with funeral homes: Stone Brothers, Haisley Hobbs, Martin Funeral Home. I worked there for probably about three (3) months until I found out that the company that I was working for just wasn't meeting my expectations, because I wasn't really going to apply for a transport license. I was just going to go to work for one, because I do currently own a business, and I really don't hardly do anything for my business anymore because my business runs like a well-oiled machine. So, I did work for this mortuary transport business for a short period of time and when I wasn't in agreeance with how they were running their operation, I decided that it might have been in my good interest to start a mortuary transport service.

Mr. Jones – Thank you.

Chair –Mr. Harris, what did you do for the Medical Examiner's Office?

Mr. Harris – So, Tri-County, which is now known as Infinity Transport, does work for the Medical Examiner and they do work for multiple funeral homes here locally within our district, so I mainly handle almost 80% of all the medical examiner cases for Infinity Transport as far as their removals to the Medical Examiner's Office.

Mr. Hall – Is the Medical Examiner aware of the criminal history?

Mr. Harris – Say that again.

Mr. Hall – Is the Medical Examiner aware of the criminal history?

Mr. Harris – No sir, because I was actually working for Infinity Transport, and none of that was actually brought up. I mean, you're talking fifteen (15) years ago. Everybody was young at one point. I was young, made some bad decisions in my life, and the only way for me to correct them is to correct in time, and that's what I've done. Fifteen (15) years with no criminal history. And I get that. I do hold a state license as a contractor, so I know.

Chair – At that time of the felony charges for false imprisonment, falsely impersonating an officer, what was your occupation at that time?

Mr. Harris – I actually worked for a contract septic company.

Chair – You weren't working any type of security, or anything to do with that?

Mr. Harris – No sir. I worked prior to my charges for Tri-County Mortuary when Donnie and Larry Barton owned it. I worked there for 3.5 years.

Chair –Thank you. As you're going into residences to make removals, how do you think those client families would feel knowing that you had felony charges for false imprisonment, falsely impersonating an officer?

Mr. Harris – I feel that my past is my past, sir, and you know we can't change our past, we can't rewind time to change our past. So, all we can do is move forward. It's been fifteen (15) years and like I said, I haven't had any criminal history in those fifteen (15) years. And I do work for multiple different Sheriff Officers now. I do work for the county {inaudible}. I mean, I've been in business since 2011, with no incidents, no remarks or anything applied to my state contractor's license currently.

Chair –Thank you, Mr. Harris. Board?

Mr. Jones – Mr. Chair, this is Mr. Jones. Ms. Simon, you checked, and there have been no criminal charges since this incident, correct?

Ms. Simon – I do not believe so, Mr. Jones.

**MOTION:** Mr. Hall moved to approve the application subject to the condition of a two-year probation.

Chair – There's a motion before us to approve with a two-year probation. Without a second, that motion will die. So, Mr. Jones' motion does for lack of a second. Is there any other motion to be presented before the Board? Ms. Simon, the Division has made the recommendation to deny based upon s. 497.385(1)(a), F.S. Would you be kind enough to read that portion to the Board?

Ms. Simon – Yes sir. If I could have one moment, please?

Chair – Take your time.

Ms. Simon – OK. *“Application for licensure of a removal service or a refrigeration service shall be made using forms and procedures as specified by rule, shall be accompanied by a nonrefundable fee not to exceed \$300 as set by licensing authority rule, and shall include the name of the business owner, manager in charge, business address, and copies of occupational and other local permits. The applicant shall be required to make disclosure of the applicant’s criminal records, if any, as required by s. 497.142. The applicant shall submit fingerprints in accordance with s. 497.142. A duly completed application accompanied by the required fees shall be approved and the license issued if the applicant has passed an inspection pursuant to rule of the licensing authority, the licensing authority determines the applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters, and the applicant otherwise is in compliance with all applicable requirements of this chapter.”*

Chair – Thank you, Ms. Simon. Mr. Jones, do you want to discuss your original motion?

Mr. Jones – I am going to {inaudible} this time, Mr. Chair. I felt the two-year probation gave us some guidelines based on the fact it was fifteen (15) years ago, but yet trying to protect something in the future.

Chair – So, state that motion, please?

**MOTION:** Mr. Hall moved to approve the application subject to the condition of a two-year probation. The Chair seconded the motion, which passed with two (2) dissenting votes.

Chair – Thank you.

Mr. Harris – Thank you.

**17. Contract(s) or Other Related Form(s)**

**A. Recommended for Approval with Conditions**

**(1) Trust Transfer Request(s)**

**(a) Oak Ridge, Inc d/b/a Oak Ridge Funeral Care (F038722) (Haines City)**

Ms. Simon – Please silence your phones and put them on mute if you're not speaking during this meeting. During this portion of the meeting, the feedback is quite apparent. Continuing on, Oak Ridge seeks approval of the transfer of the following: ss. 639.149 Master Preneed Funeral Service Trust Agreement (dated 11/13/90, Pre-October 1993 trust) under Truist Bank to Argent Trust Company (Argent). If approved, Argent will be trustee and will continue to operate under the existing trust agreement. The Division is recommending approval subject to the following conditions:

- 1) That the representations of Oak Ridge, as set forth in Mrs. Wiener’s letter dated 5-15-2020 be deemed material to the Board’s decisions herein.
- 2) That within 90 days of this Board Meeting Argent provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
  - A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trust to be transferred pursuant to Ms. Wiener’s letter dated May 15, 2020.



- A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in Mrs. Wiener’s attached letter dated May 15, 2020.
  - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Mrs. Wiener’s attached letter dated May 15, 2020.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

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

**18. Notification(s) of Change in Location**

**A. Recommended for Approval with Conditions**

**(1) Aaron’s Low Cost Cremation & Funeral LLC (Wilton Manors)**

Ms. Simon – The Division typically does an inspection and approves the notice of change of location without taking this matter before the Board. However, due to the Executive Order issuing a State of Emergency in the State of Florida, that is not possible. The Division recommends approval of this notice of change in location. With the condition that the establishment pass an onsite inspection by a member of Division staff, or corrects any deficiencies within thirty (30) days of that inspection. Otherwise the license will be automatic suspended.

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

**(2) CEJ South Inc d/b/a Family-Funeral & Cremation (Pensacola)**

Ms. Simon – The notice of change in location is typically approved by the Division on its own, after an inspection is passed. However, in light of the State of Emergency issued by the Governor, the Division would recommend approving this application temporarily waiving the inspection that is required, and recommending that the establishment pass an onsite inspection by a member of Division staff, or corrects any deficiencies within thirty (30) days of that inspection. Otherwise the license will be automatically suspended.

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

**19. Related Item(s)**

**A. Recommended for Approval with Conditions (Collective Coversheet)**

- (1) Strunk Funeral Homes and Crematory Inc.**
  - (a) Application(s) for Cinerator Facility**
  - (b) Application(s) for Funeral Establishment**
  - (c) Application(s) for Transfer of Preneed**

**B. Recommended for Approval without Conditions**

- (1) Petition(s) for Waiver of Rule (Training Agency)**
  - (a) Strunk Funeral Homes & Crematory Inc. (Vero Beach)**

Ms. Simon – These items are withdrawn from the agenda.

**20. Old Business**

**A. Nature Coast Memorials LLC dba Nature Coast Crematory**

- (1) Approving Clerical Change (Verbal)**

Ms. Simon – If I can have just one moment, please?

Chair – Take your time.

Ms. Simon – I apologize for the delay. There is an item, and I'm sorry, I am placing it right now. There is an item on your agenda next concerning Nature Coast Memorials, LLC d/b/a Nature Coast Crematory. The reason this was placed on the agenda is this case was originally before the Board in April, of this year, and the d/b/a and the licensure was improved. However, subsequent to the application being placed on the agenda, it was determined that the d/b/a would not be able to come into existence because it was already previously filed with the Division of Corporation with another name. However, since that time, I've spoken with the applicant who has confirmed that he has changed the d/b/a name and register it with the Division of Corporation. And right now, I am looking to find that new name and that is what is taking me a moment. I'm not sure if anybody on the phone knows what that new name is?

Chair – May I suggest that we go to the Executive Director's Report while you search for that change in the d/b/a?

Ms. Simon – Thank you, sir.

Chair – Thank you.

Jasmin Richardson – Mr. Chairman? I'm sorry, this is Jasmin Richardson.

Chair – Yes, Ms. Richardson?

Ms. Richardson – I just looked on our website. If I can interject to search ALIS?

Chair – Please do.

Ms. Richardson – I'm sorry. This is a monument. This isn't the crematory.

## **21. Executive Director's Report**

### ***A. Operational Report (Verbal)***

Chair – Thank you. Ms. Schwantes, would you grace us with your Operational Report, please?

Mary Schwantes – Thank you, sir. Good morning, Board members. Division offices reopened in early May, although they are still closed to the public and continued telecommuting is encouraged. An emphasis on telecommuting is likely to continue through at least July, but probably through the summer. On-site activities associated with inspections, examinations, and investigations resumed earlier this month, with a focus on licensee inspections that could be completed within a “day trip” range of our various field offices. The continuation of inspections has so far excluded inspections of licensees in the Broward and Miami-Dade counties due to continuing COVID-19 concerns and restrictions in those counties.

There is no longer a ban on overnight travel. As a result, our field staff will go forward over the next few weeks with the completion of inspections in North Florida and other areas which require overnight travel. Our continued goal is to complete the FY2019-2020 inspections of the non-cemetery establishments by the September 30th extended deadline for these inspections, which was included in an earlier CFO Directive and, of course, stay on track for the completion of the cemetery and non-cemetery inspections required for this next year. Going forward, we will continue to otherwise limit overnight travel as much as possible, allowing it only as absolutely necessary to complete on-site examination, investigation, and inspection activities for locations that are beyond the “day trip” range of our field offices. We are very closely monitoring the COVID-19 spikes and local regulations in each of the counties. For these reasons, we will also continue to delay field work in the Broward and Miami-Dade counties until such time as those counties are able to reopen a bit more. Naturally, we're also going to be closely monitoring our expense budget for travel, which is a great segue way into budget matters.

But before I go there, I want to brag a bit about Division staff. You all know we have a great Division team. During the past months of both personal and professional uncertainties resulting from the COVID-19 pandemic, Division staff have continued, and kept up with, all consumer inquiries and licensing issues. They've completed work on examinations and investigations, resolving many open cases with licensees and either successfully closing the matters or transferring them on for legal action as may be required. As discussed, our Inspection Team is working hard to complete this fiscal year's inspections prior to the extended September deadline. And our Licensing Team is currently processing the numerous annual reports on care and

maintenance trust funds and other trustee reports, such as those regarding preneed accounts, which were due by June 1<sup>st</sup>, again as the result of an extended deadline, while still keeping up with all the normal licensing activities and deadlines for this next fiscal year. All of this has been done even through multiple personal tragedies of illnesses, the loss of loved ones, blessings of new children, childcare and child education needs as a result of school closings, and staff changes within the Division.

On that note, I want to let you know of some of the staff changes that have occurred or are expected. We began the year fully staffed with 25 FTE and 2 OPS positions filled. In March, Tim Wheaton, one of the Division's long-term employees on our Inspection Team, retired. Tim had been an FTE employee with the Division, retired once, come back as an OPS employee and is now hopefully enjoying his second retirement. Our OPS File Clerk, Noah Hearn, is moving and will be leaving the Division towards the end of this month. Among his other duties, Noah has processed and imaged all the daily mail, a function to which is instrumental in keeping licensing processes running smoothly, particularly while staff are telecommuting. And I know a lot of you have met Misty Burch, one of our licensing specialists. Misty and her husband just celebrated the birth of their new daughter. Following her maternity leave at the end of August, Misty will be moving on to a new position as a law firm paralegal. We are, of course, very excited when our employees are able to take advantage of new opportunities and better opportunities, and certainly wish them all continued successes. But will miss them, of course, at the Division and the expertise they both brought to their positions and gained while working with us.

So, why did I bring all that up? As we move into the next fiscal year, a lot will come up. Partly, of course, because I know many of you have worked with the employees I mentioned and would be interested in their new endeavors. But also, if you have been counting along with me, our Division team of 27 will have been reduced to 24 by the end of August. Again, bragging on our remaining staff, we have shifted responsibilities to cover the duties normally handled by those positions, and our team members have consistently demonstrated their professionalism, flexibility, and dedication during these changes. Particularly those that are taking on new responsibilities, which brings me back to budget issues on which I want to give the Board a head's up.

Our fiscal year is from July 1<sup>st</sup> to June 30<sup>th</sup> and we start fiscal year 20-21 in a few weeks. In a normal fiscal year, the Division budget is approved and we have spending authority for the entire year's budget from the very beginning of the fiscal year. This Division has always operated on a tight budget, with not a lot of flexibility within the various budget categories. As expected, COVID-19 related issues are impacting the new fiscal year budget for all agencies. With extremely limited circumstances and exceptions, the Legislative Budget Office has directed that the fiscal year funds from the approved budget for 20-21 are to be released for spending at only 23.5% per quarter. As a result, the expected overall holdback for the entire fiscal year is 6%. It is highly unlikely that we will be able to fill the current and expected vacancies. The timing of expenses and invoices becomes even more important than before. For example, we are going to be significantly underfunded in certain categories during this first quarter in which we remain mostly fully staffed and in any quarters in which we have to pay full amounts on yearly contracts, etc. Overall, these holdbacks will primarily impact our expense category, most particularly our travel budget and office expenses. This comes at a particularly unfortunate time when PPE and other COVID-19 related needs require potential increases in these categories. We have a limited ability to cure any deficits in each budget category using 5% transfers from other categories. It's very limited. We are working closely with the Department's Budget Office but, through the year, will obviously be monitoring these issues even more closely than before and looking for creative solutions in underfunded areas. It is possible, as always, that the budget release percentages can be changed mid-year, depending upon further directions from the Governor's Office. So, again, I bring all that up because I wanted the Board to have a head's up on our ongoing budget issues. Our budget has always been tight. It's tighter. It was even tighter last year (inaudible), increases in travel needs and this year it will be even more tight.

I want to take a few moments to address upcoming Board meetings. July's Board meeting was scheduled to be held in-person on Wednesday, July 22<sup>nd</sup>, in Boca Raton in conjunction with the Annual Convention and Trade Show for the Florida Cemetery, Cremation & Funeral Association. Due to risks presented by COVID-19, however, the FCCFA has cancelled that conference. As a side note for later planning, the FCCFA has offered to host a Board meeting at its convention in 2021 and we both appreciate and wanted to acknowledge that offer. August's Board meeting is currently scheduled to be held in-person in Orlando on Thursday, August 13<sup>th</sup>. The September Board meeting is a telephonic meeting scheduled for Thursday, September 3<sup>rd</sup>, and then the next in-person Board meeting following that would take place in October, to be hosted by the Florida State College at Jacksonville on Thursday, October 1<sup>st</sup>. As a result of continuing travel concerns and risks presented by COVID-19, the Division recommends that all Board meetings through September be held telephonically and/or by videoconference. We

anticipate being able to use videoconference for the July and August Board meetings and have worked with Department and Board Counsel regarding the use of that type of meeting for conducting disciplinary actions, on which we expect to resume presentations to the Board in July. By the Board’s August meeting, we expect to have more information regarding ongoing COVID-19 issues, including budget impact, and would be in a position at that time to make additional recommendations regarding the October and future in-person Board meetings for the fiscal year. So, at this time, I would like the Board to consider and vote on proposed changes on its upcoming meeting schedule, changing the July 22<sup>nd</sup> and August 13<sup>th</sup> Board meetings, which are currently scheduled as in-person meetings, to telephonic meetings, which may include the use of videoconferencing, and we would appreciate Board action on this matter.

**MOTION:** Mr. Knopke moved to changing the July 22<sup>nd</sup> and August 13<sup>th</sup> Board meetings, which are currently scheduled as in-person meetings, to telephonic meetings, which may include the use of videoconferencing. Mr. Williams seconded the motion, which passed unanimously.


Ms. Schwantes – Thank you, Board members. Thank you, Mr. Chair. If you have any questions relating to the budget, or anything I’ve mentioned during this report, please do give me a call. And that ends the Operation Report. Again, thank you, Mr. Chair.

Chair – Thank you. Ms. Simon?

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

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

Monthly Report of Fines and Costs Assessed and Paid  
 Division of Funeral, Cemetery and Consumer Services  
 June 18, 2020 Board Meeting  
 Date of Report: June 9, 2020

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Infinity Transportation Services	6-Feb-20	Removal	\$1,750		Yes	
Infinity Transportation Services	6-Feb-20	Refrigeration	\$1,750		Yes	
Tri-County Mortuary Transfer Services	6-Feb-20	250581-19-FC	\$2,000	3/30/2020		A
Camel Funeral Home	6-Feb-20	247860-19-FC	\$300	3/30/2020	Yes	A
Heritage Memorial Company d/b/a Lewis W. Mohn Funeral Home & Cremation	6-Feb-20	254946-19-FC	\$300		Yes	
Mosley Monuments and Vaults, LLC	6-Feb-20	243762-19-FC	\$500	4/29/2020	Yes	
Stone Removal Services, LLC	6-Feb-20	243150-19-FC	\$300	3/30/2020		A
Everglades Crematorium	5-Dec-19	231985-18-FC	\$2,000	3-Feb-20	Yes	
Geronimo Mena	5-Dec-19	231982-18-FC	\$2,000	3-Feb-20	Yes	
Affordable Cremation Solutions, Inc.	5-Dec-19	241091-19-FC	\$15,300	6-Feb-20	Yes	
Darice Concepcion	5-Dec-19	233390-18-FC	\$2,500	6-Feb-20		A
D & L Real Estate Investments LLC d/b/a Faith Mer	5-Dec-19	227930-18-FC	\$1,500	6-Feb-20	Yes	
Albert McWhite	5-Dec-19	245288-19	\$3,000	6-Feb-20	Yes	
McWhite’s Funeral Home	5-Dec-19	245292-19-FC	\$3,000	6-Feb-20	Yes	
Davis & Davis Funeral Services LLC	5-Dec-19	230411-18-FC	\$3,000	6-Feb-20	Yes	
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.						6-8-2020 

Ms. Simon – I would like to go back to item number 20.

**20. Old Business**

**A. Nature Coast Memorials LLC dba Nature Coast Crematory  
(1) Approving Clerical Change (Verbal)**

Ms. Simon – On the April Board meeting agenda, there was an item, a request for licensure, submitted by Nature Coast Crematory. This was for a cinerator license. The licensure was approved. Subsequent to the licensure being approved, it was determined that the d/b/a that was originally provided could not be used. Subsequent to that, contact was made with the owner of the facility, and the owner of the facility has changed the d/b/a to Pine View Crematory. He has registered that name with the Division of Corporation, and he will have the cinerator facility going by that name. So, I needed to let the Board members know that that had happened, and I would appreciate if the Board members could vote on approving the change in dba name.

Chair – Is there a motion?

**MOTION:** Mr. Hall moved to approve the change in d/b/a name. Mr. Knopke seconded the motion, which passed unanimously.

Chair – Ms. Simon? What city is that located, please?

Ms. Simon – Sir, the city that this entity is located in is Perry.

Chair – Perry, Florida. Thank you so much.

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

Ms. Simon – Mr. Chairman?

Chair – Thank you. I'd like to welcome Board Counsel, Rachele Munson to her first meeting. We already appreciate your counsel and thank you for serving with us. And look forward to serving with you in the future, Ms. Munson.

Ms. Munson – Thank you, sir.

**23. Public Comments (Verbal)**

Chair – Are there any public comments regarding this reading? No public comments.

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

**A. Attorney General's Rules Report**

Chair – Ms. Munson, do you have the Office of the Attorney General's Report?

Ms. Munson – I do. I would simply like to note that the Rules Report for June 2020, is available in your materials. We've not had any changes to the report for quite a few months. And some of the rules that have been open for development, with no activity, I think most of them reflect maybe an August 2019 date, they actually are good for opening for approximately one year, so if we monitor these rules by August of this year without the activity, we may need to just reopen them for development again, if it is the pleasure of the Board, to continue to consider rule development for the rules, as indicated on the report. I have no other information to share at this time and thank you again, sir.

Chair – Thank you.

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

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-7.015	Trust Agreements and Trustees.	12/05/2019	08/12/2019(RD) 12/17/2019(RN)	08/20/2019 Vol.45/No.162	01/06/2020 Vol.46/No.03	02/10/2020	03/01/2020
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-21.001	Licensure Procedure; Consequences of Operating Prior to Licensure.	12/05/2019	09/26/2019(RD) 12/17/2019(RN)	10/03/2019 Vol.45/No.193	01/06/2020 Vol.46/No.03	02/10/2020	03/01/2020
69K-21.005	Display of Licenses.		09/26/2019(RD)	10/03/2019 Vol.45/No.193			
69K-21.007	Responsibility of Funeral Director in Charge.	12/05/2019	08/12/2019(RD) 12/17/2019(RN)	08/20/2019 Vol.45/No.162	01/06/2020 Vol.46/No.03 01/10/2020 JAPC Corresp. 01/30/2020 JAPC Response	02/11/2020	03/02/2020
69K-24.034	Operating Procedures for Refrigeration Services.		09/26/2019(RD)	10/03/2019 Vol.45/No.193			
69K-32.002	Approved Courses.	12/05/2019	09/26/2019(RD) 12/17/2019(RN)	10/03/2019 Vol.45/No.193	01/06/2020 Vol.46/No.03 01/10/2020 JAPC Corresp. 01/24/2020 JAPC Response	02/10/2020	03/01/2020

**25. Administrative Report**

The information was provided on the Agenda.

**26. Disciplinary Report**

The information was provided on the Agenda.

**27. Upcoming Meeting(s)**

- A. July 22<sup>nd</sup> (Boca Raton – FCCFA Annual Convention, Boca Raton Resort & Club, 501 E Camino Real)
- B. August 13<sup>th</sup> (Orlando – Embassy Suites Orlando-International Drive, 8978 International Drive)
- C. September 3<sup>rd</sup> (Teleconference)
- D. October 1<sup>st</sup> (Jacksonville – Florida State College at Jacksonville, Advanced Technology Center, 401 W State Street)
- E. November 5<sup>th</sup> (Teleconference)
- F. December 3<sup>rd</sup> (Gainesville – TBA)

**28. Adjournment**

Chair – Board members, any comments, good of the cause? Everybody out there taking precautions and staying healthy, I hope. I hope your families are as well. This adjourns the meeting. Thank you.

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