

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

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

Mr. Jody Brandenburg, Chair –Welcome to the Board of Funeral, Cemetery, and Consumer Services Teleconference meeting. It's September 3, 2020, 10:00 A.M. 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 the Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, September 3, 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 videoconference and notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to interested persons. Both the link and call-in number are available on the agenda, which has been made available to the public. The call -in number and other information relating to the Board meeting has also been published on the Division's website. The Division staff present for this meeting are either in the Claude Denson Pepper Building in Tallahassee FL or are attending from the locations in which they are telecommuting, during the COVID-19 pandemic. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared.

As this is a videoconference of the Board, there are some items I need to draw your attention to. For one, as a general rule, please do not utilize your video camera for the meeting unless you are a Board member, Board counsel, or an authorized Division employee. And before I go, as you have already noticed, you'll hear feedback when anybody has their phone on that is not muted. So, those that are on video and those that are on phone, please make sure either your phone or your video capabilities are muted. If you have a matter listed on the agenda and intend to appear before the Board to represent yourself, or if you are an attorney that is representing your clients, only turn your video camera option on when we have reached the agenda item that you want to be heard on or when you hear your name called. Then turn your video camera option off again as soon as your matter has been addressed by the Board. Additionally, we need everyone that is on the call to put their phone on mute, as we've already seen the ambient noise really disturbs the meeting. Also, if you are using your computer or smartphone for your audio feed, please remember to speak directly into the microphone on your device. To do otherwise negatively impacts the recording of this meeting. If you find that you are unable to be heard when your matter is called, please make sure your phone is not muted. And then, if you still cannot be heard, please use the chat feature to alert our staff. As a last option, hang up and call back in and announce your presence if your case is still being heard.

Just as in a live meeting, persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board's Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. As a final reminder, Board meetings are public meetings under Florida Law, and anything said via chat is subject to a public records request. The chat feature should only be used for the purpose of technological issues that callers may be experiencing, directing any inquiries to our staff on the chat feature. We have staff monitoring the chat feature and if necessary, your inquiry will be forwarded to somebody who may be able to assist in resolution of the problem. At this time, Mr. Chairman, I will call the roll:

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

Also noted as present:

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

LaShonda Morris, Department Staff

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

Chair – Thank you, Ms. Simon.

2. Action on the Minutes

A. July 22, 2020

Chair – Action of the Minutes of July 22, 2020?

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

3. Old Business

A. Disciplinary Proceeding(s)

(1) Settlement Stipulations (Probable Cause Panel A)

(a) Campbell, Jarrod Theodore: DFS Case No. 229414-19-FC; Division No. ATN-30753 (F043133)

Ms. Simon – Mr. Griffin is representing on behalf of the office of the General Counsel.

Keenan Knopke – Mr. Chairman?

Chair – Yes, Mr. Knopke?

Mr. Knopke – I will be recusing myself on item numbers 3. A. (1), (2), and (3), because of Probable Cause Panel A.

Chair – (1), (2), and (3). Thank you.

Mr. Knopke – Thank you.

Marshawn Griffin – Before we begin, Mr. Campbell is here on the call. I saw him on the video chat. I think he turned it off, following the instructions. So, I think Mr. Campbell probably needs to turn on his camera.

Chair – I did see Mr. Campbell on earlier. Good morning, Mr. Campbell, if you can hear me.

Jarrold Campbell – Good morning, Chairman Brandenburg and Board.

Chair – Thank you. Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. Jarrod Theodore Campbell (“Respondent”) was a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F043133. On February 28, 2020, the Board entered a Final Order permanently revoking Respondent’s license, based on an Administrative Complaint, alleging that Respondent entered into preneed contracts on behalf of a funeral establishment that was not licensed to engage in preneed sales. On or about March 27, 2020, Respondent filed a timely Notice of Appeal in this matter. On or about August 18, 2020, Respondent filed a Notice of Voluntary Dismissal of his appeal.

In lieu of further litigation in this matter, the Department and Respondent have entered into a proposed Settlement Stipulation which provides as follows: Respondent’s license will be suspended for six (6) months, effective February 28, 2020; after the period of suspension Respondent would be eligible to submit an application for licensure pursuant to Chapter 497, Florida Statutes. If after the period of suspension, Respondent applies for licensure pursuant to Chapter 497, Florida Statutes, Respondent agrees that if the license is granted he will be placed on probation for a period of five (5) years, subject to the usual terms and conditions. As a special condition of probation, Respondent would be prohibited from serving as a funeral director in charge for any funeral establishment. The Department requests that the Board accept this Settlement Stipulation. If the

Board does not accept the terms of the Settlement Stipulation, the Department requests that Respondent's matter be resubmitted to the Board for a reconsideration of the penalty imposed in this matter.

Chair – Thank you, Mr. Griffin. Mr. Campbell, did you want to address the Board, or are you merely here to answer questions about the stipulation?

Mr. Griffin – And if I may? Before we go any further, Mr. Campbell, if this stipulation is not accepted...Mr. Campbell, can you mute your microphone? Ok, Mr. Campbell had counsel for the appeal, and if the Board does not accept the terms of the stipulation, they will be representing him on the reconsideration. Mr. Campbell was advised at this meeting to appear; however, I would ask, if the Board is not inclined to accept this offer and wants to inquire, I think it would be prudent to wait until his counsel is here.

Chair – Thank you. Board members?

Mr. Williams – Mr. Chair?

Chair – Yes? Who's speaking?

Mr. Williams – May I speak, Mr. Chair? This is Darrin Williams:

Chair – Yes, Mr. Williams?

Mr. Williams – This question is for Mr. Griffin. I'm just curious on how did we go from revoking the license on 2/28 to now doing a suspension at this Board meeting? What took place to change the penalties? Also, the second question is that it states in the stipulation a term of six-months of probation. So, in essence, their probation would end at the end of this month and not necessarily serve any type of probation, if we do agree to this. Correct?

Mr. Griffin – No. First off, let me address each question in turn. Mr. Campbell filed an appeal, and that appeal was pending before the 1st District Court of Appeal. In lieu of continuing along with that appeal, the Department and Mr. Campbell reached a potential settlement, in lieu of continuing with the further appellate process. As it relates to the probation, the suspension is six (6) months. The probation that would follow any term of suspension is five (5) years. After the license was suspended, he possibly would have been entitled to a stay of the suspension; however, no stay was filed on his behalf, so the suspension was effective the date that the Final Order was issued. So, he's been suspended for the last six (6) months. The Department basically tendered or entered into this to avoid the litigation of the appeal.

Chair – Thank you, Mr. Griffin. Board?

Lew Hall – Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – Are we able to ask question now, at this point? I'm asking if the Board can ask questions of Mr. Campbell.

Chair – Ms. Munson?

Mr. Hall – Is his legal counsel here with us now?

Mr. Griffin – No. His counsel is not here for the meeting. His counsel advised me that they would not be appearing. So, I would be reluctant to go into any sort of questioning knowing that when this comes up for reconsideration, and this settlement has been accepted, his counsel will be present that day.

Ken Jones – Mr. Chair, if I may?

Chair – Mr. Jones?

MOTION: Mr. Jones moved to approve the Settlement Stipulation with the conditions set forth by the Department. The Chair seconded the motion, which passed with one (1) dissenting vote.

Chair – Ms. Simon?

Ms. Simon – Yes, sir.

Ms. Munson – So, if I may, Ms. Simon?

Ms. Simon – Sure.

Ms. Munson – Chair Brandenburg, just to clarify procedurally. It appears that the motion was accepted and approved to accept the stipulation, but because that Final Order is still out there, procedurally we'll just need to vacate the Final Order. Because if we don't remove it, it will still exist. So, I'll just like to clarify that the stipulation that has just been accepted, the minutes should also reflect if the parties so approve, it...

Chair – And how do we do that procedurally?

Ms. Munson – ...the requirement to vacate the Final Order and accept the stipulation.

Mr. Jones – Should that be done by the request?

Ms. Munson – We probably can just...

Chair – Mr. Jones, is that your motion?

Ms. Munson – We probably can amend the motion to say...

Mr. Campbell – I will accept the stipulation.

Mr. Jones – Ms. Munson, you froze on me. If there are words or language you would like for me to use, what would you like?

Ms. Munson – A motion to vacate the Final Order and approve the stipulation as presented.

Mr. Jones – I will make the change to my motion to include that.

Chair – And I'll change my second to include that. And all those in favor, aye?

Board members – Aye.

Chair – And any opposed?

Mr. Williams – Nay.

Chair – With one nay, the motion carries. Thank you, Ms. Munson.

Ms. Munson – Thank you, sir.

(2) Motion for a Hearing Pursuant to Section 120.57(1), Florida Statutes (Formal Hearing)
(a) McWhite II, Albert R. (F049445)

Ms. Simon – The Division received notice from the attorney, for the subject, requesting a continuance of this matter until the October 2020 Board meeting. This is the first request for a continuance since the Notice of Intent to Deny the Petition filed for

Waiver or Variance was filed. It would be appropriate at this time for the Board to make a motion regarding the request for a continuance.

MOTION: Mr. Jones moved to approve the request for a c continuance of this matter until the October 2020 Board meeting. Mr. Williams seconded the motion, which passed unanimously.

- (3) *Motion Not Involving Disputed Issues of Material Fact Section 120.57(2), Florida Statutes.***
 - (a) *McWhite II, Albert R. (F049445)***

Ms. Simon – The Division also received notice from the attorney, for this case, requesting a continuance of this matter until the October 2020 Board meeting. This is the first request for a continuance, since the Notice of Intent to Deny was filed. It would be appropriate at this time for the Board to make a motion regarding the request.

MOTION: Powell Helm moved to approve the request for a continuance of this matter until the October 2020 Board meeting. Mr. Williams seconded the motion, which passed unanimously.

- B. *Recommended for Approval with Conditions***
 - (1) *Application(s) for Direct Disposal Establishment***
 - (a) *Mega Enterprises USA LLC d/b/a Lasting Remembrance Memorial Services (St Petersburg)***

Ms. Simon – Is there somebody on the phone today representing Mega Enterprises?

Mr. Speights – Yes, Farrell Speights.

Ms. Simon – Thank you, sir. If I could just have one moment. In this matter, application for a direct disposal establishment was received on by the Division on June 1, 2020. The application was incomplete when submitted. A completed application was received by the Division on July 17, 2020. The Funeral Director in Charge will be Farrell Speights (F043145). A background check of the principals revealed no relevant criminal history. One of the principals, Farrell Speights, does have adverse licensing history, and that adverse licensing history was included as part of your Board package. The Division's recommendation is to accept and to approve the application with the conditions that the applicant be placed on one year of probation and that the facility passes an on-site inspection by a member of Division staff. Mr. Speights, can you please raise your right hand to be sworn in? Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Speights – Yes.

Ms. Simon – Mr. Speights, please state your name and spell your last name for the record.

Mr. Speights – Yes. Can you hear me?

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

Mr. Speights – Farrell Speights, S P E I G H T S.

Ms. Simon – Mr. Chairman?

Chair – Thank you. Mr. Speights, are you here to address the Board or merely answer questions?

Mr. Speights – Good morning, Mr. Chairman.

Chair – What was your response?

Mr. Speights – Mr., Chairman, you all had tabled me at the last meeting, so I just came back upon your request. I have no questions for the Board.

Chair – Thank you. Board, any questions?

Mr. Williams – Mr. Chairman?

Chair – Yes?

Mr. Williams – Is counsel on the phone regarding this case?

Ms. Simon – I do not believe so. This is a matter that is for licensure. We have Ms. Munson on the call. That's the Board's representative. Board counsel.

Mr. Williams – So, Ms. Munson, you may be able to assist me. I'm just curious, in terms of if we approve this, how do we determine this one-year probation? Because I see in 2004 there was a fine and probation of six (6) months. In 2014, there was a fine and probation for six (6) months. So, I'm just trying to figure out if we want to continue to keep going down the same path of the same type of finale. Where's the threshold in terms of next steps? Because the same fine and probation, and the same type of pattern continues to happen.

Ms. Munson – I'm not going to interject with the Board's discretion with regard to any conditional impositions that they apply to these licensure requests. I can see that the history, in fact, does exist. Member Williams, this is for the Board to consider how long you may want to do so if you think that the history is indicative of, perhaps a problematic issue that you feel may interfere. But this is a fresh application and there really is no legal prohibition to the request being made that is approve with conditions. However, the concern that you've made apparent on the record is fully understandable. And if the Board so feels that this history indicates an issue that would require a greater condition or some of more severe consideration, it is absolutely the Board's discretion. That type of information and that type of decision making is outside of my lane.

Mr. Williams – Thank you.

Chair – Mr. Williams?

Ms. Munson – I do have a question, though. It was tabled before. Just to clarify so that the record can be clear, I understand that the applicant indicated that he was called back because it was previously tabled. Is there any new information that we are addressing in light of the previous continuance, or tabling of the matter?

Ms. Simon – If I may, Mr. Brandenburg?

Chair – Yes, Ms. Simon. Remind the Board why it was tabled, regarding questions about Mr. Speights and activities in the past.

Ms. Simon – The reason why the matter was tabled is many of the Board members had questions for Mr. Speights and they were uncomfortable with the fact that Mr. Speights was not present for the Board meeting. I have spoken with Mr. Speights since the last Board meeting and apparently, he was present, but he was having technological difficulties, which made it impossible for the Board to hear him. It was tabled because the Board requested his presence at the next Board meeting. And I had called Mr. Speights to inform him of that, Mr. Chairman.

Chair – Thank you so much. If I may remind the Board that this is an application for a direct disposal establishment and Mr. Speights is the Funeral Director in Charge. So, it is for the establishment license itself. So, Mr. Speights, any comments?

Mr. Speights – I have none, Mr. Brandenburg.

Chair – Thank you. Board members?

Mr. Knopke – Mr. Chairman?

Mr. Hall – Mr. Chair?

Chair – I'm sorry? Who is this?

Mr. Knopke – This is Mr. Knopke.

Chair – Mr. Knopke, go right ahead.

Mr. Knopke – In my Board package, I have ten (10) pages. Unfortunately, I didn't save the package from last time, so if Ms. Simon could give me and the other Board members as well, what the adverse conditions were that were outlined in the Board package last time and what he was charged with and so forth.

Ms. Simon – If I may, Mr. Brandenburg?

Chair – Please, Ms. Simon.

Ms. Simon – Actually, that was not included in the Board package last time. The only thing that was included was the history that was listed on your cover sheet.

Mr. Knopke – Ok. Then, is it possible for you to verbally expand what it was for? If you know, at least for 2014.

Ms. Simon – If I could just have one moment.

Chair – Go right ahead, Ms. Simon. Take your time.

Ms. Simon – Ok. I see one Consent Order that was issued in 2013 and according to that Consent Order, the allegations were that the Respondent failed to provide a granite marker for over two (2) years, in violation of various statutes. And, the other Order was from 2004, and that was the establishment, and Mr. Speights must have been the funeral director in charge, did not submit monthly reports to the Department when monthly reports were required, the Bodies Handled Reports. And that's what the violation was for.

Chair – Thank you. Mr. Knopke, any other comments?

Mr. Knopke – No, sir. Thank you.

Chair – Thank you.

Ms. Munson – Mr. Chair?

Chair – Ms. Munson, go right ahead.

Ms. Munson – Just to note, if it can be identified for the record, whether the applicant has complied with the requirements of those previous Content Orders fully.

Ms. Simon – Unfortunately, I cannot speak to that. But I can look to see whether the fines have been paid. At least according to our current practice, if the discipline had not been met, we would have filed an additional Order. But let me see if I can look up to ensure that the fines from paid. Because our records might not go back to the time of the 2004 Final Order, I do show for the most recent one that Mr. Speights made a payment of \$2250.

Mr. Knopke – I'll make a motion to approve with the conditions.

Mr. Clark – Mr. Chair, before we do that, can I ask a question?

Mr. Hall – Mr. Chair?

Chair – We have a motion and then when you have questions. Who asked the question? Who was that?

Mr. Clark – Andrew Clark.

Chair – Mr. Clark, go right ahead.

Mr. Clark – I'm just remembering. I think one of our questions had to do with the name. It says Lasting Remembrance Memorial Services, but it's a direct disposer. Maybe I'm remembering that incorrectly, but maybe it's a question I have. It just seems that the license doesn't match the name of the business.

Chair – Thank you, Mr. Clark.

Mr. Hall – Mr. Chair?

Chair – Mr. Speights, do you understand?

Mr. Speights – Mr. Chairman, may I address Mr. Clark? The Board should have gotten a name change to Lasting Remembrance Cremation. That should have been reflected on the application. I believe it was at the last meeting that you all told me that you had received that correction.

Chair – So, number 2) applicant name will be Lasting Remembrance Cremation. Is that correct, Mr. Speights?

Mr. Speights – Yes, sir. Mr. Brandenburg, that is correct. Can you hear me? Yes, that is correct.

Chair – Yes, I can. So, we have a motion before us.

MOTION: Mr. Knopke moved to approve the application subject to the condition that the Applicant be placed on a one-year probation and that the facility passes an on-site inspection by a member of Division staff, with a note that the name will be changed to Lasting Remembrance Cremation. Mr. Clark seconded the motion.

Mr. Hall – Mr. Chair, may I ask a question?

Chair – Yes, there's a second and Mr. Hall, go right ahead.

Mr. Hall – Mr. Speights, do you have a relative by the name of Lisa?

Mr. Speights – I have an ex-wife by the name of Lisa.

Mr. Hall – So, you all were involved in Morning Glory?

Mr. Speights – No, sir, that was her. Can you hear me, Mr. Hall? That was her business solely. We had been long divorced.

Mr. Hall – You weren't involved in that business financially or from a management perspective?

Mr. Speights – No, sir.

Mr. Hall – How long have you been divorced?

Mr. Speights – My youngest son is twenty-four (24) years old. About twenty-four (24) years.

Mr. Hall – Ok. Will she be involved in this business in any way?

Mr. Speights – No, she will not be. She will not be.

Mr. Hall – Thank you.

Chair – Thank you. We have a motion, and we have a second. So, all those in favor, aye?

Ms. Simon – Mr. Brandenburg? I'm sorry. If I can interrupt? Ms. Munson has a question before the vote's taken.

Chair – I'm sorry. Go right ahead, Ms. Munson.

Ms. Munson – Thank you, Chair Brandenburg. And if I may, this is for the applicant, Mr. Speights. Can you hear me? Can you hear me, Mr. Speights?

Mr. Speights – Yes.

Ms. Munson – Just to clarify, the Division has indicated that regarding the Consent Order issued in 2013, it's been reported that...

Mr. Speights – I can't hear you now.

Ms. Munson – Can you hear me? Can you hear me, sir?

Mr. Speights – I hear you.

Ms. Munson – Ok. Have you fulfilled in short, all of your obligations that were imposed as a result of the previous Consent Orders that were issued to you? Just wanted the record to reflect whether or not you have fully complied with those penalties.

Mr. Speights – Yes, ma'am, I have. To my knowledge, I have fully complied. I know that my license was renewed last year. So, to my knowledge, the company has. I'm no longer with Young Funeral Home, but they have fully complied to all of mine, to my knowledge.

Ms. Munson – Just wanted to clarify, because the Department indicated that \$2250 of the \$2500 was paid. So, I wanted to just confirm whether all debts and penalties have been satisfied so that if the Board so chooses to approve the application with conditions, there does not need to be any caveat regarding any outstanding obligations.

Ms. Simon – Mr. Chairman, if I may?

Chair – Ms. Simon, go right ahead.

Ms. Simon – I may have misspoken. In case number 128345-12-FC, the applicant was assessed \$2000 fine and \$250 in costs. So, it appears he fully paid.

Chair – So, we have a motion, and we have a second to that motion, with the caveat that the name will be changed to Lasting Remembrance Cremation. And all those in favor, aye?

Board Members – Aye.

Chair – Any opposed? And that motion carries. Thank you, Mr. Speights.

Mr. Speights – Thank you, Mr. Chairman. Thank you, Board members. Have a good day.

***(2) Application(s) for Preneed License Renewal
(a) Guiding Light Cremations LLC (F059114) (West Park)***

Ms. Simon – This is an application for preneed licensure renewal submitted by Guiding Light Cremations Incorporated. The explanation of the application is listed within your Board package. The Division recommends approval subject to the condition that the applicant pay a \$1000 late renewal fee and that their license is suspended, but the imposition of the

suspension be stayed for sixty (60) days from the renewal date, if the late fee is paid by the 60th day, the suspension not take effect.

Chair – Is there a motion?

MOTION: Mr. Jones moved to approve the application subject to the condition that the applicant pay a \$1000 late renewal fee and that their license is suspended, but the imposition of the suspension be stayed for sixty (60) days from the renewal date, if the late fee is paid by the 60th day, the suspension not take effect. Mr. Knopke seconded the motion, which passed unanimously.

4. Disciplinary Proceeding(s)

A. Settlement Stipulations (Probable Cause Panel A)

(1) Castillo & Thurston's Key West Mortuary: DFS Case No. 243116-19-FC; Division No. ATN-32501 (F041784)

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

Mr. Knopke – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Knopke – I need to recuse myself from 4. A. (1), please.

Chair – So noted. Thank you, Mr. Knopke.

Mr. Williams – Mr. Chairman? This is Mr. Williams. I need to recuse myself from 4. B. (3) and 4. B. (4), Probable Cause Panel B.

Chair – So noted, Mr. Williams. Thank you.

Mr. Griffin – May I proceed?

Chair – Mr. Griffin, please go ahead.

Mr. Griffin – Marshawn Griffin for the Department. Castillo & Thurston's Key West Mortuary ("Respondent") is a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F041784. The Department conducted an inspection of Respondent and found that Respondent engaged in activities licensed under Chapter 497, Florida Statutes, with an expired license and allowed an individual to act as a preneed sales agent without the proper appointment. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent's license will be placed on probation for one year and Respondent will pay a fine in the amount of \$2,250. The Department requests that the Board accept this Settlement Stipulation.

MOTION: Mr. Helm moved to approve the Settlement Stipulation, which provides that the Respondent to pay an administrative fine of \$2,250, and Respondent's license will be placed on probation for one year. Mr. Hall seconded the motion, which passed unanimously.

B. Settlement Stipulations (Probable Cause Panel B)

(1) Edenfield, Jason: DFS Case No. 255521-19-FC; Division No. ATN-32669 (Unlicensed)

Ms. Simon – Presenting for the Department, Mr. Griffin.

Mr. Griffin – Marshawn Griffin for the Department. Jason Edenfield ("Respondent") is not currently licensed pursuant to Chapter 497, Florida Statutes. At all times relevant to this Notice of Intent to Issue Cease and Desist and Administrative Complaint, Respondent was employed at Faith Memorials, Inc., d/b/a Comerford Vault Memorial ("Comerford"), an establishment that is now licensed as a monument establishment builder. The Department conducted an inspection and

investigation of Comerford and found that Comerford, by and through Respondent, entered into contracts with Florida consumers without the benefit of licensure; and entered into contracts that were not on a Department approved form.

Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent's shall pay an administrative fine in the amount of \$1,500. The proposed stipulation also provides that in the event that Respondent ever applies for licensure issued pursuant to Chapter 497, Florida Statutes, Respondent shall be placed on probation for one (1) year. The Department requests that the Board accept this Settlement Stipulation.

Mr. Helm – Mr. Chairman, I have several questions on this one.

Chair – Go right ahead, Mr. Helm.

Mr. Helm – Mr. Griffin, you may be able to answer it, or it might be something that's just past history and just listen. Would you please tell me who Milford and Joann Truette was and Frank Bondurant? Do you know who they were?

Mr. Griffin – I do not.

Mr. Helm – Well, their names are listed on several things there in the corporation. Now, whether they used to own it and they bought it from them, I don't know, and you evidently don't either. Now my other questions are reading through the case here, Jason denies or keeps saying he just did what he was told, or he was working for the man or whatever. Well, in 2015, 2016, 2017, 2018, and 2019, he was listed as the officer and director, so I have a hard time with this one.

Mr. Griffin – Well, if I can point out, we've already accepted the companion Settlement Stipulations to this case, both for Mr. Comerford and for Comerford Vault Memorials for the same terms. Comerford is the man at the top. So, if we've accepted as to him, Edenfield is denied it and that is one of the allegations that Edenfield is definitely not as high up. He's not as culpable as Comerford because it's Comerford's establishment. So, the Department would assert that I think that the settlement is appropriate given the facts in this case.

Mr. Knopke – Mr. Chairman?

Chair – Sorry. Mr. Helm, were you finished?

Mr. Helm – Well, I'm finished, but I'm not satisfied.

Chair – I've heard that before. Not from you, Ok. Mr. Knopke?

Mr. Knopke – Question to the Department or to Mr. Griffin. Why weren't these cases all put together and presented at one time?

Mr. Griffin – So, the same individual represents both Comerford, Edenfield, and Faith Memorials. Faith Memorials and Comerford had their stuff signed faster. Edenfield took a little bit longer to get the signature. I wanted to present the first two (2) to the Board, just because we'd already had the signatures and moved them along. I apologize for not having all three (3) at once. I will point out that in the other cases we've at least received payment from one (1) of the two (2) other stipulations and I anticipate that the other payment has already been sent.

Mr. Knopke – Thank you, sir. The purpose of my question was, and I agree with Powell. If he was listed as a director, he was currently in charge or I should have had a key role in this whole mess, and to present them at different times takes away the ability to see that. And now we look at this, and this guy acted for five (5) years and said he didn't know. In reality, he probably did know a whole lot more.

Mr. Griffin – I'd like to point out that the packets for this one and Faith Memorials are the same.

Mr. Knopke – I understand, but still the perception looks bad. Let's put it that way.

Mr. Griffin – I understand. Next time I'll make sure I have the related cases in the same settlement, at the same meeting.

Mr. Knopke – It just makes it simpler. Thank you. I'm just rambling now.

Chair – Thank you.

Mr. Knopke – Mr. Chair, I'm going to hold my nose and make a motion to approve as presented.

MOTION: Mr. Knopke moved to approve the Settlement Stipulation, which provides that the Respondent to pay an administrative fine in the amount of \$1,500; and that in the event that Respondent ever applies for licensure issued pursuant to Chapter 497, Florida Statutes, Respondent shall be placed on probation for one (1) year. Mr. Jones seconded the motion, which passed with one (1) dissenting vote.

(2) Riverview Memorial Park, Inc: DFS Case No. 257443-19-FC; Division No. ATN-32792 (F039709)

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

James Bossart – This is Jim Bossart. Can you hear me all right, Mr. Chairman?

Chair – Good morning, Mr. Bossart. Go right ahead.

Mr. Bossart – Good Morning. Thank you, sir. This is James Bossart for the Office of the General Counsel. Respondent is licensed as a cemetery company, license number F039709, located in Ft. Pierce, Florida. An investigation dated November 4, 2019, revealed that Respondent's placement and delineation of occupied grave lots, plots, and spaces, including markers, do not correlate with the Respondent's records. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides for a \$1000 fine and three (3) years of administrative probation. In addition, as a condition of the probation Respondent shall:

- 1) Within six months following the issuance of an Order in this matter, an independent survey shall be conducted for Garden K. Respondent shall notify the Division of the company/individual responsible for the survey.
- 2) Within 9 months following the issuance of an Order in this matter, Respondent shall verify the burial spaces in Garden K by reviewing the statement of goods contract and the burial map.
- 3) After the survey and review, but within one year following the issuance of an Order in this matter incorporating this Settlement Stipulation, Respondent shall document its map with the misburial and/or encroachments, to reflect the actual spaces utilized and available in Garden K.
- 4) Within fifteen months following the issuance of an Order in this matter, in each case where the survey and verification process determined that a misburial and/or encroachment occurred, Respondent shall add to the burial file a memo describing the correct space for each internment.
- 5) Within 2 years following the issuance of an Order in this matter, in instances where the misburial and/or the encroachment does not allow for purchased spaces to be utilized, Respondent should make every diligent effort to contact the purchaser and/or beneficiary and offer a different burial space at no additional charge. If the purchaser and/or beneficiary would prefer a refund instead, the Respondent shall honor that preference.
 - (a) Within 2 years following the issuance of an Order in this matter, if it is determined that a diligent search has revealed that the purchaser/beneficiary is unable to be located, Respondent shall prepare a different burial spot to be used in the future, at no additional charge to the purchaser or beneficiary, in place of the purchased burial space.
- 6) Within 2 years following the issuance of an Order in this matter, after correcting its cemetery map to properly reflect current internment spaces with noted encroachments/misburial; Respondent shall place "internal reference markers" to prevent future encroachments/misburial. Examples of "internal reference markers" can be post, pole, lot pins, etc.
- 7) In instances where the review/survey results in a finding that a monument or marker is marking the wrong burial space and is not aligned with where the corresponding remains have been buried, within 30 months following the issuance of an Order in this matter, the cemetery shall reinstall the monument/marker in alignment with the corresponding remains. The Department requests that the Board accept this Settlement Stipulation.

Mr. Bossart – I would point out that a representative from Riverview, Mr. Yates. Are you here, Mr. Yates?

Clayton Yates – Yes, sir.

Mr. Bossart – Representatives for Riverview are here to answer any questions or clarifications the Board may desire.

Ms. Simon – Before you go on, Mr. Bossart, it is a three (3) year probation, not one (1), correct?

Chair – Yes.

Ms. Simon – Yes, sir.

Mr. C. Yates – That's my understanding. Well, there may have been a misprint in the stipulation.

Mr. Bossart – Three (3) years of probation, sir.

Chair – A \$1000 fine and a three (3) year probation. Plus, the remedy, I will call the remedy stipulation.

Mr. Bossart – Correct.

Chair – Mr. Yates, did you want to address the Board or you're merely here to answer any questions that might come up?

Mr. Yates – Mr. Chairman, I am here, and an officer of Riverview, and the manager are all here if you have any questions.

Chair – Thank you so much. Mr. Bossart, looks like you and your office put a lot of time, energy and effort into working out of this Settlement Stipulation.

Mr. Bossart – Thank you, sir. I'd have to give most of the credit to Ms. Simon. But, yes we put some real effort into it.

Chair – Ms. Simon always gets credit.

Ms. Simon – Thank you, Mr. Chairman.

Mr. Knopke – Mr. Chairman, I've got some questions.

Chair – Go right ahead, Mr. Knopke.

Mr. Knopke – Mr. Yates, how long...

Chair – Let's swear Mr. Yates in, please.

Ms. Simon – Mr. Clayton Yates is actually an attorney.

Chair – I'm sorry. I just now see Counsel for Respondent there. There's a lot a Yates' family down there and I thought he was part of the Yates family ownership.

Ms. Simon – Mr. Knopke, before you go on, Mr. Yates, you said that you had the manager with you?

Mr. C. Yates – Yes, we have the manager and my brother, Bill Yates who is an officer.

Ms. Simon – Will both of you gentlemen raise your right hand to be sworn in?

Mr. C. Yates – One is Elizabeth Trachtman.

Ms. Simon – Excuse me. Well, will both of you individuals raise your right hand to be sworn in?

Mr. C. Yates – They are.

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

Joseph Yates, Jr. – I do.

Elizabeth Trachtman – I do.

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

Mr. J. Yates – Joseph W. Yates, Jr. I'm Vice President of Riverview Memorial Park.

Ms. Trachtman – Elizabeth Trachtman, T R A C H T M A N. I'm the manager at Riverview Memorial Park.

Chair – Thank you. And Mr. Knopke, you had a question?

Mr. Knopke – Yes, ma'am. Yes, sir, excuse me, I've got several questions for them. The first one is how long have they been either owners or managers of this property or company?

Mr. J. Yates – I'm Mr. Joseph Yates. I've been an owner since 1989. We bought the cemetery, a non-profit negotiation. I am active weekly in the cemetery. I'm the former owner. I'm retired from Yates Funeral Home here in Ft. Pierce. Elizabeth will speak now.

Ms. Trachtman – I've been with Riverview, as a matter of fact, I'll celebrate my 13th anniversary next Monday, September 7th.

Mr. Knopke – Ok. When were the section or sections in question developed or started?

Mr. J. Yates – Probably in the 1970s, or even late 1960s. This section wasn't used until 2012 or 2009, maybe. Yes, 2009. These were extra sections. The one next to this one was welfare section. Probably 2009 was the first burial in Section K.

Mr. Knopke – Of what year?

Mr. C. Yates – He indicated 2009.

Mr. Knopke – Ok. So, the section itself was developed prior to his ownership, in the late '60s to early '70s, and it sat doormat until 2009. Is that correct?

Mr. J. Yates – That's correct.

Ms. Simon – Ok, I'm sorry, sir. Mr. Chairman, I am unclear which Yates is speaking. So, if you can state your name when you're responding to the question, that would be excellent. Thank you.

Mr. J. Yates – The area was mapped out and surveyed probably in the '60s to early '70s, before our ownership.

Mr. Knopke – Once you took ownership, and you started to use a section, whenever that was, did you have lot markers at that point, and so forth?

Mr. J. Yates – Over the years they have been covered up and lost. We're in the process of hiring the same surveyor, but he's no longer in business, and the new guy that took over his business can't find the old surveys. So, we've asked and documented twice. We've asked for a location of the pins. We're trying to get a metal detector on our own, to no success.

Mr. Knopke – So, if I understand correctly...well, how did you lay off graves when you started doing burials? Did you just walk out there and say this spot looks good, or was there some type of system?

Mr. J. Yates – Well, it's a small section. It's near the road. I don't know what happened in 2009. Marked it off and then ran the tape out and said ok. I don't know if you guys have a copy of the lot, but you can see the first burial for 2009 and 2012. And then as you go north, them being 2017, 2018, 2019 {inaudible}. There are funeral homes that call and say give us the next space in the row. Very seldom does this section have {inaudible} It is the low end of the business and I am sorry that this has happened. Our aim here is to bring the maps up to date. We've located the monuments, matched the burial, but there are sometimes where it might be thirteen (13) inches between the space. Our spaces are {inaudible} Plenty enough room to put a vault. Plenty enough room to have space in between, but they are just off. We have not pulled any of the spaces. As I told the folks the last time we talked, this is not a situation where we get to the end of the road quickly. We have not sold any spaces that are going to be in question in the future. Our aim right now is to get the pins located and bring our map exactly up to date to show the burials that are off 8" to 13" and show the State of Florida that we have accurate plots.

Mr. Knopke – A question for Ms. Simon, since she's been brought into this. I didn't go through and add up the time periods, what do you estimate the time period, based upon what's in the write up? This is going to tell you what's been agreed to.

Ms. Simon – Well, I've had discussions with Mr. Yates, the counsel, as well as Mr. Bossart, and that's where we got to the three-year probation. So, during that time, this can be done and the steps of doing what needs to be done are laid out in the stipulation to happen within a certain period of time. I know they have already started on that.

Mr. Knopke – So, they're going to be on probation for three (3) years, and assuming I understood you correctly, they'll end probation about the time they finish everything? Is that correct?

Ms. Simon – That's the timeframe I laid out, Yes, sir. Or, that was laid out in the probation. There is no early term of probation if everything is done before the three (3) years, but it does give the licensee three (3) years. I didn't want to have the licensee set up for failure. I wanted to give the licensee enough time to comply, which is why the three (3) years were laid out.

Mr. Knopke – And there's the \$1000 fine.

Ms. Simon – Yes, sir.

Mr. Knopke – That's all the questions I have. If nobody else does I have a motion, but I'll wait and see if anybody else wants to question.

Mr. Clark – Mr. Chairman, I have a question.

Chair – Go right ahead, Mr. Clark.

Mr. Clark – Thank you. Mr. Chair, Mr. Yates, it looks like the investigation was in November. Ms. Simon just mentioned that some things have been done since that inspection, but I think I heard you say you still don't have the survey. You thought about renting a metal detector, but it doesn't sound like you've done that. So, what have you done since this has been brought to your attention?

Mr. J. Yates – We have located every vault, by probing. We have moved several markers to be in align with burials and not as the plat shows. We have taken precautions that no more spaces will be sold in that section until everything's resolved. I want the surveyor to locate the pins for us. Yes, they are nailed down there. I don't know about the metal detector, but a surveyor will start and put down new pins for us. Other than that, we've worried a lot about it.

Mr. Clark – It just seems like in nine (9) months, you could have gotten the survey matter resolved, Mr. Chairman, I have no other questions.

Mr. Hall – Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – Like Keenan, I'm concerned because we've moved forward here on lots without pinning, and I don't know how you lay out a lot, to dig that grave for at-need case, without it I don't see how that's done. Secondly, there's been a timeframe here, but even a surveyor can go in and measure out the parameters, the outside edges of where that grave or that section is. But he's not going to be able to lay out and find pins that define each of those vaults. So, they did decide that they're not going to sell any more spaces in that area, until they get this resolved. That makes me feel some better, but this has been going on for some time. These are people with experience. My concern is the amount of the fine. I think it's extremely low for the problem that we've got here.

Mr. J. Yates – We have paid the \$1000 fine. {inaudible} that we've done wrong here, and it's not the question of a continuance of being wrong. We're working on it, gentlemen and ladies.

Mr. Knopke – Mr. Chairman?

Chair – Mr. Knopke?

MOTION: Mr. Knopke moved to reject the proposed Settlement Stipulation. Mr. Clark seconded the motion, which passed with one (1) dissenting vote.

Mr. Knopke – Mr. Chairman?

Chair – Yes, Mr. Knopke?

Mr. Knopke – I'll make a motion, a settlement motion. I guess that's what it would be termed. Would it not Ms. Simon or Ms. Munson?

Chair – Settlement Stipulation motion?

Mr. Knopke – Yes.

Ms. Munson – It's a counter.

Mr. Knopke – I'll make a counter motion or a proposed counter settlement as follows: a \$5000 fine; they abandon the use of that section in question until everything's straightened out and the Department approves it; that they confirm any new sections that have been developed during the same time period; that the graves are in the correct place and they have the pins in place and so forth; they start using standard industry pins, (there's many of them that are supplied by various vendors, that will stay on top of the sand and not sink); a five year probation; they develop written procedures and retrain staff on how to lay out a grave and that they follow those procedures.

Chair – And, Mr. Knopke?

Mr. Knopke – Yes.

Chair – May I call your attention to the original Settlement Stipulation, which includes 1, 2, 3, 4, 5, 6 and 7 conditions?

Mr. Knopke – And that should be included as part of it, as well, Sir. Thank you.

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

Mr. Hall – Second, Hall.

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

Board members – Aye.

Chair – Opposed?

Mr. Jones – Opposed, Jones.

Chair – And the motion carries.

Ms. Simon – Mr. Chairman, at this point, we can have Mr. C. Yates actually either say that he will accept the counter stipulation, or give him approximately thirty (30) days to accept the counter stipulation. Ms. Munson, do you have anything to add?

Ms. Munson – That's fine.

Chair – Mr. C. Yates, did, you understand Ms. Simon's comment?

Mr. C. Yates – Yes, Sir. I did. Can I have sixty (60) seconds to confer?

Chair – Of course, we'll go out to another case, and you come back and tell us when you're ready to accept that. Ok?

Mr. C. Yates – We'll accept the stipulation.

Chair – They have accepted the stipulation and motion carried.

(3) Stonemor Florida Subsidiary LLC, Roberts Funeral Homes - Bruce Chapel East: DFS Case No. 254449-19-FC; Division No. ATN-32704 (F079849)

Ms. Simon – Presenting for the Department, Mr. Griffin.

Mr. Griffin – Marshawn Griffin for the Department. Stonemor Florida Subsidiary LLC, Roberts Funeral Homes – Bruce Chapel East (“Respondent”) is a funeral establishment licensed under Chapter 497, Florida Statutes, license number F079849. The Department conducted an inspection of Respondent and found that Respondent failed to keep its Bodies Handled Reports at its business premises and failed to produce its Bodies Handled Reports on demand. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine in the amount of \$1,000 and shall keep its Bodies Handled Reports at its business premises. The Department requests that the Board accept this Settlement Stipulation.

Chair – Thank you, Mr. Griffin. Board members?

MOTION: Mr. Knopke moved to approve the Settlement Stipulation, which provides that the Respondent shall pay an administrative fine in the amount of \$1,000 and shall keep its Bodies Handled Reports at its business premises. Mr. Hall seconded the motion, which passed unanimously.

(4) Stonemor Florida Subsidiary LLC, Roberts Funeral Homes - Bruce Chapel West: DFS Case No. 254441-19-FC; Division No. ATN-32705 (F079852)

Ms. Simon – Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. Stonemor Florida Subsidiary LLC, Roberts Funeral Homes – Bruce Chapel West (“Respondent”) is a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F079852. The Department conducted an inspection of Respondent and found that Respondent failed to keep its Bodies Handled Reports at its business premises and failed to produce its Bodies Handled Reports on demand. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine in the amount of \$1,000 and shall keep its Bodies Handled Reports at its business premises. The Department requests that the Board accept this Settlement Stipulation.

MOTION: Mr. Knopke moved to approve the Settlement Stipulation, which provides that the Respondent pay an administrative fine in the amount of \$1,000 and shall keep its Bodies Handled Reports at its business premises. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you.

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

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

- 6. **Application(s) for Continuing Education**
 - A. **Course Approval - Recommended for Approval without Conditions – Addendum B**
 - (1) *AREC Safety Consulting, LLC (34608)*
 - (2) *National Funeral Directors Association (136)*
 - (3) *Talk Health LCC (25808)*
 - (4) *The Academy of Graduate Embalmers of Georgia (35211)*
 - (5) *WebCE (43)*

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. Williams moved to approve the applications. Mr. Helm seconded the motion, which passed unanimously.

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

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

MOTION: Mr. Helm moved to approve all the claims, for the monetary amounts indicated. Mr. Hall seconded the motion, which passed unanimously

- 8. **Application(s) for Florida Law and Rules Examination**
 - A. **Informational Item (Licenses Issued without Conditions) – Addendum D**
 - (1) **Funeral Director (Endorsement)**
 - (a) *McGill, Wesley*
 - (2) **Funeral Director (Internship and Exam)**
 - (a) *Banfield, Korey M*
 - (b) *Brown, Delores*
 - (c) *Gordon, Katherine L*
 - (d) *Waldon, Jacqueline M*
 - (3) **Funeral Director and Embalmer (Endorsement)**
 - (a) *Spencer, Laura A*
 - (b) *Swenson, Nathanael B*
 - (4) **Funeral Director and Embalmer (Internship and Exam)**
 - (a) *Conway, Brenna L*
 - (b) *Obando, Karina V*
 - (c) *Padilla, Laura D*
 - (d) *Remy-Westbrook, Shante*

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 Internship

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

(1) Funeral Director and Embalmer

(a) Barfield, Evan C F455726

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

B. Application for Renewal – Funeral Director and Embalmer (Internship and Exam)

(1) Recommended for Approval without Conditions (Awaiting Test Results)

(a) Augustin, Shanna (F386625)

Ms. Simon – An application to renew the concurrent internship license was received on July 20, 2020. The current internship license, F386625, expired on August 27, 2020. Ms. Augustin has not passed the National Board Examinations. The Division is recommending approval without conditions.

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

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

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

(1) Gloria J Chandler d/b/a Chandler's Funeral Home (F077292) (Sarasota)

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

11. Application(s) for Broker of Burial Rights

A. Recommended for Approval with Conditions

(1) Travis B Gibson (Miami)

Ms. Simon – Mr. Gibson, are you on the line today?

Travis Gibson – Yes.

Ms. Simon – Ok, thank you, sir. The application was received on May 1, 2020, and completed as of June 9, 2020. The Department completed a background check of applicant's principal and owner, and there is a mistake in your Board package. Jules Joseph. is not the principle. The principle is, of course, Mr. Gibson and no prior criminal history was found. The Division recommends approval without conditions.

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

Chair – Thank you, Mr. Gibson.

Mr. Gibson – Yes.

12. Application(s) for Cinerator Facility

A. Recommended for Approval with Conditions

(1) First Coast Cremation LLC (Callahan)

Ms. Simon – The application was received on July 24, 2020. The Funeral Director in Charge will be Tatyana MacDonald (F073089). A background check of the principals revealed no relevant criminal history. The adverse licensing history is

included within your Board package. The Division recommends approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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

13. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) *Compassionate Cremations and Memorials LLC (Tampa)*

Ms. Simon – The application was received on August 12, 2020. The Funeral Director in Charge will be Ronald Stinsman (F335180). A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

(2) *Lake Butler Property Holdings LLC d/b/a Ferreira Funeral Services (Lake Butler)*

Ms. Simon – The application was received by the Division on July 8, 2020. The application was completed by July 27, 2020. The Funeral Director in Charge will be Ashley Miller (F054395). A background check of the principals revealed no relevant criminal history. Adverse licensing history is attached. The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

B. Recommended for Approval without Conditions

(1) *Baldwin Brothers Memorial Care Services Inc d/b/a Baldwin Brothers (Bradenton)*

Ms. Simon – The application was received by the Division on July 21, 2020. The Funeral Director in Charge will be Ruth Anne Yeats (F047012). A background check of the principals revealed criminal history for one of the principles, which has previously been reviewed by the Board on many occasions. The establishment passed its inspection on August 20, 2020. The Division recommends approval without conditions.

Mr. Helm – Mr. Brandenburg, I have a question.

Chair – Yes, Mr. Helm?

Mr. Helm – Ms. Wendy, were they buying out another place?

Ms. Wiener – This particular application, I believe, is one in which the funeral home that was there are closed and they are starting a funeral home in that same location, if I'm not mistaken.

Mr. Helm – Was it Sound Choice before?

Ms. Wiener – Honestly, I couldn't tell you. Only when they're doing the transfer of ownership, do we involve a former owner.

Mr. Helm – Well, I didn't realize it had closed and I was just trying to figure it out. Motion to approve.

Mr. Knopke – Mr. Chairman? Let the record reflect that my brother is President of Baldwin Brothers and that will not impact my ability to make a fair and impartial decision on this matter.

Chair – Thank you for that disclosure, Mr. Knopke.

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

14. Application(s) for Monument Establishment Retailer License

A. Recommended for Approval without Conditions

(1) Faith Memorials Inc d/b/a Comerford Vault and Memorial Services (Sneads)

Ms. Simon – The application was submitted on July 17, 2020, and completed by August 14, 2020. A completed background check revealed no criminal history for the listed principal. If approved, the applicant will operate as a monument establishment retailer at the specified location and utilize the monument retail sales agreement that has been submitted to the Board for approval. Included within your Board package are Consent Orders from the August 2020 Board meeting for both Faith Memorials Inc (F440803) and John Comerford (F440804). The Division recommends approval without conditions.

Mr. Helm – Mr. Chair?

Chair – Mr. Helm?

Mr. Helm – I have to disagree with this. I wouldn't want to give somebody a license that owes us a fine. He owes us, I think, \$2000, but I'm not looking at it right now, or \$1500. I can't remember.

Ms. Simon – Mr. Chairman, may I?

Chair – Please, Ms. Simon. Go right ahead.

Ms. Simon – No, I believe that that was on the disciplinary case from last month. I'm sorry. I wasn't sure what you were asking for, Mr. Helm.

Mr. Helm – Well, I mean, I don't agree with giving somebody a license when they owe us money. I mean, I'm sorry. That doesn't seem right.

Ms. Simon – Well, if I may? In this instance, I believe that Faith Memorial Inc. has paid their penalty. If you could give me one second, I can confirm.

Chair – Please confirm that, Ms. Simon.

Ms. Simon – Thank you.

Jasmin Richardson – Ms. Simon?

Ms. Simon – Yes, ma'am?

Ms. Richardson – Hold on. I'm sorry.

Mr. Hall – It's not showing it on our sheet that just came in. Neither Faith or John Comerford.

Ms. Simon – I did look this up beforehand and I see that on August 25th, payment was made for Faith Memorial of \$1500, while Comerford still owes money, but it's within his thirty (30) days. He's not behind.

Mr. Helm – Was it thirty (30) days since the meeting?

Ms. Simon – It was within thirty (30) days, since the Final Order was issued.

Mr. Helm – Well, was that Final Order issued right after the meeting, or when?

Ms. Simon – I just need one additional moment, sir.

Mr. Helm – Not a problem.

Mr. Griffin – This is Marshawn Griffin. If I may? The counsel for Faith Memorial and Comerford reached out this week. They actually e-mailed me on Monday to verify that they had received payment. We were able to confirm that we've received payment for Faith Memorial. We weren't able to confirm payment for Comerford, but they did send us., and then after I relayed that information to her, she provided me supplemental material that indicated that the payments were sent together. So, I have no way to completely 100% verify this, but generally people that aren't trying to comply with our Consent Orders, don't try and follow up with us. and make sure that we've gotten the payment and send us some sort of document documentary evidence. If the Board would like if could forward along the images that were sent to me. But I think that this licensee is trying to comply with the terms to Consent Order.

Chair – Thank you, Mr. Griffin.

Ms. Simon – The Consent Order for Faith Memorials was issued on August 20th, and I'm assuming that the same would be said for Comerford, but I'm looking that up now. It was also issued on August 20th, within a week of the Board meeting.

Mr. Hall – Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – If it's approved, could it be approved upon the date that all three (3) of these fines on the individuals are paid? Faith, Comerford and Edenfield, who we just dealt with.

Mr. Helm – Ms. Munson has a question.

Mr. Hall – Mr. Helm, I have an issue with issuing this before all these are paid.

Ms. Munson – This is Ms. Munson.

Chair – Ms. Munson, hold on just a moment, please.

Ms. Munson – Absolutely.

Chair – Thank you. Certainly, it seems to me that we could approve with the conditions of those fines being paid and the license not issued until those fines are paid. It seems to me that we have that discretion. Ms. Munson, go right ahead.

Ms. Munson – I just would like to be careful with the wording of that, because if we approve subject to the fines being paid and they are within their time period to pay the fine, it's almost like an additional penalty to that particular Order that has been issued. If we approve it, and fines are not paid, then maybe there would be some action that could be available retroactively. But approving it with the condition that fines are paid by the due date may be better than just approving under the condition that fines or pay. You just don't want to extend the penalty for what was imposed on them. That's my only note.

Chair – Sage advice. Thank you very much.

Mr. Hall – Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – Would Ms. Munson suggest that we worded it as such that if the fines aren't paid by the due date that license is suspended?

Ms. Munson – What would be the due date?

Ms. Simon – It was August 20th that they were issued. I don't have my date calculator in front of me. So, it would be thirty (30) days from that date, but I would think that if the Board wanted to do something along that line that they could, and maybe this reverses what you said before, but they can make this a condition that the license won't be given until the fines are paid. But, maybe you said that that wouldn't be a good idea.

Ms. Munson – I'm just wondering. I'm still feeling the significance of this license. We are barring their ability to work when they are still within that window to pay their fine. It might be considered an undue burden. I just wanted to note that for the record. I would probably suggest maybe a motion to the extent that the license is approved subject, and I play with the terms "under the condition", "with the condition" or "subject to the condition" that all outstanding fines are paid by whatever that date is. It sounds like it's September 19th. I don't think that it should prohibit the license to prior to September 19th, but if fines are not paid by September 19th, I guess the next step, quite honestly, would be suspension. Hearing Mr. Griffin's comments, the fines appear to be already in the pipeline. I'm not really concerned about that issue with this one. But yes, to clarify, approve subject to all outstanding fines being paid by its due date, which I think is September 19th.

Mr. Hall – It's shown on our sheet the 21st. My concern is that they are in the same group with Edenfield. So, are we look thirty (30) days out from Edenfield?

Ms. Simon – It'd be thirty (30) days from the Board Order.

Mr. Hall – So, two (2) of them would be immediately, if they haven't already been paid, and one of them we're looking at thirty (30) days out. On the one we handled today.

Mr. Griffin – If I may? It's my understanding, based on the representations from the attorney for all three (3), that Edenfield isn't going to have any further involvement with the entity.

Chair – Mr. Knopke?

Mr. Knopke – No, sir. I've got no comment.

Chair – I'm sorry. The line around your box lit up. I thought you had a question.

Mr. Knopke – I'm sorry. I'm trying to listen and figure out a way to make this work. I don't know that there is one other than to follow the dates that are given for payment.

Chair – If they're not paid within the dates, then the Division is certainly going to take action against them anyway.

Mr. Knopke – Yes, I would hope they would and do it quickly.

Mr. Helm – Mr. Chairman, this is Helm. May I ask a question?

Chair – Please, Mr. Helm.

Mr. Helm – I understand what everybody has said. Ms. Munson, is there some way that we can word it to say that they can have their license, but if they don't pay the fine by the due date, then her license is suspended? Is that possible?

Mr. Griffin – Also, if I can point out, this language may not be necessary. Because under the terms of the stipulation that the two (2) entities have already entered into, the Consent Orders, that's already a condition that if they don't pay in time, that action happens. So, to state it in this case is almost redundant and unnecessary, because the explicit terms of the Consent Order they've already entered into provides for that.

Mr. Jones – Mr. Chair, if I may?

Chair – Please, Mr. Jones.

MOTION: Mr. Jones moved to approve the application based on Mr. Griffin’s statement that the two (2) entities have already entered into those terms and the Consent Orders provide for action to be taken if the fines are not paid. Mr. Knopke seconded the motion, which passed unanimously.

15. Application(s) for Preneed Main License

A. Recommended for Approval without Conditions

(1) Snow’s Funeral Ministry and Cremation Services (Ocala) (F040043)

Ms. Simon – Is there a representative of that entity on the phone today? Hearing no response. The Department received the application on May 13, 2020, and it was completed by July 28, 2020. The principal of the LLC is Felix Snow. A completed background check of all principals was returned without relevant criminal history. Applicant’s qualifying funeral establishment license (License # F040043) is located at the address provided on your coversheet. If approved, the entity will utilize FSI as their trusting agent. The establishment and its principal, Felix Snow, do have adverse licensing history, and those Orders are enclosed within your Board package. The Division recommends approval without conditions.

Mr. Williams – Mr. Chair?

Chair – Go right ahead, Mr. Williams.

Mr. Williams – I would like to state my relation to Felix Snow, and that my relation to him will not impact my vote on this matter.

Chair – Thank you for that declaration.

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

(2) Valmark Memorial Group Inc d/b/a Cremation-With-Care (Ft Myers) (F445623)

Ms. Simon – Is there a representative of this entity on the phone call today?

Ms. Wiener – Yes. I’m counsel for Valmark.

Ms. Simon – Thank you, Ms. Wiener. In this matter, the Department received the application on July 13, 2020, which was complete at the time of submission. A completed background check of all principals was returned without relevant criminal history. Applicant’s qualifying funeral establishment license (License # F445623) is located at the address provided on the coversheet. If approved, the licensee will sell preneed contracts Forethought Life Insurance Company. The Division recommends approval without conditions.

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

16. Application(s) for Preneed Branch License

A. Recommended for Approval without Conditions – Addendum G

(1) Sunshine Cremation Services LLC (F233258) (Boca Raton)

Ms. Simon – The applicant listed on Addendum G has applied for preneed branch licensure. The application was complete without reportable criminal or disciplinary history. It appears that the applicant qualifies for branch licensure, and the Division recommends approval of the application.

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

Chair – Is Mr. Kronish on the line?

Mark Sunshine – He is not. This is his partner, Mark Sunshine.

Chair – I was just wishing him well. Thank you.

Mr. Sunshine – Thank you very much. I will pass that along to him. Thank you so much, Jody.

17. **Application(s) for Removal Facility**
A. **Recommended for Approval with Conditions**
(1) **Gateway Removal Services LLC (Sebring)**

Ms. Simon – Is there a representative for this entity on the call today?

Nancy DuVall – Yes. My name is Nancy DuVall.

Ms. Simon – Thank you, Ms. DuVall. The application for a removal service licensure was received on August 3, 2020, and completed by August 18, 2020. A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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

Ms. DuVall – Thank you, Board.

Chair – You’re welcome.

- B. **Recommended for Approval without Conditions**
(1) **Grace Removal and Transport LLC (Davenport)**

Ms. Simon – Is there a representative for this entity on the call today?

Paul Hirneisen – Yes, I am.

Ms. Simon – Thank you, sir. The application was incomplete when submitted but completed by August 5, 2020. A background check of the principals revealed no relevant criminal history. This establishment passed its inspection on August 20, 2020. The Division is recommending approval without conditions.

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

Mr. Hirneisen – Thank you, Chairman and Board.

Chair – You’re welcome.

18. **Collective Applications**
A. **Recommended for Approval with Conditions**
(1) **New Application(s)**
(a) **Smart Cremation of Florida LLC (Thonotosassa)**
 - **Funeral Establishment**
 - **Preneed License**

Ms. Simon – Is there a representative for this entity on the call today?

Ms. Wiener – I am. This is Wendy Wiener. I’m counsel for Northstar, owner of Smart Cremation.

Ms. Simon – Thank you, Ms. Wiener. The application was submitted for a funeral establishment licensure and preneed main licensure. Background checks of the principals for the business revealed no relevant criminal history. Per the application, the applicant will trust through Northstar Memorial Group. Specifically, the entity that is being acquired is located in

Thonotosassa, Florida, that is a funeral establishment, which is where the preneed licensure will be at. The Division recommends approval subject to the condition that the facility passed an onsite inspection by a member of Division staff.

Mr. Knopke – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Knopke – I have a question of Ms. Wiener.

Chair – Go right ahead.

Mr. Knopke – Is this part of Sunset Memory Gardens?

Ms. Wiener – No. No, I don't believe so. This is their Smart Cremation brand. So, this would be a standalone operation, if you will.

Mr. Knopke – I understand. I live very near this, and go buy it regularly. The address, 11005-A. Is that a side door to the existing business, or are they using the old cemetery office for this location? They've got a Sunset Memory Funeral and Cemetery there that's been there. The cemetery has been there for sixty (60) years, and the funeral home opened six (6) or seven (7) years ago.

Ms. Wiener – It is a suite with a separate postal address, which is what is required by the Division in its application process. So, I'm not exactly sure of the building configuration, but I do know that we confirmed that we were in compliance with the requirements of Chapter 497, in as much as there is a separate postal address for that location.

Mr. Knopke – But will the customer physically be walking up to the same building as Sunset Funeral Home? The front door would be Sunset Funeral Home and the side door be Smart Cremation?

Ms. Wiener – I know that the entrance will not have them walking into or through the funeral home. So, there is a separate entrance for that building. Beyond that I can't say for sure. I can try and track that information down promptly. But I do know that there is a separate address. I also believe that the inspection has already been completed. Perhaps, I don't know if Jasmin or Ellie can see in the system if the inspection was completed already, because that might give you a more definitive answer than the one that I don't have off the top of my head.

Mr. Knopke – Well, my concern is the confusion to the public as they walk up into which one they're going to.

Ms. Wiener – I believe, Mr. Knopke, and that's a great question and a good instinct, but because of the distinction in the branding, I feel very certain that Northstar does not intend to water down its full-service funeral home brand by having people kind of come into the same place or the wrong place, or whatever. So, I believe they'll be making every effort to make sure that these are as separate as need be and as can be because of the different type of branding. Smart Cremation has a different market reach than their full-service funeral homes.

Mr. Knopke – I completely understand and agree with what you're saying. If they're both in the same building it's going to be hard to do. Ms. Simon, do you have any input on this as far as if they passed their inspection and so forth?

Ms. Simon – Mr. Knopke, I've been trying to look that up. Just one moment, please. There was an inspection of a facility located at 11005-A US Highway 301, Thonotosassa, Smart Cremation of Florida, and it appears to have been a successful inspection, and that inspection has closed.

Mr. Knopke – Ok, thank you very much, ladies.

Chair – Mr. Knopke, do you have the address of the Sunset Funeral Home?

Mr. Knopke – Give me a minute.

Chair – Thank you. Maybe that may provide an answer to your initial question.

Mr. Knopke – Sunset Funeral Home and Memory Gardens is located at 11005, North US Highway US-301 Thonotosassa. This is located at 11005-A. My guess is it's the same building, with a side door. But if that's what our statute allows, then that's our bad, not theirs. But I know in the past, we've had issues with firms that do this. But, if what Ms. Simon is saying, is that they've met the statutory requirements, as I think she said that, then we're obligated to approve. I was just questioning where it was.

Chair – Thank you.

Mr. Jones – I'm sorry, Mr. Chair?

Chair – Mr. Jones, go right ahead.

Mr. Jones – You said the onsite inspection has already occurred? So, would this be just approved without conditions?

Ms. Simon – It can be. Yes, sir. I don't always check because inspections can take place in the week before the Board meeting, after the agenda has already been handled. But yes, it can't be approved without conditions.

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

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

A. Recommended for Approval with Conditions

(1) Preneed Sales Agreement(s)

(a) Smart Cremation of Florida, LLC (Thonotosassa)

Ms. Simon – Smart Cremation of Florida, LLC submits a preneed sales agreement for approval. If approved, this agreement will be used for the sale of preneed contracts by Smart Cremation and its related preneed branches. The Division recommends approval subject to the condition that two (2) two-full-sized print-ready copies of the revised preneed sales agreement are received by the Department within 60 days of this Board meeting.

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

(2) Request(s) for Transfer of Trust

(a) FPG Florida, LLC d/b/a Jennings Funeral Home and Crematory Inc and Gulf Coast Cremations, Inc. (FPG) (F060727) (Orlando)

Ms. Simon – FPG seeks approval of the transfer of funds for the Preneed Trust currently held by 1993 First Florida Trust at Argent Trust Company to the FSI First Florida Trust – FPG Preneed Assets Agreement under Regions Bank. If approved Regions will be the trustee, as set out within documentation in your Board package. The Division recommends approval subject to the conditions set forth below:

- 1) That the representations of FPG, as set forth in Attorney's letter dated July 28, 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), Florida Statutes, to act as trustee of the trust to be transferred pursuant to Attorney's letter dated July 28, 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 Attorney's attached letter dated July 28, 2020.

- Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Attorney's attached letter dated July 28, 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.

Chair – Mr. Clark?

Mr. Clark – Thank you, Mr. Chairman. I'd like to state my affiliation with FPG of Florida and I will recuse myself from this matter.

Chair – Thank you.

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

- B. Recommended for Approval without Conditions**
 - (1) Preneed Sales Agreement Addendum(s)**
 - (a) Treasured Memories FL, LLC (F085058) (New Port Richey)**

Ms. Simon – Treasured Memories submits a sales addendum form for approval entitled Financial Accommodation Addendum to Agreement. If approved, this addendum form will be used in conjunction with the approved Prearranged Trust Funded Funeral Agreement for the sale of preneed contracts by the above preneed main establishment and its related preneed branches. The Division recommends approval without conditions.

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

- (2) Preneed Trust Agreement(s)**
 - (a) Smart Cremation of Florida, LLC (Thonotosassa)**

Ms. Simon – The agreement is being submitted for approval for the trusting of preneed funds to be utilized by this licensee and any of its related preneed branches. The Division recommends approval without conditions.

MOTION: Mr. Helm moved to approve the agreement. Mr. Williams seconded the motion, which passed unanimously.

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

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

Mary Schwantes – If I may, Mr. Chair?

Chair – Ms. Schwantes, go right ahead.

Ms. Schwantes – Thank you, sir. Board members, there's nothing substantive to report today., since our last meeting a few weeks ago, on August 13th. Our next Board meeting will be held by video conference on Thursday, October 1st, and unless Board members have any questions on any operational issues that you would like addressed at this time, then this ends the Executive Director's Report for this meeting.


Chair – Thank you.

Ms. Schwantes – Thank you, Mr. Chair.

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

Ms. Simon – This is an informational report of the payment of disciplinary fines and costs.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 Date of Board meeting: September 3, 2020
 Date report was prepared: August 24, 2020

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
SCI db/a Forest Lawn South db/a Forest Lawn Memorial Gardens South	13-Aug-20	244893-19-FC	\$3,000	9/21/2020		
John Comerford	13-Aug-20	255522-19-FC	\$1,500	9/21/2020		
Faith Memorials Inc db/a Comerford Vault Memorial	13-Aug-20	255516-19	\$1,500	8/20/2020		
Dillon Roberts	August 13/2020	233486-18-FC	\$2,000	9/21/2020		
Buy and Sell Cemetery Plots, LLC	13-Aug-20	233374-18-FC	\$1,500			
Camel Funeral Home	13-Aug-20	254447-19-FC	\$2,500			
D.A. Boyd and Sons Funeral Home	13-Aug-20	243552-10-FC	\$500			
Gainer-Pollard Funeral Home LLC	13-Aug-20	254989-19-FC	\$3,000			
John Hanks	13-Aug-20	230107-18-FC	\$2,500			
John A. Hanks db/a John Hanks Memorial Services	13-Aug-20	230153-18-FC	\$4,000			
Wilson Wolfe, Inc., db/a Sweet Dreams Memorial	8/13/2020	256163-19-FC	\$4,000			
Anthony M. White db/a A.M. White Mortuary	7/22/2020	256169-19-FC	\$2,000	9/14/2020		
Anthony M. White	7/22/2020	258851-20-FC	\$2,000	9/14/2020		
Trahan Mortuary Services, Inc. db/a Pensacola Crematory:	7/22/2020	255306-19-FC	\$2,000	9/14/2020		
Ana Alicia Logan	7/22/2020	254473-19-FC	\$500	9/14/2020		
Cremation Service of Florida LLC	7/22/2020	243562-19-FC	\$300	9/21/2020		
Kalis-McIntee Funeral & Cremation Center	7/22/2020	243608-19-FC	\$300	9/21/2020		
Carrage Funeral Holdings, Inc. db/a Emerald Coast Funeral Home and Reception Center	7/22/2020	255311-19-FC	\$850	9/14/2020		
Carrage Funeral Holdings, Inc. db/a Lee County Cremations Services	7/22/2020	254944-19-FC	\$300	9/14/2020		
Stone Brothers Funeral Chapel:	7/22/2020	243594-19-FC	\$300	9/14/2020		
A Good Shepherd's Funeral Home and Cremation	2-Apr-20	243596-19-FC	\$300	7/24/2020	Yes	
Pinkney-Smith Funeral Home Inc.	18-Jun-20	254957-19-FC	\$1,500	14-Aug-20	Yes	
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	
Heritage Memorial Company db/a Lewis W. Mohn Funeral Home & Cremation	6-Feb-20	254946-19-FC	\$300	3/30/2020	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 Menz	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 db/a Faith Mem	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	
<p>A. When payment in full becomes past due, the FCCS Division works with the DFS Office of the General Counsel to enforce payment. B. Once fines and costs are paid in full, licensee kept on this report 3 months, showing Paid in Full, and then dropped off report; also licensee dropped off report after disciplinary action filed due to nonpayment of the fine and costs. C. The Order re this case is still in process, so no Due date is not yet established. D. Due date has not passed, as of the date of this report. E. As of the date of this report, monthly payments were current.</p>						 8-24-2020

21. Chairman's Report (Verbal)

Ms. Simon – Mr. Chairman?

Chair – Good morning again everyone. I hope everyone and their families are staying safe and taking precautions and are all healthy. I just wanted to reinforce to you that with the pandemic going on, the deaths that are still occurring, and particularly in our South Florida area, we are having facilities that are stressed down there and we've gotten some help from the Medical Examiner's Commission. Thank you, Ken Jones, for your part of that. Stay healthy please. That's it.

22. Office of Attorney General's Report

A. Attorney General's Rules Report (Informational)

Ms. Simon – Ms. Manson?

Ms. Munson – Yes, good morning. I'll be extremely brief. You will see the information in your report includes the monthly rules report for September. I'll just highlight that we have still some open rules on the report. Many of them were open for development last year, and the rule development had expired. So, if you're wanting to continue considering these rules for development, we need to re-open them, particularly Rules 18.001, 18.002, and 18.003. Rules 18.002, and 18.003 have since expired. The rest of the information is fairly self-explanatory. I will note that, the Emergency rule that we discussed and approved, at the Board meeting on July 22nd, actually became effective with the Department of State on August 27th, and will be in effect for three (3) months. We are still working regarding the promulgation of the permanent Rule. 1.006. That pretty much covers the information from the Rules Report.

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

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69KER20-1	Licensure Compliance Regarding Inspection Deadlines.	07/22/2020					
69K-1.006	Licensure Requirements Regarding Inspections.	07/22/2020					
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

B. Rule(s)

DRAFT 8/20/20

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF FINANCIAL SERVICES
Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-1.001
RULE TITLE: List of Approved Forms: Incorporation by Reference

PURPOSE AND EFFECT: The proposed amendments will update several license application forms to incorporate recent legislative changes that modify the criteria to obtain an internship license as a combination funeral director and embalmer intern, and the criteria to obtain a license as a funeral establishment, direct disposal establishment, and centralized embalming facility.

SUBJECT AREA TO BE ADDRESSED: Update of the Application for Combination Funeral Director and Embalmer Intern License, the Application for Funeral Establishment License, the Application for Direct Disposal Establishment, and the Centralized Embalming Facility.

RULEMAKING AUTHORITY: 497.103(2)(c), (5)(b), 497.141(2), (12)(g), 497.142(10)(g), 497.146, 497.147, 497.263(2), 497.264(2)(a), 497.266(2), 497.269, 497.270(2), 497.272(7), 497.281, 497.283(2)(c), 497.287(2), 497.368(1), 497.369(1), 497.370(1), 497.373(1), 497.374(1), 497.375(1), 497.376, 497.380(4), (12), 497.382, 497.385, 497.453, 497.454(1), 497.456(13)(f), 497.458(1)(e), (1)(k), 497.462(9), 497.464(3), 497.466(5)(c), (8)(a), 497.550(2), 497.551(3), 497.553(2), (6), 497.554(2), 497.602(2), 497.603(2), 497.604, 497.606, 497.608(2) FS.

LAW IMPLEMENTED: 497.103(2)(c), 497.140, 497.141, 497.142, 497.143, 497.146, 497.147, 497.263, 497.264, 497.266, 497.269, 497.270, 497.272, 497.281, 497.283, 497.287, 497.365, 497.368, 497.369, 497.370, 497.373, 497.374, 497.375, 497.376, 497.378, 497.379, 497.380, 497.382, 497.385, 497.453, 497.454, 497.456, 497.458, 497.462, 497.464, 497.466, 497.550, 497.551, 497.553, 497.554, 497.602, 497.603, 497.604, 497.606, 497.608 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: [TBD]

PLACE: [TBD]

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Ellen Simon at (850) 413-4985 or Ellen.Simon@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ellen Simon, Assistant Director, 200 East Gaines Street, Tallahassee, Florida 32399-0361; (850) 413-4985; or Ellen.Simon@myfloridacfo.com. A copy of the proposed rule is also available at: <http://www.myfloridacfo.com/Division/GeneralCounsel/RuleWorkshopMeetings/default.htm>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

69K-1.001 List of Approved Forms: Incorporation by Reference.

The following forms are hereby adopted and incorporated by reference and can be obtained from the Department by writing to the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, by logging on to the Department's website at <http://www.myfloridacfo.com/Division/funeralcemetery/>, or by telephoning (850)413-3039:

(1) through (41) No change.

(42) DFS-N1-1732, "Application for Combination Funeral Director and Embalmer Concurrent Intern License," Rev. _____ ~~Eff. 10-06~~ <insert new DOS website address>.

(43) through (56) No change.

(57) DFS-N1-1748, "Application for Funeral Establishment License," Rev. _____ ~~10-06~~ <insert new DOS website address>.

(58) through (63) No change.

(64) DFS-N1-1756, "Application for Centralized Embalming Facility License," Rev. _____ ~~10-06~~ <insert new DOS website address>.

(65) DFS-N1-1757, "Application for Direct Disposal Establishment License," Rev. _____ ~~10-06~~ <insert new DOS website address>.

(66) through (106) No change.

Rulemaking Authority 497.103(2)(c), (5)(b), 497.141(2), (12)(g), 497.142(10)(g), 497.146, 497.147, 497.263(2), 497.264(2)(a), 497.266(2), 497.269, 497.270(2), 497.272(7), 497.281, 497.283(2)(c), 497.287(2), 497.368(1), 497.369(1), 497.370(1), 497.373(1), 497.374(1), 497.375(1), 497.376, 497.380(4), (12), 497.382, 497.385, 497.453, 497.454(1), 497.456(13)(f), 497.458(1)(e), (1)(k), 497.462(9), 497.464(3), 497.466(5)(c), (8)(a), 497.550(2), 497.551(3), 497.553(2), (6), 497.554(2), 497.602(2), 497.603(2), 497.604, 497.606, 497.608(2) FS. Law Implemented 497.103(2)(c), 497.140, 497.141, 497.142, 497.143, 497.146, 497.147, 497.263, 497.264, 497.266, 497.269, 497.270, 497.272, 497.281, 497.283, 497.287, 497.365, 497.368, 497.369, 497.370, 497.373, 497.374, 497.375, 497.376, 497.378, 497.379, 497.380, 497.382, 497.385, 497.453, 497.454, 497.456, 497.458, 497.462, 497.464, 497.466, 497.550, 497.551, 497.553, 497.554, 497.602, 497.603, 497.604, 497.606, 497.608 FS. History—New 9-28-03, Formerly 3F-5.010, 69K-5.010, Amended 1-24-08, 4-18-10, 6-17-10, 7-22-12, 12-27-18, 10-6-19,_____.

C. Annual Regulatory Plan (Action)

Ms. Munson – I will also note that the Annual Regulatory Plan is included in your materials, and it's included for your ratification. I had the distinct privilege to share the information initially with Chair Brandenburg. He and I reviewed and discussed the information. It is pretty consistent with what was previously submitted in the previous year. Again, it is not dispositive as to what rules we can engage in to consider rulemaking on. Or, it does not restrict us from not opening any other rules for development. It's just the annual requirement established by the Legislature and requested by the Governor's Office. So, that information is in your Board packet, for your ratification, which I will need a vote of ratification at this time.

**Board of Funeral, Cemetery and Consumer Services
2020-2021 Annual Regulatory Plan**

Section 1

Laws Enacted or Amended within the previous 12 months which create or modify the duties or authority of the Board.

Law	Mandatory rulemaking? Yes/No	Is rulemaking necessary? Yes/No	Notice of Development Published? Yes/No If Yes, Citation	Expected publication date for NPRM	If rulemaking is not necessary? Explain
N/A					

Section 2

Laws not listed above that the agency expects to implement by rulemaking by the following July 1.

Law	Is rulemaking intended to:	Simplify	Clarify	Increase efficiency	Improve coordination with other agencies	Reduce regulatory costs	Delete obsolete, unnecessary or redundant rules
F.S. 497.237, 497.349, 497.436		x	x	x	x	x	
F.S. 497.368, 497.370, 497.371		x		x		x	

F.S. 497.373, 497.375			x	x	x		
F.S. 497.386, 497.388			x	x			
F.S. 497.367, 497.369, 497.374, 497.378, 497.379			x	x		x	
F.S. 497.602, 497.603			x	x			

(120.74(1)(c), Florida Statutes)

There are no updates to the prior year's regulatory plan.

Section 4: Certification.

Pursuant to Section 120.74(1)(d), Florida Statutes, I hereby certify that I have reviewed this Annual Regulatory Plan and that the Board regularly reviews all of its rules to determine if the rules remain consistent with the Board's rulemaking authority and the laws being implemented, with the most recent comprehensive review having been completed August 1, 2020.

/s/ J.A. Brandenburg
 J.A. Brandenburg, Chair
 Board of Funeral, Cemetery and Consumer Services

August 27, 2020
 Date

/s/ Rachelle Munson
 Rachelle Munson, Assistant Attorney General
 Office of Attorney General
 Board of Funeral, Cemetery and Consumer Services

August 27, 2020
 Date

Chair – Is there a motion to ratify?

MOTION: Mr. Knopke moved to approve the ratification of the Annual Regulatory Plan. Mr. Williams seconded the motion, which passed unanimously.

Ms. Munson – The other informational was just for there for informational purposes, just for general information. I don't think I have any additional information to add to it, so thank you.

23. Public Comments (Verbal)

Chair – Are there any public comments from the public on any actions of the meeting today? Hearing none.

24. Upcoming Meeting(s)

- A. October 1st (Videoconference)
- B. November 5th (Videoconference)
- C. December 3rd (Videoconference)

25. Adjournment

Chair – Ms. Simon, anything else?

Ms. Simon – Nothing else for the good of the order, Mr. Chairman.

Chair – Thank you so much. The meeting is adjourned. Thank you.

The meeting was adjourned at 11:57 a.m.