

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES**  
**VIDEOCONFERENCE MEETING**  
**November 4, 2021 - 10:00 A.M.**

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

Mr. Jody Brandenburg, Chair – Good morning, everyone. Welcome to the Board of Funeral, Cemetery, and Consumer Services. This is a Videoconference meeting on November 4, 2021. Ms. Simon?

Ms. Ellen Simon – Yes, Mr. Chairman. Good morning. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, November 4, 2021, and it is approximately 10 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 is on the agenda, which has been made available to the public. The call-in number and other information relating to the Board meeting has also been published on the Division’s website. The Division staff present for this meeting are monitoring from their individual offices. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared.

As this is a videoconference of the Board, there are some items I need to draw your attention to. For one, as a general rule, please do not utilize your video camera for the meeting unless you are a Board member, Board counsel, or an authorized Division employee. If you have a matter listed on the agenda and intend to appear before the Board to represent yourself, or if you are an attorney that is representing a client, only turn your video camera option on when we have reached the agenda item that you want to be heard on or when you hear your name called. Then turn your video camera option off again as soon as your matter has been addressed by the Board. If you are planning on participating by video, please ensure that you are properly attired for the meeting. In the past, we have had the experience of people not being properly attired and it is detrimental to the meeting process, as it could be disruptive. If you are not planning to participate by video, please ensure that your camera is off.

Additionally, we need everyone that is on the call to place their phone or audio feed on mute, if you are not speaking. The ambient noise coming from someone's phone or audio, which is not muted, causes severe disruption to the meeting. If you are not muted, you may be muted by Division staff. As a result, if you have called in, you may need to call back into the meeting because that may be the only way to unmute your phone. 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 so otherwise negatively impacts the recording of this meeting. Just as in a live meeting, persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board’s Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. As a final reminder, Board meetings are public meetings under Florida Law, and anything said via chat is subject to a public records request. As such, this feature should only be used for technological issues you may be experiencing, directing any inquiries in chat to Mary Schwantes, our Executive Director. She is monitoring the chat feature and, as necessary, will forward your inquiry to someone who can assist in resolution of the problem. At this point I will take the roll:

Joseph “Jody” Brandenburg, Chair  
Keenan Knopke, Vice Chair  
Andrew Clark  
Sanjena Clay  
Lewis “Lew” Hall  
Christian “Chris” Jensen  
Ken Jones  
Jay Lyons  
Darrin Williams

**Also noted as present:**

Mary Schwantes, Executive Director  
Rachelle Munson, Board Legal Advisor

Marshawn Griffin, Department Legal Counsel  
LaTonya Bryant, Department Staff

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

Ms. Sanjena Clay – Mr. Chairman?

Chair Brandenburg – Yes? Go right ahead.

Ms. Clay – This is Sanjena Clay, and I just wanted to be acknowledged as being present.

Ms. Simon – I do apologize, Ms. Clay.

Ms. Clay – No problem.

Chair Brandenburg – Thank you for calling that to our attention, Ms. Clay. Ms. Simon, anything else to announce?

Ms. Simon – No, sir. I would like to continue on with the rest of the agenda, if that's OK.

**B. Action on the Minutes**

**(1) October 7, 2021**

Chair Brandenburg – Action on the minutes for the October 7, 2021 meeting?

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

**C. Disciplinary Proceeding(s)**

**(1) Settlement Stipulations (Probable Cause Panel A)**

**(a) Americare Funeral Services, LLC, d/b/a Lifesong; DFS Case No. 280011-21-FC; Division No. ATN-36121 (F083570)**

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

Chair Brandenburg – Ms. Simon, we're getting just a little bit of a hollow sound from you. Can you perhaps change your mic position or something?

Ms. Simon – I'm not sure. I will try to work on that, sir.

Chair Brandenburg – Thank you.

Mr. Keenan Knopke – Mr. Chair?

Chair Brandenburg – Go right ahead, please.

Mr. Knopke – I need to recuse myself from C. (1) (a), (b) and (c), as I was on Probable Cause Panel A.

Chair Brandenburg – Thank you for that declaration.

Mr. Marshawn Griffin – Marshawn Griffin for the Department. Americare Funeral Services, LLC, d/b/a Lifesong ("Respondent") is a funeral establishment. The Department conducted an inspection of Respondent and determined that Respondent engaged in activities requiring licensure under Chapter 497, Florida Statutes, with an expired license. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$500 fine. The Department requests that the Board accept this Settlement Stipulation.

**MOTION:** Mr. Jones moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$500 fine. Mr. Lew Hall seconded the motion, which passed unanimously.

Chair Brandenburg – Is there anyone with us on the call that represents Americare Funeral Services that might want to address the Board?

Ms. Wendy Wiener – Mr. Chair, this is Wendy Wiener. I represent Americare, and I do not wish to address the Board. Thank you, though.

Chair Brandenburg – Thank you.

**(b) Southwest Professional Services, Inc.: DFS Case No. 282717-21-FC; Division No. ATN-36671 (F041325)**

Ms. Simon – Is there a representative of this entity on the call? Hearing no response. Mr. Griffin?

Mr. Griffin – Southwest Professional Services, Inc., (“Respondent”) is a removal facility licensed under Chapter 497, Florida Statutes. The Department conducted an inspection of Respondent and found that Respondent engaged in activities regulated under Chapter 497, Florida Statutes, with an expired license. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine in the amount of \$750. The Department requests that the Board accept this Settlement Stipulation.

**MOTION:** Mr. Hall moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$750 fine. Mr. Jay Lyons seconded the motion, which passed unanimously.

Chair Brandenburg – Excuse me, Ms. Simon. I’m having trouble understanding you. It’s a bit garbled. Is anyone else having a problem, or is it just me?

Ms. Clay – No. There definitely is an issue. I think some of it is the fact that there are persons on who may not be muted.

Ms. LaTonya Bryant – Everyone needs to mute, if you’re not speaking.

Chair Brandenburg – Thank you. Ms. Simon, shall we try this again?

**(c) Related Cases – ATN-36127**

**1. Parrish, Debra Lynn: DFS Case No. 282523-21-FC; Division No. ATN-36127 (F045381)**

Ms. Simon – Is Ms. Parrish or a representative of Ms. Parrish on the call today? Hearing no response. Mr. Bossart?

Mr. James Bossart – Thank you. May I proceed, Mr. Chairman?

Chair Brandenburg – Please do, Mr. Bossart.

Mr. Bossart – Debra Lynn Parrish (“Respondent”) is a funeral director and embalmer licensed under Chapter 497, Florida Statutes. Respondent is the funeral director in charge (“FDIC”) and owner of Dees-Parrish Funeral Home (“Dees-Parrish”), licensed as a funeral establishment, a preneed main, and as an apprentice/intern training agency under Chapter 497, Florida Statutes, license number F039886. Dees-Parrish’s license expired on November 30, 2020, was not renewed until March 10, 2021. Dees-Parrish also utilized Bodies Handled Reports that had not been approved by the Department. As FDIC, Respondent is responsible for these violations. Respondent does have prior discipline by way of a previous Consent Order that was issued in case number 257475-20-FC, based on an allegation that Dees Parrish failed to maintain its Bodies Handled Reports. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay an administrative fine of \$1,000. The Department requests that the Board accept this Settlement Stipulation. Thank you.

Chair Brandenburg – Thank you. Is Ms. Parrish on the call? Mr. Bossart, is there an indication that they’ll be able to submit the Bodies Handled Reports in a manner that’s acceptable?

Mr. Bossart – Nothing’s contained in the stipulation, sir, other than the fine, but I think it’s assumed that they will.

Chair Brandenburg – Ok. I didn’t know if there had been that kind of discussion with them in the drafting of the Settlement Stipulation. Board?

Mr. Williams – Mr. Chair?

Chair Brandenburg – Go right ahead.

Mr. Williams – I have a question for Mr. Bossart. So, do you know if any disciplinary actions could have been considered in terms of the amount of bodies that were handled between the expiration date and the renewal date?

Mr. Bossart – I believe that was considered. I don't believe there were any bodies handled, I don't believe.

Mr. Williams – Ok, maybe I'm looking at another form.

Mr. Bossart – Well, let's if it's included in the investigation report.

Mr. Griffin – Marshawn Griffin for the Department. If I may? The rules do not contemplate any sort of enhancement for failure to timely renew based on the number of bodies handled.

Mr. Williams – Ok.

Chair Brandenburg – Thank you, Mr. Griffin.

Mr. Bossart – According to the investigation report, thirty-seven (37) cases were handled up to the date of inspection.

Chair Brandenburg – Board?

**MOTION:** Rabbi Lyons moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$1000 fine. Ms. Clay seconded the motion, which passed unanimously.

***2. Dees-Parrish Family Funeral Home, Inc.: DFS Case No. 280025-21-FC; Division No. ATN-36127 (F039886)***

Is there a representative of this establishment on the phone? Hearing no response. Mr. Bossart?

Mr. Bossart – Mr. Bossart – Thank you. The case before the Board now, is the companion case of the previous case, Debra Lynn Parrish. Dees-Parrish Family Funeral Home, Inc. (“Respondent”) is currently licensed under Chapter 497, Florida Statutes, as a funeral establishment, license under Chapter 497, Florida Statutes. A Department inspection determined Respondent engaged in activities requiring licensure under Chapter 497, Florida Statutes, with an expired license and failed to use a Department approved form for its Bodies Handled Reports. Respondent has prior discipline by way of a Consent Order issued in case number 257474-20-FC, based on a failure to maintain Bodies Handled Reports. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay an administrative fine of \$1,000. The Department requests that the Board accept this Settlement Stipulation. Thank you.

Chair Brandenburg – Thank you, Mr. Bossart.

**MOTION:** Mr. Andrew Clark moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$1000 fine. Mr. Jones seconded the motion, which passed unanimously.

Mr. Williams – Mr. Chairman?

Chair Brandenburg – Yes?

Mr. Williams – This is Darrin Williams. I need to recuse myself from Items C. (2) (a), (b), (c) and (d), as I served on Probable Cause Panel B.

Chair Brandenburg – Thank you.

**(2) Settlement Stipulations (Probable Cause Panel B)**

**(a) Funeral Management Inc, d/b/a Manker Funeral Home: DFS Case No. 257478-20-FC; Division No. ATN-33679 (F041821)**

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

Ms. Wiener – Yes, ma'am. Wendy Wiener, representing the Respondent.

Ms. Simon – Thank you. Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. Manker Funeral Home ("Respondent") is a funeral establishment and apprentice/intern training agency licensed under Chapter 497, Florida Statutes, license number F041821. The Department conducted an investigation of Respondent and found that Respondent demonstrated negligence or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes, and failed to timely honor a contract for services. Respondent has prior discipline by way of Consent Orders issued in case number 182008-15-FC and 243589-19-FC, and a Final Order issued in case number 200632-16-FC, for unrelated violations. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine in the amount of \$2,500 and will have its license placed on probation for one (1) year. The Department requests that the Board accept this Settlement Stipulation.

Chair Brandenburg – Ms. Wiener, did you want to address the Board, or you're merely here to answer questions?

Ms. Wiener – The latter. Thank you.

**MOTION:** Mr. Hall moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a fine in the amount of \$2,500 and will have its license placed on probation for one (1) year. Mr. Clark seconded the motion.

Mr. Knopke – Mr. Chair?

Chair Brandenburg – Yes?

Mr. Knopke – I have some questions for Ms. Weiner.

Chair Brandenburg – Mr. Knopke, go right ahead. By the way, there was a motion made to accept and it's been seconded. And now there's a question. Mr. Knopke?

Mr. Knopke – Thank you. Ms. Wiener, I'm disappointed that your client isn't on the call with you today. In looking through this file, it looks like about every two (2) years they just decide to go crazy and not do anything. This case, they've lost somebody's cremated remains. The prior case, they were fined \$10,000 and placed on two (2) years of probation for having prep facility issues. In between there, there was a \$300 fine. And before that, there was another \$1000 fine, and they were put on probation. It seems to me that they don't really care about the law, or what the rules say, and they kind of operate on their own. I will be voting against the proposed settlement for the reasons that they just appear to not care and just kind of thumb their nose at us. So, you can relay that to them for me if you'd like, or they can watch it on the screen. Thank you.

Chair Brandenburg – Before us is a motion to accept the Settlement Stipulation, and we have a second. All those in favor, aye?

Board members – Aye.

Chair Brandenburg – And any opposed?

Board members – No.

Chair Brandenburg – Ms. Simon, can we do a roll call, please?

Ms. Simon – Thank you, Mr. Chairman. Please answer yay or nay. Rabbi Lyons?

Rabbi Lyons – Yes.

Ms. Simon – Ms. Clay?

Ms. Clay – Nay.

Ms. Simon – Mr. Williams?

Mr. Knopke – Mr. Williams is recused.

Mr. Williams – I am recused.

Ms. Simon – Thank you. Mr. Jones?

Mr. Jones – Yes.

Ms. Simon – Mr. Hall?

Mr. Hall – Yes.

Ms. Simon – Mr. Clark?

Mr. Clark – Yes.

Ms. Simon – Mr. Jensen?

Chair Brandenburg – What was Mr. Clark? I'm sorry I didn't hear that.

Mr. Clark – Yes.

Chair Brandenburg – Yes?

Mr. Clark – Yes, sir.

Chair Brandenburg – Thank you.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Nay

Ms. Simon – Mr. Knopke?

Mr. Knopke – Nay.

Ms. Simon – Mr. Chairman?

Chair Brandenburg – Nay. So, the motion failed to pass. Board, do you have a counterproposal on this? We have legal counsel with us.

Ms. Munson – If I may, Chair? The motion failed to pass. Is there a motion to reject the settlement?

**MOTION:** Mr. Knopke moved to reject the Settlement Stipulation, as presented by the Department. Ms. Clay seconded the motion, which passed unanimously.

Mr. Griffin – Marshawn Griffin for the Department. Does the Board have a potential counter-offer in this matter?

Mr. Knopke – Mr. Chairman?

Chair Brandenburg – Go right ahead.

**MOTION:** Mr. Knopke moved to counter the Settlement Stipulation, with a fine of \$10,000, five (5) years' probation, and when their training agency license comes up for renewal it not be renewed. Mr. Hall seconded the motion.

Chair Brandenburg – We have a lot of noise in the background.

Ms. Clay – Mr. Chair, because of that background noise I was unable to hear the alternate proposal. Is it possible for Mr. Knopke to please repeat that?

Chair Brandenburg – Mr. Knopke, please repeat that.

Mr. Knopke – A \$10,000 fine, five (5) years of probation, and revocation of their training agency license or approval.

Chair Brandenburg – I'm just making notes here.

Ms. Clay – Mr. Chair, may I ask a question regarding that?

Chair Brandenburg – Please do.

Ms. Clay – I'm the newbie, so I just want to know how that is monitored. How are these stipulations monitored, in terms of training specifically?

Mr. Knopke – Mr. Chair, may I respond or does Ms. Simon want to respond or somebody from the Department?

Ms. Simon – I can partially respond, if that's acceptable to the Chair.

Chair Brandenburg – Ms. Simon?

Ms. Simon – Thank you, sir. Ms. Clay, in terms of monitoring the situation, if the licensee fails to pay the \$10,000 fine, if that is assessed, within short order [inaudible] the Office of the General Counsel to file appropriate pleading for failing to abide by a Board Order, and we would take that from there. In terms of their training, well if the training registration is withdrawn or not renewed, well, then they cannot have interns there and any intern that would file a quarterly report from there would not be accepted.

Ms. Clay – Thank you. I understand. Thank you.

Chair Brandenburg – Thank you. So, Ms. Wiener, do you have the authority to accept this for your client?

Ms. Wiener – No, sir, I don't. And I don't believe that I'll be able to get that authority today. So, we can simply table the matter until the next Board meeting after Mr. Marshawn Griffin and I can get together on the Board's proposed counteroffer.

Ms. Simon – Actually, if I may, Mr. Chairman?

Chair Brandenburg – Go right ahead.

Ms. Simon – What may be appropriate at this time is for a Final Order to be written, reflecting that a counteroffer has been made, and the licensee has thirty (30) days to accept following the Board meeting. And if he does not accept, then we begin this again. If he accepts during that period of time, then another Order will be issued. Ms. Munson, is that acceptable?

Ms. Munson – Yes, except that we normally just issue an Order stating that the settlement was rejected because nothing becomes final until the Order is filed. So, that three (3) days doesn't take place until it's filed, and I don't know when that is. I don't know if that's confusing. So, a cleaner cut is perhaps just to do a rejection and go from there.

Chair Brandenburg – So, I believe that we had a motion and a second, and we voted upon \$10,000 fine, five (5) years' probation, and no training agency, and we voted that.

Ms. Clay – Mr. Chairman, I don't believe we voted.

Chair Brandenburg – Ok.

Ms. Munson – Correct.

Chair Brandenburg – So, we have a motion and we have a second. And all those in favor, aye?

Board members – Aye.

Chair Brandenburg – And any opposed?

Mr. Clark – Opposed.

Mr. Jensen – Nay.

Chair Brandenburg – Ok. Ms. Simon, roll call vote.

Ms. Simon – Mr. Chairman, I believe I muddied the waters, and I apologize for that. If the Board reject the Settlement Stipulation, as they have, the fact that there is another recommendation, I don't know that that needs to be voted upon.

Ms. Munson – They're actually voting on the rejection.

Ms. Simon – I think the rejection's already been voted on.

Chair Brandenburg – We've already voted on the rejection.

Ms. Munson – I don't think so.

Ms. Wiener – Yes, the rejection was voted on.

Ms. Munson – I thought we had a motion and a second.

Ms. Wiener – It was voted on.

Mr. Knopke – Yes, the rejection was voted on and I made a proposal for a response to the new counteroffer, and that's what we're voting on right now.

Ms. Munson – Ok.

Ms. Simon – Yes. As I said, I'm not sure that that would be something that would need to be voted on. It would be a recommendation and it will not be put in the Final Order. Is that correct?

Ms. Munson – It will not be included in Final Order but the Board voted that that is the Board's desire to take back to Ms. Wiener's client for consideration, but that will not be memorialized in the Final Order. It will just be the Order stating that the stipulation was rejected.

Mr. Knopke – Can we have a roll call on that, since I'm not sure who voted for what on the recommendation back to the Ms. Wiener's client?

Ms. Simon – If I may? The recommendation was five (5) years of probation, a \$10,000 fine and nonrenewal of the registration of the training agency. For that we are looking for an approval or denial. Rabbi Lyons?

Mr. Chris Jensen – Mr. Chairman, may I ask a question?

Chair Brandenburg – Please, do.

Mr. Jensen – Mr. Knopke, is there any teeth in the probation?

Mr. Knopke – Mr. Jensen, not really. Other than the fact that every time the Department goes for an inspection, yearly or whatever, they're on the line. I mean, obviously, in the past probation didn't seem to matter to them, because as soon as they got off of it they did something, or it looks like that anyhow.

Mr. Jensen – Thank you.

Ms. Simon – May I continue?

Mr. Griffin – One thing I would like to point out is, and I think there may be a timing issue on this one. Well, actually, I'll hold off my comments and wait until we reconsider this.

Ms. Simon – We're back to the vote on that proposal by Mr. Knopke. Rabbi Lyons?

Rabbi Lyons – Yes. Can you hear me?

Ms. Simon – Yes.

Chair Brandenburg – Yes.

Ms. Simon – Is that an approval from you?

Rabbi Lyons – I missed the whole thing, so I don't know. I missed the conversation. I apologize. If it's not one problem, it's another over here.

Ms. Simon – Again, what the proposal is for a counter settlement offer is five (5) years of probation, a \$10,000 fine and nonrenewal of the registration of training agency. And we're looking for either an approval or denial of that proposal. Rabbi Lyons?

Rabbi Lyons – Opposed.

Ms. Simon – Ms. Clay?

Ms. Clay – Yay.

Ms. Simon – Mr. Williams? He’s recused on this. Mr. Jones?

Mr. Jones – No.

Ms. Simon – Mr. Hall?

Mr. Hall – Yes.

Ms. Simon – Mr. Clark?

Mr. Clark – No.

Ms. Simon – Mr. Jensen?

Mr. Jensen – No.

Ms. Simon – Mr. Knopke?

Mr. Knopke – Yes.

Ms. Simon – Mr. Chairman?

Chair Brandenburg – Yes.

Ms. Simon – There are four (4) YESs and there are four (4) NOs, so that motion does not pass.

Ms. Munson – Well, just to be clear, it was a suggestion. And if the Board does not have a counter to give to Ms. Wiener, then she’s going to just go back to Mr. Griffin and see if they can work out some different type of settlement to bring back to the Board. So, if you don’t want the Board to present that as a counter, as a suggested counter, then, of course, that’s fine, but it just means that Ms. Wiener and Mr. Griffin will be working without a suggestion from the Board, unless there’s another one that’s going to be on the table.

Chair Brandenburg – So, at this point, the Board is not required have any more action on it. Mr. Griffin and Ms. Wiener will work on a Settlement Stipulation and present it back to the Board? Is that correct?

Ms. Munson – Yes.

Chair Brandenburg – Ms. Simon, next.

Ms. Simon – Thank you, sir.

*(b) Johnson-Nelson-Gill Funeral Home, LLC: DFS Case No. 282877-21-FC; Division No. ATN-36432 (F083511)*

Ms. Simon – Is the representative of the funeral home on the call?

Mr. Danny Gill – I am.

Ms. Simon – Thank you, Mr. Gill. Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. Johnson-Nelson-Gill Funeral Home, LLC, (“Respondent”) is a funeral establishment licensed under Chapter 497, Florida Statutes. The Department conducted an inspection of Respondent and found that Respondent’s website advertised preneed arrangements without the benefit of licensure. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine in the amount of \$1,750 and have its license placed on probation for six (6) months. The Department requests that the Board accept this Settlement Stipulation. And just to add an additional note, I will direct the Board’s attention to Page 42 of the Board packet,

where the website talks about in conjunction with planning ahead locking in your costs. With that, the Department concludes the presentation.

**MOTION:** Ms. Clay moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a fine in the amount of \$1,750 and have its license placed on probation for six (6) months. Mr. Hall seconded the motion, which passed unanimously.

*(c) Related Cases – ATN-32722*

- 1. Hancock, Charles: DFS Case No. 268724-20-FC; Division No. ATN: 32722 (F029660)*
- 2. Hancock Funeral Home, Inc.: DFS Case No. 247426-19-FC; Division No. ATN: 32722 (F039972)*

Ms. Simon – The Hancock matters are withdrawn from this agenda and are expected to be on the December agenda.

*(d) Related Cases – ATN-35668 and ATN-36306*

- 1. Menneke, David: DFS Case Nos. 276840-21-FC and 280022-21-FC; Division Nos. ATN-35668 and ATN-36306 (F089837)*

Ms. Simon – Is Menneke or a representative of Mr. Menneke on the call?

Ms. Wiener – Yes. Wendy Wiener for David Menneke, and also the Respondent in the next matter.

Ms. Simon – Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. David Menneke (“Respondent”) is a funeral director and preneed sales agent licensed under Chapter 497, Florida Statutes. Respondent is the funeral director in charge (“FDIC”) of Floridas Finest Family Cremations, LLC, d/b/a Florida Family Cremation (“Floridas Finest”), a direct disposal establishment license number, F414705. The Department conducted an inspection of Floridas Finest and found that Floridas Finest filled in a contract form for use with a consumer that misrepresented the true nature of the contract, misrepresented prepaid contract provisions related to funeral services, failed to remit required funds to trust, and demonstrated negligence or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes. Respondent, as the FDIC of Floridas Finest, is subject to discipline based on Floridas Finest’s violation of Chapter 497, Florida Statutes. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine in the amount of \$7,500 and his license will be placed on probation for thirty-six (36) months. The Department requests that the Board accept this Settlement Stipulation.

Mr. Knopke – Mr. Chair?

Chair Brandenburg – Go right ahead.

Mr. Knopke – Thank you. Ms. Wiener or Mr. Griffin, couple of questions. How many contracts were written like this? Was there just one, or are there multiples?

Mr. Griffin – The Department only proceeded on the ones that we could find basically corroborating evidence to establish that it was preneed. The investigation found all the contracts that are included. However, the only ones for consideration in the Administrative Complaint are the ones that are alleged specifically in the complaint.

Mr. Knopke – Ok. How much money was not trusted?

Mr. Griffin – Based off of the ones alleged in the Administrative Complaint, I believe we're looking at about \$2000. I think each contract was \$1031, and I think there were two (2) contracts or, I believe, two (2) contracts that were alleged in this case.

Mr. Knopke – Third question. Did we look for any more, or did we just take two (2) and say we've got enough and leave?

Mr. Griffin – I believe the investigative file is the whole of the investigation that was conducted by the Department in this matter.

Mr. Knopke – I don't think that answered my question, but just for looking at the fine and the probation, it seems like there's a whole lot more there that we're not willing to talk about.

Mr. Griffin – Part of the reason that the fine is what it is, is it took into account that we have multiple violations of a licensee. At least one count involves misrepresenting how much money a consumer already paid on a contract. Basically, charging them the full amount, and then kind of coming back and saying, "Here's a refund." So, there was at least some adding to the value, or the amount of the fine, or the settlement, in this case, based on that allegation. So, I'll leave it at that.

Mr. Knopke – Ok, so the fact that the contract was an at-need contract not a preneed contract, it was sold preneed, there was no money put in trust until somebody asked about it.

Ms. Wiener – Mr. Chairman, may I address Mr. Knopke's questions?

Chair Brandenburg – Ms. Wiener, Mr. Knopke was speaking.

Mr. Knopke – I'm finished. Just expressing some frustration that's all.

Chair Brandenburg – Ms. Wiener?

Ms. Wiener – Thank you. So, what you don't have in your Board packet is the response that I sent to the Division with regard to this matter. The fine is really high, and in my opinion, inappropriately high, given the consideration of the mitigating factors in this matter. The situation was this. The entirety of this matter revolves around the relationship with a single guardian who adamantly refused to comply with the funeral establishment's lawful procedures. They have a preneed license. They regularly trust funds for preneed contracts. There was no inappropriate or illegal motivation not to do these contracts exactly the same way that it does for other guardians, but this guardian was simply adamant that she would not execute the contract. She wanted to take to the judge, in the court case for the guardianship, this estimate, this agreement, which really is a preneed contract, but she just wouldn't go through the process. So, the missteps that the licensee made are isolated to contracts written for wards of this single guardian. No loss to any purchaser, no loss to the state, no loss to any beneficiary. The funerals were provided. Everything was done as it should be done, except that in this case, regarding this guardian, the forms were not the right forms. So, immediately upon receiving the recommendation of Kurt Schuller, when he came in to do the investigation of the matter, Kurt said that you cannot make that accommodation for this particular guardian. You simply can't. And, Mr. Menneke immediately terminated the practice. There are no other administrative complaints that have been filed against the licensee. And there was no actual damage occasioned by any of these violations. And so, this is a really significant fine for a situation that was really isolated. He wasn't trying to get around the law. He thought he was doing the right thing to help this woman get her wards approved for her to be guardian of them. So, I would offer that to you for consideration.

Mr. Griffin – If I may respond just briefly?

Chair Brandenburg – Who is this?

Mr. Griffin – It's Marshawn Griffin.

Chair Brandenburg – Mr. Griffin, go right ahead.

Mr. Griffin – My only concern with the response from opposing counsel is to in as much as it basically tries to defer blame to the consumer. And I think that's a scary precedent if we start saying, "Well, I tried to do the right thing as licensee, but I allowed this consumer, this consumer forced me to violate 497 because I just had to take their money and enter into this contract." So, in as much as that is one of the arguments, I would just argue against that. The licensee agrees to abide by Chapter 497, and allowing them to basically say, well, the consumer made me do it or the consumer chose to be a bad actor, so I shouldn't get in trouble, the Department disagrees with this.

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Go right ahead.

Rabbi Lyons – If I'm understanding it correctly, the context of isolated consumer was just to show the isolation of the problem, not necessarily to put the blame on the consumer. The teeth of the argument is that the money was there. They put the money in trust. You know, there was no service that wasn't rendered and there was no money that got lost or didn't eventually get trusted. Am I understanding your argument correctly, Ms. Wiener.

Ms. Wiener – You are. Thank you.

Mr. Jensen – Mr. Chairman?

Chair Brandenburg – Go right ahead.

Mr. Jensen – I have a question for Ms. Wiener. Back to Mr. Knopke's question, I think I'm reading between the lines, Ms. Wiener. Are you stating that these are the only two (2) contracts that had been come across or had issues with?

Ms. Wiener – No. I think the total was seven (7) contracts. Marshawn, does that sound right?

Mr. Griffin – I only proceeded on the contracts in the file. Sorry. All of the contracts in the file, there were more than the two (2) we alleged, but I only had two (2) where I had, in order to argue a point, I had to show that the contract was preneed. The ones I proceeded on were the ones where we had some sort of death certificate, some sort of corroborating detail to show, other than the contract itself and an allegation from the investigator that it's preneed. I needed something showing the person was alive at the time the contract was written.

Mr. Jensen – Ok.

Ms. Wiener – I'm sorry, Mr. Jensen. Go ahead.

Mr. Jensen – Just to follow up along the same lines. So, I would assume that since Mr. Menneke is trying to do the right thing, that an audit was being conducted upon him finding out? So, there are seven (7) total contracts? What is the amount?

Ms. Wiener – Well, I would not quote me on seven (7). There were more than two (2). There were a handful of contracts. To Mr. Griffin's point, the Division can only prove its case with regard to two (2). So, if this matter were to proceed to formal administrative hearing, that would be the case that he could make, and that would be, you know, what the discipline that could be imposed takes into account. This is simply not a matter of a licensee that needs to suffer a significant fine and additional penalties to correct what was wrong. I mean, this is, to Rabbi Lyons point, I point out that this situation was isolated to all the wards of this guardian who herself was being investigated. That's how the entire matter, I believe, came to the attention of the Division. To show that this isn't...we get cases so often where there is unlicensed preneed activity. This firm has a preneed license. They know how to do the process. They sell contracts through other guardians to other wards of the state, or wards of the guardian, rather, and they put the money in trust in due course, just like they are supposed to. And this was a situation isolated to this woman. The blame isn't on her, per se, but my point is this is a really significant fine for an isolated incident that was corrected immediately. As soon as Kurt Schuller said, "You know, you just cannot do it that way. You've got to do it the way you're doing it for everybody else," They immediately terminated that activity, and started. I think, at that point, actually, she was probably on her way to not being an applicant guardian anymore.

Chair Brandenburg – We have before us a Settlement Stipulation that has been agreed upon by the Respondent and the counsel for the Respondent.

**MOTION:** Mr. Jones moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a fine in the amount of \$7,500 and his license will be placed on probation for thirty-six (36) months. Mr. Hall seconded the motion.

Mr. Jensen – Mr. Chairman?

Chair Brandenburg – Mr. Knopke, did you have your hand up?

Mr. Knopke – I did. Just a question for Ms. Wiener, if I may?

Chair Brandenburg – Go right ahead.

Mr. Knopke – If it's such an isolated situation, Wendy, why would the client agree to such a high fine on this and the high fine in the related case? That's the thing that blows in my face.

Ms. Wiener – Frankly, because, as I now know, you have been attending these meetings in recent months, and these fines are nuts. They, a lot of them, are crazy, crazy high. So, my client took into consideration, you know, to go to a hearing. The hearing would show that he did what it said he did. That he gave these estimates to this guardian, and she was able to go to the court and get them approved. And then, contracts were fulfilled, and there were still some that were outstanding. So, it comes back to you, in the same posture as here. A settlement is a sure thing. And so, the agreement to settle is based on resolving the matter, getting it behind him and his firm, and moving forward, not based on any suggestion of severity on the part of my client.

Chair Brandenburg – We have a Settlement Stipulation before us, a motion has been made to accept it, and it's been seconded. All those in favor, aye?

Board members – Aye.

Chair Brandenburg – Any opposed?

Unidentified Board member – Opposed.

Chair Brandenburg – And that motion carries. Thank you.

***2. Floridas Finest Family Cremations, LLC d/b/a Florida Family Cremations: DFS Case Nos. 276834-21-FC and 280021-21-FC; Division Nos. ATN-35668 and ATN-36306 (F414705)***

Ms. Simon – Ms. Wiener is representing the licensee. Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. Floridas Finest Family Cremations, LLC, d/b/a Florida Family Cremation (“Respondent”), is licensed as a direct disposal establishment. The Department conducted an inspection of Respondent and found that Respondent filled in a contract form for use with a consumer that misrepresented the true nature of the contract, misrepresented prepaid contract provisions related to funeral services, failed to remit required funds to trust, and demonstrated negligence or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine in the amount of \$7,500 and its license will be placed on probation for thirty-six (36) months. The Department requests that the Board accept this Settlement Stipulation.

Chair Brandenburg – Board?

**MOTION:** Mr. Jones moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$7,500 fine and its license will be placed on probation for thirty-six (36) months. Mr. Hall seconded the motion, which passed with two (2) dissenting votes.

Ms. Simon – Thank you.

***(3) Settlement Stipulations (Waiver of Probable Cause - No Board Member Recusal Necessary)***

***(a) Related Cases – ATN-36443***

***1. Washington, Anthony R. Jr.: DFS Case No. 283175-21-FC; Division No. ATN-36443 (F069251)***

Ms. Simon – Is there a representative or is Mr. Washington on the phone himself? Hearing no response. Mr. Bossart?  
Mr. Bossart – Anthony R. Washington, Jr. (Respondent) is licensed as a funeral director and embalmer under Chapter 497, Florida Statutes, license number F043405. Respondent is the FDIC of Carol Y. Washington d/b/a Washington Funeral Home, a funeral establishment (funeral establishment) licensed under Chapter 497, Florida Statutes, license number F069251, doing business in Plant City, Florida. On March 31, 2021, the Department conducted a routine annual inspection of Respondent's funeral establishment premises. The Department noted the funeral establishment changed its ownership structure, from a sole proprietorship to a limited liability corporation (LLC), without notifying the Department. As FDIC, Respondent is responsible for this violation. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay an administrative fine of \$1,250 and undergo a six (6) month period of probation. The Department requests that the Board accept this Settlement Stipulation Thank you.

Mr. Williams – Mr. Chair?

Chair Brandenburg – Go right ahead.

Mr. Williams – I have a question for Mr. Bossart. Are we only assessing the fine for s. 497.380(7), F.S., or are we also including s. 497.380(12)? Because I see the violation.

Mr. Bossart – The violation is s. 497.380(12), sir.

Mr. Williams – Ok, so we're not addressing (7)?

Mr. Bossart – We are. That's the basis for the Administrative Complaint against Mr. Washington, but I don't think it's a separate violation.

Mr. Williams – Ok, because I'm just looking at the penalties of violation. I see there's two (2) different penalties. So, I just wanted to get clarity.

Mr. Bossart – The violation is s. 497.380(12). I guess there's nothing considerate. About 497.380(7), is subsumed into the penalty for the violation of s. 497.380(12). We're not stacking, in other words.

Mr. Williams – Ok. Although there were two (2) violations?

Mr. Bossart – There's only one (1) violation, to change of corporate structure.

Mr. Williams – Ok.

Mr. Bossart – The violation is changing the corporate structure. Mr. Washington, as the FDIC is responsible for this violation. I don't think he's committed a separate violation separate from the change of the corporate structure.

Mr. Williams – Ok. Thank you, Mr. Chair.

Chair Brandenburg – You're welcome. Is there anyone here representing Anthony Washington, Jr.? Any counsel representing? So, we have a Settlement Stipulation before the Board. Board, what's your pleasure?

**MOTION:** Mr. Hall moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$1250 fine and undergo a six (6) month period of probation. Mr. Knopke seconded the motion, which passed with one (1) dissenting vote.

2. *Carol Y. Washington dba Washington Funeral Home: Case No. 283173-21-FC; Division No. ATN-36443 (F069251)*

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. Mr. Bossart?

Mr. Bossart – Thank you. This is James Bossart for the Office of the General Counsel. Carol Y. Washington dba Washington Funeral Home is a Florida funeral establishment licensed under Chapter 497, Florida Statutes, license number F069251. On March 31, 2021, the Department conducted a routine annual inspection of Respondent’s premises. The Department noted the funeral establishment changed its ownership structure from a sole proprietorship to a limited liability corporation (LLC), without notifying the Department. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay an administrative fine of \$1250 fine and undergo a six (6) month period of probation. The Department requests that the Board accept this Settlement Stipulation. Thank you.

**MOTION:** Mr. Hall moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$1250 fine and undergo a six (6) month period of probation. Mr. Jensen seconded the motion, which passed with one (1) dissenting vote.

- (4) Material Facts Not Disputed (Section 120.57(2) Hearings) (Probable Cause Panel A)*
- (a) Signature Memorial Funeral & Cremation Services, LLC: DFS Case Nos.: 243515-19-FC and 255301-19-FC; Division Nos. ATN-31645 & ATN-33146 (F090323)*

Ms. Simon – This item has been pulled from the agenda and be will heard in December. May I continue on with the rest of the agenda?

Chair Brandenburg – I have 11 o'clock.

Ms. Simon – May I call a case out of order at this point?

Chair Brandenburg – Please speak up again.

Ms. Simon – May I call a case out of order at this point?

Chair Brandenburg – Why don't you give us ten (10) minutes. Let's take a 10-minute break, and then we'll be back.

Ms. Simon – Thank you, sir.

Chair Brandenburg – Be back at 11:10. Thank you.

\*\*\*\*\*BREAK\*\*\*\*\*

Chair Brandenburg – Shall we reconvene?

Ms. Simon – Yes, sir.

Chair Brandenburg – Ms. Simon, I understand that there is a special request.

Ms. Simon – Yes. There is a request to take an item out of order on the agenda, and that item would be Q. (1) (b) 3. Are you amenable to that request?

Chair Brandenburg – Yes. As long as the parties are available and agree to it.

Ms. Simon – Ms. Edwards, are you on the call?

Ms. Linda Bond Edwards – Yes.

Ms. Simon – Ms. Wiener?

Ms. Wiener – I'm here.

**Q. Collective Application(s)**

**(1) Recommended for Approval with Conditions**

**(b) New Application**

**3. Millennium Funeral Home and Crematory LLC**

- **Cinerator Facility**
- **Funeral Establishment (2)**
- **Preneed Branch**

Ms. Simon – Millennium Funeral Home and Crematory LLC seeks approval of its applications for one (1) cinerator facility, two (2) funeral establishments and one (1) preneed branch license. A completed background check of the principal(s) revealed no relevant criminal history.

- 1) Millennium Funeral Home and Crematory LLC, a cinerator facility license, physical address: 1830 Wilbur Avenue, Vero Beach, FL 32960. FDIC: Russell Wiley, license #F086100;
- 2) Millennium Funeral Home and Crematory LLC, a funeral establishment license, physical address: 916 17th Street, Vero Beach, FL 32960. FDIC: William Whittaker, license #F026900;
- 3) Millennium Funeral Home and Crematory LLC, a funeral establishment license, physical address: 1623 N Central Avenue, Sebastian, FL 32958. FDIC: William Whittaker, license #F026900; and
- 4) Millennium Funeral Home and Crematory LLC, a preneed branch license, physical address: 916 17th Street, Vero Beach, FL 32960.

The Division is going to be changing the recommendation. While on the coversheet we recommended approval, we need to recommend denial. There is already a funeral establishment at each of the locations, as well as a cinerator facility and a branch license, and we were unaware of that at the time we created the coversheet. Our systems are not able to operate that way. We cannot run a report to see if there is already an entity at that location. The ownership interest is currently in probate and there are outstanding civil issues and adding that altogether, taken into totality, the Division recommends denial.

Chair Brandenburg – So, the reason that the Division is changing their recommendation to deny is based upon the funeral home already at the same address location?

Ms. Simon – Yes. And not only that, as well as the issues that are currently being litigated.

Chair Brandenburg – Thank you. And the applicant is represented by Ms. Wiener?

Ms. Wiener – Yes, sir.

Chair Brandenburg – Ms. Wiener, did you want to address the Board, or you're merely here to answer questions?

Ms. Wiener – I would like an opportunity to address the Board, Mr. Chairman. Thank you. As Ms. Simon has stated, there are currently funeral operations occurring at the subject facilities. Those operations, however, are completely unlawful. So, let me bring it back to July of 2020 when we spent a long time as a collective group on this topic. There were change of ownership applications relating to the business operations in these locations, which were the result of the death of Glen Strunk, who was the sole owner of a professional corporation. Rather than deny the applications, for which there was a motion and a second, the applicant was given an opportunity to withdraw the applications and withdrew them all. In as much, there was no change of ownership that was approved. Mr. Strunk, sole owner, has been dead since February 26, 2020. During that July Board meeting, I made a handful of arguments about this matter. The first was that the owner of the business, Mr. Glen Strunk, who had operated them via a professional corporation is deceased. A professional corporation, pursuant to Florida law, can only be owned by licensees. Ms. Kopchak, one of Mr. Strunk's children, days before his death, got Mr. Strunk to execute a durable power of attorney, and she used that durable power of attorney to transfer the stock in the corporation to herself and others. Totally illegal. In effect, that rendered the corporation without the capacity to act, because its qualification, it's very basis of existence, owned by licensees, was swept out from underneath it. But, the basis for the recommendation, or the motion for denial, made by Mr. Knopke and seconded by Mr. Hall back in July of last year, was that the applications weren't signed because there was no one to sign for them. They can't be signed by the current owner, and the former owner can't be the same. There would have to be a representative of Mr. Strunk's estate able to sign. At that time, and still today, that is a matter that is up in the air. There is no one that is appointed personal representative. There is no curator. There is no one that can speak for

the former owner. So, during that July meeting, Ms. Munson encouraged you to act on the application, so that the licensure of the locations would not be uncertain, as the matter made its way through the probate court system. And Mr. Chair, you inquired of the Division as to the impact of a denial. And Ms. Simon stated, with regard to either the withdrawal of the applications or the denial, that there won't be a licensee currently in place. And that's where we find ourselves today. Now, the Division was obligated to take some action, because this Board regularly penalizes licensees whose licenses have even become dormant for lack of renewal for just a short period of time. In terms of the Board thumbing their nose at the Division, since July of 2020, there has not been a licensed operator in those businesses. I guess it was assumed that the Division would take some action, because during the July 2020 Board meeting, there was a lot of discussion about how this matter would end up in a Chapter 120 hearing where there could be findings of fact and conclusions of law that would come back to you to consider. The reason that didn't happen is because the Division has allowed the current operators to have withdrawn all of their applications for change of ownership and have taken no action against the unlawful unlicensed practice that has occurred now for almost eighteen (18) months. And so, this Board should direct the Department to issue a Cease and Desist Order and approve the applications of my client, who can lawfully operate within those facilities. Thank you. I'll stand by for any questions.

Mr. Hall – Mr. Chair?

Ms. Wiener – Mr. Chair, you're muted.

Chair Brandenburg – Mr. Hall?

Mr. Hall – If I may ask questions of Ms. Wiener? So, you're saying they're actually seeing families and operating all this time with no license?

Ms. Wiener – Yes, I am. Absolutely.

Mr. Hall – But you're also saying that it's the Board fault that this family didn't do their preparation and planning, et cetera, and withdrawals to the trust or whatever they did to leave it? Is that what you're saying?

Ms. Wiener – No. Absolutely not. Not at all. What I'm saying is that the Division, not the Board, had an obligation after the Board, in July of 2020, gave the applicants a choice to either have their license applications for change of ownership denied or to withdraw their applications. In fact, it was you, Mr. Hall, who gave them the opportunity to simply withdraw those applications and there was a lot of discussion back and forth. In fact, Ms. Edwards asked that the matter be tabled and then she came back later, and it was addressed further. And ultimately, all of the applications for change of ownership were withdrawn. So, we are currently in the posture of Mr. Strunk died. He was the sole owner of the professional corporation. He died on February 26, 2020. There has not been permission for a new operator to operate in that location that has been given by this Board to date.

Mr. Hall – Who is operating it then?

Ms. Wiener – The applicant that withdrew its applications.

Mr. Hall – With no license?

Ms. Wiener – That's right. They do have licenses. The Division has continued to show them as licensed in the database, but this Board did not approve an application for change of control. And the issue has not come back before you. So, as far as I believe the law is concerned, that is unlicensed activity.

Mr. Hall – So, is the issue that we're still dealing with litigation between family members over this? The state?

Ms. Wiener – There is continued litigation with regard to that matter, but that litigation is really not material to this analysis. What's material here is that there's a process that happens when an owner dies, or when ownership changes hands, and that process involves coming to the Board to get approval. And when you don't get approval to change your ownership, even to

change your corporate identity type, like in the last two (2) cases you heard, then there's a problem. There's a penalty. Here, we've got people operating a business for which they have not been approved to operate.

Mr. Hall – My concern, if I can make one last comment. You know, we've had several family issues in the past come up before the Board. The Board's turned into something that should be in litigation on their own, not to the Board. They come to the Board because it's less expensive than going through the civil court with the issue. But this should've resolved by the family before this. This isn't the Board's fault if there's family disputes or issues of that nature. The fact that they continued to operate without the license and the other things that you're admitting to, that puts a bad taste in my mouth. I don't know about the rest of you, but I don't know how you can do that.

Chair Brandenburg – Thank you. Anything else, Mr. Hall?

Mr. Hall – I'm good.

Chair Brandenburg – Mr. Knopke?

Mr. Knopke – Thank you, sir. To either Ms. Wiener or Ms. Simon, was Glen Strunk the FDIC of the different facilities when he died?

Ms. Wiener – I don't believe so. I believe he was FDIC of both. He might have been FDIC of one. I think this structure predates the change in the law that permits more than one location per FDIC. I believe that Mrs. Strunk's son was FDIC of one of the locations.

Ms. Edwards – Pardon me, Ms. Wiener. Mr. Knopke, I'll respond to that question. There is an FDIC for all of the locations. My name is Linda Bond Edwards. I'm here on behalf of the Strunk Funeral Homes. So, there is an FDIC in place at all of the locations. Mr. Voyles is the licensed FDIC for those facilities.

Chair Brandenburg – Excuse me, Ms. Edwards. Are you of counsel?

Ms. Edwards – Yes, sir. I am.

Chair Brandenburg – And you're representing?

Ms. Edwards – The Strunk Funeral Homes and Crematory.

Chair Brandenburg – Thank you.

Mr. Hall – Who is counsel, Ms. Wiener or Ms. Edwards?

Ms. Edwards – I am for Strunk Funeral Homes.

Mr. Hall – Again?

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

Chair Brandenburg – Yes, Ms. Simon.

Ms. Simon – The entity, Strunk Funeral Home, is being represented by Linda Bond Edwards. The entity, Millennium, is being represented by Ms. Wiener.

Ms. Wiener – And I also represent Dorothy Strunk, which might be the source of this confusion. But, yes, the entity that is currently occupying the premises and operating funeral establishments is represented by Linda Bond Edwards.

Chair Brandenburg – Ms. Wiener, on the application for the change of ownership, there's no signature of current owner. Explain that to me.

Ms. Wiener – Those are not applications...the ones considered in July, or the one considered now?

Chair Brandenburg – The one before us today.

Ms. Wiener – That would not be an application for a change of ownership. Millennium doesn't look to acquire the business that is being unlawfully operated by Ms. Bond Edwards' clients. It wishes to have this space vacated by those persons, because they are operating unlawfully, and they will establish a new a funeral establishment there. So, there is no former owner, sir.

Chair Brandenburg – How, Ms. Wiener, can Millennium Funeral Home and Crematory operate on properties that they do not own, they do not have ownership, and the owners of that property objects to them being on the property?

Ms. Wiener – Mr. Jim Young, who owns Millennium, owns the real property, sir. And is currently in an ejectment action to remove Ms. Bond Edwards' clients from the premises.

Ms. Edwards – Mr. Brandenburg, may I address some of the questions or will you ask for responses from Strunk from all of Ms. Wiener's statements?

Chair Brandenburg – Ms. Edwards, go right ahead.

Ms. Edwards – Thank you, sir. I do take exception to Ms. Wiener's representation to this Board that Strunk Funeral Homes is being illegally operated. That is certainly not the case. Following that July Board meeting, last year, the Division did take action. They continued the license of Strunk Funeral Homes and Crematory. There is a licensed business. There's a licensed funeral establishment that is located at all of the addresses for which Mr. Young and Millennium is seeking to take possession. Millennium does not own those properties. They have tried to remove Strunk from those properties. They were unsuccessful. They filed a Motion that was improper. They have just amended their complaint to add an ejectment action. So, the ownership of those properties is still in question. The {inaudible} was just allowed in a hearing on yesterday. So, all of the actions that Miss Wiener is concluding in our own way, without the authority of being judge or jury, that has concluded is illegal is just totally that, her opinion, that it's illegal. All of those actions are subject to consolidated cases that are now pending in the courts of Indian River County. That includes who owns the property? What happens to the business? All of that is still in litigation. Strunk Funeral Homes, again, has a license, a duly issued license, by this Division. And at the conclusion of the Board meeting last year, it was our understanding that this business could continue. Since the current persons are in place, the business has continued to provide services to the public. It has increased. They have fully complied with all of the provisions that have been required of them. The public has not been harmed. The employees have not been harmed. No one has been harmed by the continued operation of this business, under the current licenses that have been approved by the Division. And they would like to continue that. I believe that the understanding of all the parties, all the Board members who were present at the time, was that this business would continue in the way that it has been until the circuit courts, the persons who have jurisdiction to decide these issues, have made a decision. Further, there is no action before this Board, no proposal, nothing for this Board to take any action with regard to a Cease and Desist. That's not a part of the Millennium application. There has not been any motion, any petition, nothing filed for this Board to take action. And so, for those reasons, Mr. Chairman, we would ask that you vote to approve the denial that the Division comes forth with, because, again, there is already an operating, fully licensed funeral establishment at all of the addresses that Millennium seeks to take over.

Mr. Williams – Mr. Chair?

Chair Brandenburg – I have a question. Since Mr. Strunk's death, have the funeral homes and the crematory, that were owned by Mr. Strunk, been renewed? Well, I don't know what the cycle was, but have their license has been renewed?

Ms. Edwards – Yes, sir.

Chair Brandenburg – Since he passed away?

Ms. Edwards – Yes, sir. They were. The licenses are valid. The funeral establishment license is valid until November of 2022.

Chair Brandenburg – And what does that license read?

Ms. Edwards – It says, type of license, funeral establishment. And it says, Valid, expiration date of license, 11-30-2022.

Chair Brandenburg – And the name?

Ms. Edwards – Strunk Funeral Homes and Crematory, Inc.

Chair Brandenburg – Thank you. Rabbi Lyons, you've had your hand up for a while.

Rabbi Lyons – Thank you, Mr. Chair. Can you hear me?

Chair Brandenburg – Yes, I can.

Rabbi Lyons – Ok, lovely when this works. OK. Are we all in agreement that the ownership of the property in question that that very issue is being litigated as to who owns the property?

Ms. Wiener – No. No. The issue that is being litigated with regard to the property is whether or not it is appropriate to eject the current operator from the space. Jim Young acquired the property. This family, I'm sorry, the corporation that Linda Bond Edwards represents did not ever own the real property. Dorothy Strunk owned the real property. She sold it to Jim Young. The question that is pending before the court system in Indian River County at the moment is whether the current operator will be ejected from the premises. The case was incorrectly filed initially as an eviction case. And it's my understanding from the lawyer for that matter that it has been amended and the Court has allowed the amendment to proceed as an ejection action.

Ms. Edwards – If I may, Rabbi Lyons? There is action that has been brought by Strunk Funeral Homes for fraudulent transfer of the sale of that property from Dorothy Strunk to Jim Young. So, yes, the question of who owns the property is still being litigated.

Chair Brandenburg – Ok. Go ahead, Rabbi Lyons.

Rabbi Lyons – Just one comment to my fellow Board members. I mean, if the very ownership of the property is in question, I can't imagine doing anything but tabling an application for a license on that property. That's my comment.

Chair Brandenburg – Thank you for your comment, and Mr. Knopke has been waiting for a while.

Mr. Knopke – Mr. Chair, I'll pass for the moment.

Chair Brandenburg – Mr. Hall?

Mr. Hall – Can you tell us when is the circuit court's hearing on this? Ms. Edwards, you mentioned that they are going to decide this. When is that supposed to be heard?

Ms. Edwards – Mr. Hall, I don't believe that that has been set. There was a hearing yesterday afternoon, on the issue that allowed Mr. Young to amend his hearing for an ejection. I don't believe that a hearing has been set for it. The court in Indian River County has consolidated all of the cases. There are four (4) outstanding cases related to Strunk, well between the Strunk Funeral Homes, Dorothy Strunk, and the issue related to the ownership. All four (4) of those cases have been consolidated, and there has not been a date set for any single one of those cases.

Mr. Hall – If I could have, and I don't know if this question needs to go to Ms. Munson, Mr. Griffin or the Division, but as Rabbi asked, who owns these places? The real property, the business, or anything? And not knowing the date that this is going to be determined and decided in the court, how can we continually leave this operation in business? I mean, we don't even

know who owns. It's going to court. To me, my feeling is we remove the license until they decide it, and then we bring the application back to the Board, with who owns it. Ms. Munson, Mr. Griffin or Ellen? Whoever needs to address that question.

Chair Brandenburg – Mr. Griffin was looking for recognition. Go right ahead, Mr. Griffin.

Mr. Griffin – To begin with, the courts are better equipped, civil and probate courts are better equipped to determine the issue of who owns the property. We are a regulatory board. We're here to handle the licensure side of things. So, the Division would object to any sort of characterization of what activities we should be doing as far as unlicensed activity that's been proposed by Ms. Wiener. As the Board, you're here to address this application and that that issue as to who owns the property, that's a question for the courts, not us.

Chair Brandenburg – Thank you.

Mr. Hall – {Inaudible} they can rent the property or whatever. Who's operating this business as a funeral home and a cinerator, et cetera? We don't know who owns it. We don't know who owns the business, who owns the property, or any of that. I'm not as concerned about the real property, as I am the business. And then not having an owner or a responsible person for that business for us to go to.

Mr. Griffin – These businesses are still licensed. There is an FDIC. There is a structure. There is a person that you can point to, to hold liable. There is an entity or somebody that is licensed, so we already know who answers to the Board in this matter, as it relates to these entities.

Mr. Hall – Who's the owner of the funeral establishments? I know about the FDIC, but who is the owner?

Mr. Griffin – Let me qualify especially because the point I'm trying to make is, is that the ownership issue is something for the civil court or the probate court to deal with.

Ms. Simon – Mr. Chairman?

Chair Brandenburg – Just a moment, please. Mr. Hall, any other comments?

Mr. Hall – I don't know if we know who owns the establishment itself. There's real property, there's the business, but I don't know. Yes, there's an FDIC. It's allowing them to get an issued a license, but who's the owner? Whose responsibility is it there? And they're throwing it back to the Board. We've had in the past some family disputes, and I think it needs to be in Civil Court, and when they get through deciding in the Civil Court, then come back to the Board.

Chair Brandenburg – Thank you, Mr. Hall. Ms. Wiener?

Ms. Wiener – Thank you. Very briefly, the Board is completely tuned in to this issue. This is not an issue about what's happening in the probate court or the civil court, or with regard to the property. This is about, you had an application before you for change of ownership. It was withdrawn. The Division has not approved, the Board has not approved the current operator, the occupant of those businesses, to operate funeral establishments. The Division has renewed their licenses and has continued business as usual, completely in violation of Chapter 497, which requires that new owners be approved by the Board. They knew they had to get approved by the Board, that's why they submitted the applications that came before you last July in the first place. And then they withdrew those applications. So, you have not approved them. They are strangers to you. They are interlopers at this point, and I would hope that the Board would approve the Millennium applications, which will force the unlicensed operators out of the space in whatever way is appropriate. But, at a minimum, some action should certainly be taken with regard to eighteen (18) months now of unlicensed activity.

Chair Brandenburg – Mr. Jensen?

Mr. Jensen – Thank you, Mr. Chairman. I sort of agree with Ms. Wiener's first half there that if, in fact, we've had Strunk in there and they have not filed or whoever's running that has not filed for change of ownership, we should probably stop them from acting. But, I do also agree with Mr. Hall that is not our dog in this fight. They need to settle out who the owner is. And,

just out of curiosity, if Millennium got approved, I mean, they would have to have an inspection. I mean, would Strunk let the inspector come in and inspect the building? I mean, who has the legal rights to the entities?

Ms. Wiener – Mr. Jensen, that's a great question. The plan would be, if Millennium were approved as it should be today, because its applications are free of deficiency, then, when the ejectment action is successful, then they would notify the inspector that the inspection can occur, and an inspection would occur and they would move in.

Mr. Jensen – One follow up question to that. Part of the inspection process, or part of that application and so forth, is that you have either a lease on the property, or something of that nature, by the county saying that you're legally able to operate a facility at that location. What do you have in that manner?

Ms. Wiener – Well, if you check the Property Appraiser's website for the County, you will see that Millennium, Jim Young's company, is actually the property owner of record. Now, while there has been a challenge to that, Millennium, as owner of that property, is free to enter into a contract, a lease agreement with itself, not necessary, but it owns the property. So, until such time as someone says it does not own the property, then it owns the property and can certainly operate its own funeral establishments and cinerator facility on that property having come before this Board with the set of applications for approval.

Chair Brandenburg – Darrin Williams?

Mr. Williams – Yes, thank you, Mr. Chair. So, I have a statement and a question. So, if the Division has renewed the license for the person, I'm just kind of confused as to what's going on there. And then my statement is, could we table this to go with Mr. Hall and Rabbi Lyons stated, until the Courts work out all of this, and then we take up the case at that time? Because I think we've gone deeper in the weeds in terms of trying to do our business of what the courts need to do and once that's settled, then we can go from the recommendation of the courts after that.

Chair Brandenburg – Thank you. Ms. Munson, is there a deemer situation in play?

Ms. Munson – I really was allowing everyone to do their round robins because I can tell there's a lot of need for the conversation. And, I was going to mention that if there's an application on the table, of course we have ninety (90) days before we face the deemer issues. So, I don't know if there's going to be a waiver of the deemer issue by the applicant or not, but that is a consideration, Chair Brandenburg.

Chair Brandenburg – Thank you. Mr. Hall?

Mr. Hall – Earlier in the meeting, we imposed a fine on someone because they changed the ownership without notifying the Division. Regularly, we fine them because they sell a location or a change it in a family, because of a death or something, and we weren't notified, so we fine those people. Here, for some reason, we've had a waiver of that, an issued a license to let them continue {inaudible} license and see that it doesn't get moved forward quicker in the courts and get it resolved. Because they're operating without a license. I don't know why we waived and are not being consistent with all licensees here on how we're handling this.

Chair Brandenburg – Thank you. Ms. Simon?

Ms. Simon – Thank you, Mr. Brandenburg. The position of the Division is that there has been no change of ownership, which is why we have not insisted that any action be taken. It is the corporation that owns the facility. It is not an individual that owns the license. The license is still valid. There has been no change of ownership, because the matter has not been decided yet in probate. It is the position of the Division that nothing has changed, and that the corporation owning the funeral homes, Strunk Funeral Homes, has maintained that status. There is still licensure until such time as there is a decision in probate court. And that decision in probate court is that there's different ownership entirely. Anything that could happen in probate court, but right now, there has been no change of ownership and they are correctly operating. We would not take any action against the entity that is currently there because they have a license. That is the position of the Division and the position is that the Division has taken no improper action. We have handled this appropriately. And I would say I am aghast that there were these statements made that the Division has not operated appropriately. Thank you, Mr. Chairman.

Chair Brandenburg – Thank you, Ms. Simon. Ms. Wiener?

Ms. Wiener – Mr. Chairman, it simply cannot be that a change of 100% of the stock of an entity does not trigger a change of ownership. You've created a rule, some years back, I think it was 2016, '17, '18, that says, if there's more than a change of 50% of the ownership interest in a funeral establishment or a cinerator facility that that triggers a change of ownership, Mr. Strunk was the sole owner. He died. Ms. Kopchak is the owner now, she and others. More than 50% of the stock has changed hands. That always triggers a change of ownership. Even when I have licensees where I've got a husband and a wife, and the husband owns 50% and the wife owns 50%, and now the husband's going to own 75%, and the wife's going to own 25%, we have to come back through this Board for a change of ownership process. Eighteen (18) months ago, they knew they had to come to this Board for a change of ownership, and in exchange for not having a denial, they instead withdrew the applications. It has never come back to you. It's simply is an open and shut case that there has been an unlicensed operator in those spaces since July of 2020.

Chair Brandenburg – Thank you. Mr. Knopke?

Mr. Knopke – This probably won't do much to settle it, but I'm going to make a motion to revoke the current licenses of what was Glen Strunk PA and deny the applications of Millennium, which I believe will shut everything down until this all is resolved.

Rabbi Lyons – Are we allowed to consider it?

Mr. Knopke – {Inaudible} to resolve the issue for them. Millennium wants...May I finish, Mr. Chair?

Chair Brandenburg – Please do. Someone else was talking at that time.

Mr. Knopke – Millennium is trying to get a one up.

Chair Brandenburg – Please don't interrupt, as Mr. Knopke is speaking. I'll recognize you. Go ahead, Mr. Knopke.

Mr. Knopke – In my view, Millennium is trying to get a one up by filing the applications for the court, by telling the court, "Look, we've been approved to operate, they are not." On the other hand, Ms. Wiener makes good points here about, is the professional association of Glen Strunk still valid or not? That issue, I don't believe we're capable of making all those decisions, because some of them require the court to make. What we can do is control the business itself. And that's, I think, what Mr. Hall's concern is and who's responsible for that. And I agree with him on that. So, that's why I've made the motion that I've made.

Chair Brandenburg – Rabbi Lyons?

Rabbi Lyons – Ok, thank you, sir. Do we have the, I know we have the authority to revoke the license, but do we have the authority to revoke a license when it wasn't an item on the agenda? I think it's a question for Ms. Munson.

Ms. Munson – I'll be happy to respond and interject some additional comments if it's ok with Chair Brandenburg at this time.

Chair Brandenburg – Please do, Ms. Munson.

Ms. Munson – Ok. First, to answer your question, Rabbi Lyons. If the matter is not on the agenda and properly noticed, opposing counsel does not have an opportunity to prepare to address it. And, no, we cannot rule on that motion regarding a revocation of a license today. It is not before the Board for consideration and cannot be until its properly and duly noticed. So, that responds to that question. With regard to the overall discussion that's occurring, I think it's been clearly stated and conceded to, stipulated by both counsels, Ms. Wiener and Attorney Bond Edwards, that this entire matter has been consolidated and is under review in probate and circuit court. So, if that is in fact the case, I think that there are a couple of options that may be available, but I don't know if either of the parties have given any consideration to. I think Attorney Wiener has indicated that the Division is acting outside of statutory authority with the issuance of the license. And to that point, I will note that if any party {inaudible} a special set of circumstances, by which they feel they were based on those specific circumstances, would like to present to the Board a Petition for Declaratory Statement addressing those circumstances. That is a legal avenue available to them, and they can so choose to do that. And I just wanted to note that, for the record, since

that appears to be a point of contention that's been underscored throughout this discussion. I'd also like to note that if the Division has made a statement or has provided a position that they feel they have determined that the license has been properly issued, and a party just agrees with that particular position, then that is a separate matter. It appears to be, though, the ownership question is a disputed issue of material fact. And we all know that any issues that involve disputed issue of material facts that would be affected by these proceedings would go through DOAH. So, it doesn't appear that, and I'm going to allow Ms. Wiener to address that, that if that is, in fact, the case, I don't even think the Board will have authority to actually make a ruling regarding this ownership issue pending in another court. And if it were to go to DOAH, I'm sure DOAH is going to defer to the judicial system that apparently has possession of it. Generally speaking, I believe that the application that has been set before the Board for review today, where the Division has presented its recommendation for denial, you have to just remember that just like any other application, if you choose to deny it, you just need to provide the basis for denying it, for the denial. If you choose to rule differently, you just have to explain so. But, with regard to actually tabling it, which I think we've addressed just briefly before, I would ask that if the party, who is the applicant who submitted the application, does not provide a waiver, just as a reminder, if not waived, it's automatically approved. So, we might want to consider that as we continue with the discussion. Ms. Wiener, I don't mean to overlook your hand, because I believe you have something to say exactly to my points. So, please feel free to make the statement at this time.

Ms. Wiener – Thank you. Mr. Chair, if I might?

Chair Brandenburg – I'll call on Ms. Wiener.

Ms. Wiener – Thank you, sir. There are lots of disputes about lots of facts, in this case. There is no dispute that you, Board, have not approved Ms. Kopchak and her operation to run to funeral establishments and a cinerator facility. You have not. There is no application. The renewal of the licenses should never have happened because there has been no change of ownership application. Mr. Strunk was the owner, he's dead. There has been no new approved owner. These folks should not be permitted to continue to be licensed. And despite all the noise about all the disputed facts, and as I admitted, there are plenty to go around. Those are facts that are not in dispute.

Ms. Munson – And I will respond just to note that, where that statement in and of itself may be accurate, there are so many underlying considerations that impact factors that impact that statement, that I think those are the material issues that are in dispute. If any of those underlying considerations were to be determined one way or the other, that very statement that there are no disputed facts regarding the ownership would definitely be pulled into question. I know we would like to look at this purely on its surface, but there are too many different facets of this particular consolidated case, and then to fracture them in consideration, I don't even think we have the authority to do at this particular point to be quite honest with you. If the Division stands firm with their position, then it is the Division's position. I mean, you can question the Division. If they feel that this individual deserves the licensure, then that is the Division's position. I mean, to refute that would require a different process.

Chair Brandenburg – Thank you. Mr. Jensen?

Mr. Jensen – Yes. Thank you, Chairman. I do agree with Ms. Wiener, that the fact that if Mr. Strunk indeed passed away, once it's been proven that he has... Ok, Mr. Strunk has passed away, so, therefore, if the license was issued in his name, and there are indeed new owners and has not properly been given to the Board, then I would ask, maybe, if Mr. Knopke would change his recommendation, which I do agree with denying Millennium until we know all the facts. But, perhaps, direct the staff or Department to look into new ownership of that facility and, if we have, in fact, the right people licensed. I don't know how we can actually put out an order to just stop them from doing business if that's all the information we have, but it definitely should be looked into because it's obviously disputed. That's all I have.

Chair Brandenburg – Thank you. Ms. Edwards?

Ms. Edwards – Thank you, Chair Brandenburg. I would just state that during Ms. Munson's statements that she provided what appears to be a process by which the Board and the parties could at least come to some decision about ownership. And if I understood what Ms. Munson said, she indicated that the current operators of Strunk Funeral Home could petition this Board or could file a declaratory action to determine who the owner is. And I will say, and you know, Ms. Wiener is correct that Ms. Kopchak and others withdrew their application for change of ownership, but they did that for the very same reasons

that we're discussing right now, because ownership wasn't clear. And there was clearly an admission by Ms. Kopchak and others that that decision would be made by the court, as to who the owners were. So, it isn't as if Ms. Kopchak and others have thumbed their noses, if you will, at the process, but tried to follow through with the process and was blocked in doing so by challenges by Ms. Wiener's clients. And so, I understand that they certainly have the right to object, but I would just ask the Board to consider the process forward that was presented by Ms. Munson, so that we don't come back as Strunk Funeral Homes, and Ms. Wiener doesn't come back with Ms. Dorothy Strunk or Mr. Young or whomever else, to talk about this process again. And I will also say that one of the considerations that I've heard all the Board members make a point about, and that is the harm that comes or that might come to the public. And at this point, Strunk Funeral Home is not being operated in a manner that harms the public. I believe the regulatory process itself is one that is set up and designed so that there is proper regulation over the activities of funeral establishments and to protect the public. And in this instance, those principles to protect the public have been maintained and will continue to be maintained, and but for the probate challenges and other challenges associated with this case, it would've been moved forward.

Ms. Munson – If I may, Chair Brandenburg, just clarify one point? The Petition for Declaratory Statement may not necessarily be to identify ownership. It may be to ask the permission of the Board, for example, regarding Attorney Linda Bond's client, to continue operation and list the hardships as to why failure to do so would impact the public. It would be along those lines. I'm not trying to suggest that we need to resolve the ownership with this particular Board or with these particular proceedings, because again, I believe that is already being handled by the court system. That will conclude my comments, Chair Brandenburg.

Chair Brandenburg – Mr. Knopke, were you trying to get my attention to withdraw your motion?

Mr. Knopke – No, sir, I was not. I was really trying to get your attention to let you know that it hadn't been seconded and I don't know if we had the opportunity to or not.

Chair Brandenburg – Without a second, that motion dies for lack of a second.

Mr. Knopke – Mr. Chair, then I will make another motion to deny the Millennium applications, unless they are willing to withdraw them, so we don't have a deemer issue.

**MOTION:** Mr. Knopke moved to deny the Millennium applications.

Chair Brandenburg – Thank you. Rabbi Lyons?

Rabbi Lyons – Yes, I was just going to ask that question. Is there a difference between what Mr. Knopke suggested originally about tabling the issue versus denying the application? That might also be a question from Ms. Munson.

Chair Brandenburg – Go ahead.

Mr. Knopke – I wasn't proposing to table anything. First motion I withdrew for lack of a second. Now I've made a second motion to deny Millennium's applications, because, as noted by Ms. Munson, we have a deemer issued. And I would withdraw that motion if the Millennium group will withdraw their applications. But again, it's got to have a second to do anything, too.

Mr. Williams – I'll second that motion, Mr. Chair.

Chair Brandenburg – And that's been seconded.

Rabbi Lyons – Mr. Chair? I'm sorry. I'm asking for clarification on this motion.

Chair Brandenburg – Rabbi Lyons, please wait till I call upon you.

Rabbi Lyons – Yes.

Chair Brandenburg – Please do. Mr. Hall, did you second that motion?

Mr. Hall – My only question was I would have seconded Keenan's first motion, but my understanding, from Ms. Munson, we did not have the ability to do that. Is that correct?

Ms. Munson – Yes, Mr. Hall. We can't act on an item where parties have not been properly noticed to prepare for it.

Mr. Hall – Ok. I'll second this motion.

Chair Brandenburg – Thank you. So, Mr. Knopke has made a motion to deny the application. Mr. Hall has seconded the motion. And Rabbi Lyons?

Rabbi Lyons – Just to clarify one issue here. Is there a difference? I think this is a question for Ms. Munson. Is there a difference between us tabling this issue versus denying the application?

Ms. Munson – So, tabling the issue would mean continuing to matter to another meeting. Applications normally, by statute, have an active shelf life, I think it's ninety (90) days, and if it's not acted upon it's automatically approved. If the applicant pursues the requests for the approval, it enforces that particular statute. So, that would be the issue with regard to just tabling it, without any additional action from the Board. If you go past that ninety (90) day mark, you may run into an automatic approval, if counsel so chooses to pursue that avenue. A denial, of course, would mean that it would be a denial on that applicant's record. Whenever asked the question, they have to respond that yes, they have previously had a license denied, and this would be the reason for it. So, those are actions that are before the Board.

Chair Brandenburg – Very good clarification. Thank you so much. We have a motion to deny, and we have a second. I'm calling on Ms. Wiener.

Ms. Wiener – Thank you. We do not waive the deemer in this matter, Mr. Chairman. And I would simply respond to all of the comments that have been made by saying there is no capacity for the current operator to bring this Board an approvable license. It cannot provide the signature of the former owner and that's what Mr. Knopke's motion and Mr. Hall's second, for the denial back in 2020, was based upon. And that's why Ms. Kopchak, through her attorney, withdrew every single application. None of them can happen. It is outrageous to me given all that I deal with all day every day that the regulator here in Florida will allow this unlicensed activity to simply go on and on and on and condone it, knowing full well that there is not even a pending application for approval of the change of ownership. So, I will conclude with that, but we don't waive the deemer. We would rather take the denial, which will give us an avenue for challenge.

Chair Brandenburg – The deemer will not be waived and we have a motion before us to deny, and it's been seconded. Ms. Wiener, will you continue with the application or you wish to withdraw it?

Ms. Wiener – It won't matter, sir. The denial will be terminated, so we'll come back to our application later.

Chair Brandenburg – So, we're ready for a vote on the motion to deny and second. All those in favor, aye?

Board members – Aye.

Chair Brandenburg – Any opposed?

Mr. Jones – Opposed?

Chair Brandenburg – One opposed and that motion carries. Thank you, Board. Thank you, Ms. Wiener. Thank you, Ms. Edwards.

Mr. Knopke – Mr. Chair?

Chair Brandenburg – Mr. Knopke?

Mr. Knopke – I will be quick on this. I would ask the Department to relook at the operation, the current operation. {Inaudible} the and ability or the lack of an owner, to check SunBiz, check court records, whatever are needed to check to see who's really operating this and what's changed or not change that we don't know about, if anything. I'm not accusing, but I'm concerned that as described in the beginning, the professional association of Glen Strunk effectively died when he died, then it would appear to me that the business is operating illegally. But, that could go back and forth all day long. But I would ask the Department to make time to look into the matter, please.

Chair Brandenburg – Thank you. And let me remind you here that if someone disagrees with and objects to it being unlicensed, they can always file a formal complaint with the Division.

Ms. Wiener – That has been done.

Ms. Mary Schwantes – Mr. Chair, may I?

Chair Brandenburg – Thank you. Ms. Simon?

Ms. Schwantes – Mr. Chair, this is Mary Schwantes. I'm in Ms. Simon's office. I was going to ask if I might respond to Mr. Knopke, but if you would like, I will bring Ms. Simon back on.

Chair Brandenburg – No, go right ahead. Again, maybe you could adjust the microphone. It's still a little hollow.

Ms. Schwantes – I do apologize for that. I'm not sure what the deal is with Ms. Simon's office on this. But I don't want to take the time to go back to my office to address the issue. I wanted to assure the Board that this is a matter that has been under close supervision and under close monitoring by the Division. We did have legal counsel involved in this throughout, from the earlier days that this was discuss until {inaudible}. We will continue to monitor. We will continue to {inaudible}, and if it needs to come back before the Board for some reason. {Inaudible} to the extent that there have been any allegations of impropriety by the Division, I would object to that, and say that as regulator, the position was that the organization {inaudible} the licensee, but we will look into it again. I want to thank the Board for your continued consideration on these issues.

Chair Brandenburg – Let me remind the Board members, again, you've heard me say this before. We often pray for the Wisdom of Solomon, but that doesn't mean we're always granted that wisdom. We're always trying to have that wisdom. So, thank you, Board. Ms. Simon?

Ms. Simon – Yes, sir. May I continue with the agenda?

Chair Brandenburg – Let's go back to the applications for preneed sales agent, Board members.

**D. Application(s) for Preneed Sales Agent**  
**(1) 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.

**E. Application(s) for Continuing Education**  
**(1) Course Approval - Recommended for Approval without Conditions – Addendum B**  
**(a) APEX Continuing Education Solutions (4201)**  
**(b) Cremation Association of North America (16008)**  
**(c) Independent Funeral Directors of Florida Inc. (135)**  
**(d) Selected Independent Funeral Homes (137)**  
**(e) Wilbert Funeral Services (39408)**

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

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

**F. Consumer Protection Trust Fund Claims**

*(1) Recommended for Approval without Conditions – Addendum C*

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

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

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

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

- (a) Davis, Allen L F539621*
- (b) Preis, Amanda M F539622*
- (c) Smith, Tammy L F538396*

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

**H. Application(s) for Florida Law and Rules Examination**

*(1) Informational Item (Licenses Issued without Conditions) – Addendum E*

- (a) Direct Disposer*
  - 1. Bezares, Haley*
  - 2. Krohn, Daniel N*
- (b) Funeral Director (Internship and Exam)*
  - 1. Hall, Lee A*
  - 2. Hickman, Jacqueline D*
  - 3. Moore, Jakari K*
  - 4. Roberts, Dawn S*
- (c) Funeral Director and Embalmer (Endorsement)*
  - 1. Davison, Anna L*
- (d) Funeral Director and Embalmer (Internship and Exam)*
  - 1. Bifulco, Santo*
  - 2. Bolek, Kristina M*
  - 3. Goldberg, Madison E*
  - 4. Magarian, Cara S*

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

*(2) Recommended for Denial (Criminal History)*

- (a) Funeral Director and Embalmer (Endorsement)*
  - 1. Greenfield, Jaime L*

Ms. Simon – An application for a funeral director and embalmer license was received by the Division on August 26, 2021. The application was incomplete when submitted. A completed application was received on October 8, 2021. The applicant has a reportable criminal history, to wit, on January 11, 2008 the applicant pled guilty to Intent to Perform a Class A Felony and

Criminal Possession of a Controlled Substance. The applicant was sentenced to four (4) year's incarceration and license suspended for six (6) months. The Division is recommending denial. Is Jaime Greenfield or a representative of Jaime Greenfield on the line?

Ms. Jaime Greenfield – Yes, I am Jaime Greenfield. I'm here.

Ms. Simon – Thank you. Mr. Chairman?

Chair Brandenburg – Ms. Greenfield, do you want to address the Board or are you merely here to answer questions?

Ms. Greenfield – I would appreciate the opportunity to address the Board, Chairman.

Chair Brandenburg – Please be sworn in, if you would. Ms. Simon?

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

Ms. Greenfield – Yes, I do.

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

Ms. Greenfield – My name is Jaime Greenfield, G R E E N F I E L D.

Ms. Simon – Thank you.

Chair Brandenburg – And are you prepared to address the Board now?

Ms. Greenfield – Yes, I would like the opportunity. Thank you again. I have been a licensed funeral director here in New York State for approximately three (3) years. The incident that you speak of occurred in 2006, which honestly, it's almost about sixteen (16) years behind me now. I was granted early release from supervision, as well as given a Certificate of Relief from Disabilities from New York State, which did allow me to get my license in New York State. It's just something that I'm very passionate about. The company I work for has two (2) or three (3) locations in Florida, and would like me to be able to work dually between both, with ultimately, possibly moving there in the near future. I understand that it does not look great on paper, but this is something that I have worked really hard to put behind me. I have met all the requirements, and I'm willing to get, you know, letters of recommendation, if needed.

Chair Brandenburg – Have we received letters of recommendation?

Ms. Greenfield – I said, I'm willing to provide them, if we want a table this, you know, and meet next month, I can absolutely speak to my employer, speak to some personal references, and provide those, if that is required.

Chair Brandenburg – And you're currently living in New York?

Ms. Greenfield – Yes, I live in New York State, Albany, and I'm a licensed funeral director here.

Chair Brandenburg – Thank you.

Mr. Jones – Mr. Chair, if I may?

Chair Brandenburg – Yes.

Mr. Jones – Ms. Greenfield, you've been licensed for three (3) years? Any actions or anything against your license in New York?

Ms. Greenfield – No, none at all.

Chair Brandenburg – There's been no action towards your license, any disciplinary action at all?

Ms. Greenfield – No, none whatsoever.

Chair Brandenburg – And at the time that does happened, were you licensed?

Ms. Greenfield – No, I was not.

Chair Brandenburg – So, New York issued the license, knowing about the criminal activity?

Ms. Greenfield – Correct.

Chair Brandenburg – Thank you. Mr. Knopke?

Mr. Knopke – I'd make a motion to take Ms. Greenfield up on her offer and ask her to waive the deemer, and table the application, to ask her to have people send in letters of recommendation.

**MOTION:** Mr. Knopke moved to table the application and defer it to the December meeting to allow Ms. Greenfield to submit letters of recommendation. Mr. Hall seconded the motion.

Mr. Knopke – But, Ms. Greenfield's got to waive the deemer as well, and you may have to explain that.

Chair Brandenburg – What is the deemer date on this, please, Ms. Munson?

Ms. Munson – Ms. Simon, please confirm the date of the application, which appears to be printed as the signed date. Scrolling through, it looks like July, August, September, October...

Ms. Simon – Actually, Mr. Chairman, on the coversheet, it indicates that the application was completed on October 8<sup>th</sup>. So, it would be ninety (90) days from October 8<sup>th</sup>.

Chair Brandenburg – So, our next meeting will be in December. Ms. Munson, would you please explain to Ms. Greenfield the implications of leaving the deemer, please?

Ms. Munson – My pleasure. Ms. Greenfield, it's a colloquial term, deemer. What it actually means is that the Board has, from your application complete date, ninety (90) days to act on your application. Failure to do so could result in your application being approved. It's not an automatic approval. It would be something that you would have to actually enforce, or request the Division to enforce the approval, but if not acted on in ninety (90) days, it is subject to approval. The Board is asking, because you have so generously allowed them to consider your application more deeply with the addition of perhaps reference letters or additional information that you feel could provide to bolster the substance of your application. If you agree to accept the opportunity to waive that ninety (90) day requirement, they would be willing to continue this consideration until the December meeting. That probably would be the next earliest opportunity for them to look at it again.

Ms. Greenfield – Absolutely. I will waive it.

Chair Brandenburg – So, the deemer has been waived. Mr. Knopke's motion and second to table to give the opportunity for Ms. Greenfield to get in letters of recommendation. And all those in favor, aye?

Board members – Aye.

Chair Brandenburg – And any opposed? And that motion carries. Ms. Greenfield, get those letters of recommendation in to the Division, I would say, as quickly as you can. Good luck to you.

Ms. Greenfield – Thank you, guys. Thank you, Chairman, and everyone on the Board for your consideration, and I look forward to speaking to you next month.

Chair Brandenburg – Thank you.

- (3) Recommended for Denial (Educational Requirements)**
  - (a) Funeral Director (Endorsement)**
    - 1. Richardson, Edna L**

Ms. Simon – That application has been withdrawn from today's agenda.

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

- (1) Informational Item (Licenses Issued without Conditions) – Addendum F**
  - (a) Funeral Director**
    - 1. Burke, Joseph E F541191**
    - 2. Fulford, Jessica V F542685**
    - 3. Marsters, Michael B F540099**
  - (b) Funeral Director and Embalmer**
    - 1. Allyne, Monique M F540157**
    - 2. Cannon, Reginald F538338**
    - 3. Francois, Anthony F538705**
    - 4. Harris, Brittany N F540000**
    - 5. Johnson, Andrea L F539048**
    - 6. Molina, Jesus D F092100**
    - 7. Weiss, Hannah E F520875**

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

- (2) Recommended for Approval with Conditions (Criminal History)**
  - (a) Embalmer**
    - 1. Polozola, Amber P**

Ms. Simon – An application for embalmer intern licensure was received by the Division on September 24, 2021. The application was complete when submitted. The applicant submitted a funeral director by endorsement and was reviewed at the March 4, 2021 Board meeting. The application was approved with the condition of a six-month probation. The Division is recommending approval subject to the condition that the intern license be placed on probation to run concurrently with the funeral director license, to expire on February 6, 2022. Is Ms. Polozola on the call today? Hearing no response.

Chair Brandenburg – Hearing no response. Mr. Jensen?

Mr. Jensen – Yes. Thank you, Chair. On this application, under the criminal history is checked yes. Do we know anything about that?

Ms. Simon – Yes, sir. I apologize for speaking out of turn. I believe that on the coversheet there is an indication that the applicant was found guilty of reckless driving, which is a second-degree misdemeanor. It's a misdemeanor nonetheless. She was sentenced to twenty-four (24) months of probation, and ordered to pay \$200 in court costs.

Mr. Jensen – Thank you, Ms. Simon.

Ms. Simon – Yes, sir.

**MOTION:** Rabbi Lyons moved to approve the application subject to the condition that the intern license be placed on probation to run concurrently with the funeral director license, to expire on February 6, 2022. Mr. Knopke seconded the motion, which passed unanimously.

**(3) Recommended for Denial (Criminal History)**

**(a) Funeral Director and Embalmer**

**1. Evans, Joseph D**

Ms. Simon – An application for a concurrent intern license was received by the Division on September 16, 2021. The application was submitted and a completed application was received on October 8, 2021. The applicant answered no to the criminal history question; however, the applicant does have a reportable criminal history, to wit in March 2018, the applicant pled no contest to Misdemeanor Possession of Marijuana and Possession of Narcotic Paraphernalia. As a result, the Division is recommending denial. Is Mr. Evans on the call today or a representative of Mr. Evans?

Mr. Joseph Evans – Yes.

Chair Brandenburg – Mr. Evans, before we swear you in, did you want to address the Board, or are you merely here to answer questions?

Mr. Evans – Address the Board?

Chair Brandenburg – Ok. Please be sworn in.

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

Mr. Evans – Yes.

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

Mr. Evans – Joseph Evans, E V A N S.

Chair Brandenburg – Mr. Evans, you may address the Board.

Mr. Evans – When I got my case, it was about five (5) years ago, well about four (4) years ago, and I was caught in the wrong place at the wrong time. And I was with high school friends. The court was supposed to take that away from my record, because I've never been charged with anything. Since then, I've done community service. I have been working. I've never gotten in trouble, anymore since that one time. And, whatever it takes for you to approve the internship, that's what I'll do.

Chair Brandenburg – Can you tell us about this incident?

Mr. Evans – I was at my cousin's house playing video games or whatever, and his older brother was selling narcotics. And they were living with him. When the police came, they took everybody to jail.

Ms. Clay – Mr. Chair, may I ask a question or two?

Chair Brandenburg – Please do.

Ms. Clay – You indicated they were supposed to take the charge away. What do you mean by that statement?

Mr. Evans – The judge had told me when I appeared in court that because I had never been in trouble before with the law or anything, they told me that they were going to take that charge off my record and it wouldn't be seen by anybody.

Ms. Clay – There's no such thing, sir, but I'm not sure what the judge told you.

Mr. Griffin – Actually, pretrial diversion could result in a withdrawal of the charges.

Ms. Clay – Ok. Is that what that was? It was pretrial diversion?

Mr. Evans – Ma'am?

Ms. Simon – It appears to be pretrial diversion, but at the same time, the sentence shows that the defendant was withheld adjudication. He was withheld adjudication regardless of pretrial. However, I could...anyway. Thank you, sir.

Ms. Clay – My second question was: Were you aware that that could potentially pose a problem for your internship and future licensing? Or did you just think that because of or were you under the impression the judge had cleared you so there was not a concern?

Mr. Evans – I was under the impression that the judge had cleared me.

Ms. Clay – Thank you.

Chair Brandenburg – Mr. Evans, were you represented by counsel? Did you have a lawyer for this case?

Mr. Evans – No, I was appointed a public defender.

Chair Brandenburg – What can you tell this Board to give us confidence that if we approve this, we won't be looking at problems from you in the future? What can you tell us?

Mr. Evans – Well, I have Ms. LaCheryl Akins here to vouch for me on good behavior. She's the President and owner of Akins Funeral Home in Tampa, Florida. And I have a general manager here by the name of Tom Jones. And my professor from Saint Petersburg College is on here, I believe, too, Kevin Davis. They can all vouch for my good behavior.

Mr. Griffin – {Background conversation}

Chair Brandenburg – Who's that speaking? I'm sorry.

Mr. Griffin – I'm sorry.

Chair Brandenburg – I'm sorry, I didn't catch who was speaking.

Ms. Munson – Mr. Griffin was inadvertently not muted.

Chair Brandenburg – I heard you say that you have people that vouch for you.

Mr. Evans – Yes, sir.

Chair Brandenburg – I'm guess I'm just saying, tell me something to vouch for yourself.

Mr. Evans – Tell you something to vouch for myself?

Chair Brandenburg – That this won't happen again. This Board is concerned about making a mistake and having you embarrass yourself and this Board.

Mr. Evans – Well, I don't associate myself with bad company anymore. I have moved to a whole other city, so I don't have high school friends that can get me into trouble, which I won't get myself into trouble anyways, because I don't associate myself with bad company anymore. So, I ask that you please reconsider your position to deny my internship.

Chair Brandenburg – When was the last time you had a drug test?

Mr. Evans – Earlier this year.

Chair Brandenburg – And where was that?

Mr. Evans – It was at {inaudible} Employment Company, a temporary agency.

Chair Brandenburg – And what were the results of that?

Mr. Evans – Negative on anything.

Chair Brandenburg – Thank you. Mr. Knopke?

Mr. Knopke – Yes, sir. Mr. Chair, I'll make a motion to approve Mr. Evans based upon, I think Ms. Akins' recommendation in the background, and she's going to shake her head up and down Yes. And the general manager, Mr. Jones' recommendation as well. And based upon Kevin Davis, who probably had this young man in several classes at Saint Pete Mortuary School. I'll make a motion to approve him. That's my intention.

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

Chair Brandenburg – Hello, Kevin Davis. I'm sorry, I didn't see you earlier. Thank you for coming on the call. We appreciate you and all you do.

Mr. Evans – Thank you, Mr. Brandenburg and Board for giving me this opportunity. And I will never let the State down. You have my word on that.

Chair Brandenburg – Well this is a second chance that a lot of people don't get, and you have some wonderful people vouching for you. Let us know how you're you, say in a year. The Board would like to hear from you. Just come on and give us a one (1) or two (2) minute narrative. We want to hear about your successes.

Mr. Evans – Yes, sir, I'll be happy to let you know and keep you updated.

Chair Brandenburg – Thank you.

Mr. Evans – Thank you and thank you, Board.

Chair Brandenburg – Ms. Simon?

- (4) Application to Renew Internship*
- (a) Recommended for Approval without Conditions*
  - 1. Castro Perez, Diangelo F234279*

Ms. Simon – An application to renew the funeral director internship license was received on October 8, 2021. The applicant has previously been licensed as a funeral director intern. The current license expired on October 9, 2021, after receiving the application. As a result, the Division is recommending approval without conditions.

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

- 2. Weems, Roy E F087450*

Ms. Simon – An application to renew the concurrent internship license was received on September 22, 2021. The applicant has previously been licensed as a concurrent intern and the license was set to expire on September 21, 2021. The Division is recommending approval without conditions.

Mr. Clark – Mr. Chairman?

Chair Brandenburg – Mr. Clark?

Mr. Clark – Yes, I just want to state for the record that I have a previous affiliation with Mr. Weems, but that affiliation will not prevent me from rendering a fair and impartial decision.

Chair Brandenburg – Thank you for that declaration.

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

- J. Application(s) for Monument Establishment Sales Agent**  
*(1) Information item (Licenses Issued without Conditions) – Addendum G*  
*(a) Farnham, Candace M F541447*

Ms. Simon – Pursuant to s. 497.554, Florida Statutes, the Division has previously approved the applicant listed on Addendum G.

- K. Application(s) for Preneed Branch License**  
*(1) Recommended for Approval without Conditions – Addendum H*  
*(a) Gulf Coast Cremations (F458720)*

Ms. Simon – Pursuant to s. 497.453(7), Florida Statutes, the applicant listed on Addendum H has applied for preneed branch licensure. The Division recommends approval of the application.

Mr. Clark – Mr. Chairman?

Chair Brandenburg – Mr. Clark?

Mr. Clark – I just want to state for the record my affiliation with Foundation Partners Group of Florida, so I'll recuse myself from this matter.

Chair Brandenburg – Thank you. Board?

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

Chair Brandenburg – Thank you.

- L. Applications(s) for Registration as a Training Agency**  
*(1) Information item (Licenses Issued without Conditions) – Addendum I*  
*(a) Legacy Options Bonita Springs LLC (F430440) ((Bonita Springs)*  
*(b) Serene Oasis Funeral and Cremation Services LLC (F439118) (Tampa)*

Ms. Simon – This is an informational item. The Division has reviewed the applications listed on Addendum I and found them to be complete in that the applicants have met the requirements to be a training agency. Pursuant to Rules 69K-1.005, Florida Administrative Code, the Division has previously approved these applications.

- M. Notification(s) of Change in Location**  
*(1) Information Item (Licenses Issued with Conditions) – Addendum J*  
*(a) Compass Pointe Cremation Services LLC (F088901) (Orlando)*  
*(b) Crevasse's Simple Cremations Inc (F226306) (Jacksonville)*  
*(c) Waldon Professional Funeral & Cremation Services LLC (F073727) (Apopka)*

Ms. Simon – This is an informational item. The establishments listed on Addendum J have applied for approval of a change of location of their businesses. The only criteria for approval is that the new location pass inspection by the Division of Funeral, Cemetery, and Consumer Services.

**N. Application(s) for a Cinerator Facility License**  
**(1) Recommended for Approval with Conditions**  
**(a) Cremation Center of Tampa Bay LLC (Tampa)**

Ms. Simon – An application for cinerator facility licensure was received on September 23, 2021, and the Division is recommending 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. Jensen seconded the motion, which passed unanimously.

**O. Application(s) for Funeral Establishment**  
**(1) Recommended for Approval with Conditions**  
**(a) Jemmings Mortuary & Cremation Services LLC (Palm Bay)**

Ms. Simon – An application for funeral establishment licensure was received on July 23, 2021, and completed as of October 8, 2021. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

**(b) Phillip & Sons, The Funeral Directors Inc. (Melrose)**

Ms. Simon – An application for a funeral establishment, based on a change of ownership, was received September 16, 2021. The application was completed on October 12, 2021. The current establishment does not have a qualifying preneed license. The Division is recommending approval subject to the following conditions:

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

**MOTION:** Mr. Williams moved to approve the application subject to the conditions recommended by the Division. Rabbi Lyons seconded the motion, which passed unanimously.

**P. Application(s) for Removal Service**  
**(1) Recommended for Approval with Conditions**  
**(a) JDM Removal Service LLC (Kissimmee)**

Ms. Simon – An application for a removal service license was received on August 30, 2021. While incomplete when submitted, a completed application was received by October 8, 2021. The Division is recommending approval subject to the condition that the removal service passes an onsite inspection by a member of Division Staff.

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

**(b) Wilki Mortuary Transport Service LLC (Orlando)**

Ms. Simon – An application for removal service licensure was received on July 23, 2021. While the application was incomplete when submitted, it was completed as of September 27, 2021. The Division is recommending approval subject to the condition that the removal service passes an onsite inspection by a member of Division Staff.

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

**Q. Collective Application(s)**

**(1) Recommended for Approval with Conditions**

**(a) Change of Ownership – Foundation Partners of Florida LLC**

- 1. Cremation Services of Polk County LLC**
  - **Direct Disposal Establishment (2)**
- 2. Oak Ridge Inc**
  - **Funeral Establishment (2)**
- 3. Ridge Cremation Services LLC**
  - **Cinerator Facility**

Ms. Simon – Foundation Partners of Florida LLC, seeks approval of the following applications for licensure based upon a change of ownership: two (2) direct disposal establishments, two (2) funeral establishments and one (1) cinerator facility. More specifically, the entities that are being acquired are as follows:

- 1) Ridge Cremation Services LLC, a licensed cinerator facility, license #F052851, physical address: 2175 South 30th Street, Haines City, FL 33844. FDIC: Dave Holt, license #F043720
- 2) Cremation Services of Polk County LLC, a licensed direct disposal establishment, license #F078902, physical address: 1159 1st Street South, Winter Haven, FL 33880. FDIC: Jason Watson, license #F045065
- 3) Cremation Services of Polk County LLC, a licensed direct disposal establishment, license #F060617, physical address: 2175 South 30th Street, Haines City, FL 33844. FDIC: Vimary Rodriguez, license #F176765
- 4) Oak Ridge Inc, a licensed funeral establishment, license #F041464, physical address: 1001 Grace Avenue, Haines City, FL 33844. FDIC: Kevin Douglas (F042577)
- 5) Oak Ridge Inc, a licensed funeral establishment, license #F041749, physical address: 2425 Havendale Boulevard, Winter Haven, FL 33881. FDIC: David Fields (F043022)

Included in your Board package are the separate applications regarding the aforementioned properties. The change of ownership is the result of an asset purchase. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these locations, the obligation to fulfill those preneed contracts will be assumed by the new owners. The Division is recommending approval subject to the following conditions:

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

- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities, (if any), of the location(s) being acquired.

Chair Brandenburg – Mr. Clark?

Mr. Clark – Thank you, Mr. Chairman. Due to my affiliation with Foundation Partners Group in Florida, I'm going to recuse myself from Q. (1) (a), as well as Q. (1) (b) 1.

Chair Brandenburg – Thank you. Mr. Hall?

Mr. Hall – Mr. Chair, I just wanted to declare my friendship with the current owners of Oak Ridge and that will not interfere with my ability to rule in a fair and impartial way.

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

- (b) New Application**
  - 1. FPG Florida LLC**
    - **Preneed Branch (4)**

Ms. Simon – FPG Florida LLC seeks approval of its applications for four (4) preneed branch licenses. A completed background check of the principal(s) for the business revealed no relevant criminal history.

- 1) Cremation Services of Polk County, physical address: 1159 1st Street South, Winter Haven, FL 33880
- 2) Cremation Services of Polk County, physical address: 2175 South 30th Street, Haines City, FL 33844
- 3) Oak Ridge Funeral Care, physical address: 2425 Havendale Boulevard, Winter Haven, FL 33881
- 4) Oak Ridge Funeral Care, physical address: 1001 Grace Avenue, Haines City, FL 33844

Included in your Board package are the separate applications regarding the above listed properties. The Division recommends approval subject to the condition the establishments qualifying license be approved, which it already has, and issued by a member of Division Staff.

**MOTION:** Ms. Clay moved to approve the application subject to the recommendations of the Division. Mr. Knopke seconded the motion, which passed unanimously.

- 2. Funeralocity LLC d/b/a The Funeral Network**
  - **Funeral Establishment**
  - **Preneed Main**

Ms. Simon – This matter has been withdrawn.

- R. Contract(s) or Other Related Form(s)**
  - (1) Recommended for Approval with Conditions**
    - (a) Preneed Sales Agreement(s)**
      - 1. Fisk Funeral Home Acquisition LLC d/b/a Fisk Funeral Home & Crematory (F019437) (St Cloud)**

Ms. Simon – Fisk submits a preneed sales agreement for approval, entitled Prearranged Trust Funded Funeral Agreement. If approved, this agreement will be used for the sale of preneed contracts by the above named preneed main establishment and its related preneed branches. The Division recommends approval with the condition that two (2) full sized print-ready copies of the preneed sales agreement are received by the Department within sixty (60) days of this Board meeting.

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

***2. Funeraria Porta Coeli LLC d/b/a Porta Coeli Funeraria y Crematorio (F019206) (Kissimmee)***

Ms. Simon – Funeraria Porta Coeli submits the preneed sales agreement for approval, entitled Prearranged Trust Funded Funeral Agreement. If approved, this agreement will be used for the sale of preneed contracts by the above named preneed main establishment and its related preneed branches. The Division recommends approval with the condition that two (2) full sized print-ready copies of the preneed sales agreement are received by the Department within sixty (60) days of this Board meeting.

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

***3. Funeraria Borinquen LLC d/b/a Funeraria Borinquen (F498640) (Kissimmee)***

Ms. Simon – Funeraria Borinquen LLC submits the preneed sales agreement for approval, entitled Prearranged Trust Funded Funeral Agreement. If approved, this agreement will be used for the sale of preneed contracts by the above named preneed main establishment and its related preneed branches. The Division recommends approval with the condition that two (2) full sized print-ready copies of the preneed sales agreement are received by the Department within sixty (60) days of this Board meeting.

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

***4. Funeralocity LLC d/b/a The Funeral Network (Miami)***

Ms. Simon – This matter has been withdrawn.

***5. Osceola Memory Gardens, LLC (F019299) (Kissimmee)***

Ms. Simon – Osceola submits the revised preneed sales agreement for approval, entitled Prearranged Trust Funded Funeral Agreement. If approved, this agreement will be used for the sale of preneed contracts by the above named preneed main establishment and its related preneed branches. The Division recommends approval with the condition that two (2) full sized print-ready copies of the preneed sales agreement are received by the Department within sixty (60) days of this Board meeting.

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

***(b) Request(s) for Trust Transfer***

***1. Northstar Cemetery Services of Florida LLC d/b/a Ferdinand Funeral Homes (F019194) (Ormond Bch)***

Ms. Simon – On September 2, 2021, the Board approved acquisitions by Northstar of control of a funeral establishment and a cinerator facility, both of which were related to Ferdinand Funeral Home. Northstar acquired all the assets and liabilities for the funeral and preneed for these locations. Northstar now seeks approval of the transfer of the following: the FSI First Florida Trust Agreement, under Argent Trust Company to the Northstar Cemetery Services of Florida, LLC Alternative Preneed Funeral and Cemetery Merchandise and Services Agreement, under Regions Bank (Regions). The Division recommends approval subject to the conditions set forth below, the FCCS Division recommends approval of the proposed trust transfers as identified above; and

- 1) That the representations of Northstar, as set forth in Representative's correspondence dated October 22, 2021 be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Regions provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:

- ⊙ A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b), to act as trustee of the trust to be transferred pursuant to Representative’s correspondence, dated October 22, 2021.
  - ⊙ 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 Representative’s attached correspondence, dated October 22, 2021.
  - ⊙ Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Representative’s attached correspondence, dated October 22, 2021.
  - ⊙ That Northstar have approved preneed branch applications for the licensing of these locations as preneed branches under NorthStar’s preneed main license (F019194).
- 3) That the Board’s executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

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

**S. Executive Director’s Report**  
**(1) Operational Report (Verbal)**

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

Ms. Schwantes – Thank you. This is Mary Schwantes. May I continue, Mr. Chair?

Chair Brandenburg – Please do, Ms. Schwantes.

Ms. Schwantes – Thank you, sir. We have had several inquiries over the past several days on the status of the Board Appointment Process. At this time, the applications received are still being vetted for review by the CFO. I’ll provide another update to the Board when there is any substantive change. In the meantime, if any of you have questions regarding the process, please do call me.

The 2022 legislative session begins on January 11th, and ends sixty (60) days later, on March 11th. At this time, the Department’s agency bill has not been filed. I expect that it will be filed before the next Board meeting, and we’ll have a more detailed legislative report at the December Board meeting.

The next Board meeting would be a videoconference meeting on Thursday, December 2, 2021, and that ends the Operational Report for this month. Thank you, Mr. Chair.

Chair Brandenburg – Thank you.

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

Ms. Simon – This is informational only.

Monthly Report of Fines and Costs Assessed and Paid  
 Division of Funeral, Cemetery and Consumer Services  
 Date of Board meeting: November 4, 2021  
 Date report was prepared: September 22, 2021

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Hernando Crematory	Oct-21	282561-21-FC	\$250	11/18/2021		
Jonnye Charlow	Oct-21	282725-21-FC	\$1,250	11/18/2021		
Charlow Funeral Home	Oct-21	282722-21-FC	\$1,750	11/18/2021		
Richard Ritchie	Oct-21	283112-21-FC	\$1,250	11/18/2021		
Daniel Vinson	Oct-21	270655-20-FC	\$1,250	17-Jan-22		
Vinson Funeral Home	Oct-21	270637-20-FC	\$1,750	17-Jan-22		

	Anthony Zipperer	Oct-21	283117-21-FC	\$1,250	11/18/2021		
	Zipperer's Funeral Home	Oct-21	283113-21-FC	\$1,750	11/18/2021		
	Callahan Funeral Home, Inc.	Oct-21	278180-21-FC	\$1,000	11/18/2021		
	Andrew Thornberry	Oct-21	280951-20-FC	\$500	11/18/2021		
	Warren Family Funeral Homes, Inc. d/b/a Newcomer Cremations, Funerals & Receptions:	Oct-21	280392-21-FC	\$1,250	11/18/2021		
	Winslow Honors Funeral Chapel	Oct-21	283111-21-FC	\$3,000	11/18/2021		
	Peavy Funeral Home	8/5/2021	280003-21-FC	\$500		Paid in Full	
	Elliot Maurice Graham	8/5/2021	280740-21-FC	\$4,000		Paid in Full	
	Morris Funeral Chapel	8/5/2021	278436-21-FC	\$250	9/13/2021	Paid in Full	
	Marion Graham Mortuary	8/5/2021	265816-20-FC	\$2,000		Paid in Full	
	Marion Graham Mortuary	8/5/2021	278140-21-FC	\$1,000		Paid in Full	
	Jackson-McMurray Funeral Services	7/13/2021	280012-21-FC	\$250	8/30/2021	Paid in Full	
	Jamoll L. Thomas d/b/a Exodus Removal Service:	7/13/2021	243526-19-FC	\$300	8/30/2021	Paid in Full	
	Harry T. Reid Funeral Home	7/13/2021	279999-21-FC	\$450	8/30/2021	Paid in Full	
	James Reid	7/13/2021	280406-21-FC	\$250	8/30/2021	Paid in Full	
	Blackburn-Curry Funeral & Cremation, LLC	7/13/2021	278563-21-FC	\$500	8/30/2021	Paid in Full	
	Dade & Broward Coaching Service, Inc	7/13/2021	277101-21-FC	\$500	8/30/2021	Paid in Full	
	Rahming-Poitier Funeral Directors Corp	7/13/2021	265828-20-FC	\$25,000	20-Sep-21	Paid in Full	
	Joseph Santiago	7/13/2021	185639-16-FC	\$1,300		Paid in Full	
	Hubbell Funeral Home	24-Jun-21	276846-21-FC	\$250	9/13/2021	Paid in Full	
	Jerry Evans Funeral Home	24-Jun-21	280015-21-FC	\$250	8/30/2021	Paid in Full	
	Phillips Mortuary	24-Jun-21	243521-19-FC	\$300	9/6/2021		
	Shane Obert Funeral Home, Inc.:	24-Jun-21	279998-21-FC	\$250	9/6/2021	Paid in Full	
	Archer Funeral Home, Inc.:	24-Jun-21	278186-21-FC	\$250	8/30/2021	Paid in Full	
	CL Page Mortuary d/b/a CL Page Funer	24-Jun-21	278183-21-FC	\$250	8/30/2021	Paid in Full	
	Gause Funeral Home, Inc.	24-Jun-21	278141-21-FC	\$250	9/6/2021	Paid in Full	
	Metro Crematory Inc.	24-Jun-21	278434-21-FC	\$250	9/6/2021		Sent to OGC
	Charles Segal	24-Jun-21	229744-18-FC	\$1,500	9/8/2021	Paid in Full	
	Bay Area Family Funeral Services, Inc.	24-Jun-21	229738-18-FC 277011-21-FC	\$1,750	9/6/2021	Paid in Full	
	JMR Service Group, LLC	24-Jun-21	281351-21-FC	\$250	9/6/2021	Paid in Full	
							 10-26-2021

**T. Chairman's Report (Verbal)**

Chair Brandenburg – No report.

Ms. Simon – Thank you, sir.

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

*(1) Attorney General's Rules Report (Informational)*

Ms. Simon – Ms. Munson?

Ms. Munson – Informational only. Thank you.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT  
NOVEMBER 2021**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-12.011	Annual Inspection Fees for Monument Builders	09/02/2021	10/19/2021				

**V. Public Comments (Verbal)**

Ms. Simon – Are there any public comments to be made to include in today's minutes? Hearing no response. Mr. Chairman?

**W. Upcoming Meeting(s)**

*(1) December 2<sup>nd</sup> (Videoconference)*

**X. Adjournment**

Chair Brandenburg – Again, outstanding Board. I'm so proud of you. And this meeting stands adjourned.

The meeting was adjourned at 12:56.