

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
OCTOBER 17, 2022 - 10:00 A.M.

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

Ms. Jill Peeples – Good morning, this is Jill Peeples, Chair of the Board of Funeral, Cemetery, and Consumer Services. This videoconference meeting is occurring on October 17, 2022, Monday. It's 10 o'clock, and I will turn things over to Ms. Simon do the preliminary remarks and roll call?

Ms. Ellen Simon – Thank you, Madam Chair. Good morning. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today's meeting is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by videoconference. 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 this Board meeting has also been published on the Division's website. Division staff present for this meeting are monitoring from their individual offices. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared. This is a rescheduled meeting of the Board of Funeral Cemetery, and Consumer Services, as it was scheduled to take place earlier this month. However, as result of catastrophes that hit Florida, it was rescheduled to today.

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.

As always, 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, 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 Chair, Ms. Peeples, runs the meeting. Persons desiring to speak should initially ask the Chair for permission.

As a reminder to Board members, you are to refrain from commenting on facts not included within your Board packages, and instead base your decision solely on the information in your Board packages, as well as testimony provided at this meeting. Additionally, ongoing investigations are private and confidential and are not to be discussed, even for the purposes of confirming there is an investigation. Just a few words about Item AA on your agenda, which is Public Comment. Public Comment is reserved for general comments by the public and not for re litigation of any matter before the Board. Please be aware that if Public Comment is used as an attempt to re litigate a matter that is being heard on this agenda, the Board will be instructed that the comment is not appropriate for Public Comment, and it should not be considered for further discussion.

As a final reminder, Board meetings are public meetings under Florida Law, and anything said via chat is subject to a public records request. This feature should only be used for technological issues you may be experiencing, and all inquiries in chat should be directed to Mary Schwantes, 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:

Jill Peeples, Chair
Andrew Clark, Vice Chair
Joseph "Jody" Brandenburg
Sanjena Clay

Vincent "Todd" Ferreira
Christian "Chris" Jensen
Kenneth "Ken" Jones
Janis Liotta
Jay Lyons {EXCUSED}
Darrin Williams

Also noted as present:

Mary Schwantes, Executive Director
Rachelle Munson, Board Legal Advisor
Marshawn Griffin, Department Legal Counsel
Kimberly Marshall, Department Legal Counsel
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff

Ms. Simon – Madam Chair, Rabbi Lyons was previously excused from today's meeting. There is a quorum present to conduct the business of the Board.

Chair Peeples – Can you hear me?

Ms. LaTonya Bryant – We can. I just unmuted you. I didn't know who caller 13 was. There was some background noise.

Chair Peeples – I'm trying to go to another computer real quick. If you can give me just a second, please. Thank you. I still don't have internet, Tommy. We still do not have our internet. It just went out at the office, and I tried to go to a secondary computer. So, if the team at the Division office can help me, because I won't be able to see anyone right now, for a show of hands, that would be great. Ms. Simon. we have the call to order, preliminary remarks, and roll call. We'll go ahead and continue on.

B. Action on Minutes
(1) August 4, 2022

Chair Peeples – Do we have a motion to approve?

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

(2) September 1, 2022

Chair Peeples – Do we have a motion to approve?

MOTION: Ms. Sanjena Clay moved to adopt the minutes of the meeting. Mr. Ferreira seconded the motion, which passed unanimously.

Mr. Jody Brandenburg – Madam Chairman?

Chair Peeples – Yes, sir?

Mr. Brandenburg – Your video was on and working earlier, just in case you didn't know it was.

Chair Peeples – Yes, sir. It was. We just have lost total Comcast internet at the office here. So, it hasn't come back up yet, but thank you, Mr. Brandenburg. I appreciate that. I will turn this over to Ms. Simon for comments.

Ms. Simon – Thank you, Madam Chair.

C. **Old Business**

(1) *Collective Application(s)*

(a) *Recommended for Denial*

1. *Allen Funeral Directors LLC d/b/a A Green Cremations (Big Pine Key)*

a. *New Establishment*

- *Funeral Establishment*
 - *Petition for Waiver*
- *Preneed Branch*

Ms. Simon – This item has been withdrawn from today's agenda and will be heard on the November agenda.

(2) *Request for Hearing (Section 120.57(1), Florida Statutes)*

(a) *DeathCall LLC (Port Charlotte)*

Ms. Simon – This item has been withdrawn from today's agenda and will be heard on the November agenda.

(3) *Request for Hearing on Notice of Intent to Deny*

(a) *Washington Memorial & More Funeral Service Industry LLC (Butler)*

Ms. Simon – If I may just have a moment?

Chair Peebles – Yes, ma'am.

Ms. Simon – In March 2022, the Board was presented with an application for licensure for a funeral establishment submitted by Washington Memorial & More Funeral Service Industry LLC. After review and discussion, the Board denied the application, and a Notice of Intent to Deny the application was filed on March 24, 2022. The Notice gave the applicant twenty-one (21) days to request a review of the Board's findings. In July 2022, the Board reviewed a request for a section 120.57(1), F.S. hearing and found that the Respondent failed to cite material facts in dispute. This matter was again presented to the Board in September 2022. At that point, the matter was tabled until this meeting to ensure proper notice was given and to afford Mr. Washington the opportunity to have counsel present. Subsequent to the September meeting, notice was mailed to Mr. Washington at the three (3) addresses on record, street addresses on record as well as a myriad of email addresses on record. Since the time of the September meeting, the Division has received no further documentation from Mr. Washington nor his counsel. Madam Chair?

Mr. Raymond Washington – I'm present.

Ms. Simon – Madam Chair, are you on the call?

Mr. Washington – Ms. Simon? This is Mr. Washington. I just want to let you know I'm present.

Ms. Simon – Mr. Washington, I do hear you.

Mr. Washington – Ok.

Ms. Simon – If we could just take a moment.

Ms. Rachelle Munson – Ms. Simon, while we're taking a moment, if I could just make a small clarification to the summary?

Ms. Simon – Yes.

Ms. Munson – I just wanted to know...

Chair Peebles – Ms. Munson, Ms. Simon, I'm on another computer. My camera is not coming up. Can you hear me?

Ms. Simon – Yes, Madam Chair. Ms. Munson?

Ms. Munson – I was just going to note that the summary indicated that as a result of the July meeting, and the request for a hearing based on 120/57(1), F.S., which is before DOAH. So, the summary indicates that the Board found that the Respondent failed to cite material facts in dispute. I'd just like to further note that what the Board actually found was to grant the Respondent, or the applicant, an extension of time to present what facts he may want to present in dispute. That was the Order that was issued, and in September it was tabled because Mr. Washington indicated he did not receive proper notice.

Mr. Brandenburg – Madam Chair, I can see you now.

Chair Peeples – Thank you, Mr. Brandenburg.

Mr. Washington – Ms. Munson can I respond to that?

Ms. Munson – No, sir. It's important that we follow protocol. Madam Chair has the floor, and when she's available or able to speak, she'll do so and then open the floor up for your comments, when the time is necessary.

Chair Peeples – Thank you, Ms. Munson. Ms. Munson, from a perspective of what's been presented to us in our coversheet and how Mr. Washington was noticed by different means of communication, should we continue on with what has been the request that we make a decision on this particular situation? Should we have Mr. Washington give any comments? What is your suggestion to the Board, ma'am?

Ms. Munson – The suggestion is that it appears this meeting has been properly noticed and Mr. Washington can have an opportunity to present his case as to why he feels material facts are in dispute. If no material facts are found to be in dispute by this Board, we will still have a hearing. It will be an informal hearing, pursuant to Chapter 120.57(2), on the merits of the case.

Chair Peeples – Thank you, Ms. Munson. Mr. Washington, you are on the call. Is this correct?

Mr. Washington – Yes, Madam Chair. Madam Chair, I did respond the last...

Ms. Simon – Mr. Washington? Before he continues, Madam Chair, can I swear in Mr. Washington?

Chair Peeples – Yes, ma'am.

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

Mr. Washington – I do.

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

Mr. Washington – My first name is Raymond. My last name is Washington.

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

Mr. Washington – Yes. It's Washington, WASHINGTON.

Ms. Simon – Thank you, Madam Chair.

Chair Peeples – Thank you, Ms. Simon. Mr. Washington, would you like to address the Board, sir?

Mr. Washington – Is it okay if I continue, Madam Chair.

Chair Peebles – Yes, sir. And before you start, if you will, as whoever is on the call, if you are not a Board member or Division staff, please mute your connection, please. We have a few people that are as callers and a few that are logged in. If you will, please mute that. Thank you. Mr. Washington?

Mr. Washington – Madam Chair, contrary to Ms. Simon’s assertion, from the last meeting, when you all gave me proper time, I did respond. So, I don't know. And it was sent, and I do have a copy of the documentation via certified mail, because you did give me twenty-one (21) days. And I did respond accordingly as to the three (3) major suggestions that the Board denied the application alleging, per the minutes on March 3, 2022, alleging that the Division recommended the denial, and the reason was alleging that the licensed funeral director and embalmer... Hello? Hello?

Chair Peebles – Yes, sir? You're still connected.

Mr. Washington – Yes, I'm sorry, I got a notification that I was being disconnected. So, there again, alleging that the license funeral director and embalmer had changed and that we were changing from Weston’s Mortuary. And that there would be, contrary to what was written, would be indifferent to the visitation chapel, when in retrospect, the Board had the proper information before them. All the information was there to prove that we did no such thing, to the contrary. We did not want to change from Weston’s Mortuary, and I specified that documentation, all in the documentation to you guys. You should have had almost three (3) documentations from me. Are you alleging, Ms. Simon, that you've never received anything from me? Madam Chair, if I may ask that question?

Ms. Simon – Madam Chair, may I respond?

Chair Peebles – Yes, ma'am.

Ms. Simon – Since the time of the last Board meeting, in September 2022, the Division of Funeral, Cemetery, and Consumer Services has received no documentation from Mr. Washington, nor have we received a Notice of Appearance of any counsel.

Mr. Washington – I don't understand that, Ms. Simon, because you have three (3) documents. I have all of them by certified mail. I can send them to you at this point. Because I'm on the cell phone, it would be kind of hard for me to be able to get off the cell phone, and then, you know, be abrupt by the meeting, because you all have so many minutes to be able to speak to a potential business and then turn right back around. So, I don't understand what you're alleging. I have the certified mail, and all of them was sent to you, it was sent to the Division, and also sent to Madelyn. Not Madelyn, I'm sorry, but LaTonya Bryant, or whoever it was that's at the bottom of the page, for you to send that document. I spent my money to send that to you. So, I don't understand what you're alleging, Ms. Simon. And, if I could, Madam Chair, I could send you a copy that those emails and photos that it was sent on specific dates. So, I'm a little lost here. Ms. Munson, are you saying that you never received anything from me, since Ms. Simon’s memory has gone lost?

Ms. Munson – Sir, I don't have any correspondence since the September meeting. It could have gone to another area of the Office of the Attorney General. Nothing came to my personal email. I just wanted to remind where we are in this proceeding. This is the proceeding to finally determine if the Board finds there are disputed issues of material fact to the Notice of Intent to Deny that was determined and issued as a result of the March meeting. Again, if no disputed issues of material facts are determined, the Board can listen again to Mr. Washington's claims regarding why he feels his license should have been approved. And then from that particular hearing before this Board, there will be an opportunity for another Order of which, if it's adverse to Mr. Washington, it will be appealable to the District Court of Appeals. If, however, the Board is in agreement that based on the information in the Notice of Intent to Deny, there are disputed issues of material fact, then we close this matter and proceed with a theory presented before the Division of Administrative Hearings (DOAH). Those are the two (2) roads we're on. If Mr. Washington cares to relitigate this before the Board, it will be via an informal hearing accepting that there are no disputed issues of material fact, but an opportunity to relitigate the matter here. If not, it will be litigated before DOAH in a separate proceeding.

Mr. Washington – Ms. Munson, I think at this point, since the documents were sent to the Board, I think at this point we should send it up to DOAH.

Ms. Munson – Mr. Washington, it's not your call. It is the Board's vote whether they find issues of material fact {inaudible}. It's not an opinion. It has to be their action.

Mr. Washington – Madam Chair, if I could respond to that? Number one, the application had no deficiencies at all, prior to Ms. Simon, when she narrated before the Board with misinterpretations {inaudible}. We had no intention to remove ourselves from Weston's Mortuary, and the visitation chapel would be at 8593 South County Road 231, Lake Butler, Florida. There is nothing to the contrary, where are we in fact were doing any such thing outside the Board's permission and what was on the application. So, to that fact, there should be no reason that we were denied. As a matter of fact, you have the documents before you I have email receipts from Ms. Simon thanking me for keeping the Board apprised when Monica Walden subsequently decided that she wanted to send us a notice of her resigning from our firm. So, that was a surprise to me, and when I got the documents, and you have them before you. You have those documents before you alleging that Monica Walden dismissed herself from our firm and then we had to hire Sharon Lesesne. Everything we have done we have kept this Board apprised of every element. So, there again, I cannot understand for the life of me, since we used the last time, Ms. Munson, you said that you didn't want the Board to violate my due process. Well, my Lord. I mean, if this is not violation of someone's due process and a violation of the 5th and the 14th Amendment, I mean, I don't understand, because I'm unclear. You have the documents I sent you by certified mail, and I'm going to send you, after this meeting, whatever you do, I'm going to send you a copy of those emails. Every certification after that September meeting where you got documents, where it was sent to you. So, I have this is all by certified mail and now I'm going to go by the Post Office today and I'm going to get a copy of it where it was signed and who it was signed by. So, since we have made these assertions and we are before the minutes, so we want to make sure that this Board is aware that Washington Memorial and More Funeral Service Industry LLC has done everything to try and please this Board, because we're trying to serve the public. I don't have time for the hoopla and who shot John. This is serious business for me. I'm paying this money out my pocket and this delay is a delay. So, therefore, whatever you do from here, Attorney Munson and the Board.

Chair Peebles – Thank you, Mr. Washington. If I may ask a couple of questions from you? You stated that you have sent via certified mail. If you did, you would have gotten back some kind of notification that the certified mail item was received. Did you follow up with any other the emails? Did you happen to call the Board Office to confirm? What were the methods of communication that you used, since we gave you another thirty (30) days to submit your items?

Mr. Washington – Madam Chair, I got a copy. That's why I said I want to send it. This is a beautiful thing, because one thing about certified mail, certified mail doesn't lie. When you get a certified document and it's signed, that don't lie, and United States Government document, by which I work for. So, I'm just telling you that I don't know who is playing games, but the game has to stop, because I have a copy of every, matter of fact, I take a picture of every document that I send to this Board, so that there won't be any misinterpretation. At this point, unfortunately because I'm on this camera, it would be hard for me to be able to put this phone down and look at the email, within the timeframe, because I know you all are on a time limit. Now, if you want me to do that, I can easily do that, but I'm just telling you the truth. I have the documents, and that's said I want to {inaudible}. As soon as I get off this phone with you, I'm going to go back in that email, because I took pictures of everything I sent you, and I have the green card, which means that somebody signed for it.

Chair Peebles – Mr. Washington, did you call the Board Office and talk with one of the Division team to confirm that they had received your information?

Mr. Washington – Madam Chair, I have not. I haven't had to do that in times past, so there was no reason. Now, of course, you're correct. Calling them would have been one suggestion, but unfortunately, I've never had to do it before.

Chair Peebles – Mr. Washington, for this particular timeframe that you were given, you were given to the next meeting, which was supposed to be October 6th, and we rescheduled it to today. You have not contacted them to confirm that they received your information? Is that correct?

Mr. Washington – No. I mean, the answer is no. The answer is no, because there again, Madam Chair, I haven't had to do that in times past. You all have received it and it was put on the Board's agenda, and I had something to refer to. And you all have something to refer to as well, stating that you did receive a document. So, I don't understand at this point how we get to this page where you're alleging that you haven't received anything from me since the September meeting.

Chair Peeples – Thank you, Mr. Washington. Mr. Griffin, you had your hand up, then Mr. Brandenburg, then Mr. Ferreira.

Mr. Marshawn Griffin – I think there might be a simple resolution to this, which is anytime you send something via certified mail, you get a tracking number.

Mr. Washington – That's right, and I do have a tracking number. That's why I said I'm going to attach it, Mr. Griffin. I'm going to attach that email to Ms. Simon, because I want her and Ms. Munson to know that the Board did receive, contrary to her statement, they did receive documents from me. I've worked very hard by myself because, at this point, counsel said he was going to look back at the minutes. So, we have something to look back at the minutes for.

Chair Peeples – Thank you.

Mr. Washington – We have something to look back at the minutes for, so that when he does sign on to this case, and since he was saying that he was busy, he had another client that he had to go meet, but at this point, this is very vital, because I don't know what in the heck is going on, but it's very interesting. Here we are. We're claiming that we're going to send it up the DOAH. Now, we're playing this game of that you didn't receive anything from me.

Chair Peeples – Thank you, Mr. Washington. Mr. Brandenburg?

Mr. Brandenburg – Notwithstanding the communications that were sent by Mr. Washington, Mr. Washington, can you verbally tell us which materials did you cite that are in dispute?

Mr. Washington – Mr. Brandenburg, first of all, everything that Ms. Simon alleged when you were the Chair, I cited specifically, and I gave documents to assert, email receipts from me and Ms. Simon. In addition, on the third element, she claimed that we were trying to discontinue our service with Weston's Mortuary. These are the three (3) main deciding factors that they alleged, that she alleged rather that she and the Board recommended a denial. She claimed that that the visitation chapel was not the same place where we were doing the visitation chapel, but in contrary to the application, we put on there that the visitation chapel would be at 8593 South County Road. So, what other address? Matter of fact, she worded it specifically, because she said, "I don't know what is placed on the application. I don't know." So, when you use the term "I don't know", I don't know what is asserted on the application, but contrary to that, we are concerned about the visitation chapel. Concerned about what? If 8593 South County Road is the place where we are going to do the visitation chapel and we put it on the application, how is that in contrast to one another? Madam Chair, is it ok if I ask Ms. Munson that since she's the attorney?

Ms. Munson – If I may, Madam Chair? I'm just going to see if I can narrow the scope a little bit. Everyone should have in their materials a copy of the Notice of Intent to Deny. And the Order was not lengthy, but it stated that the denial was based on the following discrepancies, and I'll just read them in for the record. It says, "The application contained contrary and materially conflicting information regarding the visitation chapel, including the lack of a clear identification of the funeral director in charge, the duties assigned, and an established plan subject to investigation." And because of those discrepancies and what the Department deemed to be lack of information or clarity, the Board voted to deny. That's the basis for the denial. We are here to find out where the material facts in dispute are regarding that basis for denial.

Chair Peeples – Thank you, Ms. Munson. Mr. Washington, just one second, please, sir. Mr. Brandenburg, did you have any follow up, sir?

Mr. Brandenburg – I haven't heard his basis to cite the material facts in dispute, in order for us to send this to DOAH.

Mr. Washington – Madam Chair? Madam Chair, all due respect. The emails from Ms. Simon, those are material fact. The emails between me and her are material fact. The decision that the Board allege, those are material fact. When you place all those material facts together, the misinterpretation is not on me. It's on what Ms. Simon allege to the Board. Let's be real here, because what's in black and white is not hearsay. The application states one element. The Board has just decided to weigh what Ms. Simon alleged. How can you tell me that you thank me? You're thanking me for giving you information, but then you turn right back around and come with a basis of denial claiming that we were in deficiency, when you had everything before you. And you allege that that's the basis of denial. When you're alleging that it's not clear of what funeral director and

embalmer it is going to be when you have the contract between Sharon Lesesne and I, as the owner of the business. Then you're thanking me? And this is all in black and white. And you're saying that the district court wouldn't hear this? Is that what you are alleging? You don't think the district court is going to say, well, all the material facts are before you, and yet you came up with the denial? That's unclear. And it seems, at this point, there again, it seems, at this point that this Board has made a decision. And I heard specifically one of the Board members that was alleging to me, when I said that that is a clear fabrication, which means you lied under oath. And you knew you lied under oath. That's false swearing. Is it not, Ms. Munson? Is it not false swearing?

Chair Peeples – Ms. Munson, did you want to reply?

Ms. Munson – With complete respect, Mr. Washington, I am not here to add any definitions or consideration of these terms. Honestly, I am doing my very best to see if I can provide legal recourse, that's available to this Board and to yourself, regarding how to proceed. And I'm not certain if there's any lack of clarity or what that looks like, but that's my goal.

Mr. Washington – Ms. Munson and Madam Chair, all due respect. I understand that whatever you do from here, it's up to you, but I will have my recourse, and unfortunately, it's going to be higher than this Board meeting, and I'm just going to say that. Because at this point, whatever decision mechanism you have concluded, or you've decided that you're going to do, we're going to end up in court. And I smell it. I smell the rag, because at this point this is absolutely preposterous. And it seems to me that this Board has decided to violate my due process, totally disrespect me. We've done, as I brought to your attention when we started at the July meeting, I did not do anything that an associate of this funeral service practitioner did over in Ohio. I did everything right. I tried my best to do everything right. Every move I made, I made sure that the Board was aware of it. So, here we are at this point alleging that I have not done, or my firm didn't do what we were supposed to do. We have a licensed funeral director. That's a part of asking for funeral home establishment license. We have the square footage, the visitation chapel. We had all of that element. Everything was prepared to be passed by this Board. At what element, I do not know, I don't know. And I'm sorry to say this. And I hate to say this terminology. I don't know if someone locally decided that they would pay you to deny my application. I don't know that. It's only my opinion. However, just wanted to throw it out there for the minute. But, since it is that I have spent my money, paying out my pocket, sending you certified letters letting you know that I did want to be heard, and I did want my application to be approved, because I am trying to serve the public. And believe you me, God is going to make a way for me to serve the public. It's going to happen. So, if that puts anyone in fear, devil you might as well recognize that this is true. I ain't going nowhere and if I have to pay another application fee while we are suing you and taking you to court, so it. So, there again, the material fact was stated. The conversations between myself and Ms. Simon, those are material fact. The emails, the continuous dialog between the Board and I, those are material fact. We have a lot of material fact that's on the table. And the disputed fact was the three (3) elements that Ms. Simon alleged.

Chair Peeples – Thank you, Mr. Washington. Mr. Brandenburg, back to you, sir. Do you have any follow up questions or comments to Mr. Washington?

Mr. Brandenburg – I have no follow up questions for Mr. Washington, but I do have a question for Ms. Munson.

Ms. Munson – Yes, sir?

Chair Peeples – Yes, Mr. Brandenburg?

Mr. Brandenburg – What would be the proper motion for the Board, if the Board determines that the material facts in dispute were not provided to the Division, and that the matter will not be forwarded to the Division of Administrative Hearings?

Ms. Munson – It would need to be a finding that there are no material facts provided to the Board for review. And that would be a motion to move that there are no material facts provided to the Board for review. You would need a second. You would need a vote. And if that vote passes, we will go into an informal hearing and hear the matter before the Board with any additional information Mr. Washington may want to provide.

MOTION: Mr. Brandenburg moved that there are no material facts in dispute clearly provided to the Board for review. Mr. Ferreira seconded the motion.

Chair Peeples – Is there any discussion by the Board members? Ms. Simon?

Ms. Simon – Yes. If I could have Mr. Brandenburg repeat that motion. I just want to make sure that the record is clear of what the motion is.

Mr. Brandenburg – May I have Ms. Munson repeat that motion for me.

Ms. Munson – The motion was there were no material facts clearly provided to the Board. No material facts in dispute clearly provide to the Board.

Ms. Simon – Thank you, sir.

Chair Peeples – We have a motion and a second. Any questions by the Board members? Hearing none. All in favor of the motion, aye?

Board members – Aye.

Chair Peeples – All opposed? The motion carries. Ms. Munson, from this perspective of the motion and a second that we just got, do we go into a hearing now, as your suggestion?

Ms. Munson – My suggestion is it would be the next legal avenue. It would be a hearing, s. 120.57(2), F.S., to allow Mr. Williams to provide any additional information.

Mr. Washington – Washington.

Ms. Munson – Mr. Washington, I apologize, to provide any additional information he may have. And the outcome of that information could result in either of upholding the Notice of Intent to Deny or actually changing the Notice of Intent to Deny and find that he was eligible for licensure. It's going to be based on what Mr. Washington has to present and how the Board weighs that particular information.

Chair Peeples – Thank you, Ms. Munson. If I may ask, Ms. Bryant or Ms. Simon or Ms. Schwantes, is there any way that the callers can be muted? We have some callers on the bottom of the screen that I see and I'm hearing a little playback. Is there any way that that can be completed from the Division office?

Ms. Bryant – I'm muting them as I see them pop up.

Chair Peeples – Thank you, Ms. Bryant. I appreciate that.

Mr. Washington – Madam Chair, I just wanted to just ask this question, if I could, since the Board made a vote.

Chair Peeples – Mr. Washington, if you'll wait just a second, sir.

Mr. Washington – I'm sorry.

Chair Peeples – I was going to give you an opportunity to speak. Ms. Clay, I saw your hand was up a few minutes ago. Did you have anything that you would like to make a comment about?

Ms. Clay – No. I was just going to call for the order of the day. I'm good. Thank you.

Chair Peeples – Thank you, Ms. Clay. Mr. Washington?

Mr. Washington – Madam Chair, the allegation was that there were no disputed facts presented after the September meeting. I will make sure, there again, and I want to put this on the minutes that when the documents were done, and when it was

signed and also I will send a copy of the certified mail stating that I have notice from the Board. So, I just wanted to make mention of that, to add that, too, since the Board has rendered a vote in contrast to this application.

Chair Peeples – Thank you, Mr. Washington. Ms. Munson, your suggestion to the Board? We've been going through this case for a number of months here. What is your suggestion to the Board after Mr. Washington's comments, and from the previous motion we just had?

Ms. Munson – Now would be the opportunity to give Mr. Washington an opportunity to identify why he feels this Notice of Intent to Deny was rendered, perhaps in error. If there's information that he would like to present to show the reasons for the denial are not upheld. I know he may have stated some of that in general, but if there's specific information that he can share that he has not already shared, this is the opportunity to do so. This is the informal hearing, for which a new Order, and it will be a Final Order, will be rendered.

Chair Peeples – Thank you, Ms. Munson. Mr. Washington, do you have any information that you would like to submit to the Board regarding facts that you feel may be in error or not?

Mr. Washington – Yes. There again, when you look at page, since we're having an informal meeting, I wasn't aware that the informal meeting would be today. Does it have to be today, Ms. Munson?

Ms. Munson – Normally, it's noticed that way, that's how it was previously noticed. Wanting to say that's how it should have been noticed today as well. Ms. Simon can clarify that for me.

Ms. Simon – Madam Chair?

Chair Peeples – Yes, ma'am?

Ms. Simon – I believe it's noticed on the agenda, a request for hearing on notice of intent to deny.

Mr. Washington – Well, I thought only that you all were going to vote on sending it up to DOAH today. That's what I thought was on the table.

Ms. Munson – The agenda says request for a Hearing section 120.57(1). It normally says, I think previously it's been noticed to also say 120.57(2), as well, but I just needed to clarify that, because that's a notice issue. I don't want to indicate anything otherwise, because the document that would have been received by Mr. Washington, I don't know if it stated both hearings, as well.

Mr. Washington – Ok, so, there, again, Madam Chair, since we are. I'm sorry?

Chair Peeples – Sir, I didn't say anything. Please proceed.

Mr. Washington – Yes, and there is no recommendation that I could have to be on the next agenda meeting, since I wasn't aware that we would do everything today?

Chair Peeples – Ms. Munson or Ms. Simon?

Ms. Munson – If he was not noticed for a 120.57(2) hearing, in addition to the 120.57(1) hearing, it would not be a proper notice. I'm trying to find the notice that he received in the materials. {Inaudible} is available. That's helpful.

Chair Peeples – Mr. Washington, if you'll give us just a minute to review some information, please sir?

Mr. Washington – Please.

Ms. Munson – Ms. Simon, if you can direct the Board to the way the notice was printed.

Ms. Simon – The letter that was provided in your Board packages says that your request for a section 120.57(1) Florida Statutes hearing will be heard by the Board.

Ms. Munson – It does not include (2), then Mr. Washington should be afforded an opportunity to return for a 120.57(2). They're usually done at the same time.

Chair Peeples – Thank you, Ms. Simon. Thank you, Ms. Munson. Mr. Washington, did you capture what Ms. Munson was speaking about, about the informal hearing not being notice to you appropriately?

Mr. Washington – Correct. Yes, I missed that, because I thought the informal hearing would be after you guys made the decision whether or not you want to send it to DOAH. I didn't know that it was all going to happen today.

Ms. Munson – They do {inaudible} normally so they can happen on the same day, but you would need to be noticed that they're going to happen on the same day. That's my only point, So, if you're indicating that you were not noticed of the 120.57(2), we would move it to another day, which would be the next meeting.

Mr. Washington – Please, can we? Because I don't believe that I had enough information to know that both of those would be done today. In addition, how can we contest, since this is in question as to whether or not you're saying this Board didn't receive anything from me per the September meeting? How can we not only, I mean, of course, we're going to send Ms. Simon a copy of the certified mail from myself to the Division, and it was also, as a matter of fact, the address that was on there it said on there, just a moment here.

Ms. Munson – So, if you're asking how to contest that, do you have any documentation you'd like to provide?

Mr. Washington – No, that's not what I was contesting. I'm talking about contesting for it to go to DOAH. That's what I'm saying.

Ms. Munson – It's not going to DOAH, sir. The Board has voted on that. It's not going to DOAH. When the Board here's this in an informal hearing, if the decision is adverse, to you, it will then go to the District Court of Appeals, if you so choose to.

Mr. Washington – I definitely would make that request, please.

Ms. Munson – Madam Chair I believe Mr. Jones has a question.

Chair Peeples – Mr. Jones?

Mr. Jones – Madam Chair, I'll make the recommendation that we move this to the next meeting, and also that Mr. Washington ensures that he gets the material to the Division that we have or review.

Chair Peeples – Thank you, Mr. Jones. We have a motion. Mr. Williams?

Mr. Williams – Yes. Thank you so much, Madam Chair. Just a question or statement to the staff. Can we make sure that all the proper notifications, as well as the proper citations, are included in the materials to Mr. Washington, because we've been going through this since March of 2022? And I stated in the last meeting that I knew this was going to happen in terms of, I didn't get the material and things like that. So, in reference to what Ms. Munson had just stated, a citation was missing off of the notification. Can we make sure all that is aligned and put on the materials so that we're not repeating this same process again? That's my only statement, because it seems like we just keep going through various loopholes and we've been going through this a long time. I think we just need to make a decision.

Chair Peeples – Thank you, Mr. Williams. We have a motion by Mr. Jones. Do we have a second?

Mr. Williams – I'll second Mr. Jones' motion.

Chair Peeples – Is there any further discussion on the motion? Ms. Simon?

Ms. Simon – Yes, I just want to be clear. The notice today was regarding whether this case was going to go to DOAH or was going to be an informal. I anticipated that that's the ruling that would be made today. If you would like to have this go as an informal hearing, what I will do is simply on the next agenda say that this is proceeding forward as a 120.57(2) hearing. It was not clear that that was what should be on the agenda today. So, I would be happy to do that, Madam Chair.

Mr. Washington – Thank you, Madam Chair. I appreciate that.

Chair Peeples – Thank you, Ms. Simon. Mr. Jones, is that a part of your motion and Mr. Williams, your second sirs?

Mr. Jones – Yes, ma'am.

Mr. Williams – Yes, ma'am.

Chair Peeples – Thank you. Do we have any other discussion on the motion? Hearing none. All in favor of the motion, aye?

Board members – Aye.

Chair Peeples – All opposed? The motion carries. Thank you, Mr. Washington. And if you will, sir, as the minutes are going to reflect, you've been given an opportunity to come today. We would like you to please submit all information to the Division office so that this situation will be addressed on the November 3, 2022 meeting, sir.

Mr. Washington – Thank you, Madam Chair.

Chair Peeples – Thank you, sir. Ms. Simon?

(4) Status Update Regarding Licensee

(a) Evergreen Memorial Park Cemetery, Inc.: DFS Case Nos. 253449-19-FC and 264475-20-FC; Division Nos. ATN-32973 and ATN-34348 (F039723)

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

Mr. Griffin – Marshawn Griffin for the Department. This matter is presented to the Board to provide the Board with a status update on the hearing in the above referenced causes. The Department presented Evergreen Memorial Park Cemetery, Inc. ("Respondent") to the Board for a hearing not involving disputed issues of material fact at the February 2021 Board Meeting. The Board determined that there were no disputed issues of material fact, based on Respondent's failure to timely reply to the Administrative Complaint filed in the above referenced cause. The Board additionally adopted the facts of the Administrative Complaint as pled and moved to find Respondent in violation of the statutory references contained in the Administrative Complaint. The Board wanted to take testimony from the owners and principals of Respondent prior to imposing discipline and tabled the hearing in this matter. The Department made diligent efforts in order to serve the current principals and owners of Respondent but was unable to serve the required parties. Respondent's license expired on December 31, 2020. The Department moves to dismiss the complaint in this cause based on the expiration of Respondent's licensure and an inability to locate the owners and principals of Respondent.

Chair Peeples – Thank you, Mr. Griffin. Do we have a motion to dismiss the complaint, please?

MOTION: Mr. Jones moved to dismiss the complaint in this cause based on the expiration of Respondent's licensure and an inability to locate the owners and principals of Respondent. Mr. Williams seconded the motion, which passed unanimously.

D. Disciplinary Proceeding(s)

(1) Settlement Stipulation (Probable Cause Panel A – No Recusal Needed)

(a) Taylor Family Funeral Home & Cremation Center: DFS Case No. 281354-21-FC; Division No. ATN-36060 (F040954)

Ms. Simon – Madam Chair, we have a new attorney with the Office of the General Counsel. She is on the screen today. Her name is Kimberly Marshall. She comes here via the Department of Health, and she has much experience in front of boards. And Ms. Marshall will be presenting this matter for Taylor Family Funeral Home.

Chair Peeples – Welcome, Ms. Marshall.

Ms. Kimberly Marshall – Thank you. Thank you again for the introduction, Ms. Simon. Shall I go ahead and present this first case?

Chair Peeples – Yes, ma’am. Please.

Ms. Marshall – Thank you. Taylor Family Funeral Home & Cremation Center (“Respondent”) a funeral establishment, licensed under Chapter 497, Florida Statutes. The Department conducted an inspection of Respondent and found that Respondent engaged in conduct that required 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 an administrative fine in the amount of \$500 and the Administrative Complaint filed against William Taylor, III, in Case No. 281358-21-FC will be dismissed with prejudice. The Department requests that the Board accept this Settlement Stipulation for resolution of this case, and I’m available to answer any questions. Thank you.

Chair Peeples – Thank you, Ms. Marshall. Do we have a motion to accept the Settlement Stipulation for the Taylor case?

MOTION: Mr. Brandenburg moved to accept this Settlement Stipulation, which provides that the Respondent shall pay an administrative fine in the amount of \$500 and the Administrative Complaint filed against William Taylor, III, in Case No. 281358-21-FC will be dismissed with prejudice. Mr. Clark seconded the motion, which passed unanimously.

Chair Peeples – Ms. Simon?

Ms. Munson – Just to be clear, was Taylor Family not here? Just for my notes. Madam Chair, was Taylor Family Funeral Home and Cremation not present?

Ms. Simon – Hearing no response to that, I assume that Taylor Family Funeral Home is not represented today.

Ms. Munson – Thank you.

(2) Settlement Stipulation (Probable Cause Panel B)
(a) A Mortuary Service, LLC: DFS Case No. 287707-21-FC; Division No. ATN-37705 (F234250)

Mr. Williams – Madam Chair?

Chair Peeples – Yes, sir?

Mr. Williams – I need to recuse myself on D. (2) (a) through (e) and D. (3) (a) through (g), as I served on this Probable Cause Panel B.

Chair Peeples – Thank you, Mr. Williams. Ms. Simon?

Ms. Simon – Is there a representative of A Mortuary Service on the call today? Hearing no response. Presenting for the Department is Mr. Griffin.

Mr. Griffin – Marshawn Griffin for the Department. A Mortuary Service, LLC, (“Respondent”) is a funeral establishment, licensed under Chapter 497, Florida Statutes. The Department conducted an investigation of Respondent and found that Respondent advertised preneed sales without the benefit of licensure. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$1,500 fine and have its license placed on probation for twelve (12) months. The Department requests that the Board accept this Settlement Stipulation.

Chair Peebles – Thank you, Mr. Griffin. We have information regarding a Mortuary Service LLC. Is there a motion to accept the proposed Settlement Stipulation?

MOTION: Mr. Jones moved to Board accept this Settlement Stipulation, which provides that the Respondent shall pay a \$1,500 fine and have its license placed on probation for twelve (12) months. Mr. Jensen seconded the motion, which passed unanimously.

(b) Kronish, Keith Phillip: DFS Case No. 292037-22-FC; Division No. ATN-38036 (F043802)

Ms. Simon – A representative of the licensee is on the call. Presenting for the Department is Mr. Griffin.

Mr. Griffin – Marshawn Griffin for the Department. Keith Phillip Kronish (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes. Respondent was the funeral director in charge (“FDIC”) of Sunshine Cremation Services, LLC (“Sunshine Cremation”), a direct disposal establishment, former license number F233258. The Department conducted an investigation of Sunshine Cremation and found that Sunshine Cremation released human cremains without the consent of the legally authorized person who approved the cremation. Respondent as FDIC of Sunshine Cremation is subject to discipline based on Sunshine Cremation’s violation of Chapter 497, Florida Statutes. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$4,500 fine. The Department requests that the Board accept this Settlement Stipulation.

Chair Peebles – Thank you, Mr. Griffin. Do we have a motion to accept the proposed Settlement Stipulation?

Mr. Mark Sunshine – Excuse me?

Mr. Brandenburg – Madam Chair?

Chair Peebles – Yes, Mr. Brandenburg?

Mr. Sunshine – I’m sorry, Does the Respondent get an opportunity to speak?

Chair Peebles – Ms. Simon, would you please swear in Mr. Kronish, please ma’am?

Ms. Simon – Actually, Mr. Kronish’s attorney, Mr. Sunshine, is on the call. I’m not sure if both are going to be speaking but in case they are, Mr. Kronish, please raise your right hand and be sworn in. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Sunshine – Keith, take yourself off mute.

Mr. Keith Kronish – I do.

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

Mr. Kronish – Keith Philip Kronish, K R O N I S H.

Ms. Simon – Thank you, sir.

Mr. Sunshine – Before that, excuse me, this is Mark Sunshine. Before we proceed, I have a question of order. Today is a Jewish holiday. I know that one of your Board members is not here because it’s a Jewish holiday. I was wondering from the members of the Attorney General’s Office, why this meeting is appropriately convened under Section 761.03, Florida Statutes, which is the free exercise of religion protected. Both Keith and I are Jewish and candidly find it rather offensive that we were asked to be here today.

Ms. Munson – So, to adapt to that sir, I’ll say that if you and your client would choose not to participate in today’s hearing, the basis for that postponement request I don’t think could be denied. Why the Department is choosing to this day as a meeting

would be a question addressed by the Department. I do not want to think that you are compelled to participate in the meeting today.

Mr. Sunshine – Ok, and since this is an open hearing, every member of the public who's Jewish, hundreds of thousands that are in synagogue right now, they do or do not have an opportunity without it infringing on their free exercise of religion to be able to observe and participate as the public in an open public hearing. Do you think that they're able to participate?

Ms. Munson – Again, you may want to direct these questions to the Department for the scheduling of this meeting. That is not my position in the Office of the Attorney General to respond.

Mr. Sunshine – Ok. Department?

Ms. Mary Schwantes – Madam Chair? This is Mary Schwantes. May I answer.

Chair Peebles – Yes, ma'am.

Ms. Schwantes – Thank you, ma'am. So, as you know, this meeting was rescheduled, as a result of Hurricane Ian and the damage that it caused afterwards, and in hopes that it would allow many of our licensees to recover sufficiently from the impact to be able to attend. It certainly is no intent to offend anyone's religious observations or otherwise. It was scheduled based upon the availability of Board members and counsel. And other than that, I don't know that I can address the concerns. We do appreciate that both you and Mr. Kronish are here today. I believe Ms. Munson has already raised the issue that if you needed to continue the matter to another meeting or something because of the observation that that is something that is beyond my knowledge or legal expertise. I see Ms. Simon has her hand up. Madam Chair, that is all I have.

Chair Peebles – Thank you, Ms. Schwantes. Ms. Simon?

Ms. Simon – Yes, Madam Chair. I believe that Mr. Sunshine would have had the ability to ask for a continuance, so he would not be needed to be here today on the call, and I don't know whether he did. Mr. Griffin?

Mr. Griffin – No. And I believe I notified all of our licensees with the update, and I never received any correspondence requesting that this be moved to a different day, or that the presentation of the stipulation occur on any date other than today.

Mr. Sunshine – So, just as a point of order, we were not told that we had an opportunity to move the hearing date. We were told that this was the hearing date. And everything that was just said is irrelevant under the statute, under 761.03. The statute says that you have to operate in the least restrictive means, which means you could have done this hearing on a Wednesday or Thursday or any other day. We are not going to be challenging the violation of our civil rights under this hearing, but it would not surprise me to find that the very first person who appeared here, Mr. Washington, if I was him, I certainly would. I think the Board should be expected to follow Florida law when it asks Respondents to follow the law.

Chair Peebles – Ms. Munson, what is your suggestion to the Board after the comments? Mr. Brandenburg, did you have your hand raised, sir?

Mr. Brandenburg – Yes. Regardless of the day, regardless of the holiday, I have diligently gone over all this information, and I find that Mr. Kronish has done nothing wrong. And I don't understand how a Settlement Stipulation of a \$4500 fine was reached. And now, if I need to make a motion on that, I'll be glad to do that.

Chair Peebles – Mr. Griffin?

Mr. Griffin – The Settlement Stipulation that was initially presented was a Settlement Stipulation for a fine and probation. Mr. Sunshine/Mr. Kronish indicated that they didn't want to be placed on probation. The fine was increased, taking that into account. Furthermore, the Department asserts that as the facts are alleged, they had an authorization from one legally authorized person. Legally authorized person's authorizations aren't fungible, you can't just say, Well, I signed it so therefore, I can release it to anybody else that's also a legally authorized person. It's the Department's position that the remains need to be released to the person that signed the release, the only person that they actually had an authorization from. However, the

Department defers to the Board. You guys are empowered to make a wise decision in any and all of these cases. So, if the Board determines that a settlement of this matter is not appropriate, then the Department defers to your wisdom.

Chair Peeples – Thank you, Mr. Griffin. Mr. Brandenburg?

MOTION: Mr. Brandenburg moved to dismiss the case.

Chair Peeples – Do we have a second to Mr. Brandenburg's motion? Mr. Brandenburg, your motion fails. We don't have a second to that. So, we will go back to the information of the proposed Settlement Stipulation. Is there a motion to accept?

Mr. Sunshine – Excuse me, Ms. Peeples? I apologize, Madam Chair.

Chair Peeples – That's fine. Yes, sir?

Mr. Sunshine – Does the Respondent have an opportunity, meaning myself, who's legal counsel for Mr. Kronish, to explain what happened?

Chair Peeples – Yes, sir. Mr. Kronish, please, sir. I thought you were speaking for him. I'm sorry.

Mr. Sunshine – I will, and then Mr. Kronish will follow up. Thank you. First, we absolutely agree with Mr. Brandenburg, that Mr. Kronish did nothing wrong nor did Sunshine Cremation Services. The allegation and the sole allegation is that we released the cremains without the consent of the legally authorized person who approved the cremation. The fact of the matter was and is that there was more than one legally authorized person. More than one legally authorized person approved the cremation, and we do not believe that this was a dispute among siblings. We do not believe that the sibling who yells the loudest pays first or arrives on site first to sign documents first gets to call the shots for every other member of that class. The other thing, which is important to recognize, is that assuming that we agree with the position, which we don't, that the complainant was the only legally authorized person whose instructions we had to follow. The complainant knew of the release of the cremated remains, which were in some jewelry, cremation jewelry, that was purchased and given to her siblings. She helped pick out the jewelry. She sent her children with her mother to pick up the jewelry to give to her siblings. And we know that it was only about a month, a month and a half after the cremation took place, and the jewelry and the other cremated remains were delivered that the complainant decided that she did not want her siblings to have remains of cremated remains in the jewelry. There was apparently a family confrontation. We have reason to believe that the siblings refused to pay for part of the cremation, and from there she started calling our office and attempting to extort us to refund part of the cremated remains. Excuse me, part of the fee, if not all of the fee, because of this dispute with her siblings. I was personally on a phone call with the complainant where she threatened to do a criminal referral if we didn't refund her money. And my response to that, which was included in her complaint to you, was that that wasn't the greatest idea and it wouldn't go far. And she had in fact, by trying to extort us, violated Florida law, and that the appropriate place to go to is this forum. And then she decided to do that. She engaged in slander, defamation, some of which we reported to the Department. We took legal action to have that stopped, and we believe that this case was not properly investigated, and that it belongs in Civil Court. If the complainant would like to get cremated remains back from her siblings, she can go to Family Court and seek an order for that. If she thinks we acted inappropriately, she can go to court and sue us. We would agree to suspend this particular action pending civil litigation and agree to a tolling. We have also agreed to the \$4500 stipulated fine. We did that frankly, in a conversation with Mr. Griffin, where I said, "I think you're extorting us." And he said, "you have your choices." And you know, our choice of going into court would cost us dramatically more than \$4500, which is why we're agreeing to this fine, but we do not believe that the Board should be involved in what's essentially a customer extortion claim. And for the life of me, we have no idea what we did wrong. Mr. Kronish, would you like to follow up?

Mr. Kronish – Madam Chair?

Chair Peeples – Yes, sir?

Mr. Kronish – May I speak, or is Mr. Marshawn?

Chair Peeples – Sir, please, Mr. Kronish.

Mr. Kronish – Ok, thank you very much, Madam Chair. Thank you, Board.

Mr. Brandenburg – He needs to be sworn in.

Mr. Kronish – I was.

Chair Peeples – Ms. Simon, if you will swear in Mr. Kronish, please.

Ms. Simon – Madam Chair, Mr. Kronish was already sworn in.

Chair Peeples – Thank you, ma'am. Mr. Kronish?

Mr. Kronish – Once again, thank you very much. And thank you, Mark. And thank you, Mr. Brandenburg, for recognizing as a funeral director, what's going on in this particular case, but I thank all of you for the work you do over the year and all of these issues that come up that are related to our industry. I've been a licensed funeral director in the State of Florida since 1978. I've always conducted myself and the businesses that I run and manage in a way that always tries to exceed what the laws, or even what we all recognize in the industry as commonalities of dealing with families' emotions, the different dynamics, as we're seeing today in the 21st century of families disagreeing or agreeing. And, as Mr. Sunshine previously stated, this particular family, when being dealt with, showed no signs that there were any family disagreements. They worked with us prior to the actual end of life of the individual and had made many of these decisions as a family in a conference call. Having said that, also, in Mr. Sunshine's statement is that when we're dealing with siblings that all do get along and we are receiving cremation authorizations, or authorizations, or any type of release to act on behalf of a family, it's up to every funeral director in the industry, and especially here in Florida to make every effort to get everybody to sign and make their approval. In this particular case, there was no disagreement by the family that this was a cremation. Just that one particular sibling stepped forward and accepted that responsibility of signing or being the voice of her family. Not that she was above anybody else or beneath anybody else in the family lineage.

And, as we know, we do look to that as our guide to receive authorization with any of the services that we may provide, including embalming, just because we know that that's correct. We also know, as funeral directors today, we're in such a litigious society that we go out of our way in an effort to try to protect ourselves, because we never quite know who is telling us the truth. We do have a reasonable expectation that all are telling us the truth until they don't. Having said that, I don't believe we did anything that was incorrect and followed what the family wishes were until lo and behold, it wasn't what the family's wishes were. When this case first came to light, and Mr. Sunshine pointed out to you that there was defamation going on, there were words going on of threats. And when the threats started to arrive via telephone conversation, it was quite clear that this family, if we did not pay them, this particular, what you call, whatever you are calling the individual, if we did not pay them, that they would continue to pursue whatever avenue necessary to receive their personal resolution. We did make attempts to try to be as kind as we could, which is what funeral directors do. We tried to resolve, which funeral directors and all businesspeople try to do, with no avail. We encouraged the Department to investigate. We would assist and they didn't choose to do that, nor did I have any previous conversations with Mr. Marshawn or the State. Mr. Sunshine acted on my behalf as legal counsel, and he is a licensed attorney in the State of Florida, and my business partner in Kronish Sunshine, Inc. You know, over the past 35 years, there are some people on this call that have known me, and I take great account that I have always been forthright, honest and direct, especially when it comes to these issues. I'm disappointed in the Department for not recognizing that this family in particular was not only trying to get money from us, but was successful in getting the State, this Department. I was at the very first meeting this Department had when it was founded as the funeral service Board. I am being extorted once again in a different way. I don't admit to any guilt. I think the legally authorized person question is something for our industry. If there are sibling, are all siblings equal? Is the loudest shouter or the one with the money more responsible? This family was satisfied, picked up all of their cremains until there was a family feud. {Inaudible} for the time.

Mr. Sunshine – Madam Chairman? One last thing, please?

Chair Peeples – Thank you, Mr. Kronish. Mr. Griffin, did you have your hand up, sir?

Mr. Griffin – Yes, ma'am. So, there are several comments and several issues that have been raised by the comments by both, Mr. Sunshine and Mr. Kronish. Let's start with number one. So, as a funeral director, {inaudible} legally authorized for a list of

people that those cremains could have been released to. They chose not to do that, hence, why we're in this position here. Instead of just asking how they wanted all of the cremains disposed so that we wouldn't be in this circumstance. If they had taken the time to get that documentation, then we would not have this issue here. Number two, the comments from Mr. Kronish said he had no opportunity to talk to me. He had the opportunity to talk to the Department investigator that was investigating this case, {inaudible} twenty (20) day notice, which you'll see is included within the packet of materials that you received. Number three, this is not a case of a licensee where you have a pro se license. You have a licensee who's represented by counsel and represented by counsel that's licensed under Chapter 497, Florida Statutes. Now, Mr. Kronish and his attorney chose to settle this matter in lieu of going forward with the hearing, and in fact, renegotiated the specific terms of that settlement. At all times, Mr. Kronish and Mr. Sunshine, I believe that he timely filed a response of the petition, he could have chosen to go to a hearing, but instead of doing that, he chose to settle this case. And now that it's before you, he is now trying to back out of that settlement, when he had an opportunity to fight these charges. He's made the decision not to fight these charges. He's made the decision to settle these charges, so the Department would urge you to accept the settlement that he chose to enter into with the advice and consent of his counsel.

Chair Peeples – Thank you, Mr. Griffin. Mr. Sunshine?

Mr. Sunshine – There is one key evidentiary point, which undermines the entire complaint.

Mr. Griffin – If he wants to argue evidence then he needs to...

Mr. Sunshine – I'm sorry, Mr. Griffin. I did not interrupt you when you were speaking. Thank you. There's one key evidentiary point which undermines the entire basis of the complaint. The complainant recognized that her siblings had cremation jewelry when she saw them at a family gathering. The cremation jewelry was not particularly distinct. It was the cremation jewelry she picked out for her siblings and we fulfilled the order. The question has to be asked, how did she know that they had the cremation jewelry, or the jewelry that they were wearing had her dad's cremains in it, if she didn't previously know that it had been delivered to them? And the answer is, it's impossible for her to have known, and her entire basis of the complaint is fraudulent.

Chair Peeples – Thank you, Mr. Sunshine. Mr. Jensen?

Mr. Jensen – Madam Chair, I do have two (2) questions. The first, kind of going along with Mr. Griffin. There was a settlement reached here. Is Mr. Sunshine or Mr. Kronish, are they backing off that, or are they wishing to argue their point? I kind of need the answer to that to be able to go forward with my next question.

Mr. Sunshine – In conversations with Mr. Griffin, I indicated asking specifically that if we argue the points here at this meeting, whether or not the State would request or move for a greater penalty. He indicated no, that we were capped at \$4500, and that we could argue our point here, that the State would not move to increase the penalty. We then made the decision that discretion was the better part of valor and continuing to argue was {inaudible} \$4500. So, we elected to go to this particular meeting. We obviously will stand by the stipulation that Mr. Kronish signed, but we also know that this Board has the power to reject it and toss it.

Chair Peeples – Mr. Jensen, did you have a second question?

Mr. Jensen – I don't know that that was an answer. There was a \$4500 settlement reached, and that didn't sound like an answer to me. Are you, Mr. Sunshine, backing off the settlement in which you fight the allegations, and if so, does that require another settlement before the Board, or is that done right now?

Mr. Sunshine – It would mean that consistent with Mr. Brandenburg's original motion that the Board decides to impose a zero fine. You have the ability to impose whatever fine you want. I believe that Mr. Griffin {inaudible}.

Ms. Munson – Except that's a question for Mr. Griffin to respond to. If I may, Madam Chair?

Chair Peeples – Yes, ma'am. Mr. Griffin?

Mr. Griffin – If Mr. Sunshine, and what I told him was he had the option of going forward with an informal hearing {inaudible}. Unfortunately, now, I feel hoodwinked, because I agreed to settle this matter, and now he's turning it into an informal hearing. So, I respectfully ask if he's not going to accept and if he's going to still try and jockey to not accept the terms that we agreed to, just keep in mind, my initial offer was a lower fine with probation. Do you know where the \$4500 amount came from? It came from Mr. Sunshine. So, either we can accept the offer that he negotiated, or we can have an informal hearing. I'm fine with either, but I don't want to waste my time or the Board's time by settling matters, just to have it turned into a, well, I'd actually like to have an informal, because I was willing to do that. He had that option. You chose to take the offer of the stipulation.

Chair Peeples – Thank you, Mr. Griffin. Do we have any other Board members that have any questions? Any comments? Mr. Jensen?

Mr. Jensen – I do have one (1) other question here and it's probably of Mr. Griffin. Although I do agree that a settlement was reached, I also see the other side of this, and it's a civil matter. So, I'm just curious exactly what statute was violated. It just says 497 here. Because I don't know of a statute that says Mr. Kronish was in the wrong.

Mr. Griffin – Mr. Jensen, so I point you to the Administrative Complaint that's contained on pages 40 and 41, of the packet that you have, the Administrative Complaint. So, he literally in Section 497.607(2), "*Cremated remains are not property, as defined in s. 731.201(32), and are not subject to partition for purposes of distribution under s. 733.814. A division of cremated remains requires the consent of the legally authorized person who approved the cremation*". In the packet you further see there's only one person who approved the cremation in this matter, and hence only one person who could have received the cremains. If they had had some sort of documentation of an authorized alternative disposition of those cremains, we wouldn't be in this situation here right now. So, as it stands, there's only one person that could receive the cremains, by statute. They didn't choose to get any other documentation to further divide them. It's the Department's position that he violated s. 497.607(2), and by extension, s. 497.152(1)(b), F.S.

Mr. Jensen – I don't see where it specifically says that the person authorizing the cremation is the only one that's allowed to receive the cremains. That's what I'm looking for here.

Mr. Griffin – It states it requires the consent of the legally authorized person who approved the cremation.

Mr. Jensen – But it does not address who's to receive the cremains.

Mr. Griffin – Right, but the Division requires the consent of the person who authorized it. There's only one person on record who authorized it.

Mr. Jensen – Again, I don't see the statute that says the person that authorized the cremation is the only one authorized to receive the cremains.

Mr. Griffin – I defer to the Board to make a wise decision in this matter.

Mr. Jensen – Sir?

Mr. Griffin – I said, I defer to the Board to make a wise decision in this matter.

Mr. Jensen – Ok.

Chair Peeples – Mr. Jensen, did you have any other questions, sir?

Mr. Jensen – No, ma'am, I'm just trying to get some clarification. I understand where the Department's coming from, but I also understand, Mr. Kronish and Mr. Sunshine, so I'm just trying to see here. When Mr. Brandenburg made his motion, {inaudible} to go along with it until I heard more, because when I read the responses, in fact, this is a civil matter. Maybe someone else would like to chime in on that. I'm just trying to determine if it is or it isn't. Thank you, Madam Chair.

Chair Peeples – Thank you, Mr. Jensen. Ms. Simon and then Mr. Sunshine and then Mr. Kronish.

Ms. Simon – Thank you, Madam Chair. It has been the interpretation of the statutes for as long as I can remember that the person that contracts for the service has the benefit of then getting the cremated remains. There is something in the statute that says, and I can't point to it right now. There's something in the statute that says funeral home has the obligation to have the {inaudible} contracting for the services, say who the designated person is to receive the cremated remains. That was not done in this case. And there has been discussion by legal counsel outside of the Division to bring this back to the legislature, because right now in the legislation it says that the person who contracts makes the determination of who gets the cremated remains. That's the way it is. I've had this discussion with many people, and we've all come down on the same points throughout the years, that it is the person that contracts that actually makes the determination of who the remains go to. And, again, one more time, a Declaration of Intent is required to be signed. That was not done in this case.

Chair Peeples – Thank you, Ms. Simon. We have Mr. Sunshine next, and Mr. Kronish, then Mr. Griffin.

Mr. Sunshine – Ok, first, I want to potentially apologize to Mr. Griffin. I thought that this was the informal hearing, as well, but I apologize because I think I misinterpreted what you said on the phone, when we were together. I think that you appropriately conveyed the conversation, and I said something in error. Mr. Griffin then raised an important point, which is we had, and I hope you'll accept my apologies, Mr. Griffin. If we had gotten the contracting parties and the authorized parties in writing contemporaneously rather than after the fact, we wouldn't be here. That is an evidentiary point. That is not a violation point. Someone can orally contract with us. There are, obviously, certain required documentation under the statute. But, Mr. Griffin had, at one point in our conversations, conceded that this was an evidentiary point that would end up with a he said she said, most likely in a hearing. Second, the statutes are conflicting, and in talking to different people from the Department, we have asked the question about what additional forms should we have. The form that's mentioned but not defined in the statute, disposition of the cremains, is not a defined form. We contacted other licenses. We contacted the Department. We asked does anybody have an example of that form to give us, and we never received a consistent example. There are other states where that form that Ms. Simon has identified is, in fact, defined by statute, for example, New York State. And the form with the exact same name would have done nothing to resolve this dispute. Lastly, we do not believe notwithstanding what Ms. Simon said, that we have the authority nor do we believe that we should that if one sibling or one member of a class gets to us first and signs the contract that they're the one who then gets to call the shots for everybody else in the class. The statute says that if there's a dispute, they take it to civil court, and that's what we believe should have happened here.

Chair Peeples – Thank you, Mr. Sunshine. Mr. Kronish, did you have your hand up?

Mr. Sunshine – You're on mute, Keith.

Chair Peeples – I think you're muted, sir.

Mr. Kronish – Thank you very much, Madam Chair. I will defer to Mr. Marshawn, but then I'd like to make my comment.

Chair Peeples – Thank you, sir. Mr. Griffin?

Mr. Griffin – S. 497.607(1), Florida Statute, states, *“At the time of the arrangement for a cremation performed by any person licensed pursuant to this chapter, the legally authorized person contracting for cremation services shall be required to designate her or his intentions with respect to disposition of the cremated remains of the deceased in a signed declaration of intent which shall be provided by and retained by the funeral or direct disposal establishment.”* So, s. 497.607(1), puts an affirmative duty on the licensee to maintain or to get a document that outlines the entire disposition of the cremated remains, and furthermore, they're supposed to hold on to it. Now, there's a reason you don't see that document here. It's because the licensee didn't go through that step. That's why we're here today. The licensee abrogated their duties under s. 497,607(1), to get a document that outlined where all the cremains needed to go. And to be fair, this is not a violation where, you know, there's a {inaudible}. The licensee had sole control over whether or not this gets violated. It's literally taking the step to see whether they wanted these cremains to go to possibly anybody else. That didn't occur here. That's why we're in the situation we're in here. If the licensee had had that documentation done, then he would have been able to give out those domains to anybody that was on that list. That did not happen in this case.

Chair Peeples – Thank you, Mr. Griffin. Mr. Kronish?

Mr. Kronish – Thank you. I think that everybody is truly understanding a little bit more of what this situation that we're discussing here. It is not our intent to back away, Mr. Marshawn, from what we had agreed to. It was our opportunity, however, to provide information that related to this, which that's what we're trying here just to do. We're not backing away from what we had stipulated to. We're trying to mitigate what additional expenses may be. We don't believe notwithstanding what you've said about sign here, sign there. We are not trying to say that we can always do a better job what we do, but what we're saying is, and as Mr. Brandenburg had kind of quickly alluded to, we made every effort to do the right thing by these people. There was an extortion factor here that muddied up these waters to the extent that, right, we shouldn't be here. But we didn't do anything wrong either. This is just a family that's {inaudible}. Was a box checked? Was the box not checked? The box wasn't checked. We never said we didn't. But we made every effort to do everything right. And if that's lost in the interpretation of the statute and law, not being as clear to all funeral directors, in clarity it allows us to do that, then there's going to be more boo boos. But this wasn't a boo boo. Nobody was hurt. There was no wrong. Thank you for your time.

Chair Peeples – Thank you, Mr. Kronish. We have a hand raised by Mr. Jensen, then Mr. Griffin.

Mr. Jones – Who did you recognize, Madam Chair?

Chair Peeples – Mr. Jones?

Mr. Jones – Thank you. If I may ask Mr. Griffin, what are the penalty ranges in this?

Mr. Griffin – So, the penalty guidelines for the violation, it's s. 497.152(1)(b), F.S. And to be clear, the reason why the fine is the amount it is that we initially offered a fine and probation offer, but the licensee elected to pay a higher fine in terms of not being placed on probation. Guidelines for, and I believe that this may be a second violation of 69K...

Mr. Jones – Ms. Simon, while Mr. Griffin is doing that, can you confirm if this is a first or second offense, please?

Ms. Simon – I can. It will just take me a moment, please.

Mr. Jones – Thank you. Madam Chair, if you didn't mind me asking.

Chair Peeples – No, sir. Thank you, Mr. Jones. Mr. Sunshine, I see your hand and after Mr. Jones, then Mr. Jensen, we will come to you, sir.

Mr. Jensen – Ok, Thank you.

Mr. Griffin – Ok, so this is a second violation of s. 497.152(1)(b), F.S., for this licensee. The licensee has a prior violation of s. 497.152(1)(b), F.S., that was resolved in a Consent Order in case number 268812-20FC. So, a second violation of s. 497.152(1)(b), calls for a reprimand, fine of \$2500 up to \$5000 plus cost. In addition, probation for up to two (2) years with conditions, suspension up to five (5) years, permanent revocation of licensure, and/or restitution may be imposed. To be clear, our initial offer was, I believe, somewhere in the range. It was less than \$4500 but did include a year or two (2) of probation.

Mr. Jones – Thank you.

Chair Peeples – Mr. Jones, does that conclude your questions?

Mr. Jones – Yes, ma'am?

Chair Peeples – Thank you. Mr. Jensen?

Mr. Jensen – Thank you, Chair. I'd like to go back to s. 497.607, that Mr. Griffin has stated here. I understand, I've been {inaudible}. And the last sentence of that, "*A dispute regarding the division of cremated remains shall be resolved by a court of competent jurisdiction.*" I still don't know that this is something we need to be involved in here until we figure out, you know, if

the family wants to sue the facility, or, you know, take it to court. I think that's their option. I mean, I'm still trying to figure out why this is our deal.

Chair Peeples – Mr. Jensen, would you like to ask that question of Mr. Griffin?

Mr. Jensen – I would, please.

Mr. Griffin – The court has to decide who gets the cremains. The reason why this is your deal, this is the Board's deal, is the licensee had an obligation to follow the statute, which meant they should have gotten an expressed declaration of where those cremains were supposed to go. They failed to do that. They were negligent in their obligations under Chapter 497. The Court of Competent Jurisdiction, that just decides who should legally get to hold onto the cremains. But the licensee, by failing to do his responsibility, which was get a full accounting of where the cremains go, violated Chapter 497. So, you need to kind of distinguish the civil matter of who gets to keep it versus the admin matter, the licensing matter of a licensee has an obligation to follow Chapter 497, Florida Statutes and Rule 69K, Florida Administrative Code.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Thank you, Madam Chair. Quick follow up, Mr. Griffin. So, when I'm voting here, sir, I do not want this to affect Mr. Kronish or Mr. Sunshine, if this moves forward to a civil matter. So, we are just talking about the administrative matter, correct?

Mr. Griffin – We're just talking about the administrative matter {inaudible} the matter between the family members, as to who gets the hold on to the cremains.

Mr. Jensen – Thank you, Mr. Griffin.

Mr. Jones – Madam Chair?

Chair Peeples – Mr. Sunshine was next. Who just asked that question? Was that Mr. Jones?

Mr. Jones – Mr. Jones.

Chair Peeples – Mr. Jones, Mr. Sunshine is next then you, please, sir. Mr. Sunshine?

Mr. Sunshine – Ok. Mr. Griffin has said certain things, which I believe he is saying in absolute good faith and I {inaudible} that we disagree with. So, 497.607, F.S. states specifically, *"A cremation may not be performed until a legally authorized person gives written authorization, which may include the declaration of intent to dispose of the cremated remains, for such cremation."* Mr. Griffin has stated this visit we had an affirmative obligation, {inaudible} intend to dispose of cremated remains. And I know that because of the correspondence {inaudible} non-defined term under the statute. The statute says may, it doesn't say shall. It's not an affirmative obligation. It's an if we agree with that position. The statute says, *"declaration of intent to dispose of the cremated remains."* That is not a cap. Those words are not capitalized. They're not defined. So, I ask the question. How do we reconcile that against what is on the death certificate, which is the disposition information? I don't have a death certificate in front of me, but it uses almost the exact same words. We interpreted that, and I see everybody from the Department, Legal Department raising their hands very quickly. We interpreted that to mean that that was the declaration to have the person cremated versus buried versus, you know, whatever else, you know, composted or whatever it was going to be consistent with what appears on the death certificate. Now let's just assume, for the sake of argument, that the Department has had this longstanding position that that means something different than we interpreted to be, with the statute being ambiguous. Where is the Department's position in writing? What notice did we have of it? Is there a form that we could ask for from the Department that you could give us an example of this declaration of intent to dispose of cremated remains? And why do we think that dispose of cremated remains is the same thing as division of cremated remains? I mean, there's a lot of stuff here and a lot of assumptions and good faith. I can tell you, we just didn't make, we didn't get, and we don't know where we were ever given notice or whether we were ever given guidance by the Department or where anybody could get the guidance from the Department, since we've asked for it many times and gotten different answers, in good faith from everybody. And we

have a lot of respect for the Department, but in good faith, from different members of the Department that have given us different answers. So, the Department doesn't know what the answer is. How the heck were we supposed to know?

Chair Peeples – Thank you, Mr. Sunshine. Mr. Griffin?

Mr. Griffin – The Department knows the answer, and that's this. If you don't get the extra documentation, you can only give it out to the one person who signed the cremation authorization. But at this point, part of the issue is, we settle cases to avoid time and effort of litigation. At this point, we're now investing an amount of time and effort that is now akin to litigation. So, if we're not prepared, if the Respondent doesn't want to accept the terms of the offer, I'd suggest we refer this to another month for an actual informal hearing, because at this point, we have kind of defeated the purpose of attempting to settle the matter by dragging it into what is honestly now turned into an informal hearing. So, that's the Department's position, and if we're going to continue with this, I'd be inclined to withdraw my offer, and we just go forward to hearing.

Mr. Sunshine – The last question I have for you is, where does it say, anywhere, anywhere what you just said? That if we didn't get that, we only had one choice? Where's that guidance anywhere? {inaudible}

Mr. Griffin – It's explicitly in the section that says the cremated remains can only go to the legally authorized person that authorized the cremation. I've explained it enough times that at this point...

Mr. Sunshine – Except it doesn't literally say that. The issue is the statute doesn't say that. It just literally, those aren't the words of the statute.

Mr. Griffin – Do you want to have an informal hearing on this, because once again, we're wasting a lot of time? That's the reason I offered you a settlement, was to settlement this. So, if you want to have a hearing, let's have a hearing, but set it up for next month on the day that's better and more convenient for you, and let's do a full hearing.

Chair Peeples – Thank you, Mr. Griffin. I have a hand raised by Ms. Simon, then Mr. Jones.

Ms. Simon – Yes, Madam Chair. It appears that there is a legal dispute, and as a result of there being a legal dispute, this matter cannot be resolved by an informal hearing. It needs to go forward to the Division of Administrative Hearings.

Mr. Griffin – That's for factual disputes.

Chair Peeples – Ms. Munson?

Ms. Munson – I don't want to overstep Mr. Griffin's statements in this, but this is up to the Department. We've been presented with a settlement agreement. If the settlement agreement is being rejected, we need to vote on that. If it is being rescinded, we need to note that for the record and let the Department determine how they want to proceed.

Chair Peeples – Thank you, Ms. Munson. Mr. Griffin?

Mr. Griffin – I leave that to Mr. Sunshine. Do you want to continue doing this or do you want to move forward with the settlement you agreed to?

Mr. Sunshine – Move forward.

Chair Peeples – I'm sorry? I did not hear that, Mr. Sunshine.

Mr. Sunshine – Move forward.

Chair Peeples – Thank you, sir. Do we have any other discussion by Board members, or counsel, or Division staff? Mr. Sunshine? Mr. Kronish? Ms. Simon?

Ms. Simon – I think it would be appropriate at this time for the Board to make a motion regarding acceptance of the settlement agreement.

Chair Peeples – Thank you, Ms. Simon. Do we have a motion to accept the Settlement Stipulation? Mr. Jensen?

MOTION: Mr. Jensen moved to Board accept this Settlement Stipulation, which provides that the Respondent shall pay a \$4,500 fine. Ms. Clay seconded the motion.

Chair Peeples – All in favor of the motion, say aye.

Board members – Aye.

Chair Peeples – All opposed?

Mr. Brandenburg – Opposed.

Chair Peeples – If we can do this, Ms. Simon, would you do a roll call vote, please?

Ms. Simon – Yes, ma'am. Excuse me, if I could just have one moment, please?

Chair Peeples – Yes, ma'am.

Ms. Simon – As to the motion to accept the settlement agreement, if you can respond by either an Aye or a Nay. Mr. Brandenburg?

Mr. Brandenburg – Nay.

Ms. Simon – Mr. Clark?

Mr. Clark – Aye.

Ms. Simon – Ms. Clay?

Ms. Clay – Aye.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Aye.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Aye.

Ms. Simon – Thank you. Mr. Jones?

Mr. Jones – Aye.

Ms. Simon – Ms. Liotta?

Ms. Liotta – Aye.

Ms. Simon – Madam Chair?

Chair Peeples – Aye.

Ms. Simon – Mr. Williams?

Chair Peeples – He is recused.

Ms. Simon – And the ayes have that, and as a result, the motion passes.

Chair Peeples – Thank you, Ms. Simon. The motion passes. Thank you, Mr. Kronish and Mr. Sunshine for being here. It's 11:56a.m. If we can take a quick break and come back at 12:05p.m., please. Thank you.

*****BREAK*****

Chair Peeples – It is 12:05. Do we have the Board members back? Do we have all of our Board members back? Ms. Simon, I see you on the call. Can I get a roll call, please ma'am, to make sure we're all back?

Ms. Simon – Mr. Brandenburg?

Mr. Brandenburg – Present.

Ms. Simon – Mr. Clark?

Mr. Clark – Present.

Ms. Simon – Ms. Clay?

Ms. Clay – Present.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Present.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Present.

Ms. Simon – Mr. Jones?

Mr. Jones – Present.

Ms. Simon – Ms. Liotta?

Ms. Liotta – Present.

Ms. Simon – Mr. Williams?

Mr. Williams – Present.

Ms. Simon – Madam Chair, all Board members are on the call. Thank you.

Chair Peeples – Thank you, Ms. Simon. And since we have had a lengthy morning aspect with our Board meeting today, we're going to go till 12:30, and hopefully we won't be in the middle of a case. Then, we will take a lunch break, a 45-minute lunch break. So, hopefully, we can stop at 12:30, and then reconvene at 1:15. Ms. Simon, would you like to go forward with the agenda, please?

Ms. Simon – Yes, ma'am.

(c) Related Cases: ATN-36164 (Includes Recorded Sworn Statement Vannessia Williams)

1. Castillo, Gloria: DFS Case No. 280401-21-FC; Division No. ATN-36164 (F078525)

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

Mr. Griffin – I believe counsel for Integrity is on the call, Ms. Maureen Daughton. Gloria Castillo (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes. Respondent is the funeral director in charge (“FDIC”) of Integrity Funeral Services of Tampa FL, Inc., (“Integrity”), a funeral establishment, license number F090836. The Department conducted an investigation of Integrity and found that Integrity furnished a written sales agreement that failed to list in detail the items and services purchased together with the prices for the items and service purchased. Integrity also failed to provide a consumer with a general price list. Respondent, as FDIC of Integrity, is subject to discipline based on Integrity’s violation of Chapter 497, Florida Statutes. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$1,500 fine and have her license placed on probation for one (1) year. The Department requests that the Board accept this Settlement Stipulation.

Chair Peeples – Thank you, Mr. Griffin. Ms. Daughton, would you like to speak, please, ma’am?

Ms. Maureen Daughton – Yes, just briefly, Madam Chair. My name is Maureen Daughton, representing Gloria Castillo, as well as Integrity Funeral Services. My client is also on the call, and we are here just to answer questions.

Chair Peeples – Thank you, ma’am. Did Ms. Gloria Castillo want to address the Board? If so, we would need to swear her in.

Ms. Daughton – Madam Chair, I don’t believe at this point Ms. Castillo feels that she needs to respond to the Board, but she’s here and happy to be sworn in if the Board has any questions. Thank you.

Mr. Brandenburg – Madam Chair?

Chair Peeples – Yes?

MOTION: Mr. Brandenburg moved to Board accept this Settlement Stipulation, which provides that the Respondent shall pay a \$1,500 fine and have her license placed on probation for one (1) year. Mr. Jones seconded the motion, which passed unanimously.

2. Integrity Funeral Services of Tampa FL, Inc: DFS Case No. 280393-21-FC; Division No. ATN-36164 (F090836)

Ms. Simon – This is the companion case to Ms. Castillo. Presenting for the Department is Mr. Griffin.

Mr. Griffin – Integrity Funeral Services of Tampa FL, Inc., (“Respondent”) is funeral establishment, licensed under Chapter 497, Florida Statutes. The Department conducted an investigation of Respondent and found that Respondent furnished a written sales agreement that failed to list in detail the items and services purchased together with the prices for the items and service purchased. Integrity also failed to provide a consumer with a general price list. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$1,500 fine and have its license placed on probation for one (1) year. The Department requests that the Board accept this Settlement Stipulation.

Chair Peeples – Thank you, Mr. Griffin. Ms. Daughton, did you have any comments regarding this case?

Ms. Daughton – No, not at this time, Madam Chair.

Chair Peeples – Thank you, ma’am. Do we have a motion by any of the Board members regarding accepting the Settlement Stipulation?

MOTION: Mr. Jones moved to Board accept this Settlement Stipulation, which provides that the Respondent shall pay a \$1,500 fine and have its license placed on probation for one (1) year. Mr. Clark seconded the motion, which passed unanimously.

Chair Peeples – Thank you, ladies. Ms. Simon?

(d) Related Cases: ATN-36406

1. Miranda, Mercedes Arlene: DFS Case No. 283186-21-FC; Division No. ATN-36406 (F061563)

Ms. Simon – Presenting for the Department is Ms. Marshall.

Ms. Marshall – Mercedes Miranda (“Respondent”) is licensed as a funeral director and embalmer. Respondent is the funeral director in charge (“FDIC”) of Northstar Funeral Services of Florida, LLC d/b/a Homestead Crematory (“Northstar”). Northstar is a cinerator facility, licensed under Chapter 497, Florida Statutes, license number F276075. The Department conducted an investigation of Northstar and found that Northstar placed more than one (1) body in its retort without prior written permission, failed to follow the standard uniform rules for the removal of cremated remains and post cremated procedures. Respondent, as FDIC of Northstar, is subject to discipline based on Northstar’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 of \$3,000 and have her license placed on probation for two (2) years. The Department requests that the Board accept this Settlement Stipulation as resolution of this case, and I’m available to answer any questions. Thank you.

Chair Peeples – Thank you, Ms. Marshall. Ms. Simon?

Ms. Simon – Yes, Madam Chair. I neglected to ask is Mercedes Miranda on the call or a representative of Ms. Miranda? Hearing no response, Madam Chair. Thank you.

Chair Peeples – Thank you, Ms. Simon. We have information presented to us in this case. Is there a motion to accept the Settlement Stipulation?

MOTION: Mr. Brandenburg moved to Board accept this Settlement Stipulation, which provides that the Respondent shall pay a fine of \$3,000 and have her license placed on probation for two (2) years. Mr. Jones seconded the motion, which passed unanimously.

Chair Peeples – Ms. Simon?

2. Northstar Funeral Services of Florida, LLC, d/b/a Homestead Crematory: DFS Case No. 283185-21-FC; Division No. ATN-36406 (F276075)

Ms. Simon – This is the companion case for Ms. Miranda. Is there a representative of this entity on the call today? Hearing no response, Ms. Marshall?

Ms. Marshall – Thank you, Ms. Simon. Note for the record for this case, as well as the previous one, Mr. Williams is recused due to his participation on the Probable Cause Panel for this case. Northstar Funeral Services of Florida, LLC d/b/a Homestead Crematory (“Respondent”) is a cinerator facility, licensed under Chapter 497, Florida Statutes. The Department conducted an investigation of Respondent and found that Respondent placed more than one (1) body in its retort without prior written permission, failed to follow the standard uniform rules for the removal of cremated remains and post cremated procedures. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$3,000 and have its license placed on probation for two (2) years. The Department requests that the Board accept this Settlement Stipulation as resolution of this case, and I’m available to answer any questions. Thank you.

Chair Peeples – Thank you, Ms. Marshall. Do we have a motion to accept the Settlement Stipulation?

MOTION: Mr. Ferreira moved to Board accept this Settlement Stipulation, which provides that the Respondent shall pay a fine of \$3,000 and have its license placed on probation for two (2) years. Ms. Liotta seconded the motion, which passed unanimously.

Chair Peeples – Ms. Simon?

(e) Related Cases: ATN-36032

1. Williams Funeral Home in Bartow, LLC: DFS Case No. 280750-21-FC; Division No. ATN-36032 (F041883)

Ms. Simon – Is there a representative of this funeral home on the call today? Hearing no response. Ms. Marshall?

Ms. Marshall – Thank you, Ms. Simon. With this case and the companion case, Mr. Williams is again recused. Williams Funeral Home (Respondent”) is currently licensed under Chapter 497, Florida Statutes, as an apprentice/intern training agency and as a funeral establishment, license number F041883. The Division conducted an investigation of Respondent and alleges that Respondent’s license as a funeral establishment expired and was not renewed until February 21, 2021; utilized bodies handled reports that had not been approved by the Department; failed to publicly display either the establishment’s or FDIC’s license; and failed to retain funeral contracts for two (2) years. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$750.00 as to Count I for failure to timely renew and will accept a Notice of Non-Compliance as to Counts II, III, and IV. The Department requests that the Board accept this Settlement Stipulation as resolution in this case, and I’m available to answer any questions.

Chair Peeples – Thank you, Ms. Marshall. If the Board members will see that we have (e) (1) and (2). These cases will come together. Do we have a motion to accept those Settlement Stipulations, and also dismissing of the count against the FDIC?

Ms. Simon – Madam Chair?

Chair Peeples – Yes?

Ms. Simon – If we could separate them out, that would be great. Thank you, ma’am.

Chair Peeples – Thank you, Ms. Simon. Do we have a motion to accept the Settlement Stipulation, which is (e) (1)?

MOTION: Mr. Jones moved to Board accept this Settlement Stipulation, which provides that the Respondent shall pay a fine of \$750.00 as to Count I (failure to timely renew) and will accept a Notice of Non-Compliance as to Counts II, III, and IV. Ms. Clay seconded the motion, which passed unanimously.

Chair Peeples – Do we have a motion for the second case, (e) (2)?

Ms. Munson – Just to clarify that Ms. Marshall didn't have any additional presentation?

Ms. Simon – Ms. Marshall, you're on mute.

Ms. Marshall – I could, if you would like me to present. The settlements are somewhat different for the two (2) cases.

Ms. Munson – Please.

Ms. Marshall – Thank you.

2. Williams, Wendell T.: DFS Case No. 280753-21-FC; Division No. ATN-36032 (F043879)

Ms. Marshall – Wendell T. Williams (Respondent) is licensed as a funeral director and embalmer under Chapter 497, Florida Statutes, license number F043879. Respondent is the owner and FDIC of Williams Funeral Home (funeral establishment), a funeral establishment licensed under Chapter 497, Florida Statutes, license number F041883, in Bartow. The Division

conducted an investigation of the funeral establishment and alleges the following: On November 30, 2020, the funeral establishment's license as a funeral establishment expired and was not renewed until February 21, 2021. The funeral establishment also utilized bodies handled reports that had not been approved by the Department; failed to publicly display either the establishment or FDIC licensure under Chapter 497; and failed to retain funeral contracts for two (2) years. As FDIC, Respondent is responsible for these violations. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall accept a Notice of Non-Compliance as to Counts II, III, and IV. There is no discipline as to Count I concerning the establishment license expiration. The Department requests that the Board accept this Settlement Stipulation. Thank you.

Chair Peebles – Thank you, Ms. Marshall.

MOTION: Mr. Jensen moved to Board accept this Settlement Stipulation, which provides that the Respondent shall accept a Notice of Non-Compliance as to Counts II, III, and IV. Ms. Liotta seconded the motion, which passed unanimously.

Chair Peebles – Ms. Simon?

Ms. Simon – Yes, ma'am?

Chair Peebles – May we be able to take a break now before we get into the Motion for Final Order Hearings?

Ms. Simon – Yes, ma'am. I think that you indicated that you wanted to take a 45-minute break. In that case, we can say, we can return at 1:00PM.

Chair Peebles – Yes, ma'am. That would be great. And, also for the record, Ms. Clay has another commitment, and she will not be returning on the meeting when we come back at one o'clock. We will have a quorum, even though she will not be a part. Thank you, folks. We'll see you back here at one o'clock. Thank you.

*****BREAK*****

Chair Peebles – Hello, everyone. It's one o'clock. This is the continuation of the Funeral, Cemetery, and Consumer Services meeting, October 17, 2022. Ms. Simon, could you do a roll call for us, please ma'am?

Ms. Simon – Yes, if I could just have one moment. I apologize for not having that up right now.

Chair Peebles – Yes, ma'am.

Ms. Simon – Mr. Brandenburg?

Mr. Brandenburg – Present.

Ms. Simon – Mr. Clark?

Mr. Clark – Present.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Present.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Present.

Ms. Simon – Mr. Jones?

Mr. Jones – Present.

Ms. Simon – Ms. Liotta?

Ms. Liotta – Present.

Ms. Simon – Mr. Williams? Mr. Williams?

Mr. Brandenburg – Darrin, you're muted.

Chair Peeples – Mr. Williams, can you unmute, please to complete the roll call?

Mr. Williams – Present.

Ms. Simon – And Madam Chair, you excused Ms. Clay from appearing this afternoon, so besides for her, the Board members are all back.

Chair Peeples – Thank you, ma'am, and I appreciate that. And would you, Ms. Simon, like to go forward or Mr. Griffin, would you like to on behalf of the Department, go for this next section, please?

Ms. Simon – Yes, Madam Chair.

***(3) Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel B)
(a) Decker, Marie Anne: DFS Case No. 289819-21-FC; Division No. ATN-38176 (F047210)***

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

Mr. Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Marie Anne Decker (Respondent). The Division alleges Respondent engaged in the following: Respondent failed to comply with a lawful Order of the Board. The Motion demonstrates Respondent failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty. Thank you, Madam Chair.

Chair Peeples – Are you completed, sir?

Mr. Griffin – Yes, I'm completed.

Chair Peeples – Thank you. Ms. Munson, on behalf of the Board, can you please update the Board when we come into these items for Motion for Final Order by Hearing not Involving Disputed Issues, kind of what the couple of steps that we need to complete for each of these cases, please ma'am? Ms. Simon or Mr. Griffin?

Ms. Simon – Madam Chair, perhaps Mr. Griffin would be better.

Mr. Griffin – So basically, the Department has submitted a Motion to the Board. So, the first step would be for the Chair to entertain a potential motion determining whether Respondent waived her right to a 120.57(1) or to elect a hearing in this matter based on a failure to timely file a response to the Administrative Complaint.

Chair Peeples – Thank you, Ms. Griffin. Well, did somebody raise your hand or have a comment?

MOTION: Mr. Brandenburg moved that Respondent has waived her right to a request to proceeding in this matter. Mr. Jones seconded the motion, which passed unanimously.

Chair Peeples – Mr. Griffin?

Mr. Griffin – Now that the Board has determined the Respondent has waived her right to a request to proceeding in this matter, the Department believes that it is appropriate at this time for the Chair to entertain a motion adopting the allegations of the facts as set forth in the Administrative Complaint.

Chair Peeples – Do we have a motion to accept the allegations of fact in the Administrative Complaint? Board members?

MOTION: Ms. Liotta moved to adopt the allegations of the facts as set forth in both Administrative Complaint. Mr. Clark seconded the motion, which passed unanimously.

Chair Peeples – Mr. Griffin?

Mr. Griffin – The Department asserts that the Board’s findings of fact support a finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. The Department believes that it is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

Ms. Munson – I always want to clarify for the record that these parties are not there. I know the names are in front of us, and they may not say anything, but I always like to confirm for the record that they are not there, because this would be the opportunity to speak if someone was there.

Chair Peeples – Thank you, Ms. Munson. Ms. Simon, would you like to verify if Ms. Decker is on the videoconference, please?

Ms. Simon – Yes, ma'am. Is Ms. Marie Decker on video conference. Hearing no response.

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

Chair Peeples – Thank you. Mr. Griffin?

Mr. Griffin – The Department also offers into evidence, the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. As to penalty, the Department is recommending that Respondent’s license be revoked subject to and without the ability to re-apply for licensure for a period of two (2) years, and that she cannot be re-licensed until she provides proof of payment of the fines imposed in the Consent Order underlying this action.

MOTION: Mr. Brandenburg moved that the Respondent’s license be revoked without the ability to re-apply for licensure for a period of two (2) years, and that she cannot be re-licensed until she provides proof of payment of the fines imposed on the Consent Order underlying this action. Mr. Ferreira seconded the motion, which passed unanimously.

(b) *Eric L. Wilson Funeral & Cremation Services P.A.: DFS Case Nos. 294352-22-FC & 295159-22-FC; Division Nos. ATN-38571 & ATN-38754 (F065077)*

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

Mr. Griffin – The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Eric L. Wilson Funeral & Cremations Services P.A. (Respondent). Respondent is licensed under Chapter 497, Florida Statutes, as a funeral establishment doing business in Hallandale, Florida. An investigation dated March 18, 2022, revealed that Respondent advertised and continues to advertise the sale of preneed contracts in this state, without being authorized pursuant to Chapter 497 to provide such services or merchandise. Respondent has also failed to timely pay \$880 owed to the Miami Dade County Medical Examiner for disposition approvals that Respondent is legally obligated to pay. The Motion demonstrates Respondent has waived its right to request a hearing in this matter, that there are no material facts in dispute, and for this matter to proceed as an informal hearing before the Board, and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Chair Peeples – Thank you, Mr. Griffin. Do we have a motion per Mr. Griffin’s comment to accept the allegations? Is there any discussion?

Mr. Jensen – Madam Chair?

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes, I do have one question for Mr. Griffin. So, if I may, Chair?

Chair Peeples – Yes, sir.

Mr. Jensen – Mr. Griffin, so I'm looking at this and it's basically what we're ruling on is that they didn't pay the \$880 to Miami Dade.

Mr. Griffin – Well, what you’re ruling on right now is whether or not they waived their right to request a hearing. Whether or not you find a violation, that's a vote or two down the line.

Mr. Jensen – Ok, sorry. Thank you, Chair. My question will wait till later.

Chair Peeples – Thank you, Mr. Jensen.

MOTION: Mr. Jones moved that Respondent has waived its right to request a hearing in this matter, that there are no material facts in dispute. Ms. Liotta seconded the motion, which passed unanimously.

Chair Peeples – Mr. Griffin?

Mr. Griffin – Now that the Board has determined the Respondent has waived its rights and wants to proceed with an informal hearing in this matter, the Department believes that it is appropriate at this time for the Chair to entertain a motion adopting the allegations of the facts as set forth in the Administrative Complaint.

Chair Peeples – Thank you, Mr. Griffin. Do we have a motion to accept allegations of fact?

MOTION: Ms. Liotta moved to adopt the allegations of the facts as set forth in both Administrative Complaint. Mr. Ferreira seconded the motion, which passed unanimously.

Chair Peeples – If you're on the Board meeting, and you're not a Board member, please mute from a caller standpoint or a connection with video conference. Thank you. Mr. Griffin?

Mr. Griffin – The Department contends that the Board’s findings of fact support a finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. The Department believes that it is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint. And if I may, now would be the time for Mr. Jensen's question.

Chair Peeples – Thank you, Mr. Griffin. Mr. Jensen?

Mr. Jensen – Yes, my question is, I don't know we're in 497 it has anything to do with this. I know the medical examiner signing off on cremations is a state law. And a lot of the different counties in Florida, with the exception of two (2), have taken it upon themselves to charge funeral homes for the medical examiner’s sign off. I don't know that we have proper jurisdiction over this, as being a 497 issue. I know the state law says a medical examiner must sign, and then, you know, like I said, all counties have decided they're going to charge for the medical exam to try to recover the cost to the salary for the medical exam, but is this really our issue? That’s my question to Mr. Griffin.

Mr. Griffin – The Department asserts that because there's a Miami-Dade ordinance that requires the payment of the fines, that that is a statutory or legal obligation that the licensee is required to comply with. Because the local government is a statutory

legal body that's allowed to kind of impose ordinances and rules, you have to comply with them. So that's the Department's position as to how we get there in this case.

Mr. Brandenburg – That's on Page 8.

Chair Peeples – Mr. Jensen, did that complete your question, sir?

Mr. Jensen – Well, I mean, we're kind of on the State side here, and the State Law {inaudible}. I don't know the law where it says that they have a right to bill the funeral homes for it. However, I do realize that local governments have taken it upon themselves to actually do this. I do think this is a debatable thing, but I do get where you're coming from, Mr. Griffin. So, I do understand how you got here. So, yes, I'll conclude. Thank you.

Chair Peeples – Thank you. Following Mr. Jensen's comment and Mr. Griffin's request for a motion, do we have a motion?

MOTION: Mr. Jones moved to find the Respondent in violation of the statutes as charged in the Administrative Complaint. Ms. Liotta seconded the motion, which passed with one (1) dissenting vote.

Chair Peeples – Thank you. Mr. Griffin?

Mr. Griffin – The Department also offers into evidence, the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. As to penalty in this matter, the Department recommends that the Board impose a fine of \$2,750 and place the Respondent's license on probation for a period of two (2) years.

Chair Peeples – Thank you, Mr. Griffin. Do we have a motion? Mr. Jones?

Mr. Jones – Yes. I have a question, if I may?

Chair Peeples – Yes, sir.

Mr. Jones – Mr. Griffin, one question. It says here that Respondent advertised, continues to advertise preneed, but is not authorized to do so. Are they continually doing that today?

Mr. Griffin – I believe that basically, that was contemplating it as of the date of the filing of the Administrative Complaint. Give me a second, let me see if they've actually gotten updated in the system.

Mr. Jones – Thank you.

Chair Peeples – Mr. Griffin is looking up an item for Mr. Jones' question regarding if this entity is still advertising on their website for preneed, so we will hold for a moment.

Mr. Griffin – So, I just jumped on the website at the address that's depicted in the file folder. That particular preneed page has been deleted. I can't estimate what happened here, but I would anticipate that what's happened. This is normally what we see with these entities. They'll get a stock website that includes preplanning, and so, based off of my review, it looks like they've removed it.

Mr. Jones – Thank you very much.

Chair Peeples – Thank You, Mr. Jones.

MOTION: Mr. Brandenburg moved that the Respondent shall pay a fine of \$2,750 and place the Respondent's license on probation for a period of two (2) years. Mr. Jones seconded the motion, which passed with one (1) dissenting vote.

(c) H. W. Oldham Funeral Home: DFS Case No. 282703-21-FC; Division No. ATN-36350 (F041806)

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

Mr. Griffin – The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of H. W. Oldham Funeral Home (Respondent). The Division alleges Respondent engaged in the following: Advertised the sale of preneed funeral services without the benefit of licensure; and failed to maintain a hand sink with hot running water in its preparation room. The Motion demonstrates Respondent failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Chair Peeples – Thank you, Mr. Griffin. Do we have a motion, per Mr. Griffin’s comment, by the Board?

MOTION: Ms. Liotta moved that Respondent waived the right to request a proceeding in this matter. Mr. Ferreira seconded the motion, which passed unanimously.

Mr. Griffin – Now that the Board has determined the Respondent has waived the right to request a proceeding in this matter, the Department believes that it is appropriate at this time for the Chair to entertain a motion adopting the allegations of the facts as set forth in the Administrative Complaint.

MOTION: Mr. Jones moved to adopt the allegations of the facts as set forth in both Administrative Complaint. Mr. Jensen seconded the motion, which passed unanimously.

Mr. Griffin – The Department contends that the Board’s findings of fact support a finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. The Department believes that it is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

Chair Peeples – Ms. Simon?

Ms. Simon – Yes, Madam Chair. I neglected to ask if there was a representative of HW Oldham Funeral Home on the call today. Hearing no response. Thank you, Madam Chair.

Chair Peeples – Yes, ma'am. Do we have a motion?

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

Mr. Griffin – The Department also offers into evidence, the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. As to penalty, the Department is recommending that the Board impose a \$3000 fine and place Respondents' license on probation for two (2) years.

Chair Peeples – Thank you, Mr. Griffin. Do we have a motion to accept the penalties as stated?

MOTION: Mr. Ferreira moved that the Respondent shall pay a \$3000 fine and place Respondents' license on probation for two (2) years. Ms. Liotta seconded the motion, which passed unanimously.

(d) Mena, Geronimo Jr.: DFS Case No. 295157-22-FC; Division No. ATN-38717 (F042156)

Ms. Simon – This matter has been withdrawn. I expect that it will be placed on the November agenda as a Settlement Stipulation.

(e) Misty Funeral Home, LLC, d/b/a Misty Funeral Home: DFS Case No. 295139-22-FC; Division No. ATN-38686 (F491759)

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

Mr. Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Misty Funeral Home, LLC d/b/a Misty Funeral Home (Respondent). The Division alleges Respondent engaged in the following: Respondent demonstrated negligence or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes; Respondent failed to maintain a qualification for licensure; and Respondent failed to conduct business at a specific street address consisting of 1,250 contiguous square feet. The Motion demonstrates Respondent failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Chair – Is there a motion?

MOTION: Mr. Jones moved that Respondent failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint. Mr. Ferreira seconded the motion, which passed unanimously.

Mr. Griffin – Now that the Board has determined the Respondent has waived the right to request the proceeding in this matter, the Department believes that it is appropriate at this time for the Chair to entertain a motion adopting the allegations of the facts as set forth in the Administrative Complaint.

Chair Peebles – Thank you, Mr. Griffin. Do we have a motion?

MOTION: Mr. Ferreira moved to adopt the allegations of the facts as set forth in both Administrative Complaint. Ms. Liotta seconded the motion, which passed unanimously.

Mr. Griffin – The Department contends that the Board’s findings of fact support a finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. The Department believes that it is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

Chair Peebles – Do we have a motion?

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

Mr. Griffin – The Department also offers into evidence, the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. As to the penalty, the Department recommends that Respondent’s license be permanently revoked.

Ms. Simon – Madam Chair?

Chair Peebles – Yes, Ms. Simon?

Ms. Simon – Is there a representative of Misty Funeral Home on the call today? Hearing no response. Thank you.

Chair Peebles – Yes, ma’am. Do we have a motion to accept the penalty of revocation of license?

MOTION: Mr. Ferreira moved that Respondent’s license shall be permanently revoked. Mr. Clark seconded the motion, which passed unanimously.

(f) Wargnier, Sheri Claudette: DFS Case No. 291151-22-FC; Division No. ATN-38381 (F476492)

Ms. Simon – Is the licensee on the call today? Hearing no response. Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Sheri Claudette Wargnier (Respondent). The Division alleges Respondent entered a plea to a crime related to the ability to practice a profession licensed under Chapter 497, Florida Statutes. The Motion demonstrates Respondent failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Chair – Is there a motion?

MOTION: Mr. Jones moved that Respondent failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint. Ms. Liotta seconded the motion, which passed unanimously.

Mr. Griffin – Now that the Board has determined the Respondent has waived her rights to request a proceeding in this matter, the Department believes that it is appropriate at this time for the Chair to entertain a motion adopting the allegations of the facts as set forth in the Administrative Complaint.

MOTION: Mr. Ferreira moved to adopt the allegations of the facts as set forth in both Administrative Complaint. Ms. Liotta seconded the motion, which passed unanimously.

Mr. Griffin – The Department contends that the Board’s finding of facts support a finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. The Department believes that it is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

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

Mr. Griffin – The Department also offers into evidence, the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. As to penalty, the Department is recommending that Respondent’s license be revoked and that she should not be allowed to apply for licensure for a period of two (2) years.

Chair Peebles – Thank you, Mr. Griffin. Do we have a motion to accept the penalty phase?

MOTION: Mr. Ferreira moved that Respondent’s license be revoked and that she should not be allowed to apply for licensure for a period of two (2) years. Mr. Jensen seconded the motion, which passed unanimously.

(g) Related Cases: ATN-38385

1. Angels of Paradise Mortuary, LLC: DFS Case No. 293372-22-FC; Division No. ATN-38385 (F365678)

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

Ms. Lashonda McCallum – Yes, ma'am.

Ms. Simon – Excellent. Thank you. Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Angels of Paradise Mortuary, LLC (Respondent). The Division alleges Respondent engaged in the following: Respondent demonstrated negligence or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes; and Respondent failed to perform any statutory or legal obligation placed on a licensee. The Motion demonstrates that although Respondent alleged that there were material facts in dispute, Respondent’s petition failed to allege a disputed issue of material fact and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty, if applicable.

Chair Peeples – Ms. Munson, would it be appropriate in this particular case that we're in right here to have the Respondent speak to the Board, if they so feel necessary?

Ms. Munson – Will still have the opportunity, because it's their informal hearing to speak to the Board. It's just noted that this is an informal, and there are no disputed issues of material fact.

Chair Peeples – Thank you, Ms. Munson. To the representative of Angels of Paradise Mortuary, would you like to address the Board? If so, you would need to be sworn in, please.

Ms. McCallum – Yes, ma'am.

Chair Peeples – Ms. Simon?

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

Ms. McCallum – Yes, ma'am.

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

Ms. McCallum – Lashonda McCallum, M C C A L L U M.

Ms. Simon – Madam Chair?

Chair Peeples – Yes, ma'am.

Ms. Simon – We would not hear from the Respondent until Mr. Griffin comes to the last of his questions.

Chair Peeples – Yes, ma'am. I just want to make sure we got her sworn in before we got there. Thank you, ma'am. Mr. Griffin, do we need a motion to accept the waiver of right?

Mr. Griffin – She hasn't waived her right. It's not that they waived the right. They've timely submitted a petition. It just doesn't allege a disputed issue of material facts. So basically, from their pleading, it should be in a posture of an informal hearing.

Chair Peeples – Thank you, sir. Do we have a motion to accept?

MOTION: Mr. Brandenburg moved that Respondent has requested an informal hearing in this matter. Mr. Ferreira seconded the motion, which passed unanimously.

Mr. Griffin – Now that the Board has determined the Respondent has requested an informal hearing in this matter, the Department believes that it is appropriate at this time for the Chair to entertain a motion adopting the allegations of the facts as set forth in the Administrative Complaint.

Chair Peeples – Thank you, Mr. Griffin. Do we have a motion to accept the allegations of fact?

MOTION: Mr. Jones moved to adopt the allegations of the facts as set forth in both Administrative Complaint. Mr. Clark seconded the motion, which passed unanimously.

Mr. Griffin – The Department contends that the Board's findings of fact support a finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. The Department believes that it is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

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

Mr. Griffin – The Department also offers into evidence, the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. As to penalty, the Department is recommending that the Board impose a \$750 fine and place Respondents' license on probation for one (1) year.

Chair Peebles – Thank you, Mr. Griffin. Ms. McCallum, would you like to address the Board, or do you have any comments?

Ms. McCallum – Yes, ma'am. I would like to address the Board. Also present is my licensed funeral director, Mr. Johnny Johnson. He is present. The name says Marcus Peterson because he's using someone else's computer. So, he's present, there. I'm a bit confused, Mr. Griffin, actually on what all just happened. If you can please help me in layman's term on what just happened, because I don't understand how a late payment got to the point to where the funeral director and myself are being placed on probation and us being assessed a fine, if the situation was taken care of. And it was addressed, once the State notified me, in a timely manner. All documentation that was requested to support the reason as to why the bill was paid late, was submitted. However, I don't know if I have the opportunity to even explain the situation with the bill being late, the payment being late to the medical examiner's office. I was actually out with COVID.

Mr. Griffin – This is the time to explain that. I'll respond in two (2) parts. The first part is, the way we got here was, we filed a complaint against your entity. You guys timely responded to the complaint, but basically, your response didn't allege a dispute of fact. So, because you weren't disputing a fact, which was you weren't disputing that you paid it late. That's why we're at this informal hearing.

Ms. McCallum – Ok, no.

Mr. Griffin – Did it not get paid until Miami-Dade complained to the Department?

Ms. McCallum – You're absolutely right, but that was because of medical reasons. I was hospitalized with COVID.

Mr. Griffin – Right. So, these are things that you can point out to the Board, when they're trying to determine what penalty to assess. So, I was answering the first part. This is how we got here. You timely responded, but your response wasn't saying something like you never paid it late. Something where there's a disputed fact. So, now, this is your opportunity, and I know you just started it, but this is your chance to basically explain why. The Department has made its recommendation. However, the Board has an absolute freedom to do anything within the statutes and rules, as far as the violations alleged. So, this is your chance to explain to the Board why they should possibly do something less or something different than what the Department's asking.

Ms. McCallum – Ok, understood.

Ms. Munson – Ms. McCallum? Madam Chair, if I may? To fully explain to the Board what your options are, just as Mr. Griffin has indicated, he's offered a penalty. You can ask for a different penalty. I know we have new Board members. You can request, based on what information is presented, that the AC be dismissed. The range of what you can do is totally within your purview.

Mr. Griffin – I would say that if they wanted to find the AC to be dismissed, I think that they would have to go back and redo the vote, finding the violations.

Ms. Munson – I kind of think the {inaudible}, but I just kind of..

Mr. Griffin – So, I mean, if there's a conversation that kind of leads that way, the Board would need to basically {inaudible} violations.

Ms. McCallum – Ok. So, the situation that happened was we were accountable for being late with our medical examiner's payment to the Medical Examiner's Office for cremation fees. And that was only do due to the fact that when the bills were coming in from the ME's office for the cremation authorization fees, at that point in time, I myself, who is the owner of the funeral home and the soul financial supplier of the funeral home, the one that does all the accounting, and the payment and

payrolls; I was out due to COVID. I caught COVID from one of the families that came in to see Mr. Johnny, who was present to make arrangements. I ended up with {inaudible} COVID. I have underlying health issues that cause my case of COVID to be near death almost, to the point where I was hospitalized for a period of days. And then when I was sent home, my husband ended up contracting COVID, which kept me from the funeral home even longer. By the time I got back to the funeral home to try to gather up the bills and everything that was passed due or behind, not only did the ME's Office fall behind, so did my lease here at the funeral home. Everything fell behind, but everyone was pretty much understanding due to the fact that I contracted COVID. By the time I got back to the funeral home to start taking care of the bills, my staff were leaving. I lost staff members, due to COVID, because I actually caused them to catch COVID by coming back to work early to try and catch up with everything inside my establishment so that we don't lose the establishment. Unfortunately, it did not work. Five (5) of my independent contractors that were here on a day-to-day basis were out with COVID. My assistant, who helps me with all of my bills, who gathers all of the information for me to them, was out with COVID and hospitalized. So, I did not get any information in reference to this until I got back. By the time I got back in the office, I received a call from {inaudible} at the Medical Examiner's Office stating that my bill was passed due a certain amount of days. I don't remember the exact number of days, at this point. She said she needed me to take care of it because her supervisor had filed a complaint with the State. I said just give me a couple of days to get everything in order, because I just got back to work, and I'll get everything taken care of. Unfortunately, at that time my husband had contracted COVID. So, I was back out of the office and not attentive to the things that were needed here, and that was for about a period of eighteen (18) days. When I got back, I went through my emails and that's when I received a letter, and I received an email from the State stating that a complaint had been filed against me and this is what needs to happen. I said no problem, I'll get it taken care of. It took me about four (4) to five (5) days to get everything in order, to get the finances in order to pay the bill. The bill was paid in the time that the State gave me to pay the bill. I sent in documentation of a cashier's check for everything that the State asked me to do to make that matter right. I took care of it. In the midst of me losing staff members due to COVID, I ended up going back out, because I had a stroke from having COVID. And even after that, I was able to respond and deal with the State via email and what all I couldn't do, I gave to my funeral director to do. The only thing that he did not have access to, which was funds, but the bill was already paid. At that point, I realized that we had a new bill that was coming up with ME's Office. So that we didn't face this problem again, I went ahead and paid that.

So, that was the only reason that that bill got behind, is because I was out with COVID and no one in the funeral home was able to pay the bills for me, other than me, because I'm the only signor on the account. The time was misfortune because of how many of us was out with COVID, and the time that I was out sick, because of my underlying health issues. But when the State notified me that the situation was brought to their attention, I immediately took care of it at once. I sent in the emails, I sent in the documentation that they asked me for. I did everything. I complied with everything that they asked me to do in a timely manner. I've never, ever been in trouble with the State. I've never had anything, you know, nobody to call or put a complaint against me for mismanaging my bills, or neglecting any obligation from my establishment, according to Chapter 497. My funeral director is here. He's present, and he can let you know and can tell you to same. I've never had an issue. So, I didn't understand why we were being assessed a penalty or a probationary period for something that was rectified in a timely manner, once the State notified us. It's just unfortunate that I couldn't comply with the Medical Examiner's Office in a timely manner because I was out. I was sick. I had COVID. I was barely hanging on to life, trying to survive. Me and my husband, at the same time. It's just that nobody else was able to take care of our finances, because I'm the only signor on my bank account. And that was the situation. So, I'm asking that this case be dismissed, and that my funeral director does not have to face any penalties because of my illness and because of the delay in the ME's Office being paid, because he has never had an issue in all his years of being a funeral director. He's an awesome help and asset to my company. I've never been in trouble with the State, and I don't want any trouble now. The ME's Office can tell, I haven't been late, and all my payments are made in a timely manner. I'm just asking that this be dismissed or thrown out. That the only thing.

Chair Peeples – Thank you, ma'am. Mr. Brandenburg?

Mr. Brandenburg – I'm sorry. Was that Mrs. McCallum Williams speaking?

Ms. McCallum – Yes.

Mr. Brandenburg – During the time that you were ill, and others were ill, did the Angels of Paradise Mortuary handle any cases or have any funerals?

Ms. McCallum – Yes. Mr. Johnny took care of the that. Yes.

Mr. Brandenburg – Who paid the bills that were necessary to be paid related to those funerals?

Ms. McCallum – Bills, as far as the vendors?

Mr. Brandenburg – Or anything that needed to be paid because you were having funerals.

Ms. McCallum – Mr. Johnny and the young lady that works alongside me. Her name is Tasha?

Mr. Brandenburg – They couldn't pay the medical examiner?

Ms. McCallum – Well the medical examiner bill would come in through the mail. So, what they were doing was they were putting all my mail on my desk. They did not open my mail. They would just put all the mail on my desk. They would pay the vendors for whatever services we had for that weekend for those Friday viewings and Saturday services. They would pay the vendors and churches for those services, but my rent, my light bill, my phone bill, all of the bills that come in through mail or through email, all of that stuff was delinquent by me being out, because no one had access to pay to use my checkbook or my debit card. They could only pay the vendors cash when the vendors come in to do services, with whatever money they collect from the families.

Mr. Brandenburg – Madam Chair, may I make a motion?

Chair Peeples – Yes, sir.

MOTION: Mr. Brandenburg moved that the Respondent shall pay a fine of \$175 and place Respondent's license on one (1) year of probation.

Chair Peeples – We have a motion by Mr. Brandenburg, of a \$175 fine and a one-year probation. Is there a second?

Mr. Brandenburg – \$750.

Chair Peeples – \$750? Ok, I'm sorry, sir.

Mr. Brandenburg – If I said that, I misspoke.

Chair Peeples – Mr. Brandenburg, what Mr. Griffin was speaking of was the \$750 fine and probation and that's the motion that you have. Is that correct?

Mr. Brandenburg – That's correct.

Chair Peeples – Thank you, sir. Is there a second?

Mr. Griffin – Before we do, can I just inquire of the Respondent?

Chair Peeples – Yes, sir, Mr. Griffin.

Mr. Griffin – You guys attempted to make a payment of the outstanding monies in November of 2021. Correct?

Ms. McCallum – I don't have it in front of me, so I don't remember exactly what date it was. When you all notified us of the complaint, I immediately called the ME's Office from home to find out how much the bill was. They told me how much the bill was. I came to the funeral home to deal with it. I got a cashier's check from my bank. In the midst of me coming to the funeral home, out of quarantine is what caused my other staff member to get sick, so that I could take care of it.

Mr. Griffin – Ok, but you guys had a check returned for insufficient funds, right?

Ms. McCallum – I'm sorry?

Mr. Griffin – In November of 2021, you attempted to pay the ME, but then that check was returned for insufficient funds.

Ms. McCallum – That was correct.

Mr. Griffin – Ok. That check that you attempted to pay the ME with, Mr. Johnny Johnson had no ability to write checks on that account?

Ms. McCallum – No, no one has the ability to write checks.

Mr. Griffin – And does he have any way to or any access to any of the money of Angels of Paradise?

Ms. McCallum – Only if for a funeral service, a family comes in to make arrangements, and they pay in cash. At that time, there was no money, no cash in in the funeral home for him to pay the bills. That's what I had to come out of quarantine to come to the funeral home to take care of it.

Mr. Griffin – And it looks like you guys were it delinquent from August through at least November 2021. Is it your testimony today that you only did funerals or didn't take any cash payments from August to November of 2021?

Ms. McCallum – I can't recall because I don't have it in front of me, Mr. Griffin.

Mr. Griffin – No further questions.

Chair Peeples – Thank you, Mr. Griffin. We have a motion by Mr. Brandenburg of a penalty of \$750 fine and probation. Is there a second?

Mr. Clark – Clark.

Chair Peeples – We have a motion by Mr. Brandenburg and a second by Mr. Clark. Is there any discussion? Hearing none. All in favor of the motion, say aye?

Board members – Aye.

Ms. McCallum – The amount went from \$500 to \$750?

Chair Peeples – Mr. Griffin?

Mr. Griffin – The \$500 offer was what Mr. Bossart offered you to settle the case. So, to settle the case we don't go through the effort of a hearing. But you didn't accept that offer. So, as a general principle, as a prosecutor, you generally get offered a settlement offer to avoid the effort of going through a hearing. But if I have to go to the hearing, then usually the offer gets worse because we've now gone through the time of calling witnesses and going through a hearing. So, unfortunately, right now, if you wish to accept that originally offered Settlement Stipulation, then...

Ms. McCallum – I don't feel, I mean, why would accept the offer for something if the issue was rectified? There was no way the bills could get paid if I'm out with COVID. I was literally dead. Like, how could I?

Mr. Griffin – So, I can tell you this. Number one, I'm not here to tell you how to run your business, but the investigative file as alleges, presented to the Board, you were delinquent for several months before that November day. So, let's just say that you had COVID, you didn't have COVID for a period of three (3) months. So, it's incumbent on Angels of Paradise to make sure that that money was paid timely. On top of that, when payment was rendered in November of 2021, it was returned for insufficient funds. Now, if you'll look at the Administrative Complaint, we acknowledge you guys eventually paid the money. We acknowledge that fact, but when Mr. Bossart offered you that settlement offer, that was your chance to resolve this case in a different manner, versus going to a hearing. You didn't accept that, so that's why we're at this point. Now, if you'd like to

accept that settlement offer, then I can withdraw this hearing request and we can bring this back up as a settlement matter, at a later Board meeting. But, that's up to you, if you want to resolve it that way, or proceed forward with the hearing that we're in the middle.

Ms. McCallum – I asked to come for hearing because I just didn't understand how, I mean, why, you know, a late payment that was resolved could end up to the repercussions of being put on probation or having a fine.

Mr. Griffin – It shouldn't be late.

Ms. McCallum – It shouldn't be late, but things happen. It shouldn't be late, but how could I prevent COVID? There was no way, and I was out more than three (3) months due to COVID, because, again, I have underlying health issues that caused me to be out.

Mr. Griffin – Again, I'm not here to tell you how to run your business. Your business should be able to operate without your presence. I'm not in the death care industry, but if I were running a business, I would never have the business be in such a condition that if I'm out, the business just can't do anything, but that's neither here nor there.

Ms. McCallum – Ok, well, in my case is different because we're a very small business. We're in a plaza. We're just like a mom and pop funeral home in our community. So we're very, very small. I don't have the capacity and the clientele to have someone here to pay to do all these things for me. That's why I'm here, as the Operating Manager to do that portion of the bill, myself, Like I said, unfortunately, I got hit with COVID trying to service my community. Not only me, all of my staff members got hit with COVID trying to service our community and trying to survive. The bill was late. We rectified it and we paid it. I just don't feel like we should be imposed that much money in fines and probation for rectifying the problem when there's so much other funeral things going on. I sit on this meeting, from 10 o'clock this morning, listening to all the things that were going on with other funeral homes. I don't even have those issues.

Mr. Griffin – That's why Mr. Bossart offered you a \$500 fine to settle this. That's why I'm not asking for anything above it. If you've been listening to those other hearings, I have not asked for anything below \$1000 for anybody else. You're the very first person, and that's because that was taken into account when the settlement offer was made, and that was taken into account when this case was set for a hearing, because the settlement wasn't accepted.

Ms. McCallum – Mr. Griffin, can I ask this? Can the fine and the probationary period be placed upon the funeral home and not my funeral director, because he had no way of being able to handle any of this without my finances?

Mr. Griffin – Can I have a very brief moment to confer with my client?

Chair Peeples – Yes, please, Mr. Griffin.

Mr. Brandenburg – Madam Chair?

Chair Peeples – Yes, sir, Mr. Brandenburg? Mr. Griffin needs a moment, so if we can give him a moment, sir.

Mr. Brandenburg – Didn't we have a motion and a second and a vote already?

Chair Peeples – We had a motion and a second. We are in the discussion phase. We have not had a vote. And Mr. Griffin is conferring with his client, so we just need to give him just a second please, sir. Thank you.

Mr. Brandenburg – I'm sorry, I thought we had a vote on it.

Chair Peeples – No, sir. We didn't.

Mr. Griffin – So, I've spoken with my client and we would be willing to do that.

Ms. McCallum – Thank you. I'll take whatever probationary period you guys give me. I just want my licensed funeral director to be hold harmless and I'll take accountability for my actions. Thank you.

Chair Peeples – Mr. Griffin, if I may? To the Respondent, you had mentioned that Mr. Bossart had made a suggestion to settle for a \$500 fee and no probation. Is that still available to this entity?

Mr. Griffin – Sure.

Chair Peeples – Going back to Mr. Brandenburg, and Mr. Clark, the motion was made to accept the penalty is \$750 and place the entity on probation. Would you like to amend your motion to accept Mr. Bossart's original amount of \$500, and there wouldn't be any probation? Gentlemen?

Mr. Brandenburg – Yes.

Mr. Clark – Yes.

AMENDED MOTION: Mr. Brandenburg moved that the Respondent shall pay a fine of \$500. Mr. Jones seconded the motion, which passed unanimously.

Chair Peeples – Thank you, ma'am.

Ms. McCallum – Thank you.

Ms. Simon – Madam Chair?

Chair Peeples – Yes, ma'am?

Ms. Simon – I'm not sure what we will be doing for the next case. I don't know whether what just happened took care of Johnny Bradford Johnson or we need to take care of that in a second motion.

2. *Johnson, Johnny Bradford: DFS Case No. 293375-22-FC; Division No. ATN-38385 (F043266)*

Mr. Griffin – On behalf of the Department, the Department at this time will dismiss the Administrative Complaint that was filed against Johnny Johnson.

Chair Peeples – Thank you, Mr. Griffin. Ms. Simon?

E. *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.

F. *Application(s) for Continuing Education*

(1) *Course Approval - Recommended for Approval without Conditions – Addendum B*

- (a) *Colibri Healthcare (113)***
- (b) *Jeffrey Holcomb (45208)***
- (c) *Independent Funeral Directors of Florida, Inc. (135)***
- (d) *National Funeral Directors Association (136)***
- (e) *New Jersey Funeral Service Education Corp. (7002)***
- (f) *Talk Health LLC (25808)***
- (g) *WebCE (43)***

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

Chair Peeples – Do we have a motion to approve the applications for continuing education courses?

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

G. 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.

Chair Peeples – Thank you. Do we have a motion to accept the Consumer Protection Trust Fund claims as noted?

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

H. Application(s) for Embalmer Apprentice

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

- (a) *Buning, Alexa S F613298*
- (b) *Denham, Jennifer I F614599*
- (c) *Fernandez Sr, Luis A F609940*
- (d) *Gebhart, Kelly E F611569*
- (e) *Lambe, Robert M F611290*
- (f) *McDonald, Aubrey K F036340*
- (g) *Rowen, Tasha R F613297*
- (h) *Strunk, Kevin S F020418*
- (i) *Zeranski, William P F614298*

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.

(2) Recommended for Approval without Conditions (Criminal History)

- (a) *Jones, Kartavious*

Ms. Simon – If I may just have one moment?

Chair Peeples – Yes, ma'am.

Ms. Simon – Is that individual on the call today?

Mr. Kartavious Jones – Yes.

Ms. Lauren Pettine – Yes. In addition, I'm his representation.

Ms. Simon – Ok, thank you. An application for embalmer apprenticeship licensure was received by the Division on April 8, 2022. The application was incomplete when submitted. A completed application was received on September 15, 2022. The applicant answered "NO" to the criminal history question but submitted two (2) criminal history forms along with the application. At the time the application was received, one (1) of the charges reported on the criminal history was within the reportable timeframe. Subsequently, the reportable timeframe has lapsed as of June 1, 2022. As a result, the Division is recommending approval.

Mr. Clark – Madam Chair?

Chair Peeples – Yes, please?

Mr. Clark – I would like to state for the record, my affiliation with Baldwin Brothers. In this matter that affiliation will not prevent me from rendering a fair and impartial decision. Thank you.

Chair Peeples – Thank you, Mr. Clark. Do we have a motion to approve the embalmer apprentice application?

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

I. Application(s) for Florida Laws and Rules Examination

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

(a) Funeral Director (Internship and Exam)

1. *Burch, Zoe E*
2. *Johnson, Andrea L*
3. *Shaw, Diana E*
4. *Skinner, Akeem M*

(b) Funeral Director and Embalmer (Endorsement)

1. *Boi, Allison*
2. *Gauthier, Jerrie L*
3. *Lomason II, Dale L*

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

1. *Bryan, Morgan L*
2. *Upton, Susan H*

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. *Trimbach, Kenneth*

Ms. Simon – An application for funeral director and embalmer licensure was received by the Division on August 8, 2022. The application was incomplete when submitted. A completed application was received on September 1, 2022. The applicant initially answered “No” to the criminal history question. The applicant was notified on August 24, 2022, that criminal history was noted after review of the fingerprint results. In or around December 2020, the applicant was found guilty of Menacing by Stalking and Violation of a Protective Order. The applicant was sentenced to 180 Days jail, with 180 days suspended, probation for two (2) years and fine of \$710. Is Mr. Trimbach on the call today, or a representative of the applicant? Hearing no response. The Division recommends denial.

Chair Peeples – Thank you, Ms. Simon. Is there a motion to deny?

MOTION: Mr. Jensen moved to deny the application. Mr. Ferreira seconded the motion, which passed unanimously.

J. Application(s) for Internship

(1) Informational Item (Licenses Issued without Conditions) – Addendum F

(a) Funeral Director

1. *Jones, Brin R F614901*

(b) Funeral Director and Embalmer

2. *Carroll, Madison N F409770*
3. *Breland, Damian D F092086*
4. *Devivo, Colleen D F370599*
5. *Goldenberg, Ross A F613055*

6. *Green, Evan B F612564*
 7. *Hughes, Michael L F612545*
 8. *McGahee, Wendall K F611363*
 9. *Monroe, Kenya S F610244*
 10. *Noel, Marie J F050868*
 11. *Phelps Jr, Roger P F557522*
 12. *Vadi, Mabel C F110470*
- (c) *Embalmer*
1. *Voss, Beth A F372903*

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 Denial (Criminal History)*
- (a) *Funeral Director and Embalmer*
1. *Coyle, Cherokee D*

Ms. Simon – If I may have just one moment?

Chair Peeples – Yes, ma'am.

Ms. Simon – An application for an Embalmer Apprentice license was received by the Division on August 16, 2022. The application was incomplete when submitted. A completed application was received on September 7, 2022. The applicant answered “Yes” to the criminal history question. On or around April 15, 2021, the applicant was arrested and charged with misdemeanor theft. On August 12, 2021, the applicant was convicted and sentenced to fifteen (15) days in jail, however the court suspended the sentence. The Division is recommending denial.

Chair Peeples – Thank you, Ms. Simon. Do we have a motion to deny this embalmer apprentice license request?

Mr. Brandenburg – I move to deny.

Mr. Ferreira – Second.

Ms. Simon – Madam Chair?

Chair Peeples – Yes, ma'am?

Ms. Simon – Before we go on, Ms. Coyle is here. If we can hear from her and she can raise your right hand to be sworn in. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you, God?

Ms. Cherokee Coyle – I do.

Ms. Simon – Thank you. Madam Chair?

Chair Peeples – Thank you, Ms. Simon. I was going to wait till we got to this discussion phase to have her sworn in, but thank you for being forward thinking. Ms. Coyle, do you have any items that you would like to update or relate to the Board regarding this application?

Ms. Coyle – Yes, ma'am. I actually have proof that everything was paid off, and that the charges were a misdemeanor. And I also have a couple of letters of recommendation showing my character from managers and other people of the community that knew me before and after the incident proving that it was just that, a mistake that I made. And I've been in no trouble since. So, I'm wondering is there a time period that I have to take before I can apply or is it just completely that I cannot apply because of this charge?

Chair Peeples – Ms. Simon, I'll let you kind of reply to Ms. Coyle regarding the timing that the Department uses.

Ms. Simon – Thank you, ma'am. In this matter, we have had a motion to deny and it's been seconded. We have not taken the vote yet. However, if the motion, if this application is denied, you can resubmit an application at any time. This criminal history will be relevant until April of 2026.

Chair Peeples – So, Ms. Coyle, in regard to your question, we have a five-year timeframe that the Department looks at and they give the information to the Board for us to consider. And also, even though it is a misdemeanor, it is a theft issue. And in this industry, we're held to the highest regard of integrity and character. We appreciate you with the comments and your letter of character that you have with you today from that perspective, but that is why we have the motion to deny. It's not saying that you won't ever be able to make an application again, from that perspective. Is there any other Board members, during this discussion phase, that have any comments?

Mr. Jones – Ms. Chair?

Chair Peeples – Yes, Mr. Jones?

Mr. Jones – Ms. Coyle, can you just give a quick description of what the charges were and what occurred, if that's ok?

Ms. Coyle – Yes, sir, absolutely. I actually have the court docket from the minutes, from the Court hearing, if you'd like that.

Mr. Jones – Just your description of what happened.

Ms. Coyle – I was working at a Dollar General out in Franklin, Louisiana. I was a single mom. I stole some diapers and I got caught. It was dumb. It was a mistake, but I went into court as asked. As soon as they called, I went to the Police station, gave my statement, was read my rights, pled guilty to everything, and paid off my fines almost immediately following. And now I'm in a better place than what I was back then. I'm in a better place than what I was in back then and I don't have the means to make a mistake like that again.

Mr. Jones – Thank you.

Chair Peeples – Thank you, Mr. Jones. Are there any other Board members that have any comments?

Ms. Munson – Madam Chair?

Chair Peeples – Yes?

Ms. Munson – Just a note of information. With any of these licensure cases, and I know that the Board may know that you have a vote to approve or deny. And there's also an option, if the Board so chooses, to permit a withdrawal of an application, I know that the licensure denials are such that they remain on your record as a denial. And again, that is totally up to the Board's purview as to how they want to proceed. I know a motion is on the table and has been properly seconded. I needed to at least state that for the record.

Chair Peeples – Thank you, Ms. Munson. And if I may ask a question of Ms. Simon, of the Department. If we were to go back to Mr. Brandenburg and Mr. Ferreira on the motion that they've made to deny, and if we were to withdraw this application with Ms. Coyle, would she have to pay an application fee again when she's prepared to submit another application if this were withdrawn?

Ms. Simon – It depends on when the other application is submitted. But, as of now, I think that it would be appropriate as Ms. Munson said to allow her an opportunity to withdraw. We don't have the ability to withdraw her application. If you'd like to withdraw it now, we can always go by that way, assuming that the motion and the second are dealt with.

Chair Peeples – Thank you. Ms. Coyle, just to ask you, would you request us, if we go back to our motion in our second, Board members, to withdrawal this request? Would you prefer to have that instead of having a denial on your record that will follow you?

Ms. Coyle – I would rather the withdrawal than the denial, because if I got the denial, wouldn't that stop me in the future from getting my internship?

Ms. Munson – And I'm not saying that it will or won't stop you. We can't predict the future. We can't predict how future votes will go. And I'm not saying that your license will be denied. I'm just saying there was a motion on the table for denial. I cannot predict how this Board will vote, whether that motion will fail or whether that vote will show enough votes to support the denial. I was just placing another avenue out there so that all parties can be well informed.

Chair Peeples – Thank you, Ms. Munson. And also, if we withdraw this application versus denying it, a denial will follow her when she has another application, correct?

Ms. Munson – That is correct.

Chair Peeples – Thank you, ma'am. Mr. Brandenburg and Mr. Ferreira? Mr. Brandenburg, you made the motion. Mr. Ferreira you seconded that motion. Would you like to stay with your original motion, or would you like to amend your motion and second? Mr. Brandenburg?

Mr. Brandenburg – I'd like to stay with my original motion to deny and call the question.

Chair Peeples – Thank you. Mr. Ferreira, would you like to continue with your second?

Mr. Ferreira – Yes.

Chair Peeples – Ok, we have a motion, and we have a second to deny an embalmer apprentice application. Ms. Simon, if you'll do a roll call vote for us, please, ma'am?

Ms. Simon – Yes, ma'am, if I could just have one moment?

Chair Peeples – Yes, ma'am.

Ms. Simon – Ok, the vote is on and aye or nay on the motion to deny licensure. Mr. Brandenburg?

Mr. Brandenburg – Aye.

Ms. Simon – Mr. Clark?

Mr. Clark – Aye.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Aye.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Aye.

Ms. Simon – Mr. Jones?

Mr. Jones – Aye.

Ms. Simon – Ms. Liotta?

Ms. Liotta – Nay.

Ms. Simon – Mr. Williams?

Mr. Williams – Nay.

Ms. Simon – And Madam Chair?

Chair Peeples – Nay.

Ms. Simon – That motion fails. I believe that there are four (4) nays and there are eight (8) people on the call. As a result, that motion fails.

Chair Peeples – Ms. Simon, if I may? I got five (5) ayes for a denial and I have three (3) nays.

Ms. Simon – I apologize. May I call it one more time?

Chair Peeples – Yes, ma'am, please.

Ms. Simon – There is a motion for denial. Please respond by answering Yay or Nay. Mr. Brandenburg?

Mr. Brandenburg – Yay.

Ms. Simon – Mr. Clark?

Mr. Clark – Yay.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Yes.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yay.

Ms. Simon – Mr. Jones?

Mr. Jones – Yay.

Mr. Williams – Can I ask a question? This a different type of vote, because I'm confused, maybe.

Ms. Munson – It is.

Chair Peeples – Mr. Williams, we are taking a roll call vote. And, if you vote in the affirmative or yay, you are agreeing for denial of the application. If you vote in the negative or nay, you disagree with the denial.

Mr. Williams – We're basically re-voting on the same thing we just voted on?

Chair Peeples – Yes, sir.

Ms. Simon – Yes, sir.

Chair Peeples – Ms. Simon, if you'll go continue after Mr. Jones, please.

Ms. Simon – Ms. Liotta?

Ms. Liotta – Yay.

Mr. Jensen – May I ask a question, Chair, just in the middle of this?

Chair Peeples – Yes, Mr. Jensen?

Mr. Jensen – Yes. Along with Mr. Williams, I misunderstood a little bit. So, we need to vote on it? So, if we're going to give her the ability to withdraw, we need to vote no? Is that what I'm understanding?

Chair Peeples – Yes, sir.

Ms. Simon – Actually, I'm sorry.

Chair Peeples – Go ahead, Ms. Simon. After Mr. Jones, we're up to Ms. Liotta. rubbed the missile Yoda, OK.

Mr. Williams – Madam Chair?

Chair Peeples – Yes, Mr. Williams?

Mr. Williams – Point of order? I ask that you restate the motion and restart the roll call.

Ms. Munson – Please?

Ms. Simon – Yes, sir, the motion was for denial of the application. Please respond with aye if you are agreeing with the motion and nay if you were not. May I continue, Madam Chair?

Chair Peeples – Yes, please.

Ms. Simon – Mr. Brandenburg?

Mr. Brandenburg – Yay.

Ms. Simon – I'm sorry?

Mr. Brandenburg – Yay.

Ms. Simon – Mr. Clark?

Mr. Clark – Yay.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Yay.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yay.

Ms. Simon – Mr. Jones?

Mr. Jones – Yay.

Ms. Simon – Ms. Liotta?

Ms. Liotta – Nay.

Ms. Simon – Mr. Williams?

Mr. Williams – Nay.

Ms. Simon – Madam Chair?

Chair Peeples – Nay. We have four (4) ayes and four (4) nays.

Mr. Williams – Madam Chair? I'll make a motion.

Chair Peeples – Yes, sir.

Mr. Williams – Madam Chair, if I may?

Chair Peeples – Yes, sir.

MOTION: Mr. Williams moved to allow Ms. Coyle to withdraw the application. Ms. Liotta seconded the motion.

Chair Peeples – Is there any discussion?

Mr. Brandenburg – Yes, please?

Chair Peeples – Yes, Mr. Brandenburg?

Mr. Brandenburg – The applicant has indicated that she does not want to withdraw her application.

Chair Peeples – No, sir, Mr. Brandenburg. I'm sorry, in respect, she did ask to be withdrawn, so it wouldn't follow her as a denial. Is that not correct, Ms. Coyle?

Ms. Coyle – That's correct.

Chair Peeples – Thank you. So, we have a motion by Mr. Williams, a second by Ms. Liotta to allow Ms. Coyle to withdraw her motion. Ms. Simon, will you do a roll call please?

Ms. Simon – Yes, ma'am. Please respond aye if you wish to allow Ms. Coyle to withdraw her application and nay if you do not agree with that statement. Mr. Brandenburg?

Mr. Brandenburg – Nay.

Ms. Simon – Nay? I'm sorry, I'm just confirming.

Mr. Brandenburg – Nay.

Ms. Simon – Thank you. Mr. Clark?

Mr. Clark – Nay.

Ms. Simon – Just one moment. Mr. Ferreira?

Mr. Ferreira – Yay.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yay.

Ms. Simon – Mr. Jones?

Mr. Jones – Yay.

Ms. Simon – Ms. Liotta?

Ms. Liotta – Yay.

Ms. Simon – Mr. Williams?

Mr. Williams – Yay.

Ms. Simon – Madam Chair?

Chair Peebles – Yay.

Ms. Simon – That motion passes.

Chair Peebles – Thank you, Ms. Simon. Ms. Coyle, the Department team will be in touch with you, if so necessary, and thank you for attending today.

Ms. Coyle – Thank you, Board. I do have one quick question, though.

Chair Peebles – Yes, ma'am?

Ms. Coyle – So, this hearing means that I don't have my apprenticeship, correct?

Chair Peebles – Ms. Simon, would you like to reply to Ms. Coyle from the Department?

Ms. Simon – Yes, on two (2) points. Yes, this means you do not have your internship. But also, I believe that we need Ms. Coyle to state on the record now, whether she wants to withdraw her application. We need that for future hearings.

Ms. Coyle – I'll go ahead and withdraw my application. Is there a chance I can apply again at a later date, once the charges have gotten a little older?

Ms. Simon – Yes, ma'am.

Ms. Coyle – Ok, and what's the timeframe on that? Didn't you all say about five (5) years?

Ms. Simon – Ms. Coyle, you're welcome to give me a call after the meeting and you can find my number on the website.

Ms. Coyle – Ok, thank you so much.

2. Knowles, Marletta J

Ms. Simon – An application for concurrent intern licensure was received by the Division on August 1, 2022. The application was incomplete when submitted. A completed application was received on September 2, 2022. The applicant answered "Yes" to the criminal history question. On or around April 1, 2016, the applicant was arrested and charged with felony fraud use of

one or more unauthorized access devices and felony fraud aggravated identity theft. On October 19, 2016, the applicant was convicted and sentenced to thirty (30) months incarceration, thirty-six (36) months supervised release probation and \$1,000 restitution. Is Ms. Knowles on the call today?

Ms. Marletta Knowles – Yes, ma'am.

Ms. Simon – Thank you. The Division recommenced denial on this matter. Ms. Knowles, can you raise your right hand to be sworn in?

Ms. Knowles – Yes, ma'am.

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

Ms. Knowles – I do.

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

Ms. Knowles – Marletta Knowles, K N O W L E S.

Chair Peeples – We have an application for a concurrent intern by Ms. Knowles and the Department is recommending denial. Do we have a motion to accept this request?

MOTION: Mr. Ferreira moved to deny the application. Mr. Williams seconded the motion.

Chair Peeples – Is there any discussion? Ms. Knowles, would you like to make any comments to the Board regarding this application?

Ms. Knowles – Yes.

Chair Peeples – Please, go ahead.

Ms. Knowles – Ok. So, at that time, when I was currently in that situation, it was kind of an unfortunate situation, because I was in a car with some people, and when we got pulled over, to my knowledge, there was nothing in that vehicle. I was picked up from school, and one thing led to another. So, I had to go through the whole entire process. I do remember, like, from the actual traffic stop, the detective asked if I purchased any money orders, and I stated to him that I didn't. And he was just like, "Well, I'm not going to arrest you, but I'm going to do a thorough investigation, and I'll come back if I find out that you did purchase these money order." So, to make a long story short, basically what the officer wanted me to do was to admit to something that I didn't do, and I told him, I'm not going to say, yes to something that I didn't do. So, I took it to trial, and I did not win, because there was an African American woman in the video, so, they labeled the African American woman, as myself. And that was pretty much the situation. When I went away to prison, I came back. They terminated my probation early and I completed Mortuary School.

Chair Peeples – Thank you, ma'am. And please let the record reflect that Ms. Clay, a Board member, rejoined the meeting at 2:23 PM. So, Ms. Clay, thank you for coming back on for the meeting today. We have a motion by Mr. Ferreira and a second by Mr. Williams, to deny the application for concurrent intern for Ms. Knowles. Ms. Clay, now that you're a part, we're going to have you participate in this vote. So, we have a motion and a second. If you will, Ms. Simon, would you do a roll call vote on this item, please ma'am?

Ms. Simon – Yes, ma'am? With regards to the motion to deny, if you agree, say aye. If you disagree, say nay. Mr. Brandenburg?

Mr. Brandenburg – Deny.

Ms. Simon – I'm sorry.

Mr. Brandenburg – Aye.

Ms. Simon – Mr. Clark?

Mr. Clark – Aye.

Ms. Simon – Ms. Clay?

Ms. Clay – Abstain.

Ms. Simon – Mr. Ferreira?

Ms. Munson – Madam Chair, I need to interrupt before you move forward. I need to clarify that we can't have Board members abstain. They can be recused, but every Board member must vote who's eligible to vote. If the reason for not voting is not hearing all the material, we might have to hear it again. But abstentions aren't permitted.

Ms. Clay – My reason for abstaining was because I did not hear the comments made. Will you come back to me and let me just review this quickly?

Chair Peeples – Ms. Simon, will you continue with the roll call vote and leave Ms. Clay to last, please?

Ms. Simon – Yes, ma'am. Mr. Ferreira? You're muted, sir.

Mr. Ferreira – Yes.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Aye.

Ms. Simon – Mr. Jones?

Mr. Jones – Aye.

Ms. Simon – Ms. Liotta?

Ms. Liotta – Nay.

Ms. Simon – Mr. Williams?

Mr. Williams – Aye.

Ms. Simon – Madam Chairwoman?

Chair Peeples – Nay.

Ms. Simon – And we are left with Ms. Clay.

Ms. Clay – Nay.

Ms. Simon – The ayes have it and that motion passes.

Chair Peeples – Ms. Knowles, the motion to deny has been approved and if you have any questions, feel free to get back in touch with the Department Division staff. Thank you for being a part of the meeting today.

Ms. Knowles – Thank you. Thank you very much.

Chair Peeples – Yes, ma'am.

- K. Application(s) for Monument Establishment Sales Agent**
(1) Informational Item (Licenses Issued without Conditions) – Addendum G
(a) McGrane, Mark F613786
(b) Raymond, Mathew B F613787
(c) Savage, James F081749

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

- L. Application(s) for Preneed Branch License**
(1) Recommended for Approval without Conditions – Addendum H
(a) All County Funeral Home & Crematory (F019457)

Ms. Simon – Pursuant to s. 497.453, Florida Statutes, the applicants listed have applied for preneed branch licensure. The applications were complete without reportable criminal or disciplinary history and accompanied by the required fee. The record indicates that each applicant qualifies for branch licensure. The Division recommends approval.

Chair Peeples – Do we have a motion?

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

- M. Notification(s) for Change of Location**
(1) Informational Item (Licenses Issued without Conditions) – Addendum I
(a) John Hanks Memorial Services LLC (F489073) (Davie)
(b) Palm Cremation and Burial LLC (F089927) (Palm Harbor)

Ms. Simon – This is an informational item. The establishment listed on Addendum I has applied for approval of a change of location of their business. 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 Direct Disposal Establishment**
(1) Recommended for Approval without Conditions
(a) Sunflower Cremation LLC (Coral Springs)

Ms. Simon – Is there a representative of Sunflower Cremation LLC on the call today? Hearing no response. An application for a direct disposal establishment licensure was received on August 24, 2022. The application was incomplete when submitted. A completed application was received on September 7, 2022. The Division is recommending approval.

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

Chair Peeples – Ms. Simon?

- O. Application(s) for Funeral Establishment**
(1) Recommended for Approval with Conditions
(a) Gainer Pollard Memorial Chapels LLC (Fort Walton Beach)

Ms. Simon – Is there a representative of this entity on the call? Hearing no response. An application for funeral establishment licensure was received on August 3, 2022. The application was incomplete when submitted. A completed application was received on August 18, 2022. A background check of the principals revealed no criminal history for its principals. However,

there is reportable adverse licensing history on previous license and that is included within your Board package. The Division is recommending approval subject to the terms & conditions of the executed stipulation for licensure, which calls for:

1. That the establishment passes an onsite inspection by a member of Division Staff;
2. That the applicant pays the \$3000 fine required by the Final Order issued in Case No. 254989-19 before the instant licensure is issued; and
3. That this license be placed on probation for one year from the date of licensure.

Chair Peeples – Thank you, Ms. Simon. Do we have a motion to approve with conditions?

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

Chair Peeples – Ms. Simon?

(b) Hickson Funeral Home Arcadia Inc (Arcadia)

Ms. Simon – Is there a representative of this entity on the call? Hearing no response. An application for funeral establishment licensure was received on July 20, 2022. The application was incomplete when submitted. A completed application was received on August 30, 2022. A background check of the principals revealed no criminal history for its principals. There is a current licensee at this location, Hickson Funeral Home (F040342). The applicant is applying for a new license because of the death of the owner, Eugene Hickson. The establishment passed its inspection on September 8, 2022. The Division recommends approval subject to the condition that the current license (F040342) be made invalid. Just in an abundance of caution, is there a representative of Hickson on the call today? Thank you, Madam Chair.

Chair Peeples – We do have someone, Ms. Simon.

Ms. Simon – Ok, I apologize.

Chair Peeples – That's OK. Do we have a motion to approve with conditions?

MOTION: Mr. Clark moved to approve the application subject to the condition that the current license (F040342) be made invalid. Staff. Ms. Liotta seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Mr. Hickson.

(c) Infinity Funeral and Cremation Services Corporation (Miami)

Ms. Simon – An application for funeral establishment licensure was received on July 19, 2022. The application was incomplete when submitted. A completed application was received on August 24, 2022. The Division recommends approval subject to the condition that the establishment passed an onsite inspection by a member of Division staff. Is there a representative of Infinity Funeral and Cremation Services Corporation on the call today? Hearing no response. Madam Chair?

Chair Peeples – Thank you, Ms. Simon. Do we have a motion to approve with conditions?

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

Chair Peeples – Ms. Simon?

(d) Journey Memorial Chapel LLC d/b/a Journey Memorial Chapel Funeral & Cremation Services (West Palm Beach)

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

Applicant – Yes, I’m here.

Ms. Simon – Thank you. An application for funeral establishment licensure was received on August 15, 2022. The application was complete when submitted. The Funeral Director in Charge will be Johnny Johnson (F043266). A background check of the principals revealed no criminal history for its principals. The Division recommends approval subject to the condition that the establishment passed an onsite inspection by a member of Division staff.

Chair Peeples – Thank you, Ms. Simon. Do we have a motion to approve with conditions?

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

Chair Peeples – Thank you for coming, sir.

- (2) *Recommended for Approval without Conditions*
- (a) *South Florida Crematory LLC (Pompano Beach)*

Ms. Simon – An application for a funeral establishment licensure was received on August 25, 2022. The application was incomplete when submitted. A completed application was received on August 31, 2022. The Funeral Director in Charge will be Keila Cruet (F052106). A background check of the principals revealed no criminal history for its principals. The inspection for this establishment was completed on September 8, 2022. The Division recommends approval without conditions. Is there a Representative from South Florida Crematory LLC on the call today? Hearing no response. Madam Chair?

Chair Peeples – Thank you, Ms. Simon. Do we have a motion to approve without conditions?

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

Chair Peeples – Ms. Simon?

- P. *Application(s) for Monument Establishment Retailer*
- (1) *Recommended for Approval without Conditions*
- (a) *New Beginnings Corp (Pembroke Pines)*

Ms. Simon – An application for monument establishment retail licensure was submitted on June 6, 2022. The application was incomplete when submitted. The application was completed on August 25, 2022. If approved, Applicant will operate as a monument establishment retailer at the above specified location. The establishment passed its inspection on September 8, 2022. The Division is recommending approval without conditions.

Chair Peeples – Is there a motion to approve without conditions?

MOTION: Mr. Jensen moved to approve the application. Mr. Ferreira seconded the motion, which passed unanimously.

Chair Peeples – Ms. Simon?

- (b) *Willdoris & Associates Inc d/b/a Cycadia Monument Company (Palm Harbor)*

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

Mr. Kevin Cantrell – I’m on the call.

Ms. Simon – Thank you.

Mr. Cantrell – My name's Kevin Cantrell. I own Cycadia Monument Company.

Ms. Simon – Thank you Mr. Cantrell. If I could just have one moment?

Chair Peeples – Yes, ma'am.

Ms. Simon – Thank you, Madam Chair. An application for monument establishment retailer licensure was submitted on July 28, 2022. The application was incomplete when submitted. The application was completed on August 29, 2022. A completed background check revealed no criminal history for its listed principal. If approved, Applicant will operate as a monument establishment retailer at the aforementioned location. The establishment passed its inspection on September 7, 2022. The Division is recommending approval without conditions. Mr. Cantrell, if you could raise your right hand to be sworn in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Cantrell – Yes.

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

Mr. Cantrell – Kevin Cantrell, C A N T R E L L.

Chair Peeples – Thank you, Ms. Simon, and thank you Mr. Cantrell for being a part of this meeting today. Do we have a motion?

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

Chair Peeples – Ms. Simon?

Q. Application(s) for Preneed Main License
(1) Recommended for Approval without Conditions
(a) Edward Rivero Funeral Home Incorporated (F458923) (Hollywood)

Ms. Simon – If I may just have one moment?

Chair Peeples – Yes, ma'am.

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. The Department received an application for preneed main licensure on May 16, 2022, which was incomplete at the time of submission. The application was deemed complete on August 18, 2022. If approved, the applicant will trust with IFDF and use approved contracts. The Division is recommending approval without conditions.

Chair Peeples – Thank you, Ms. Simon. Is there a motion to approve?

Mr. Jensen – Approve with conditions.

Ms. Liotta – Second.

Chair Peeples – We have a motion by Mr. Jensen, second by Ms. Liotta. Is there any discussion?

Ms. Bryant – Madam Chair?

Chair Peeples – Excuse me? Is someone speaking on behalf of Edward Rivero?

Ms. LaTonya Bryant – There are no conditions listed for this application.

Ms. Munson – I was going to say the same thing.

Chair Peeples – Thank you, Ms. LaTonya.

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

(c) Thorne's Mortuary Inc (F040004) (Stuart)

Ms. Simon – The Department received an application for preneed main licensure on July 20, 2022, which was incomplete at the time of submission. The application was deemed complete on September 6, 2022. A completed background check of all principals was returned without criminal history. If approved, the applicant will use Great Western for insurance funded contracts. The Division is recommending approval without conditions.

Chair Peeples – Is there a motion to approve without conditions?

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

Chair Peeples – Ms. Simon?

(d) Watson Milton Funeral Home LLC (F508682) (Trenton)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. The Department received an application for preneed main licensure on June 17, 2022 which was incomplete at the time of submission. The application was deemed complete on August 31, 2022. A completed background check of all principals was returned without criminal history; If approved, the applicant will trust with IFDF and use approved contracts. The Division is recommending approval without conditions.

Chair Peeples – Is there a motion to approve without conditions?

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

Ms. Simon – Madam Chair, I need a moment before we continue with the agenda. May I have it?

Chair Peeples – Yes, ma'am.

R. Application(s) to Removal Service License

(1) Recommended for Approval with Conditions

(a) 1st Choice 21 LLC (Orlando)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. An application for removal service licensure was received on July 11, 2022. The application was incomplete when submitted. A completed application was received on August 24, 2022. The Division recommends approval subject to the condition that the removal service passes an onsite inspection by a member of Division staff.

Chair Peeples – Thank you, Ms. Simon. Do we have a motion to approve with conditions?

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

Ms. Munson – Madama Chair, just for clarity and clarification. I'm sorry. The last motion, the last vote that we did, was it on Thorne's or Watson?

Ms. Bryant – I think we missed New Beginnings.

Ms. Munson – Something was missed. I just don't know which one, because I think Ms. Simon would present, but then the motion was for another one and I don't know where it happened. But I just needed to clarify for the record that they all were voted on.

Chair Peeples – Thank you, Ms. Munson.

Ms. Simon – Thank you. Let’s continue on this matter, and then I will go back to it.

Chair Peeples – Thank you, Ms. Simon. We have a motion and a second and we've approved R (1) (a).

- Q. Application(s) for Preneed Main License**
 - (1) Recommended for Approval without Conditions**
 - (b) New Beginnings Corp d/b/a New Beginnings Funeral Home (F509399) (Pembroke Pines)**

Ms. Simon – The Department received an application for preneed main licensure on June 6, 2022 which was incomplete at the time of submission. The application was deemed complete on September 16, 2022. A completed background check of all principals was returned without criminal history; Applicant’s qualifying funeral establishment license is located at the above address. If approved, will trust with FSI and use approved contracts. The Division is recommending approval without conditions.

Chair Peeples – Thank you, Ms. Simon. Is there a motion to approve without conditions?

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

- R. Application(s) to Removal Service License**
 - (1) Recommended for Approval with Conditions**
 - (b) Direct Transport & Removal Services LLC (Dumedin)**

Ms. Simon – An application for removal service licensure was received on July 20, 2022. The application was incomplete when submitted. A completed application was received on August 31, 2022. The Division recommends approval subject to the condition(s) as follows:

1. That the removal service passes an inspection by a member of Division Staff
2. That the principle, John Blasdel, be removed from the listing with the Division of Corporations.

Chair Peeples – Do we have a motion to approve with conditions?

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

Chair Peeples – Ms. Simon?

- (c) Gregorys’ Funeral Transport LLC (Pembroke Pines)**

Ms. Simon – Is there a representative of this entity on the call? Hearing no response. An application for a removal service licensure was received on August 22, 2022. The application was incomplete when submitted. A completed application was received on September 1, 2022. The Division recommends approval subject to the condition that the removal service passes an onsite inspection by a member of Division staff.

Chair Peeples – Do we have a motion to approve with conditions?

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

- (d) R L A Removal Express LLC (Orlando)**

Ms. Simon – Is there a representative of this entity on the call? Hearing no response. An application for removal service licensure was received on June 27, 2022. The application was incomplete when submitted. A completed application was

received on August 31, 2022. The Division recommends approval subject to the condition that the removal service passes an onsite inspection by a member of Division staff.

Chair Peeples – Do we have a motion to approve with conditions?

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

(e) Transdignity Inc (Miami)

Ms. Simon – Is there a representative of this entity on the call? Hearing no response. An application for removal service licensure was received on August 8, 2022 and was complete when submitted. The Division recommends approval subject to the condition that the removal service passes an onsite inspection by a member of Division staff.

Chair Peeples – Do we have a motion to approve with conditions?

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

Chair Peeples – Ms. Simon?

(f) Tron N Sylvester d/b/a Final Passage Transport (Daytona Beach)

Ms. Simon – Is there a representative of this entity on the call? Hearing no response. An application for removal service licensure was received on September 8, 2022 and was complete when submitted. A background check of the principals revealed no criminal history for its principals. The Division recommends approval subject to the condition that the removal service passes an onsite inspection by a member of Division staff.

Chair Peeples – Do we have a motion to approve with conditions?

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

Chair Peeples – Ms. Simon?

S. Application(s) to Renew Internship

(1) Recommended for Approval without Conditions

(a) Funeral Director and Embalmer

1. Alleyne, Monique M F540147

Ms. Simon – Is Ms. Alleyne, or a representative on the call today?

Ms. Monique Alleyne – Yes, I am.

Ms. Simon – Thank you, ma'am. An application to renew the applicant's funeral director and embalmer internship license was received on September 6, 2022. The Applicant is currently licensed as a funeral director and embalmer intern. The current license would have expired on October 6, 2022. The Division is recommending approval without conditions.

Chair Peeples – Is there a motion to approve the renewal request?

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

Ms. Alleyne – Thank you.

2. *Jepsen, Dillon M F535679*

Ms. Simon – Is Mr. Jepsen on the call today? Hearing no response. An application to renew funeral director and embalmer internship licensure was received on September 13, 2022. The applicant’s licensure as a funeral director and embalmer intern would have expired on September 17, 2022, and the Division is recommending approval without conditions.

Chair Peeples – Do we have a motion to approve the renewal request?

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

Chair Peeples – Ms. Simon, before we go on to Letter T in the agenda, it has come to my attention that our Board call will probably end at three o'clock, which was the timeframe that was so stated. So, we are two (2) minutes from that timeframe, and we still have T, U, V, W, X, Y, Z, AA, BB, and CC. So, would it be appropriate to put those items on the November meeting?

Ms. Simon – Actually, Madam Chair, if we can continue in the hopes that the call will not be hung up on, but, otherwise, we will need to reach out to the Board members, on the other items on the agenda.

Chair Peeples – Thank you, ma'am. We'll continue until we're told not to.

Ms. Simon – Thank you.

T. Collective Application(s)

(1) Recommended for Approval with Conditions

(a) All County Mortuary Service Inc (Port St Lucie)

1. New Establishment

- *Cinerator Facility*
- *Funeral Establishment*

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

Mr. Shaun Luyk – Yes, this is Shawn Luyk.

Ms. Simon – Thank you, Mr. Luyk. All County Mortuary Service Inc d/b/a All County Funeral Home & Crematory, seeks approval of applications for new licensure of one (1) funeral establishment and one (1) cinerator facility license. More specifically, the entities that are being acquired are as follows:

- 1) All County Mortuary Service Inc, a funeral establishment, physical address: 1616 SE Port St Lucie Blvd, Port St Lucie, FL 34952. FDIC: Brian Blumenberg, license #F593911
- 2) All County Mortuary Service Inc, a cinerator facility, physical address: 1616 SE Port St Lucie Blvd, Port St Lucie, FL 34952. FDIC: Brian Blumenberg, license #F593911

The applications for each property are included within your Board package. The Division is recommending approval subject to the following condition that the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.

MOTION: Mr. Brandenburg moved to approve the applications subject to the condition that the establishments pass onsite inspections by a member of Division Staff. Mr. Ferreira seconded the motion, which passed unanimously.

Mr. Luyk – Thank you, Board.

Chair Peeples – Thank you.

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

(1) Recommendation for Approval with Conditions

(a) Monument Retail Sales Agreement

1. Evans Monument and Vault Company, Inc (Pensacola)

Ms. Simon – Is there a representative of this entity on the call? Hearing no response. The sales agreement is included within your Board package. The Division recommends approval with the condition that two (2) full sized print-ready copies of the agreement are received by the Department within sixty (60) days of this Board meeting.

Chair Peeples – Is there a motion to approve with conditions?

MOTION: Mr. Williams 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. Ms. Liotta seconded the motion, which passed unanimously.

(b) Trust Agreement and Request for Transfer of Trust

1. Carriage Florida Holdings Inc/Carriage Funeral Holdings Florida Inc (F058284) (Houston, TX)

Ms. Simon – Is there a representative of this entity on the call? Hearing no response. Carriage seeks approval of a preneed trust agreement, and the proposed trust asset transfer as more specifically set forth in the attached correspondence from Justin Wilson of Argent Trust Company and Ben Brink of Carriage (attached hereto, as Exhibit A). Exhibit B) Trust Agreement Carriage seeks approval of the following: Attachment 1 hereto is a preneed trust agreement, entitled “*Master Preneed Funeral Trust Agreement*.”

Proposed Trust Transfer

Carriage now seeks approval of the transfer of preneed funeral trust account from the First Florida Trust-Carriage Preneed Assets (Carriage Preneed Trust) to the Carriage Master Preneed Funeral Trust Agreement under Argent Trust Company as identified in attached Exhibit A, which is correspondence from Mr. Wilson and Mr. Brink dated August 10, 2022. If approved, Argent will continue to be trustee, all as more specifically set out in Mr. Wilson’s correspondence, dated August 10, 2022. The Division recommends approval of the proposed trust transfer as identified above subject to the following conditions:

- 1) That the representations of Carriage, as set forth in Representative's correspondence dated August 10, 2022 be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Argent provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b)), to act as trustee of the trust to be transferred pursuant to Representative’s correspondence, dated August 10, 2022.
 - 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 August 10, 2022.
 - 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 August 10, 2022.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

Chair Peeples – Thank you, Ms. Simon. Do we have a motion to approve with conditions?

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

V. Executive Director’s Report

(1) Operational Report (Verbal)

Ms. Simon – Madam Chair, at this point, I would like to turn the meeting over to Mary Schwantes for the Executive Director's Report.

Chair Peeples – Thank you, Ms. Simon. Ms. Schwantes?

Ms. Schwantes – Thank you, Madam Chair. Good afternoon, Board members. First, I want to thank everybody on the phone, Board members, as well as our other meeting attendees for their flexibility with regard to the schedule and changing this meeting. As you all know, the meeting date was changed in order to allow those attending time to resolve some of the damages caused by Hurricane Ian, including allowing more time for power to be restored in the impacted areas. Speaking of Hurricane Ian, it made landfall in Florida on Wednesday, September 28th impacting forty-seven (47) counties in Florida, even reaching as far north as our panhandle’s coastal areas, with reverse storm surge and some flooding. Immediately starting the day after the storm, our Tallahassee Division employees began reaching out to our establishment licensees in the impacted counties. Approximately 1,000 establishment licensees or their representatives were contacted. The purpose of the calls was basically a wellness check. As with prior storms, we wanted to know how the licensees fared. If they had power? How they were handling any refrigeration issues? And if they needed assistance? As you know, there were a lot of power outages. Frequently we heard of neighboring funeral homes and other licensees with generators, or refrigeration trucks assisting licensees in their areas. And that was always great news. We were able to refer some licenses to others who were able to offer assistance, and we were glad to be able to help in that area. Although I can't actually compare numbers due to the size of the storm in comparison with other storms and the counties impacted, it also seemed like many more of the establishments were prepared for the storm, with generators or other plans for ensuring their continued operations following such emergencies. To date, we've only learned of one funeral home in Charlotte County that will require significant rebuilding. Considering the vast size and power of Hurricane Ian, the majority of the licensees we contacted fared well. I think that says a lot again, to the preparation industry and good fortune, frankly.

Of course, I want to thank our Division’s Tallahassee team who made the bulk calls prior to our regional offices being re-opened, But I also want to thank others who helped in the coordination of information and assistance both before and after the storm. As always, Ken Jones and his team at the Department of Health, they are wonderful to work with. Our contacts at the State's Emergency Operations Center helped put together some of the assistance for some of the licensees, and both IFDF and the FCCFA should also be thanked for their proactive efforts to assist their members. Preparing for and reacting to storms of this nature or other emergencies requires the combined efforts of all individual licensees, associations, regulatory agencies, and others. And, although I am sorry that we have had such experiences in the past between storms and pandemic and such, I do believe that this industry becomes better and better prepared for such situations, and the results could have been much worse. So, we'll continue to keep those along the storms main path of destruction in our thoughts and prayers as they continue their recovery efforts. We will also continue to monitor the repair progress of the licensees which incurred damage to their properties. However, other than conducting investigations based upon complaints, our field staff’s priority assignments are to complete the annual inspections of the cemeteries, which are due by calendar year. So, that's kind of where we are with regards to the Hurricane Ian report.

Our next Board meeting will be held by video conference on Thursday, November 3rd at 10 AM. This was also a recent schedule change due to Hurricane Ian, as the meeting was previously scheduled to occur in person in Orlando. Details regarding the November 3rd meeting have been posted on our website. And also, if you haven't been there recently, we have also posted the 2023 meetings through the end of the fiscal year, which ends on June 30th. That ends the Executive Director's Report. Glad to see you all here. Glad to hear that most did not have significant damages from the storm. Thank you, Madam Chair.

Chair Peoples – Ms. Simon.

Ms. Simon – 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: October 6, 2022
 Date report was prepared: September 22, 2022

Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
Northwood Funeral Home & Crematory	Sep-22		\$2,500			
Scott Thomas Hickey	Sep-22	287726-21-FC	\$1,000	10/21/2022		
Horace Barrett, Jr.	1-Sep	256152-19-FC	\$3,000	10/21/2022		
Tri-County Funeral Services, Inc.	Jul-22	242577-19-FC & 282697-21-FC	\$500	9/19/2022		
Sandy Poulard	Jul-22	242583-19-FC & 282698-21-FC	\$1,500	9/19/2022		
Holloway Funeral Home, LLC	Jul-22	287724-21-FC	\$3,000	9/19/2022	Paid \$1000	
Frank T. Winninger	Jul-22	283323-21-FC	\$1,500	8/28/2022	Paid in Full	
Abundant Favor Mortuary	Jul-22	283321-21	\$1,500	9/28/2022	Paid in Full	
Gallaher American Family Funeral Home	Jun-22	278188-21-FC	\$250	8/15/2022		Sent to OGC for administrative action
Vinson Funeral Home	March 3, 2022	283110-21-FC	\$250	May 9, 2022		Sent to OGC for administrative action
Jeffrey Lee Tillman	March 3, 2022	275817-21-FC	\$4,000	August 2, 2022	Paid In Full	Sent to OGC for administrative action
Paradise Funeral Chapel LLC	2/3/2022	App for Licensure	\$1,500	March 25, 2022		Sent to OGC for administrative action
Marie Decker	May-21	243582-19-FC	\$2,250	11/22/2021		Sent to OGC for administrative action

ES 9-22-2022

Chair Peeples – Thank you, Ms. Simon.

W. Chairman's Report (Verbal)

Chair Peeples – I just want to continue with what Ms. Schwantes mentioned about the Tallahassee team that did all the calls and check with all the licensees. We received one, and we're thankful for their call and appreciate all the due diligence that they completed. And Mr. Jones, thank you to your team for what you did. For Kevin Guthrie at the Emergency Operations Center, I FDF and FCCFA, because we're all a team serving the consumers. So, we all need to band together. So, thank you, Ms. Simon. I appreciate the opportunity just to give a word of thanks. And also, to the Division/Department team, Ms. Munson, Mr. Griffin, all the folks there in the office, we appreciate everything that you do. Thank you.

X. Office of Attorney General's Report
(1) Attorney General's Rules Report (Informational)

Ms. Munson – This is provided for informational purposes only. Thank you, Madam Chair.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
OCTOBER 2022**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-5.007	Conversion Procedures	08/04/2022	08/19/2022	08/29/2022	09/15/2022		
69K-12.011	Annual Inspection Fees for Monument Builders	09/02/2021	10/19/2021 03/04/2022	10/29//2021	11/17/2021 12/21/21 – JAPC Letter 01/10/22 – JAPC Response 01/11/22 – JAPC Letter 01/11/22 – TOLLED 02/16/22 – Notice of Correction 03/15/2022 – Notice of Change 04/04/2022 - JAPC Response	04/15/2022	05/05/2022

Chair Peebles – You’re welcome.

Y. Administrative Report

The information was provided on the Agenda.

Z. Disciplinary Report

The information was provided on the Agenda.

AA. Public Comments (Verbal)

Ms. Simon – Is there anyone that has public comment to discuss at this point? Hearing no response. Madam Chair?

BB. Upcoming Meeting(s)

- (1) *November 3rd (Videoconference)*
- (2) *December 1st (Videoconference)*

The information was provided on the Agenda.

CC. Adjournment

Chair Peebles – It is 3:10, and we’ll take a motion to adjourn. Do we have a motion to adjourn?

MOTION: Mr. Ferreira moved to adjourn the meeting. Mr. Jones seconded the motion, which passed unanimously.

Chair Peebles – Thank you for your attendance today.

The meeting was adjourned at 3:10.