

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
APRIL 7, 2022 - 10:00 A.M.

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

Mr. Jody Brandenburg, Chair – Good morning. Welcome to the Board of Funeral, Cemetery, and Consumer Services' Videoconference meeting. It's April 7, 2022. As I call this meeting to order, Ms. Simon would you make your preliminary remarks and please call the roll?

Ms. Ellen Simon – Yes, Mr. Chairman. Good morning. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, April 7, 2022, and it is approximately 10 A.M. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by videoconference. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to interested persons. Both the link and call-in number is on the agenda, which has been made available to the public. The call-in number and other information relating to the Board meeting has also been published on the Division's website. The Division staff present for this meeting are monitoring from their individual offices. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared.

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

Additionally, we need everyone that is on the call to place their phone or audio feed on mute, if you are not speaking. The ambient noise coming from someone's phone or audio, which is not muted, causes severe disruption to the meeting. If you are not muted, you may be muted by Division staff. As a result, you may need to call back into the meeting because that may be the only way to unmute your phone. Also, if you are using your computer or smartphone for your audio feed, please remember to speak directly into the microphone on your device. To do so otherwise negatively impacts the recording of this meeting. Just as in a live meeting, persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board's Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. As a final reminder, Board meetings are public meetings under Florida Law, and anything said via chat is subject to a public records request. As such, this feature should only be used for technological issues you may be experiencing. At this point I will take the roll:

Joseph "Jody" Brandenburg, Chair
Keenan Knopke, Vice Chair
Andrew Clark (**EXCUSED**)
Sanjena Clay
Lewis "Lew" Hall
Christian "Chris" Jensen
Ken Jones
Jay Lyons
Darrin Williams

Also noted as present:

Mary Schwantes, Executive Director
Rachelle Munson, Board Legal Advisor

Marshawn Griffin, Department Legal Counsel
LaTonya Bryant, Department Staff

Ms. Simon – Mr. Chairman, Andrew Clark was unable to attend today’s meeting. I believe you were notified of that beforehand.

Chair Brandenburg – Yes, I was.

Ms. Simon – At this time there is a quorum present for the business of the Board.

Chair Brandenburg – Thank you.

B. Action on the Minutes
(1) March 3, 2022

Chair Brandenburg – Action on the minutes of the March 3, 2022 meeting.

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

C. Old Business
(1) Motion for Clarification (Probable Cause Panel A)
(a) Recommended for Denial
1. Tillman, Jeffrey Lee: DFS Case No. 275817-21-FC; Division No. ATN-31875 (F044406)

Ms. Simon – During the March 2022 Board meeting, Mr. Tillman was assessed a \$4,000 administrative fine and was placed on probation for two (2) years. While there was no time frame to pay associated with the assessed fine, Rule 69K-14.008, F.A.C., provides that, “All fines and costs imposed by the Board shall be paid within thirty (30) days of the date of the Final Order entered by the Board unless the Final Order extends the deadline in any given case.” A Motion for Clarification was sent to the Department on or about March 8, 2022. This Motion for Clarification requests that the \$4,000 administrative fine be paid at \$200 per month during the course of the probationary period. The Division is not in agreement with this type of payment schedule as it is difficult to track and is rarely successful and would thus Mr. Tillman up for possible failure. If the Board is so inclined to modify the Final Order, the Division would request that the \$4,000 payment be ordered to be paid within the next ninety (90) days. I believe, Mr. Tillman’s attorney, Mr. Martinez, is on the call today.

Mr. Michael Martinez – I am. Thank you. I appreciate the opportunity to be here.

Chair Brandenburg – Thank you. Mr. Knopke?

Mr. Keenan Knopke – Yes, sir. Mr. Chairman, thank you. I just wanted to recuse myself. I was on Probable Cause Panel A. I didn't participate in the previous discussion and will not today.

Chair Brandenburg – Thank you so much. Mr. Martinez, would you want to address the Board or you're merely here to answer questions?

Mr. Martinez – Very, very briefly. First of all, I apologize. I wasn't aware of the existing rule. I agree with the Department in the sense that {inaudible} had it been so, I would have at the time of the hearing requested a payment plan. My client doesn't have the funds to come up with {inaudible} a guarantee {inaudible} to come up with \$4000 in the thirty (30) days. So, again, I apologize. That's my {inaudible}. Sorry to take up your time. I work with my client, you know. I understand that tracking is an issue. I'm certainly willing to work to help facilitate to ensure the payments are. And I, in fact, have had the first payment, and we actually talked about payments of \$250, because we want to make it as convenient as possible to {inaudible} client. And I've already had that first payment transferred into a trust account, and the check I have today. And so, I would facilitate the {inaudible} apologize for taking up your time. That's all I have. Thanks.

Chair Brandenburg – Mr. Martinez, how did you feel about the Division’s request that the payment should be paid within the next ninety (90) days, instead of the usual thirty (30) days?

Mr. Martinez – Based on what my client has indicated to me, I don't think that's a reasonable amount of time for him to make the payment. One suggestion I could make is, if we were to say that the fine has to be paid within the probationary period, then they don't have to check on it every month. If the amount isn't paid within the probationary period, he'd be in violation, and there would be a subsequent case against him, And I can commit to you to working to have the funds put into a trust with my client, or at least I can recommend him. I can't make them do anything. And then to ensure that the total payment is made at one time, so that the Board’s office doesn't have to track these payments, which I understand if that were a routine procedure would be [inaudible]. We would request within the period of probation and then that would only be one thing to check at the end, is compliance, which I think is a fairly standard practice.

Chair Brandenburg – Thank you. Board?

Mr. Jay Lyons – Mr. Chair?

Chair Brandenburg – Go right ahead.

Rabbi Lyons – I think there's something to be said for doing one (1) single payment. In other words, it would probably make it easier for the Department. So, I would suggest a compromise position that a single payment be made at some point between now and one (1) year from now.

Ms. Rachel Munson – Chair Brandenburg? I'm having technical difficulties with my video and audio via computer, so I'm on the telephone. I appreciate you allowing me to interject. With the motion that’s just been presented to the Board, I'd like to just note that if the Respondent make more than one (1) payment, during the one-year period, he would also be in violation. The way it's worded, may not necessarily be conducive to what the Department wants. If the Department wants to accept a payment within a year, limiting him to only make one (1) payment could impact the discipline case, if he attempts to make more than one (1) payment, meaning breaking it up in two (2) payments or something, but I would just like the Board to consider the wording of the motion.

Rabbi Lyons – So I'll modify motion that the licensee, well, no. I think that's how we want it, because if he's able to make multiple payments, that ends up being very difficult for the Department to track. So, breaking it up into two (2) payments would be a violation. I would like to make my original motion.

Chair Brandenburg – Ms. Clay, sometimes, when we have call ins, and the Member is on the videoconference and responding verbally by telephone, we have some interference. So that may be the case this time. I appreciate what you had to go through to get on the call, but that could be the source of the interference that we're experiencing.

Ms. Sanjena Clay – You're receiving interference from my connection?

Chair Brandenburg – We can hear you fine, and the interference is gone.

Ms. Clay – OK.

Mr. Hall – I believe that it might be Ms. Munson from the telephone, Mr. Chairman.

Chair Brandenburg – Ok.

Ms. Munson – Correct, and I did disconnect the Go To video computer setup, if that helps at all.

Chair Brandenburg – So we have before us this issue, and Rabbi Lyons was that a motion?

Rabbi Lyons – Yes.

Chair Brandenburg – LaTonya Bryant, do you have any suggestions on the interference? Is everybody hearing it? Or is it just me?

Ms. LaTonya Bryant – It's showing up as Michael Martinez.

Mr. Martinez – I can hear with no sound on my end. I mean, I can mute, if that would help.

Ms. Bryant – Yes, sr.

Chair Brandenburg – Please.

Mr. Martinez – Ok.

Chair Brandenburg – Thank you. And then come back if you need to address the issue. So, there is a motion, and I haven't heard a second, so that motion dies for lack of a second. Board members, again, I call your attention to the Division's request that the payment be ordered to be paid within the next ninety (90) days.

MOTION: Mr. Chris Jensen moved that the \$4,000 payment ordered be paid within the next ninety (90) days. Mr. Hall seconded the motion, which passed unanimously.

Chair Brandenburg – Thank you, Mr. Martinez. We appreciate your being with us on the call.

Mr. Martinez – Thank you, sir. I appreciate the consideration that you all offered and have a wonderful day.

Chair Brandenburg – Thank you.

Ms. Munson – Chair Brandenburg, before Ms. Simon provides information on this discipline case, this is Ms. Munson again. That motion that was just passed regarding the Tillman case to extend time to ninety (90) days, is that ninety (90) days from the date of this new Final Order that will be issued?

Chair Brandenburg – That's the way I understood it.

Ms. Munson – Thank you, sir.

Chair Brandenburg – Thank you.

D. Disciplinary Proceeding(s)

(1) Settlement Stipulation (Probable Cause Panel B)

(a) *McRae Funeral Services: DFS Case No. 285315-21-FC; Division No. ATN-36904 (F070325)*

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

Mr. Marshawn Griffin – Marshawn Griffin for the Department.

Mr. Williams – Mr. Chair?

Chair Brandenburg – Yes?

Mr. Williams – This is Darrin Williams. I served on Probable Cause Panel B. I need to recuse myself from this case, sir.

Chair Brandenburg – Thank you for that declaration, Mr. Williams, and thank you for serving on the Probable Cause Panel.

Mr. Griffin – May I proceed?

Chair Brandenburg – Please do, Mr. Griffin.

Mr. Griffin – McRae Funeral Services, LLC (“Respondent”) is a funeral establishment, licensed under Chapter 497, Florida Statutes. The Department conducted an investigation of Respondent and found that Respondent advertised the sale of preneed services on its website without the benefit of licensure. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine in the amount of \$1,750 and have its license placed on probation for six (6) months. The Department requests that the Board accept this Settlement Stipulation.

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

Rabbi Lyons – Mr. Chair? Sorry. Before we move on?

Chair Brandenburg – Rabbi Lyons?

Rabbi Lyons – Sorry. Just a question. Usually, we also go after the Funeral Director in Charge with these violations. So, this question is for Mr. Griffin, please.

Mr. Griffin – I don't have a signed Settlement Stipulation from the Funeral Director in Charge, but I have made the offer of a \$1250 and six (6) months' probation, consistent with all the other cases. I'm just waiting to get the signed stipulation.

Rabbi Lyons – Got it. Thank you.

Mr. Griffin – Yes, sir.

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) Independent Funeral Directors of Florida Inc (135)
(b) International Cemetery, Cremation and Funeral Association (22808)
(c) International Order of The Golden Rule (2201)
(d) National Funeral Directors and Morticians Association, Inc. (15608)
(e) National Funeral Directors Association (136)
(f) New Jersey Funeral Service Education Corp. (7002)
(g) Selected Educational Trust (43808)
(h) Wilbert Funeral Services (39408)

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

MOTION: Mr. Hall moved to approve the applications. Mr. Knopke 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 D have been reviewed by the Division and the Division recommends approval for the monetary amounts indicated.

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

H. Application(s) for Embalmer Apprentice

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

- (a) Arias, Haidy A F572821**
- (b) Gutierrez, Aura E F086673**
- (c) Wozniak, Sarah E F570936**

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 Denial – Criminal History

- (a) Roberson, Trent L**

Ms. Simon – An application for an embalmer apprentice license was received by the Division on February 8, 2022. The application was incomplete when submitted. A completed application was received on February 28, 2022. The applicant answered “no” to the criminal history question; however, the applicant’s criminal records evidenced that around December 2017, the applicant pled guilty to Reckless Driving and was sentenced to a \$400 fine, six (6) months of probation, DUI School and random alcohol tests. The Division is recommending denial of the application for licensure.

Chair Brandenburg – Is Trent Roberson on the call? I thought I saw the name earlier.

Mr. Trent Roberson – Yes, I’m here.

Ms. Wendy Wiener – Hello, Mr. Chairman. This is Wendy Wiener. I represent Mr. Roberson.

Chair Brandenburg – Thank you. Ms. Wiener, are you here to answer questions or would you like to address the Board?

Ms. Wiener – I would like to address the Board, please.

Chair Brandenburg – Go right ahead.

Ms. Wiener – Thank you. So, Board members, you have the packet of Mr. Roberson in front of you. The actual crime was committed in June, five (5) years ago at this coming June, and quite frankly the issue as to whether it was reportable was one that Mr. Roberson was not clear on and really neither was I until we looked more carefully at the records. Reckless driving in and of itself is not a reportable misdemeanor, but willful and wanton reckless driving is a reportable misdemeanor. Mr. Roberson believed that he had pled that criminal charge down to one that would not need to be reported to the Board. The only evidence that you have from the court documents that confirms that it was a willful and wanton charge is at the top of the page where the court hand wrote in the information regarding the charge, and it says in WWRD. So, we are now assuming that that is in fact willful and wanton reckless driving and would be a reportable crime. However, Mr. Roberson meant no intent to deceive with regard to this matter. Simply did not realize that he had reportable criminal history and we would ask that you grant his license application. And he was there, and he has disappeared from my screen. So, maybe he is on your screen.

Chair Brandenburg – Thank you.

Mr. Roberson – I’m getting some interference and had to turn the camera off.

Chair Brandenburg – Mr. Knopke?

Mr. Knopke – Yes, sir. Thank you, Mr. Chair. A couple of questions for Ms. Wiener or her client. Have there been any other actions, either before this one issue and after, that would be reportable?

Ms. Wiener – No, not reportable or non-reportable.

Mr. Knopke – Ok. I'm going to make a motion to approve subject to payment of \$500 fine and six (6) months of probation.

Ms. Wiener – Mr. Roberson, is that acceptable to you? I can't see you there, so.

Mr. Roberson – I suppose so.

MOTION: Mr. Knopke moved to approve the application subject to payment of \$500 fine and six (6) months of probation. Mr. Jones seconded the motion, which passed unanimously.

Chair Brandenburg – Thank you, Ms. Wiener. Thank you, Mr. Roberson.

Ms. Wiener – Thank you.

Mr. Roberson – Thank you.

- 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. Devine, James M**
 - 2. Houlberg McCollum, Victoria E**
 - 3. Vanest, Troy A**
- (b) Funeral Director and Embalmer (Endorsement)**
- 1. Ali, Ashley A**
 - 2. Blumenberg, Brian L**
 - 3. Kann, Karl F**
 - 4. Kann, Stephanie**
 - 5. McDwyer, Lawrence P**
- (c) Funeral Director and Embalmer (Internship and Exam)**
- 1. Avant, Ja'Niya T**
 - 2. Foerster, Michelle D**
 - 3. Harris, Fern**
 - 4. Pasztor, Audrey M**
 - 5. Shows, Olivia L**

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 (Education Requirements)**
- (a) Funeral Director (Endorsement)**
- 1. Miranda, Michele G**

Ms. Simon – Ms. Miranda submitted an application for a funeral director license on February 8, 2022, at which time the application was incomplete. A completed application was received on February 28, 2022. The applicant's fingerprints returned with no criminal history. The applicant does not meet the educational standards set forth by section 497.373(1)(d), Florida Statutes. And for that reason, the Division is recommending denial. I'd like to make note that while Ms. Miranda did receive a Bachelor of Arts and Liberal Studies from California State University, she did not receive a degree or diploma in Mortuary Science. She holds a California funeral director license, which is currently active and in good standing. California does not require a national examination in order to be licensed. Based upon these factors, the Division is recommending denial.

Chair Brandenburg – Thank you. Ms. Miranda, are you on the call?

Ms. Michele Miranda – Yes, sir.

Chair Brandenburg – Would you like to address the Board or you're merely here to answer questions?

Ms. Miranda – Yes, Mr. Chairman. I would be honored to address the Board.

Chair Brandenburg – Let's swear you in, which is a common practice, and Ms. Simon will do that.

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

Ms. Miranda – I do.

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

Ms. Miranda – Michele Gerel Miranda, M I R A N D A.

Ms. Simon – Thank you, ma'am.

Chair Brandenburg – Ms. Miranda, go right ahead, please.

Ms. Miranda – Thank you, Mr. Chairman and Board of Directors. After thirty (30) years of working in our funeral and cemetery industry, I have moved to Florida, and I'm requesting my funeral directors license by endorsement, please. The reason that I'm asking you, the Board of Directors of Florida, to accept my funeral directors license by endorsement, is because I want to continue to serve families and funeral homes in a special capacity that I would not be able to do without this license. In addition to serving individual needs of families, I also specialize in training both at-need and preneed directors, educating estate planning attorneys, fiduciaries and financial advisors on helping their clients with advanced planning needs, as well as post follow-up care after a death has occurred. It would be a tremendous honor for me to be able to continue this service that I love and have dedicated my career to. Thank you.

Chair Brandenburg – Board, do you have any questions of Ms. Miranda?

Mr. Knopke – Mr. Chair?

Chair Brandenburg – Mr. Hall.

Mr. Hall – Ms. Miranda, there's no training, there's no mortuary school training that you had in California, though?

Ms. Miranda – No, sir. Not specifically. We had to take courses, and of course pass the funeral exam, and in the Mortuary Service, there isn't the same type of CE as we have here now in Florida. I was able to take one of those courses that was required, and I did pass that prior to my full application.

Mr. Hall – I think my concern was what the Division is showing us. We have people who come in, and they have certificates from years ago, before they started issuing Associates, but it was a degree in Mortuary Science. I think that there may be some legislation that upcoming that might would help you, since you've held your license that long in California. But without that, I would have concern, in the consistency of what we've done in the past, if you do not have the mortuary training. That's the way I'm understanding it.

Ms. Miranda – May I respond?

Chair Brandenburg – Go right ahead.

Ms. Miranda – Thank you, Mr. Chairman. All of our mortuary training is hands on and experience. I understood, by coming to Florida, Mr. Keith Epstein would be monitoring me and overseeing all of my practices. Of course, I do have all of the guidelines of Florida. I did print everything out. I actually requested that, and I have done the review, but I did understand

that my thirty (30) years of experience in the industry is also very important. And I am asking that you consider that as part of your consideration for my acceptance into this state.

Chair Brandenburg – Mr. Knopke?

Mr. Knopke – Thank you, and I think when I'm done, Mr. Jensen may have some questions, too. Ms. Miranda, in your role in the last thirty (30) years, have you worked full-time throughout that time period, in the industry?

Ms. Miranda – Yes, sir.

Mr. Knopke – And also, a follow up. Did you make at-need funeral arrangements during that period of time?

Ms. Miranda – Yes, sir.

Mr. Knopke – And I assume you did not do any embalming or anything like that. Is that correct?

Ms. Miranda – Correct. I did not do any embalming.

Mr. Knopke – And, if you're approved here, in your role as endorsement, you'll be doing funeral directing only, not serving as a Funeral Director in Charge, or you'll be working under someone like Mr. Epstein, as well as you won't be doing any embalming, correct?

Ms. Miranda – Correct. I will not be a Funeral Director in Charge, nor will I be doing embalming.

Mr. Knopke – Ok. That's all my questions, Mr. Chairman. Thank you.

Chair Brandenburg – Mr. Jensen?

Mr. Jensen – Yes. Thank you, Mr. Chair. Noticing here and echoing off what Mr. Hall said, I do believe there may be some legislation that may help her, but, you know, the biggest issue I see here is there's been no National Boards. You didn't have to take a National Board, you know. is what the Department's telling us. I just don't see how the world we can approve this without having to even take a National Board test, at least the Arts section. I think if we figure that part out and then maybe come back, and then I think the chances would certainly be greater. That's all I have to add, Mr. Chair.

Chair Brandenburg – Thank you. Ms. Miranda? This is Jody Brandenburg. Are you currently working now in the profession?

Ms. Miranda – Yes, sir.

Chair Brandenburg – In Florida?

Ms. Miranda – I am not fully active yet in Florida. I continue to help funeral services out of the state of California by doing virtual at-need arrangements when they need, and virtual advance planning arrangements, as some of our California funeral homes are still seeing a high case count that is beyond their normal day to day. So, I am doing that on as much of a basis as I am needed.

Chair Brandenburg – You're not employed at all in Florida?

Ms. Miranda – No, not yet. I have been welcomed into Eden Funeral Service and also to work with Fairway Memorial Park, but we were all waiting on my license to come through. I did pay and also applied for the temporary license so that I can be fully active. However, I was waiting for this meeting. Ms. Jasmin Richardson was kind enough to let me know that this meeting was up and coming.

Chair Brandenburg – Are you a preneed sales agent in Florida?

Ms. Miranda – I am a life insurance, full life, licensed in Florida. I'm approved to do that. I understand that if I don't have my funeral director's license, there is a step that I can take during the interim to be licensed for preneed exclusively. I have not taken those steps yet, as I expressed to Mr. Epstein that I was going to have this meeting, and so we were going to discuss that after this meeting.

Chair Brandenburg – Thank you.

Ms. Miranda – Thank you.

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Mr. Hall?

Mr. Hall – My concern is still in that we've been very aggressive, I think, in the past. If someone comes in and has a certificate, and has the hours in, that would tie into that equivalency of an associate degree to approve that individual and bring good people into Florida. If I'm understanding correctly, you do not have that, and as Mr. Jensen said, nor do you have the National Board requirements that we require here. You keep using the term that you're not fully active yet. That worries me or concerns me. I think you need to be cautious and know what that means actually. Are you doing some things? But really you don't have a license to do preneed, to do funeral directing or anything at this point. There is legislation, though, and the Division can help you better with this on the clarification, but it was saying if you've been active somewhere for the last five (5) years, which you more than substantiate that, there may be a possibility you could fall in under that. You need to get clarification from the Division even on that, though.

Ms. Miranda – May I address that?

Chair Brandenburg – Please, Ms. Miranda?

Ms. Miranda – I have always been fully active in at-need and preneed. I recently moved to Florida, and I understood that it was prudent for me first to obtain my funeral directors license by endorsement, before I began working with Eden Funeral Service, but there hasn't been any lapse in me in the industry.

Mr. Hall – But, you've said on a couple of occasions that you're not fully active now, so I don't know. Maybe you can help us and tell us what you've been doing on a part-time basis or whatever, when you say you're not fully active.

Ms. Miranda – I'm sorry for the confusion. I am not fully active here in the State of Florida. I am fully active in funeral directing, and I have been flying back and forth to California. I am fully active, on a day-to-day basis, in at-need virtually, preneed virtually, for California services and also for overseeing some advanced planning departments, even still in California. So, I am fully active with my funeral director's license. However, I have not been active in the State of Florida yet, because I understood that I must first have my endorsement, or at least my temporary funeral director's license, which I did apply for.

Mr. Hall – Ok.

Chair Brandenburg – Mr. Knopke, did you have a question?

Mr. Knopke – Yes, sir. Could we ask either Ms. Schwantes or Ms. Simon, if she would qualify under the new legislation. {Inaudible} a part of writing that bill, I believe.

Ms. Simon – If I may respond, Mr. Chairman?

Chair Brandenburg – Please go right ahead, Ms. Simon.

Ms. Simon – I believe that Ms. Maranda would qualify under that for if there is full-time funeral directing. I'm not sure about that. I do not have that legislation in front of me right now. However, before any of that is contemplated, I believe that the

National Examination, and of course the Florida Laws and Rules Examination, is a concern to the Division. But, Mr. Knopke, I'm pretty confident that she would meet the other factors, in the legislation that will go into effect on July 1st. But, I'm sorry, that legislation is not approved yet. That proposed legislation.

Mr. Knopke – It's not been signed by the Governor yet?

Ms. Simon – Correct.

Mr. Knopke – My concern there is we were referring to the legislation possibly being approved. And what I've heard Ms. Simon say is part of it would be, but there's still the other issues out there. I don't want her to go away from the meeting like, well hopefully the Governor will sign it, and it'll be good when the Department's position, I think, will still be, and I'm not going to speak for the Department, but if my interpretation is correct, she still won't have the National Board requirement and the Laws and Rules requirement. The Laws and Rules she can take, but the National Boards will be a little more challenging. Is that correct, Ms. Simon?

Ms. Simon – Yes, sir.

Mr. Knopke – Ok.

Ms. Clay – Mr. Chair? I'm sorry.

Mr. Knopke – I'm going to make a motion to approve her and see where that goes. Thirty (30) years of experience and everything she describes, I know it doesn't meet the National Board and some people like that, but experience counts a lot for me. So, I'll make the motion to approve.

Rabbi Lyons – Mr. Chair?

Ms. Simon – Actually, Mr. Chairman, I believe that Ms. Clay also had a comment.

Chair Brandenburg – Thank you. Ms. Clay?

Ms. Clay – My concern is that we're trying again to make something fit into something that's already established. If it's already a rule, if it's already established that education is required, as well as the passing of an exam, that we override those things based on something that might happen in the future, in terms of the Governor signing some type of legislation that makes Ms. Miranda qualified, goes against everything this Board stands for. And so just as an aside, I will not vote in favor for approval.

Chair Brandenburg – Thank you, Ms. Clay. Rabbi Lyons?

Rabbi Lyons – Just a disclosure. I'm not sure I need to do this, but Eden Funeral Services was mentioned, and I am familiar with Mr. Epstein, but that's not going to affect my impartiality.

Chair Brandenburg – Thank you for that disclosure.

Ms. Munson – Chair Brandenburg, if I may?

Chair Brandenburg – Who is this, please?

Ms. Munson – Ms. Munson.

Chair Brandenburg – Ms. Munson, go right ahead.

Ms. Munson – I just wanted it to be clear for this record. If the Board is going to give consideration to the applicant, is it on the basis, with full knowledge that there may be more than one (1) criteria that is lacking? The lack of the National Boards is one criteria, but there appears to be even more than one. And, without any type of petition or any special circumstances as to what

{inaudible} this applicant, I would just need the Board, as they continue to deliberate, to give consideration of the basis for an approval. I mean, the basis for denial may be clear on its face, because there are items that are lacking, but if there's a basis for approval to be clear on that. Because, any sew on the record, I think that type of clarity might be needed.

Chair Brandenburg – Thank you. So, Mr. Knopke?

Mr. Knopke – I'll add to the motion that she must pass the Laws and Rules. Basically, she's got to do everything except for the National Board Exam and an Associate Degree in Mortuary Science.

Ms. Simon – Mr. Chairman?

Chair Brandenburg – Ms. Simon?

Ms. Simon – Yes. While I appreciate what Mr. Knopke has proposed, I do have concerns about the practicing of funeral directing in the state, besides for the concerns already mentioned, without passing the National Examination, as well as the Florida Laws and Rules Examination.

Chair Brandenburg – Thank you. Mr. Hall?

Mr. Hall – Mr. Chair, I just make sure that from Ms. Clay and my comments earlier, I do not think that this application meets the requirements that we need. I would love to say that it does, because as Mr. Knopke says, we need good people here. The reason that's the reality of the pending legislation is, I was in hopes that that might fit for her. It may or may not, that's I suggested she go back to the Division so that they can clarify that. But that may be an opportunity for us to bring good people, experience people in, but this doesn't fit under the criteria where we have approved them in the past, because there requirements in school, Mortuary School, et cetera, qualified them for that, in our opinion, to move forward. For her to make a statement that she took a course, I don't think one course, even though she's been doing it for thirty (30) years, is what the Division is looking for. So, I think that's probably the option that she would have if that would fit for it later, if he signs it. Like they said, the Governor is still waiting to sign it, but I think that's the only option she would have at this point.

Chair Brandenburg – Thank you. So, we have a motion that seems to die for the lack of a second. So, we have before us a decision on this, Board.

MOTION: Chair Brandenburg moved to deny the application. Mr. Jensen seconded the motion, which passed with one (1) dissenting vote.

Chair Brandenburg – Thank you. Ms. Miranda, all the best to you. Thank you for appearing before the Board.

Ms. Miranda – Mr. Chairman, before I let go, will there be a clarification on what I do need to do, to become a licensed funeral director here in Florida?

Ms. Simon – Mr. Chairman?

Chair Brandenburg – I was going to respond, but go right ahead, Ms. Simon.

Ms. Simon – I would just say Ms. Miranda, if you can give me a call, ask for me what you call the Division. I will be happy to walk you through that.

Ms. Miranda – Thank you very much. Thank you, Board.

Chair Brandenburg – Thank you. Ms. Simon?

Ms. Simon – Thank you, sir.

J. Application(s) for Internship

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

(a) Funeral Director

1. Broadnax, Devanshae R F570159
2. Hall, Nora E F571283
3. Slaughter, Jabre C F572784

(b) Funeral Director and Embalmer

1. Duvigneaud, Frederick F572834
2. Hoffman, Victori R F572724
3. Mythen, Miranda D F571284
4. Peschel, Sean P F044887
5. Sanchez, Nathanael O F412317
6. Scheetz, Mariana E F572783

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) Application to Renew Internship

(a) Recommended for Approval without Conditions

1. Everett, April D F496804

Ms. Simon – An application to renew the funeral director internship license was received on February 17, 2022. The Applicant had previously been licensed as a funeral director intern. That license expired on March 10, 2022. Based upon the timing of the application, the Division is recommending approval.

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

K. Application(s) for Monument Establishment Sales Agent

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

- (a) Fields, David K F043022
- (b) Stephenson, Hala F574028
- (c) Yasbeck, Emily E F051970

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

L. Applications(s) for Registration as a Training Agency

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

- (a) Foundation Partners of Florida LLC d/b/a Farley Funeral Homes & Crematory (F519317) (Venice)

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

M. Notification(s) for Change of Location

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

- (a) Foundation Partners of Florida LLC d/b/a Baldwin Brothers (F559345) (Sarasota)

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. That passing inspection occurred on March 14, 2022.

N. Application(s) for Monument Establishment Retailer

(1) Recommended for Approval with Conditions

- (a) Bronze Memorials Inc. (Port St Lucie)

Ms. Simon – An application for monument establishment retail licensure was submitted on October 12, 2021. The application was incomplete when submitted. The application was completed on March 7, 2022. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

(b) Florida Georgia Monuments LLC (Tallahassee)

Ms. Simon – An application for monument establishment retail licensure was submitted on February 3, 2022. The application was incomplete when submitted. The application was completed on February 17, 2022. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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. Rabbi Lyons seconded the motion, which passed unanimously.

O. Application(s) for Preneed Main License

(1) Recommended for Approval without Conditions

(a) Jay Funeral Chapel Inc. (F379315) (Jay)

Ms. Simon – The Division received an application for a preneed license on January 31, 2022 which was incomplete at the time of submission. The application was deemed complete on February 15, 2022. Applicant's qualifying funeral establishment license is located at the address provided on your coversheet. If approved, the Applicant will trust with FSI and use approved FSI contracts. The Division is recommending approval without conditions.

MOTION: Ms. Clay moved to approve the application.

Mr. Jensen – Mr. Chair?

Chair Brandenburg – Mr. Jensen?

Mr. Jensen – Yes, if I may, Mr. Chair? I have one question for staff. Maybe Ms. Simon could answer this. I know that particular location has had a lot of issues with the preneed trust. Has that been resolved?

Ms. Simon – Mr. Jensen, I'm afraid that I can't speak to that now. I'm not sure what those issues are that you're referring to, but I'm unable to speak to that at this moment.

Mr. Jensen – Well, it's the same place, and they're servicing. It's the same building and everything, but they just changed the name and the last entity that was there did not have trust funds apparently. I know the Department's investigating. So, I mean, nobody knows nothing about?

Ms. Simon – And I apologize, Mr. Jensen, but I did not have that information in front of me right now, and I cannot adequately respond to that.

Mr. Jensen – Ok.

Chair Brandenburg – Mr. Jensen, anything else on this issue?

Mr. Jensen – I don't really understand. I would like to get some sort of clarification as to the preneed trust with that location. As far as I can tell, the only thing that's been change is the name on the building, and now they're applying for another license. It seems sort of odd to me. So, I don't really know.

Chair Brandenburg – Thank you.

Ms. Simon – Mr. Chairman?

Chair Brandenburg – Mr. Knopke?

Mr. Knopke – Thank you, Mr. Chair. Mr. Jensen, if that's an ongoing investigation, Ms. Simon isn't going to be able to comment at all about whether there is or is not, and that may be the position she's in. I don't know, and I'm not speaking for her, I'm just saying. In the past, when there's been ongoing investigations, and we've been tasked to approve stuff, it's generally, again, there's no comment from the Department except there's an ongoing investigation. Just for clarification.

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

Chair Brandenburg – Mr. Jensen, go right ahead.

Mr. Jensen – Yes, thank you, Mr. Knopke. I just have a little bit of issue approving something. I mean, that I happen to have some knowledge of what's going on at this location. And I know there's a lot of issues with the preneed trust, and people wanting their money back and there's no money there and so forth. I think we ought to get that resolved before we issue another preneed license to start doing it again. Basically, all that's changed up there is the owner and the name. So, I don't know. I mean, is that a common thing?

Mr. Knopke – I'll respond. It shouldn't be common. Hopefully, it's being resolved. I would guess it would be ok if you wanted to disclose what you know, today. I'm sure Ms. Munson or somebody else would jump in on that too, but that would be your call. I know I don't have anything that comes to mind on my end.

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

Chair Brandenburg – Go right ahead, Ms. Munson.

Ms. Munson – I will just share this much. The Board is pretty much required to render a vote based on the Board materials made available to them. I say that with a caveat that if a Board member is disclosing on the record, and I don't even know to what extent, because it's not in the material to review it, of any type of information that could be being derogatory. It is not normally the type of information that will be taken into consideration, but the Board also has an opportunity to table a vote for additional further investigation, if you'd like. But I don't know the likelihood or the basis for doing it, if we do not have factual information other than a statement of ongoing investigations. Now, the Department may be able to speak to what their particular practice has been, but just legally speaking, I just wanted to make that note for the record.

Chair Brandenburg – Thank you. Ms. Wiener, you are trying to get my attention. Do you represent Jay Funeral Chapel?

Ms. Wiener – I represent FSI, and this is an FSI client that has provided information to FSI, and I think it is relevant to Mr. Jensen's question.

Chair Brandenburg – Ms. Munson, I need your sage advice on this.

Ms. Munson – Yes. I would again, caution the Board. If Ms. Wiener is speaking on behalf of the applicant that is fine. If she has information about the statement made that the other Board members are not privy to, perhaps just Mr. Jensen is privy to, I again would not recommend that the Board give consideration to anything that the Department has not had an opportunity to fully vet. Because it's the materials that are presented based on the Department's vetting capability that the Board should be relying on in their decision making.

Chair Brandenburg – Thank you. Ms. Simon?

Ms. Simon – Yes, sir. Based upon the date of application, we can table this until the May meeting and not have any deemer issues, should that be something that the Board is interested in.

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Rabbi Lyons?

Rabbi Lyons – Question for Ms. Munson. When we speak in terms of a Board action based on information that only one Board member is privy to, would that also apply to tabling the issue? Are we allowed to table the issue based on something out of the Board packet?

Ms. Munson – No, sir. It would not apply. You are at liberty to continue an issue for any reason that you can just provide for the record. So, if there appears to be a need for further investigation, that's a valid reason to continue. So tabling is a valid option.

Chair Brandenburg – Ms. Munson, so you would say that tabling for continuing investigation would be a valid option?

Ms. Munson – It would, especially if the Department's stance is that they may need additional time to look into the full application, for whatever reason.

Chair Brandenburg – Thank you. So, I believe we had a motion to approve. Did we not? Did someone make that originally? That was Mr. Knopke that made that the motion.

Mr. Knopke – I believe there was a second.

Chair Brandenburg – I'm sorry?

Mr. Knopke – I believe there was a second, too.

Chair Brandenburg – Was there a second? Did someone second? Mr. Jensen, did you second it?

Mr. Jensen – No, sir, I did not. I would still like to speak.

Chair Brandenburg – Just a moment, Mr. Jensen. So, we have a motion. Was there a second?

Ms. LaTonya Bryant – No, sir.

Mr. Hall – I thought I did, Mr. Chair.

Chair Brandenburg – Mr. Hall? Was that you?

Mr. Hall – Yes.

Chair Brandenburg – Ok, so we have a motion and a second before us. So now we're in the discussion phase. So, Mr. Jensen, go right ahead.

Mr. Jensen – Mr. Chair, like I said, I do have some knowledge of this particular location. My main question is, and my main concern is, is this new entity now going to be responsible for the preneeds at that location? Because I think there's some issue as to who in fact, the facility was sold and then taken back and resold. It's sort of been a mess there. So, my only question is not whether this new entity is entitled to a preneed license. It's more about the people in the past. Are they going to be servicing the people from the past, where there's not enough money in the trust to handle that, or what's going to happen with that? Maybe Wendy, with FSI, can answer that. I don't know.

Chair Brandenburg – Mr. Jensen, since you brought it up, were those preneeds sold with a preneed license or without a preneed license?

Mr. Jensen – I have no idea. I don't know how they were sold. I would assume the funeral director, there was a properly licensed funeral director sold them. I mean, as recently as three (3) weeks ago, an investigator from the Department was there, so I don't know why everybody's acting like they don't know anything about it. It seems very odd to me. So, I'm not real sure.

I'm just concerned about the people that are out there, because, you know, I've had some of them, well I just know of some people that have money up there, where there's no money sitting trust. So that's my only concern.

Chair Brandenburg – Thank you. Mr. Knopke?

Mr. Knopke – Can I amend my motion?

Chair Brandenburg – Of course.

AMENDED MOTION: Mr. Knopke moved to table the application until the next meeting. Mr. Hall seconded the motion.

Chair Brandenburg – For what reason is your tabling?

Mr. Knopke – We have questions about the application or the applicants {inaudible}.

Chair Brandenburg – For further investigation?

Mr. Knopke – Yes.

Ms. Wiener – Mr. Chairman?

Chair Brandenburg – And Mr. Hall?

Mr. Hall – Second.

Chair Brandenburg – Ok. So, we have the amended motion before us, and we have a second. Ms. Wiener?

Ms. Wiener – Thank you, sir. Mr. Chairman, there is no question about this application or this applicant's fitness to hold a preneed license. There may be an ongoing investigation regarding the former owner of this location and his having placed money into trust or not, or who's responsible or not. But, there's no reason to delay this applicant's capacity to begin to write preneed. It's my understanding that the gentleman that purchased the location now desires to operate lawfully, has submitted an application, it is free of deficiencies and should move forward. I acknowledge Mr. Jensen's valid comments that there are ongoing issues regarding the location, but those have nothing whatsoever to do with the fitness of this licensee, and it seems unfair to add to hold this licensee up for yet another month while an unrelated investigation moves forward.

Chair Brandenburg – Thank you.

Ms. Munson – Chair Brandenburg?

Chair Brandenburg – Yes, ma'am.

Ms. Munson – I just wanted to, again clarify for the record. It would be appropriate for the Department to present the information that would possibly be presented, so that it can be factually supported. And I'm not saying that it's not accurate, but I would hate for the Board to develop any type of precedence where information is presented to the Board, not previously provided in the materials, but yet the foundation or the basis to cause concern, as the Department did not have an opportunity to address, because it is the Department that's presenting the application.

Chair Brandenburg – Thank you. Mr. Knopke, with that information in mind, do you have any reservations about your motion?

Mr. Knopke – No, sir, I don't. I think it's better that we investigate it all, as opposed to getting down the road and finding out something which we should have taken the time to do.

Chair Brandenburg – Thank you. So, we have a motion to table, and it's been seconded. And all those in favor, aye?

Board members – Aye.

Chair Brandenburg – And any opposed?

Mr. Jones – I oppose.

Chair Brandenburg – And I also oppose. Any other opposed? So, the motion carries. Thank you.

(b) Rocker – Cusack Mortuary (F062239) (Leesburg)

Ms. Simon – The Department received an application for a preneed license on February 1, 2022 which was incomplete at the time of submission. The application was deemed complete on February 16, 2022. Applicant's qualifying funeral establishment license is located at the address listed on your coversheet. If approved, the entity will trust with IFDF and use approved IFDF contracts. The Division is recommending approval without conditions.

MOTION: Rabbi Lyons moved to approve the application. Ms. Clay seconded the motion, which passed unanimously.

Ms. Simon – Mr. Chairman, may I go back to another item on the agenda momentarily?

Chair Brandenburg – Ms. Simon, go right ahead.

H. Application(s) for Embalmer Apprentice
(2) Recommended for Denial – Criminal History
(a) Roberson, Trent L

Ms. Simon – On Item H. (2) (a), there was a motion approved for a \$500 fine, but there was no comment on the time to pay that \$500 fine. I assumed it would be thirty (30) days, but that was not specific in the motion, and I needed to bring that up.

Chair Brandenburg – Ms. Munson, how should we handle this?

Ms. Munson – It would be appropriate, Chair Brandenburg, to revisit the motion and make a friendly amendment to clarify the date in which the payment is due. Or the timeframe by which the payment would be due.

Chair Brandenburg – I believe, Mr. Knopke, you made the motion, and would you amend it with a timeframe?

Mr. Knopke – I believe the normal course of time is thirty (30) days.

Chair Brandenburg – Right.

Mr. Knopke – That is what my intent was.

Chair Brandenburg – And the second on that was?

Ms. Bryant – It was Mr. Jones.

Chair Brandenburg – And, Mr. Williams, do you agree with the second, to add that the payment is due within thirty (30) days?

Mr. Williams – Yes.

Chair Brandenburg – And all those in favor, aye?

Board members – Aye.

Chair Brandenburg – And any opposed? And that motion carries.

Ms. Simon – Thank you, sir.

P. Application(s) for Removal Service
(1) Recommended for Approval with Conditions
(a) Deathcall LLC d/b/a Deathcall (Port Charlotte)

Ms. Simon – An application for a removal service was received on February 21, 2022. The application was complete when submitted. A background check of the principals revealed no criminal history for its principals; however, the principal does have adverse licensing history from the Tennessee Board of Funeral Directors and Embalmers, which is included in your Board packet. The Division is recommending approval subject to the conditions as follows:

1. That the removal service passes an inspection by a member of Division Staff.
2. That the Applicant be placed on probation for one (1) year beginning the date the license is issued.

Chair Brandenburg – I'd like to comment, if I may. I'll give you a statute, which is s. 497.385(1)(a), Florida Statutes, and it has to do with the license authority determines the application or the applicant is of good character and has demonstrated no demonstrated history of a lack of trustworthiness or integrity in business or professional matters. So, there is a list on pages 21 and 22 of a litany of disciplinary action. And, for that reason, I would make a motion to deny.

MOTION: Chair Brandenburg moved to deny the application for the reasons stated. Mr. Hall seconded the motion.

Chair Brandenburg – Is there someone here representing?

Mr. Jason Mosier – Yes, sir. Mr. Chair, my name is Jason Moser. The things you're referring to there on the disciplinary action...

Ms. Simon – I'm sorry, Mr. Mosier. I need to swear you in.

Mr. Mosier – Yes, ma'am. I'm sorry.

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

Mr. Mosier – Yes, ma'am.

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

Mr. Mosier – Yes, ma'am. Jason Mosier, M O S I E R.

Ms. Simon – Thank you, sir.

Mr. Mosier – Thanks.

Chair Brandenburg – Did you want to address the Board?

Mr. Mosier – Yes, Your Chair, please.

Chair Brandenburg – Go right ahead, please.

Mr. Mosier – Thank you. I'm sorry. I was nervous. I have since been licensed in the State of Tennessee for removal license there. It had been issue. At the time whenever I started my funeral home in Tennessee in 2009, I started one of the first online funeral homes. The Board did not quite know what to do with me. Nobody had done that at the time. It was the very first there. They came out and inspected it. It was trying to run their system and mine. Most of those violations are done on expiration dates of crematories or my manager's license. And it was unfortunate that most of the licenses came up due at the

same time that they expired. And so, a lot of those fines were just a matter of days on the renewal date on those. I'm not familiar exactly what you're looking at. I do not have in front of me, but I'd be happy to answer any questions. Like I said, the State of Tennessee since has issued me a removal license up there. I'm in good standing up there. I know most people on the Board. Like I said, it was just when I first started, those what you see there, if that's what you're referring to. None of that was ill intent or what I consider. I consider myself in good character and good business standings. I've been in the industry since I as eighteen (18). I started my own funeral home from scratch. I worked for a funeral director for four (4) years. I started this idea and company here. I helped run the operations of WTFA up in Tennessee for 3.5 years. So, like I said, I know those writings of what that looks like from the Board. Like I said, since then, the Board has issued me my license.

Chair Brandenburg – I'm referring to information received from the Board in Tennessee, or an administrator of the Board, that has eight (8) different complaints from 2009, 2009, 2015, 2011. 2013, 2016, 2017. For that reason, I feel that there's a lack of trustworthiness. Just because you {inaudible} across the state lines into Florida and the integrity in business or professional matters.

Mr. Mosier – Chair, if I may?

Chair Brandenburg – Go ahead.

Mr. Mosier – Those violations, if you look at those, and it's probably not proper for me to say it in this setting but there were circumstances around why I was inspected like I was, and for those things that are written there. Even down, if I remember right, if you're looking at the last one, I sold my funeral home in February of that year to Chris Mayberry. They came out and wrote me up on those, and I never even received those until June of that year, that's why you have that done in a synopsis basis there. Like I said, I had sold my funeral home. They had not done the management change. That last one that you see I believe that you're looking at there had really nothing to do with me at all. It was cleared up, and you see it says case closed on it. The rest of those, if you'll look. most all of those are only from expiration dates that were just very minute on each one of those violations. None of those were bad character or doing anything out of character. The last one there looks like that, and you see that one's case closed because it really had nothing to do with me. I stepped away from the funeral home completely in February of that year.

Chair Brandenburg – Thank you.

Mr. Mosier – Yes, sir.

Chair Brandenburg – So, any other discussion? We have a motion before us, to deny. And it's been seconded and all those in favor, aye?

Board members – Aye.

Chair Brandenburg – Any opposed?

Rabbi Lyons – Opposed.

Chair Brandenburg – One (1) opposed and the motion carries. Thank you, Mr. Mosier for being in the meeting. All the best to you.

Mr. Mosier – Mr. Chair, one last question? What can I do to re-approach the Board in order to get licensed? I have moved to Florida. This is my retirement home now and this is kind of a big deal to me. What can I do or re-approach? What are my options, I guess is what I'm asking?

Chair Brandenburg – Ms. Simon.

Ms. Simon – Thank You, Mr. Chairman. Mr. Mosier, you are welcome to call me after the meeting, and we can discuss it.

Mr. Mosier – Thank you so much. Thank you, Board, for your time and thank you.

Chair Brandenburg – Thank you.

(b) Elysian Fields Transportation Services LLC (Ft Lauderdale)

Ms. Simon – An application for a removal service was received on February 15, 2022. The application was incomplete when submitted. A completed application was received on February 22, 2022. The Division is recommending approval subject to the condition that the removal service passes an onsite inspection by a member of Division Staff.

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

(c) Primary Care Removal Services LLC (Jacksonville)

Ms. Simon – An application for removal service licensure was received on February 9, 2021. The application was incomplete when submitted. A completed application was received on March 1, 2021. The Division is recommending approval subject to the condition that the removal service passes an onsite inspection by a member of Division Staff.

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

(2) Recommended for Approval without Conditions

(a) Journey of Peace Mortuary Transport & Removal Services LLC (Miramar)

Ms. Simon – An application for a removal service was received on September 20, 2021. The application was complete when submitted. A background check of the principals revealed no criminal history for its principals. The removal service passed its inspection on March 18, 2022. The Division is recommending approval.

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

(b) Kelsey Mortuary Transport Services LLC (Seffner)

Ms. Simon – An application for a removal service was received on February 16, 2022. The application was incomplete when submitted. A completed application was received on February 24, 2022. The removal service passed its inspection on March 15, 2022. The Division is recommending approval.

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

Q. Collective Application(s)

(1) Recommended for Approval with Conditions

(a) Heath Funeral Chapel Inc.

- 1. Cinerator Facility***
- 2. Funeral Establishment***
- 3. Request for Waiver – Training Agency***
- 4. Transfer of Preneed License***

Ms. Simon – Heath Funeral Chapel Inc, seeks approval of the following applications which are based upon a change of ownership: one (1) funeral establishment, one (1) cinerator facility, transfer of one (1) preneed license, and registration of one (1) training agency. A request for waiver of rule 69K-18.004, F.A.C. regarding the application for registration of a training agency is also included. More specifically, the entities that are being acquired are as follows:

- 1) Heath Funeral Chapel Inc, a licensed funeral establishment, license #F070575, physical address: 328 S Ingraham Avenue, Lakeland, FL 33801. FDIC: Matthew Schichtel, license #F071612
- 2) Heath Funeral Chapel Inc, a licensed cinerator facility, license #F070576, physical address: 328 S Ingraham Avenue, Lakeland, FL 33801. FDIC: Matthew Schichtel, license #F071612

- 3) Heath Funeral Chapel Inc, a registered training facility, license #F070575, physical address: 328 S Ingraham Avenue, Lakeland, FL 33801
- 4) Heath Funeral Chapel Inc, a preneed, license #F070575, physical address: 328 S Ingraham Avenue, Lakeland, FL 33801

Included within your Board packets are the separate applications regarding each of the properties requested of new licensure. The change of ownership is the result of an asset purchase. The principals of the corporation have submitted fingerprints for the principals, which were returned without criminal history. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these locations, the obligation to fulfill those preneed contracts will be assumed by the new owners. The Division is recommending approval subject to the following conditions:

- 1) That the closing on the transaction to acquire ownership shall occur within sixty (60) days of the date of this Board meeting.
- 2) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities, (if any), of the location(s) being acquired.
- 8) That Rule 69K-18.004, Florida Administrative Code, be waived as requested by the licensees, provided there has been no dispute by the public within 30 days of the date the request was published; and
- 9) That the Application for Registration of a Training Agency be granted so that the aforementioned funeral establishments may continue to be registered as Training Agencies under the new ownership.

Chair Brandenburg – Thank you.

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

(2) Registration as a Training Agency – Request for Waiver

(a) Recommended for Approval with Conditions

1. Foundation Partners of Florida LLC

- *Foundation Partners of Florida LLC d/b/a Baldwin Brothers (3)*
- *Foundation Partners of Florida LLC d/b/a Oak Ridge Funeral Care (2)*

Ms. Simon – The following establishments have recently been approved and are now seeking approval of a waiver of Rule for 69K-18.004, Florida Administrative Code, regarding certain requirements for licensure as a training agency. Additionally, these establishments are seeking to continue their training agency status

- Foundation Partners of Florida LLC d/b/a Baldwin Brothers (F559373); physical address 11250 SW 93rd Ct Ste 300, Ocala, FL 34481
- Foundation Partners of Florida LLC d/b/a Baldwin Brothers (F559350); physical address: 954 E Silver Springs Blvd, Ocala, FL 34470
- Foundation Partners of Florida LLC d/b/a Baldwin Brothers (F559347); physical address: 1100 E Jobean Rd Ste 104, Port Charlotte, FL 33948
- Foundation Partners of Florida LLC d/b/a Oak Ridge Funeral Care (F555617); physical address: 1001 Grace Avenue, Haines City, FL 33844

- Foundation Partners of Florida LLC d/b/a Oak Ridge Funeral Care (F555616); physical address: 2425 Havendale Blvd, Winter Haven, FL 33881

The Division is recommending approval subject to the following conditions:

- 1) That Rule 69K-18.004, Florida Administrative Code, be waived as requested by the licensees, provided there has been no dispute by the public within 30 days of the date the request was published; and
- 2) That the applications for Registration of a Training Agency be granted.

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

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Rabbi Lyons?

Rabbi Lyons – I just wanted to clarify one thing. If I understand correctly, the idea is that there is a minimum number of embalmed bodies and funerals altogether, in order to be an approved training facility. Because of the change of ownership, they don't technically qualify. But, because the older facility has it, so they're sort of piggybacking off of that. Am I correct? Question for Ms. Simon.

Ms. Simon – Yes. Thank you. Rabbi Lyons, I'm not sure if I would agree with the term piggybacking, but I believe that your description is accurate. I believe that the premise is that the same people are still involved in the day-to-day operations of the establishment. However, based upon new corporate ownership, for lack of a better term, that's why we are requesting that the request for waiver be approved.

Rabbi Lyons – Ok, but the same people are in fact involved. Correct?

Ms. Simon – That is our understanding. Yes, sir.

Rabbi Lyons – OK.

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

Board members – Aye.

Chair Brandenburg – And any opposed? And the motion carries.

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

(1) Recommended for Approval with Conditions

(a) Monument Retail Sales Agreement(s)

1. Foundation Partners of Florida LLC d/b/a Caloosa Memorials (LaBelle)

Ms. Simon – Foundation Partners of Florida LLC submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its monument retailer establishment. The Division recommends approval with the following conditions:

- 1) That the name, address, and phone number of monument establishment appears at the top of the sales agreement.
- 2) That a disclosure regarding whether there will be a separate charge for future inscriptions or engravings is included in the sales agreement.
- 3) That two full sized print-ready copies are received by the Department within sixty (60) days of this Board meeting.

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Rabbi Lyons?

Rabbi Lyons – I have several concerns about this contract. Just to be clear, this is an at-need contract. Am I correct?

Ms. Wiener – Yes.

Rabbi Lyons – Ok. So, compared to the standard at-need contracts, this does not have a date of delivery.

Ms. Simon – I'm sorry. Mr. Chairman, before any further discussions, if we could have the person speaking identify themselves, that represents the applicant.

Ms. Wiener – Yes, this is Wendy Wiener. I represent Foundation Partners Group d/b/a Caloosa Memorials. So, what's interesting about that, is that the actual...

Chair Brandenburg – Ms. Wiener?

Ms. Wiener – I'm sorry. Sir.

Chair Brandenburg – Please let Rabbi Lyons continue with his statement before you respond.

Ms. Wiener – I thought I was answering his question. Sorry.

Chair Brandenburg – Rabbi Lyons?

Rabbi Lyons – Ok, thank you. So, just a couple of points. So, one is the standard at-need contract has a date of approval, a date of delivery established that both parties sign off on. There are also several disclosures, as far as, if the contract would be canceled, what the terms of cancellation are. If the seller fails to deliver the merchandise in a timely matter, the fact that the seller has title on the stone until such time as paid. There are a few conditions like that. All of these standard contracts have the client sign off that there's no future inscription that they're paying for, such as the date of death, and that it's only an at-need contract. So, that would be on a standard contract. There's like eleven (11) conditions. There's also a date of delivery, and there's also signing off on the fact that there's nothing in the future that the person is paying for right now. So, that would be thirteen (13) issues, and those are my questions.

Chair Brandenburg – Thank you. Ms. Wiener?

Ms. Wiener – So, Rabbi Lyons, the issue as to the delivery date was actually addressed with the Board, and the revised document was provided to the Division. I'm afraid Ms. Morris just included the older version of the contract in the Board's packet. So, that has been addressed, along with the issue regarding inscription, and that may be why those are conditions for approval. Those will be included. As for the other, what you're referring to as standard requirements, those are not actually required by law, and so many do have those provisions in their agreements, but they are not required in order for the contract to be approved. In as much we have made the changes to bring the contract into compliance with Chapter 497, but unfortunately, it didn't make the Board package, and I didn't realize it until this morning.

Chair Brandenburg – Rabbi Lyons?

Rabbi Lyons – Yes. So, the terms of cancellation are not required?

Ms. Wiener – Only on a preneed. Yes. Only on preneed.

Rabbi Lyons – OK. So, if I understand the way that we are to understand the conditions is that...what, we have here as the conditions are that the name, address, and phone number of the monument establishment needs to appear on the contracts {inaudible}. The disclosure regarding whether or not a separate charge for future inscriptions, and that's it?

Ms. Wiener – I'm sorry, go ahead.

Rabbi Lyons – But you're saying that there's a document in front of the Department that calls out the cancelation condition also?

Ms. Wiener – No, there is not one with regard to the cancelation. We did revise the contract to include the required language about the delivery date. And so, we would be happy for the Board to approve the application subject to delivering the contract that which we've already delivered, it just didn't make it into the packet, but the contract which shows the statutorily required delivery date language and that includes the information about the inscription. I think it was just a matter of the wrong contract getting in front of you. But it was delayed a little bit because the application for approval of the location was approved a meeting or two (2) ago, but they haven't been able to sell anything because the form of the contract had not yet been approved. So, we'd like to have the Board's approval subject to the condition, so that we could confirm with LaShonda that she has the right form on hand, get stamped and get going.

Chair Brandenburg – Ms. Simon, can you confirm that this amended agreement has been received?

Ms. Simon – Unfortunately, Mr. Chairman, I'm not able to confirm that at this time. However, if the Board would give the Division discretion to approve the contract should the sufficient terms currently be inserted. I am unaware of whether there is an amended contract that is currently in the possession of the Division.

Chair Brandenburg – That sounds reasonable to me, for the Board to approve subject to the Division assuring that it's in compliance. Rabbi Lyons?

Rabbi Lyons – Can I make a different motion?

Chair Brandenburg – There's not been a motion made, as far as I know.

Rabbi Lyons – Ok, I'd like to make a motion that we approve it with the three (3) conditions that are in our Board packet:

- 1) That the name, address, and phone number of monument establishment appears at the top of the sales agreement.
- 2) That a disclosure regarding whether there will be a separate charge for future inscriptions or engravings is included in the sales agreement.
- 3) That two full sized print-ready copies are received by the Department within sixty (60) days of this Board meeting.

I would also like to include the condition that the date of delivery be included in the contract, and that the standard cancelation agreement is included in the contract.

Ms. Wiener – Mr. Chairman, can I address that last part?

Chair Brandenburg – Please do, Ms. Wiener.

Ms. Wiener – There is no requirement on an at-need agreement that you are able to cancel the sale. And so, that's to the discretion of the party, I mean, we can include language that makes it clear that the contract cannot be canceled, or if it can be canceled, but that's not a requirement of Chapter 497 to recommend that on an at-need basis.

Chair Brandenburg – It may be a practice, but it's not a requirement.

Ms. Wiener – Correct. Yes, sir.

Chair Brandenburg – Mr. Knopke?

Mr. Knopke – Ms. Wiener clarified it for me. Thank you.

Chair Brandenburg – Thank you.

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Rabbi Lyons, go ahead, please.

Rabbi Lyons – Just to be clear, the language in the standard contract is agreement is not subject to cancellation or countermand after acceptance unless the seller fails to deliver by the agreement date. You're telling me is not in the statute, so that needs to be on the contract. Fine. But I think that the consumer and the licensee are both protected by having that. So, when we're making conditions, the motion on the floor is that that be a condition of the contract, in order for the Board to approve it.

Chair Brandenburg – Is that statutory?

Rabbi Lyons – I don't know. I'm being told it isn't, but that's not changing my opinion on the matter. We are the Board of Funeral, Cemetery, and Consumer Services, and it is a service to the consumer that they understand that they are signing a contract that cannot be canceled. And I haven't heard any opposition to it, other than the fact that it's not statutory, but I'm not saying it on the basis that its statutory. I'm saying it on the basis that it's a standard that we have on every other contract that I've seen so far, for monuments that have come in front of the Board since I've been here, and I think it's very reasonable, and I think it protects both parties. I don't know the opposition.

Chair Brandenburg – Mr. Knopke?

Mr. Knopke – Thank you, Mr. Chair. Thank you, Rabbi Lyons. I am not in favor of adding the additional condition that you just stated, because it's not been required on previous contracts. Ms. Clay talked to us earlier about trying to fit something into a box that we haven't done consistently in the past, and that's what we're being asked to do now. It's a business decision based on the businesses that want to sell the contract. My point is this is that's a business decision of the applicant and FSI. This consumer has the right to read it, and if they're not comfortable, they can refuse to buy it, but for us to require something that we've not required of anybody else till now {inaudible} to do it, is that's their business decision. In this case, Foundation Partners has decided not to do it. And, if they're at risk of not making the sale, that's their business decision. Nothing more than that. Further, it's not required, so I don't want us to be in the role of attempting to write the statute. Thank you, sir.

Chair Brandenburg – Thank you, Mr. Knopke. So, we have a motion before us. There's not a second, so that motion dies for lack of a second. Would somebody else like to make a motion?

Mr. Knopke – I'll make the motion to approve the contract, assuming that based upon Ms. Wiener's representation that the revised contract was submitted to the Department, and it wasn't provided to the package, and nothing more than that.

Ms. Clay – Second.

Chair Brandenburg – There's a motion made, and it's been seconded. All those in favor, aye?

Board members – Aye.

Chair Brandenburg – Any opposed?

Rabbi Lyons – Opposed.

Chair Brandenburg – One (1) opposed. Any others? So, the motion carries. Thank you all involved.

(b) Request(s) for Transfer of Trust

1. Beyers Funeral Home Inc d/b/a Purcell Chapel (F019211) (Umatilla)

Ms. Simon – Beyers seeks approval of the below proposed trust asset transfer as more specifically set forth in correspondence from Roger Beyers, President, dated February 4, 2022. Beyers now seeks approval of the transfer of the following: the 1978 FSI Master Trust Agreement, the 1988 FSI Master Trust Agreement, and the FSI First Florida Trust Agreement, under Argent Trust Company (Argent) to the IFDF Master Trust Fund, and the IFDF Master Trust Fund A Agreement. If approved, Argent is will continue to be trustee, all as more specifically set out in your Board package. The Division recommends approval subject to the conditions set forth below:

- 1) That the representations of Beyers, as set forth in Representative's correspondence dated February 4, 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 February 4, 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 correspondence, dated February 4, 2022.
 - ⊙ Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Representative's correspondence, dated February 4, 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 ninety (90) days.

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

2. Degusipe St. Petersburg LLC d/b/a R Lee Williams & Son Funeral Home (F053087) (St Petersburg)

Ms. Simon – On September 2, 2021, the Board approved the acquisition by Degusipe of R. Lee Williams & Son Funeral Home, Inc, as well as the licensure of this location as a preneed branch under Degusipe's preneed main license (F053087). Degusipe acquired all the assets and liabilities for the funeral and preneed for this location. Degusipe now seeks approval of the transfer of the following: the IFDF Master Trust Fund (70/30 trust), and the IFDF Master Trust Fund A (90/10 trust), to the FSI 1993 Trust Agreement, and the FSI First Florida Trust Agreement, respectively, all under Argent Trust Company (Argent). If approved, Argent will continue to be trustee. The Division recommends approval subject to the conditions set forth below:

- 1) That the representations of Degusipe, as set forth in Attorney's correspondence dated February 17, 2022 be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Regions provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - ⊙ A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b), to act as trustee of the trust to be transferred pursuant to Attorney's correspondence, dated February 17, 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 Attorney's correspondence, dated February 17, 2022.
 - ⊙ Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Attorney's correspondence, dated February 17, 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.

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

3. FPG Florida LLC d/b/a Beacon Direct Cremation (F060727) (Largo)

Ms. Simon – FPG seeks approval of the below proposed trust asset transfer. On October 7, 2021, the Board approved acquisitions by FPG for change of ownership of a direct disposal establishment, as well as the licensing of the location as a preneed branch under FPG's preneed main license (F060727). FPG acquired all the assets and liabilities for the preneed at this location. FPG now seeks approval of the transfer of the following: the FSI First Florida Trust Agreement under Argent Trust Company to the FPG Florida, LLC Alternative Preneed Funeral Trust Agreement under Regions Bank (Regions). If approved, Regions is or will be trustee. The Division recommends approval subject to the conditions set forth below:

- 1) That the representations of FPG, as set forth in Representative's correspondence dated March 7, 2022 be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Regions provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:

- ⊙ A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b), to act as trustee of the trust to be transferred pursuant to Representative’s correspondence, dated March 7, 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 correspondence, dated March 7, 2022.
 - ⊙ Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Representative’s correspondence, dated March 7, 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.

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

(c) Request(s) for Approval of Trust Agreement and Transfer of Trust

1. Heritage Memorial Group LLC (Ft Lauderdale)

Ms. Simon – Heritage Memorial Group LLC (Heritage), owner of the various listed preneed licensees, seeks approval of a preneed trust agreement, a cemetery care and maintenance trust agreement, and the below proposed trust asset transfers as more specifically set forth in the attached correspondence from Justin Wilson of Argent Trust Company and Michael Russell of Heritage Memorial Group LLC (Heritage). Heritage seeks approval of the following: a preneed trust agreement, entitled “*Preneed Trust Agreement of Heritage Memorial Group LLC* and; a cemetery care and maintenance trust agreement, entitled “*Cemetery Care & Maintenance Trust Agreement of Heritage Memorial Group LLC*”.

Heritage now seeks approval of the transfer of preneed funeral and cemetery merchandise, services and care and maintenance trust accounts from Clearpoint Federal Bank & Trust to Argent Trust as identified within your exhibits within your Board package. If approved, Argent will be trustee, all as more specifically set out in the correspondence included within your Board package. The Division recommends approval subject to the conditions set forth below:

- 1) That the representations of Heritage, as set forth in Representative's correspondence dated March 24, 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 March 24, 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 correspondence, dated March 24, 2022.
 - ⊙ Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Representative’s correspondence, dated March 24, 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 ninety (90) days.

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

Chair Brandenburg – At this point, why don’t we take a break and be back at noon. Let’s break until noon. Thank you.

Ms. Simon – Thank you, sir.

*****BREAK*****

Chair Brandenburg – Welcome back. I’d like to call upon Ms. Simon.

Ms. Simon – Thank you, sir. I need to call an item back on the agenda, but I think that it’d be best for us to call the last item, and then go back. If that’s okay with you, Mr. Chairman? I believe that one of the last items for us to discuss is Avon Park

Cemetery Association d/b/a Bougainvillea Cemetery. Mr. Chairman, is it okay if I continue with that one? That is under S. (1) (a).

Chair Brandenburg – I understand. You didn't want to go back and address another issue before this?

Ms. Simon – I'm sorry, but if you don't mind if we can do that just after we discuss this one.

Chair Brandenburg – Thank you. Go right ahead.

S. Request to Change Status of Licensed Cemetery

(1) Recommended for Approval without Conditions

(a) Avon Park Cemetery Association d/b/a Bougainvillea Cemetery (Avon Park)

Ms. Simon – A financial examination was conducted earlier this year and there were findings, which included a deficit in the Care & Maintenance Trust Fund. The licensee made the Trust whole as relates to the findings in the examination. The cemetery is now requesting that the cemetery be registered as an exempt cemetery instead of being a licensed cemetery. And based upon these factors, the Division is recommending approval of the request.

Mr. Knopke – Mr. Chairman?

Chair Brandenburg – Mr. Knopke?

Mr. Knopke – I've got some questions about this.

Chair Brandenburg – Go right ahead.

Mr. Knopke – Ms. Wiener, I assume you're representing them.

Ms. Wiener – I am.

Mr. Knopke – Ok, and I'll direct this to Ms. Simon. When it goes to an exempt cemetery as they're requesting, they are out of our regulation. Is that correct? Ms. Simon?

Ms. Simon – {Inaudible}

Mr. Knopke – I'm sorry.

Ms. Simon – If I may, for the most part, the requirements of Chapter 497 are no longer to be enforced with an exempt cemetery. There are maybe six (6) or seven (7) statutes that still must be in compliance. However, the predominant regulation in 497 is no longer applicable.

Mr. Knopke – Ok. My concern is, and I'm starting one thing and then I go to another, so I apologize. Ms. Wiener, do you know how big this cemetery is? How long it's been in business?

Ms. Wiener – It's been in business for many, many years. It is a very old cemetery. I don't know the size of it, but it's a community cemetery. It probably never should have had a license in the first place. It's a community cemetery. They do little business. They have an administrator, they have a groundskeeper that comes and does things from time to time, but it's not an ongoing cemetery operation, like you would think of as many commercial cemeteries.

Mr. Knopke – Ok. Do they have a PC fund or perpetual care fund?

Ms. Wiener – They do.

Mr. Knopke – Do you know how much is in it?

Ms. Wiener – The Division knows how much is in it because they just finished an examination. There was a minor deficit and that deficit was cured. I could not tell you how much. I want to say maybe a couple hundred thousand dollars, but please don't quote me on that. If you know, Ellie?

Ms. Simon – If I may? The amount of money in the perpetual care is \$1,386,916.88.

Ms. Wiener – Well, that was different. That's not what I thought.

Mr. Knopke – Ms. Simon, or Wendy, I would assume that's {inaudible} at-need cemetery type deal only. There's somewhere on their contracts that something about money being deposited into a care fund.

Ms. Wiener – I'm not super familiar with their current contracts. Their current contracts may very well describe that. I don't recall if that is a requirement of an at-need cemetery contract to described that, so maybe, maybe not. I don't know.

Mr. Knopke – Getting to my concern is they've got \$1.3 million. If they are unregistered or whatever they're requesting, that money becomes available to whoever's running it, whoever the company is, I believe. If they're a small operation, caretaker, one (1) person, what are they going to do with \$1.3 million if everybody else in the community is giving money for future care and maintenance? {Inaudible}. Go ahead.

Ms. Wiener – I don't believe there's any intention to raid the Perpetual Care Trust Fund. I will say that the tricky part for the Board and the Division here is, while it was placed on the agenda as a request for approval, if a cemetery meets the qualifications to be exempt, the cemetery may be exempt. So, it is relinquishing its license. It has complied with the requirements to relinquish its license. It will register as an exempt cemetery. It will be obligated to comply with the limited number of laws, in Chapter 497 that apply. But otherwise, you know, our statute is set up so that a cemetery that qualifies under one (1) of those enumerated cemetery types can be an exempt cemetery, and this is among those. This is a community association cemetery. They will no longer sell interment rights. They don't sell merchandise at this point in time and haven't sold merchandise. So, they will sell memberships in their association and that membership will entitle a member to an interment right, which is how most community association and non-profit cemeteries operate. And so, they have complied with those conditions and we believe that they are entitled to operate as an exempt cemetery.

Mr. Knopke – Are they willing to give the Department or the Board a copy of their contract that they've used in the past to see if they represented care and maintenance?

Ms. Wiener – Of course. And I feel almost positive that that has been provided, because there was just a trust examination. So, when Larry Holsey and his crew were doing the trust examination, they probably would have compared the contract to the trust obligations for care and maintenance to make sure. So, I'm guessing that is the case, but yes, I'd be happy to get a copy of that and get it to Ms. Simon.

Mr. Knopke – The only one of these has ever occurred...excuse me. I'm sorry, Mr. Chair.

Chair Brandenburg – Go right ahead.

Mr. Knopke – Thank you. The only one that I've ever remember on the old first Board, and now, on this Board, is one that was in Miami, and it was a local church leader. It was their cemetery. They turned around and said, "Oh, we want to be exempt," and they did what was required, and they assured the Board then that they weren't going to raid the trust funds or anything else. Well, it wasn't thirty (30) days after they were exempt that the trust funds were raided and the money's elsewhere. That cemetery today is operated by a family that took it over, who's business was across the street from them. We've disciplined them, or attempted to discipline them in the past, for the issues that were left by them. And that's the scare that I've got here, especially with \$1.3 million. You can do a lot, well not as much as you used to, but you can do a lot with \$1.3 million. And I don't want to see that money raided, no matter what it's used for, unless it's put back into business. And that's my concern.

Chair Brandenburg – My concern is statutorily, does this have to come before the Board? To be exempt is not required to be approved by the Board. Ms. Simon? Ms. Munson? Ms. Wiener?

Ms. Simon – Mr. Chairman, we have not had a request like this before that I'm familiar with, to have a licensed cemetery become an exempt cemetery, particularly with the factors that are involved in this matter. A lot of it may be a civil issue, but there are contracts, and I've been looking it up while we've been sitting here, contracts that do provide for perpetual care. Of course, if an unexpected contingency were to occur, that may be a civil matter. The Division was uncomfortable not bringing this item to the Board as it is an unusual request and I have not seen one before. The cemetery is currently licensed. So, the relinquishment of licensure may be something that would need to be accepted by the Board. So, this is a permissible item to bring in front of the Board. Whether it is a required item, I cannot speak to at this moment.

Mr. Griffin – If I may?

Chair Brandenburg – Go right ahead.

Mr. Griffin – Pursuant to s. 497.287(1), the identification of a cemetery as an exempt cemetery is considered licensure for the purposes of Chapter 120.

Chair Brandenburg – Thank you.

Ms. Wiener – But it's just a report. It's not something that you apply for. So, I think everybody is right here.

Chair Brandenburg – Mr. Knopke?

Mr. Knopke – What did Marshawn, in regular language, just say about 120?

Mr. Griffin – So basically, what it means is, is that the identification of a cemetery is exempt. It carries with it the rights that you would get for the denial of an application of licensure. And it says it's considered a license for the purposes of Chapter 120, which is the Administrative Procedures Act.

Mr. Knopke – Thank you.

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Mr. Knopke's not finished. Go ahead, Mr. Knopke.

Mr. Knopke – I'm done for the moment. Thank you, Mr. Chair.

Chair Brandenburg – Ok. Rabbi Lyons?

Rabbi Lyons – Yes, thank you. Ok, but I mean, yes, an exempt cemetery is licensed as an exempt cemetery, but that's not a licensure that goes in front of the Board for approval normally. Correct?

Ms. Simon – Mr. Chairman?

Chair Brandenburg – Ms. Simon?

Ms. Simon – That may be the case, Rabbi Lyons, that it does not typically go in front of the Board, but this is not a typical situation. We don't often have request of licensed cemeteries to become exempt. I do not remember a request of that nature, and I've been involved with this Division and Board for about thirteen (13) years, fourteen (14) years. So, while it isn't a typical item to go in front of the Board, it isn't a typical request either.

Ms. Munson – Chair Brandenburg, if I may?

Chair Brandenburg – Ms. Munson, go right ahead.

Ms. Munson – I just wanted to add that it's been identified that the exempt licensure issue is, in fact, a licensure matter, and the Board has authority by its rules over licensure matters. So, the Board has authority to rule on any licensure case, whether it is presented before the Board for special circumstances or not. I just wanted to clarify for the Board's knowledge that because it is a licensure case, it falls within the authority of the Board for review.

Chair Brandenburg – Good. Thank you. Rabbi Lyons?

Rabbi Lyons – Thank you for that. So, to Mr. Knopke's issue, as far as raiding a trust fund, I guess that's what I don't understand. Yes, once they're exempt then they're not under our scrutiny, as far as a trust fund, which means that even if they show us a contract, that doesn't mean that they need to stick with that contract. They could do a different contract tomorrow. So, for the money, which is currently in the trust fund, if I understand the way that the trust fund is supposed to work, is that the trustee is not going to release that money unless there's perpetual care actually going on. So, what am I missing? What exactly is the concern? There's money in a trust fund, debt was sold based on graves that were sold to the consumer, with a contract between the consumer, the cemetery and the trust fund. Now, the trustee is responsible for that money to make sure that they only release it if the conditions are met. So, I'm trying to understand, Mr. Knopke, what you're concerned about.

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

Chair Brandenburg – Please go right ahead.

Mr. Knopke – If the cemetery becomes exempt, and the seller goes out of business because, from what Ms. Weiner said, they are a small cemetery and they're going to sell memberships, that type of thing, it sounds like they have very little income. They could go out of business, or they could just sell it, become a new name, a new company that's not a cemetery that's [inaudible] ask the trustee to release the funds, because they're no longer regulated.

Rabbi Lyons – But they're regulated by the contract. The trustee is holding the money based on the contracts.

Mr. Knopke – They're holding the money at the direction of the seller, and if the seller is no longer regulated, I would think that the trustee would respond to the seller, the former seller, or whoever is the acting person now, and release the funds. The Department has no more interest in it at that point. There's no law, no [inaudible], no more obligation to the Department.

Chair Brandenburg – I have two (2) Board members asking for recognition. Mr. Jones?

Mr. Jones – Yes. Thank you, Mr. Chair. Ms. Munson and Ms. Simon, one (1) question for clarification. I've been on the Board a long time and as we said, I've not seen this. So, for my clarification, what is the parameter, if there is one, for a licensed cemetery to now say, I don't want to be licensed anymore. Is there a size factor? How is that determination made for next week when someone else wants to do it? Thank you.

Chair Brandenburg – Ms. Simon, do you want to respond?

Ms. Simon – Yes, sir. My understanding is that if there is a relinquishment of licensure, the actual relinquishment can go before the Board for acceptance or denial. So, if a cemetery is licensed, the cemetery's licensure is effective December 31st through December 31st of each given year, and as a result, if the Board chooses not to accept the relinquishment of licensure, we're looking at them being licensed at least until that time of December 31st.

Mr. Jones – But, if they did not renew, they're unlicensed. Unless the Board as we're saying now approves this. Is that correct? I'm just trying to get the groundwork.

Ms. Simon – I think that there are other steps that the Department can take to ensure that we have the ability to direct items at the cemetery, regardless of whether the cemetery requests renewal of licensure.

Mr. Jones – Thank you.

Ms. Simon – That's my understanding.

Ms. Munson – Chair Brandenburg, if I may follow up?

Chair Brandenburg – Yes, and then I'll call upon Mr. Hall.

Ms. Munson – I just wanted to immediately follow up to Member Jones' question. If it's an administrative voluntary relinquishment, there really is no parameters to stop a licensee from requesting such a relinquishment, unless there is some type of pending disciplinary case or disciplinary action that they are involved in. But just the standard administrative relinquishment, they can do so, and the only way to review their activity, if you feel there may be concern for it, is for the unlicensed activity Department to kind of keep an eye on things, if they feel there may be a need to do so. But once relinquished, the licensee then has administratively determined that with or without the Board's approval, because there's really none needed for a non-disciplinary issue. And the unlikely activity unit would be the one to see if there's any need for any further investigation or additional review of that particular former licensee's conduct. So, what's to stop someone from doing it? There is really nothing to stop someone from doing it, with an administrative voluntary relinquishment in the future. The Department then just would be in a place to maybe more closely monitor if there's a concern for any type of wrongdoing.

Mr. Jones – If I may, Mr. Chairman?

Chair Brandenburg – Mr. Hall?

Mr. Hall – Yes. My concerns are the same as those that have been addressed here. First, I would like to say there's a contract. So, these people when they bought these before, were they assured these monies would be put in the Perpetual Care Fund and take care of it? Now, {inaudible} as a Board, we're releasing that to them, and I agree with Keenan. That money's not going to stay in their long. It's going to disappear. If there's no money to keep it up, that money will disappear quickly. I think the concern too is, as it goes along, if there's discipline issues or problems there at the cemetery, even though they're not under our jurisdiction anymore, the Division is going to get called upon to try to settle that. They're going to go to them, because that's the only avenue they have to go to. Those are the things that concerns me. I think, if it's approved, you could start getting a rash of people that all at once looks at their trust accounts and says, "Never mind, we're not going to do it either." Then, they have a petty cash drawer that's available to them from what I'm hearing here now. So, I think you could get a rash of those things. Ms. Wiener can you tell us how many acres this cemetery is and how many are left that they can sell? Do you know that me? How many lots are available?

Ms. Wiener – I don't know how many acres are left. I do know, if I can just speak to a couple of the concerns. So, if there are contracts which obligate the entity to do certain things, deposit money in trust, leave money in trust, take care of certain things, those contracts are not going to go away by the fact that this cemetery becomes exempt rather than licensed. Those will remain. And if those obligations are not fulfilled, then all of the people in turn there who have those contracts, all of those families, will have causes of action against this cemetery. So, that's number one. Number two, only, as to people just saying they don't feel like being licensed anymore, only very limited types of cemeteries have been deemed by the Legislature to be appropriate to be exempt from licensure. This happens to be one of them. Probably never should have been licensed in the first place, but it was, and it continues, so. And finally, it's trustee, a well-known corporate trustee in the industry, reached out to me and said, "I have this cemetery. Why do they have a license? Can you look at this and figure out if they're appropriate for licensure? Should they be licensed or not?" And that's how we started down this path. So, it's only a very limited kind of cemetery, like this, an association, a community association cemetery that qualifies, or religious institution, or so on and so forth. They're also limited in what they can sell, and what they can do, and their exposure to the public. So, this is not a situation where they are problems. They're not a problem cemetery. I won't represent to you that they have no disciplinary history, but I'm not aware of disciplinary history for this cemetery. I don't think this is a problem cemetery. I haven't seen them in front of the Board. And this is not something that never happens. This Board, over the course of many years, has permitted several cemeteries that qualify for exemption to become exempt cemeteries. Sometimes that has not gone well, as Mr. Knopke points out, but for the most part, when the cemetery qualifies to be exempt, then it may, as Ms. Munson said, relinquish its license. You don't have an actual... There's no discretion around that. They can relinquish their license. If they are not permitted to operate as an exempt cemetery, then there could be unlicensed activity if they continued to operate in some way. But in this circumstance, this entity qualifies as an exempt cemetery. It simply wants to relinquish, voluntarily and administratively, relinquish its license to the Division and operate as an exempt cemetery. However, if there are contracts that obligate money to go into trust and to stay into trust, and other contracts that obligate certain care and maintenance

obligations, though there is no desire to get away or out from under those contracts, those contracts will continue to be fulfilled.

Chair Brandenburg – As you have heard, the major concern is the monies in trust, and how will they remain in trust for the benefit of the cemetery and the cemetery upkeep, without being withdrawn, we'll say. So, that seems to be the major concern of the Board members. Mr. Hall?

Mr. Hall – Yes, and the argument is, if the contract say that we won't bother that. However, we're allowing those people to have the right to move that money out of trust. So, we need to just be able to say that we promise we're not going to do that, but I don't think the Division is going to buy into that. If the rest of us came in and said, "We don't need to put money into trust. We promise you that we won't spend it. We'll cut the grass, we'll paint, and we'll do those things." The Division is not going to do that. They were short on this last audit. So, they had to make it up. It wasn't a significant amount, but they had to catch up. If no one's policing it, I don't know how you can assure those people that have those contracts that it's going to be covered and taken care of.

Chair Brandenburg – Thank you, Mr. Hall. Anyone else? Is there a motion?

MOTION: Rabbi Lyons moved to approve the request.

Chair Brandenburg – There's a motion to approve. Is there a second? So, it seems that the motion to approve dies for the lack of a second. Board members?

MOTION: Mr. Knopke moved to deny the request. Mr. Hall seconded the motion.

Chair Brandenburg – So, there's a motion to deny and it's been seconded.

Rabbi Lyons – Mr. Chair, can I clarify what the motion on the floor is?

Chair Brandenburg – The motion is to deny.

Rabbi Lyons – What are we denying? Are we denying them relinquishing their current licensure?

Chair Brandenburg – To go to an exempt cemetery from a licensed cemetery, the motion is to deny that, and the second. And all those in favor, aye?

Board members – Aye.

Chair Brandenburg – And any opposed?

Ms. Wiener – Mr. Chairman, can I ask a question of the Board or Division?

Chair Brandenburg – Just a moment. We have a vote and the motion to deny carries. Yes, Ms. Weiner?

Ms. Wiener – So, what's going to happen is that tomorrow, we're going to send the license back to the Division and file a report of exempt cemetery that does not come back before this Board, because this is not a discretionary matter. And so, I feel like this puts the Board in a terrible position, because as Ms. Munson said, you can't force a business to continue to operate in a licensed capacity. And so, they cannot be forced to continue in that vein. And they qualify as an exempt cemetery. So, when they file that report of exempt cemetery, like, I'm just confused about the outcome, I guess.

Chair Brandenburg – The Board has made their opinion known, and I suggest that you go back to the Division and discuss that with the Division. Thank you.

Ms. Munson – Chair Brandenburg?

Chair Brandenburg – Ms. Simon?

Ms. Simon – Yes, sir. I would like to call back a case.

Chair Brandenburg –I'm sorry. Ms. Munson?

Ms. Munson – I just needed to clarify. If there is an order to be issued regarding a denial, I do need a reason stated for the record, as to the basis for the denial, as with any denial.

Mr. Knopke – Mr. Chair, I guess, I made the motion. My concern is the lack of knowledge that the Board has about what they're going to do, if the need for money becomes available, or if the money becomes available, and how they're going to protect the consumers that bought under with contracts, that {inaudible}. I mean, think about it. At 10% of no matter what they're selling them for, it took a long time for a small cemetery to get to \$1.3 million. So, there's got to be a lot of people out there concerned.

Ms. Wiener – Our contracts that require that money go into the trust and not be withdrawn from trust, then those contracts would be honored. They wouldn't be able to not honor those contracts.

Chair Brandenburg – Ms. Wiener? Please, just a moment, please. Ms. Munson, would that be satisfactory as a reason for denial?

Ms. Munson – It would be the reason included in the Order. I just wanted to advise the Board that denial on the concern of what could happen.

Chair Brandenburg – Thank you.

Ms. Munson – In layman's terms.

Mr. Knopke – Yes, thank you.

Chair Brandenburg – Ms. Wiener?

Ms. Wiener – I was simply reiterating that contracts are contracts. There's not, there's no effort to void any prior contracts. There's no effort to withdraw funds from trust that were deposited to trust pursuant to contract. That was not what anyone was trying to do here. There was a minor deficit in this trust, a \$1800 deficit. It was deposited the day that the examiner was there. There's some nefarious that's been attached to this matter. It seems that by bringing this, what is an administrative ministerial matter to the Board has sort of attached some nefariousness to it, which there is not any nefariousness associated with this. So, we'll accept the Board's Order and either challenge it, or submit the relinquishment of the license, and play it out.

Chair Brandenburg – Thank you. Ms. Simon?

Ms. Simon – Yes, sir. If I may, I'd like to bring back an item on the agenda, which is R. (1) (a) (1). This is a monument establishment sales agreement that was submitted by Foundation Partners of Florida LLC d/b/a Caloosa Memorials.

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

(1) Recommended for Approval with Conditions

(a) Monument Retail Sales Agreement(s)

1. Foundation Partners of Florida LLC d/b/a Caloosa Memorials (LaBelle)

Ms. Simon – Ms. Wiener mentioned during the presentation that she submitted a contract that included terms that were not referenced in the first submission. I only see that the second contract that was submitted included the terms that delivery and installation shall occur on such and such a date. Because there is not information regarding the disclosure for future inscriptions or engravings, the Division is asking that the Board revisit this decision, and consider whether the motion instead

should be approved subject to the conditions that the petition is recommended, as opposed to no conditions or what was previously stated.

Chair Brandenburg – Would you repeat what case that is, please?

Ms. Simon – Yes, sir. It is R. (1) (a) 1.

Chair Brandenburg – The first item under R., correct?

Ms. Simon – Yes, sir.

Chair Brandenburg – And what was the Board's action on that, that you're suggesting be amended?

Ms. Simon – The Board's action, to be candid, what I did get was the Board's action was not to use the conditions that the Division had recommended, based on the statements that were made during the presentation. I believe that the Board was under the impression that a subsequent contract, or sales agreement, that was submitted to the Division included items that would render these conditions unnecessary. And I do not believe that is the case. As a result, we are requesting that the Board revisit the decision, and go back and have the conditions be what were included within your Board packet.

Chair Brandenburg – The three (3) conditions?

Ms. Simon – Yes, sir.

Chair Brandenburg – Thank you.

Mr. Knopke – This is Mr. Knopke. I made the motion, and I believe that was my intent, was what the conditions were by the Department. I think Rabbi Lyons was trying to add other items that we had not previously had on other contracts, and I was trying to get back to us doing what we've done historically. You know, if it's not under the statute requirements, or the rules requirements, we shouldn't be requiring anybody to do anything more than that.

Chair Brandenburg – Comments to that, Ms. Simon? Tell us what your recommended action is for the Board to take, to rectify your concerns.

Ms. Simon – Thank you, Mr. Chairman. I would request that the Board revisit and reconsider its prior statement so that it accepts the conditions that were listed in the coversheet. I understand the concerns that Rabbi Lyons brought up and the concerns that Mr. Knopke brought up. However, simply that the Board approve with conditions outlined within the Board package.

Chair Brandenburg – Mr. Knopke, do you withdraw your other motion and substitute this motion?

Mr. Knopke – I'll do it, but I think we need to make a motion to revisit this thing, just for formality.

Ms. Munson – Please.

Chair Brandenburg – Motion?

Mr. Knopke – I'll make the motion to revisit.

Chair Brandenburg – Is there a second?

Rabbi Lyons – Second.

Chair Brandenburg – So, all those in favor, aye?

Board members – Aye.

Chair Brandenburg – And any opposed? So, we're back to revisiting this issue. So, is there a motion?

Mr. Knopke – I'll make the motion to approve with conditions outlined by the Department.

Mr. Hall – Second.

Chair Brandenburg – All those in favor, aye?

Board members – Aye.

Chair Brandenburg – And any opposed?

Rabbi Lyons – Opposed.

Chair Brandenburg – And one (1) opposed. That motion carries.

Ms. Simon – Mr. Chairman, I appreciate you for revisiting that. Thank you.

Ms. Munson – Chair Brandenburg? I'm so sorry. If I may? I was unclear on that final vote for item R. (1) (a) 1. To revisit it, and then have a new motion, or just revisit it?

Chair Brandenburg – Yes, there was a new motion to approve with the conditions recommended by the Division. It was seconded and approved with one (1) dissenting vote.

Ms. Munson – Thank you. My phone blanked out for a second. I appreciate that. Apologies for the interruption.

Chair Brandenburg – Yes, ma'am.

T. Executive Director's Report
(1) Operational Report (Verbal)

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

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

Chair Brandenburg – Go right ahead, please.

Ms. Schwantes – Thank you, sir. So, this is a very, very brief Director's Report this month. The legislative session for 2022, including extensions, is now over. Of the five (5) bills that we have been following, only two (2) passed. The first, which we talked about before, is SB852, The Reviser's Bill. It was approved by the Governor. This bill had very insignificant impact on Chapter 497, merely removing redundant or unused rulemaking authority from the two (2) provisions in our statute, The Department's Agency Bill, HB959, will have substantive impacts. As you all know, we've already alluded to that earlier in the meeting. The Agency Bill passed on March 4th and has been enrolled. However, it has not yet been presented to the Governor for his signature. Assuming the Governor approves the bill, the effective date for any changes to Chapter 497 will be July 1, 2022. We're beginning our review of our rules, Chapter 69K, as to any rules that are impacted by the statutory changes, and we'll begin the rulemaking process on these issues within the next months. I'll report again when the DFS Agency Bill is signed by the Governor. Otherwise, this ends my report on the 2022 legislative session, a very successful session for us all, I believe. The 2023 session will begin on March 7, 2023, and end on May 5, 2023. So, we go back next year to having session later in the year than we did this year. The planning for that session will begin this summer, so there will be mention of that later. That is all on the legislative session.

(2) Proposed Board Meeting Schedule FY 2022/2023 (Action)

Ms. Schwantes – The other item that I really want to talk about today is our proposed Board meeting calendar for fiscal year 2022/2023, which starts July 1st. That proposed calendar is part of the Board packet. We are proposing three (3) in person meetings: in August (Jacksonville), in November (Orlando), and in April (Tallahassee), which will coincide with next year's legislative session as has been requested by many of our attendees. The meeting locations for each of the in-person meetings will be announced at a later date. All remaining meetings will be held by videoconference for the year, and Board action is needed on the proposed calendar. Are there any questions? I'm sorry. I hear background noise, and I can't tell who's talking. Mr. Brandenburg, Board action is needed on this. We will need a vote for approval.

Chair Brandenburg – That's what I was getting to. So, as this comes before the Board, for the meeting schedule, is there a motion?

MOTION: Mr. Hall moved to approve the proposed meeting schedule. Mr. Williams seconded the motion, which passed unanimously.

Board of Funeral, Cemetery, and Consumer Services Board Meeting Schedule FY 2022-2023

2022 Board Meeting Schedule (Tentative) (July - December)

July	August	September
Tuesday, July 12, 2022 Videoconference https://meet.goto.com/LaTonyaBryant/board-videoconference-july (889) 224-3412 Access Code: 375-559-805	Thursday, August 4, 2022 Jacksonville FL Location: TBD	Thursday, September 1, 2022 Videoconference https://meet.goto.com/LaTonyaBryant/board-videoconference-september (571) 317-3122 Access Code: 160-372-325
October	November	December
Thursday, October 6, 2022 Videoconference https://meet.goto.com/LaTonyaBryant/board-videoconference-october (669) 224-3412 Access Code: 578-214-069	Thursday, November 3, 2022 Orlando FL Location: TBD	Thursday, December 1, 2022 Videoconference https://meet.goto.com/LaTonyaBryant/board-videoconference-december-9 (872) 240-3412 Access Code: 293-593-701

2023 Board Meeting Schedule (Tentative) (January - June)

January	February	March
Thursday, January 5, 2023 Videoconference https://meet.goto.com/LaTonyaBryant/board-videoconference-january-3 (571) 317-3112 Access Code: 756-224-677	Thursday, February 2, 2023 Videoconference https://meet.goto.com/LaTonyaBryant/board-videoconference-february-9 (646) 749-3122 Access Code: 145-189-077	Thursday, March 2, 2023 Videoconference https://meet.goto.com/LaTonyaBryant/board-videoconference-march-8 (571) 317-3112 Access Code: 134-412-133
April	May	June
Thursday, April 6, 2023 Tallahassee FL Location: TBD	Thursday, May 4, 2023 Videoconference https://meet.goto.com/LaTonyaBryant/board-videoconference-may (646) 749-3122 Access Code: 280-832-061	Thursday, June 29, 2023 Videoconference https://meet.goto.com/LaTonyaBryant/board-videoconference-june (408) 650-3123 Access Code: 855-532-245

DRAFT
Proposed 3/30/2022

Ms. Schwantes – Thank you, Board. The next Board meeting will be an in-person meeting in Tallahassee. We talked about having a meeting in Jacksonville, but we were not able to arrange that, so it will be in Tallahassee. The meeting will take place

in the Department of Revenue conference room, which was previously used for the March meeting. As a reminder, Wi-Fi is not available in that location, so please plan accordingly. The meeting will take place on Thursday May 5th, and this ends the Operational Report. Thank you all.

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Thank you. There's a question?

Rabbi Lyons – Yes.

Chair Brandenburg – Rabbi Lyons?

Rabbi Lyons – There's a flight out of Palm Beach that morning that lands at 9:21 AM. And, for the two (2) members who are located in Palm Beach, which I'm one of them, that would be much more desirable than coming in the day before, and I'm speaking only for myself. It will be more desirable than coming in the day before, but it's a very tight schedule if the meeting is starting at 10 AM. Is it possible to have the meeting start at 10:30AM?

Chair Brandenburg – Board? Which meeting is that?

Rabbi Lyons – The one in Tallahassee on May 5th. The next meeting.

Mr. Knopke – Mr. Chairman?

Chair Brandenburg – Just a moment, please. You're talking about May 5, 2022?

Rabbi Lyons – Indeed. Yes, sir.

Chair Brandenburg – I have that as a videoconference meeting.

Rabbi Lyons – I believe Ms. Schwantes just said it's going to be in Tallahassee.

Chair Brandenburg – Ms. Simon?

Ms. Simon – Yes, sir? That is what Ms. Schwantes just indicated, because some of the logistics were strained in other areas, a decision was made to have the in-person meeting in Tallahassee in May. And I believe that was just stated.

Chair Brandenburg – I have no problem with it beginning at 10:30AM. Board members, is there any major inconvenience for you to start at 10:30AM? Mr. Knopke?

Mr. Knopke – Does it require any change in notification by the Department to the public? Or any additional expense?

Chair Brandenburg – Is that permissible at the facility?

Ms. Simon – I would have no reason to believe it is not permissible, a double negative, at the facility. And the amount of work it would take on behalf of the Division to change those times would include putting it on the website, and the information sent out to the public. I do not think it would take any additional expense to change it to 10:30AM.

Ms. Schwantes – I'm not sure. I'm sorry. This is Mary Schwantes. I had to go behind the camera, because we're sharing the office for this purpose. I am not sure if we would have to publish again in FAR because we're changing the time.

Ms. Simon – We will most likely have to publish again in Florida Administrative Register.

Ms. Munson – Chair Brandenburg, if I may? I just wanted to confirm that you would have to amend it and publish the correct time in FAR. I don't know if that's just a minimal expense or not. I'm not familiar with the specific expense. Notices are

amended fairly often. But if it was originally set as a virtual meeting, and it's now going to be an in-person meeting, that also will require a change, an amendment that would have to be submitted for FAR notification.

Ms. Clay – Mr. Chair, I have a question. I'm sorry.

Chair Brandenburg – Go right ahead. Is that Ms. Clay?

Ms. Clay – It is. Is there a reason why the meeting was actually changed from virtual to in-person for this particular one, since it was initially advertised as virtual?

Chair Brandenburg – Ms. Schwantes is coming to the camera.

Ms. Schwantes – Thank you, sir. Ms. Clay, if you will recall several months ago at a virtual meeting that we had, I believe in January or February, the Board gave authority to Chair Brandenburg and to myself, to try to arrange for two (2) in-person meetings during this fiscal year. And we were trying for Tallahassee, of course in March, which we were able to do. Then we were also trying for Jacksonville in May. The Jacksonville location did not work out, as I indicated. We were not able to arrange appropriate size meeting room, etcetera, for May. And so, because it appeared that having another in-person meeting was more important to the Board, we relocated, the concept of that meeting anyway, to Tallahassee. If the Board would prefer to have a virtual conference in May, that is perfectly fine. We have not done any kind of notice or anything like that on this at this time, and it is already scheduled for a virtual conference at 10 o'clock. So, we could go ahead with that already noticed schedule, and not do another in-person meeting until August. It is truly up to the Board members.

Chair Brandenburg – Board members? What's your opinion on that? Mr. Jensen?

Mr. Jensen – Yes, I would propose that we'd go ahead with Ms. Schwantes just stated. Since it's already advertised, it's out there, we don't really have to do anything. It would solve the changing of the time and re-advertising. Plus, it is kind of short notice. I mean, I know you, Mr. Brandenburg, had it down as a videoconference. Ms. Clay did. I know I had it down as a videoconference. And I'm actually going to be out of town then, so I'll be doing it from elsewhere. I wouldn't be able to make it if it was in-person. I just think that's a little bit quick, on my own, so I propose that we do a videoconference for May, and at least have two (2) months' notice going forward on an in-person meeting. Thank you, Mr. Chair.

Chair Brandenburg – Thank you.

Mr. Williams – Mr. Chair?

Chair Brandenburg – Mr. Williams?

Mr. Williams – Thank you. I will say, hopefully, if Mary and her team is going back to the old way that we once were doing things in reference to if the agenda is going to call for a lot of action in terms disciplinary matters and things like that, I would favor the in-person, because the meeting can go longer if there's a lot of disciplinary issues that are going to be coming before the Board on the May agenda. So, I'm foreseeing, and Mary can correct me if I'm wrong, if that's where we're trying to get back to of having the lighter portion of the meetings like we had today, with not too many disciplinary issues and then the bulk of the meeting with a lot of disciplinary issues in person. So, I'll be in favor of an in-person meeting, and I do recall that the Board did give Ms. Schwantes and Mr. Chair authority to call for those in-person meeting.

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

Chair Brandenburg – Please go right ahead.

Ms. Schwantes – Thank you, sir. Mr. Williams, you are correct that prior to the pandemic, prior to 2020, this Board met every month, but every other month was in-person and then the in-between months were telephonic. In long ago history, if you will, it was more common that the disciplinary matters were heard in the in-person meetings only. Then only things on the telephonic meetings, and this was before we started the videoconferencing, the only matters that were heard on the telephonic meetings were for settlements or matters that were consensual. Ok. There are a couple of things that changed that. One, of

course, is the availability of videoconferencing, which came about primarily as a result the pandemic, the common usage of that, so that now, licensees may attend these meetings virtually and not have the cost of having to travel to appear before the Board. And we, of course, are not the only Board that did that. The courts did that. It's a very common thing now. It would not be possible to go back to having disciplinary matters only heard at in-person meetings. Because, the other thing that I was getting at, as a result, primarily of the disciplinary guideline changes that happened about five (5) years ago, we have more legal actions now that have to come before the Board. So, you don't want to have them only come up before in-person meetings. The other matter that is of significant concern to us, and I know we've talked about this before, is our budget. And so, we were not planning and did not propose going back to every other month in-person. I think, generally speaking, input that I have received from Board members prior to this was that it's not necessary to do that anymore, because of the virtual conferences, and that does help with our budget. So, that is why for FY22/23, we only proposed three (3) in-person meetings, again, trying to kind of meet the preferences of all of the Board members and compromise on it, if you will. But we have no intention of recommending a return to in-person meetings six (6) times a year. Does that address those questions, Mr. Williams? Thank you, sir, for raising them. Thank you, Mr. Brandenburg.

Chair Brandenburg – Thank you. Mr. Williams, are you ok with that?

Mr. Williams – Yes, sir. Thank you so much, Ms. Schwantes and Mr. Chair.

Chair Brandenburg – Ok. Board, so I guess we're at a crossroads for the May meeting. Do you want an in-person meeting in Tallahassee or a videoconference meeting?

Rabbi Lyons – I moved to have a videoconference.

Mr. Jensen – Yes.

Ms. Clay – I second.

Chair Brandenburg – Good. We have a request. I suppose that's a motion and a second, that the May meeting be a videoconference meeting? All those in favor, aye?

Board members – Aye.

Chair Brandenburg – And any opposed? So, that motion carries. So, Ms. Schwantes, that solves any issues, and Rabbi Lyons, that addresses your timeframe, as well. So. I was just changing my calendar and I will not change it now.

Ms. Munson – Chair Brandenburg?

Ms. Schwantes – The meeting will be May 5th, at 10 o'clock by virtual conference.

Chair Brandenburg – Who's that speaking?

Ms. Munson – That was Ms. Schwantes and I would you like to comment regarding the date whenever that comment is noted.

Chair Brandenburg – Ok. So, that's resolved. So, on with the monthly report. Ms. Simon?

Ms. Munson – Chair Brandenburg, if I can? This is regarding another date issue.

Chair Brandenburg – Go right ahead, Ms. Munson.

Ms. Munson – Just wanted to clarify that the proposed date of July 12th, which is normally a PCP date, is definitely, was intentionally noted to be a meeting date. I just wanted to make sure, because I know the Board is voting on this as well as the June 29th date in 2023. Are those dates intended to be meeting dates as opposed to dates that had previously been identified as routine meeting dates?

Chair Brandenburg – Ms. Schwantes?

Ms. Simon – That was the intention of the Division. Yes.

Ms. Munson – And I just wanted to bring it to the members of this Board to note that difference. Thank you.

Chair Brandenburg – Thank you. Ms. Simon?

Ms. Simon – Yes, sir, if I may? Just for the Board’s edification, for the new members, the June date and the July date of the Board meeting, are not the typical first Thursdays of the month, because of the expiration of preneed licenses by June 30th. So, we try to have it as late as possible in the month of June, which oftentimes triggers a week or two later in July, just to be more effective. That was just for the edification of the Board.

(3) 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: April 7, 2022
 Date report was prepared: March 28, 2022

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Leanardo Stubbs	March 3, 2022	287747-21-FC	\$1,250	June 23, 2022		
Timothy Kitchens	March 3, 2022	278063-21-FC	\$2,000	April 25, 2022		
Timothy E. Kitchens Funeral Home, Inc	March 3, 2022	278061-21-FC	\$2,000	April 25, 2022		
Vinson Funeral Home	March 3, 2022	283110-21-FC	\$250			
Jeffrey Lee Tillman	March 3, 2022	275817-21-FC	\$4,000	April 25, 2022		
Orn-8 Luxury Designs, LLC d/b/a A Mortuary Service	March 3, 2022	287746-21-FC	\$1,750	June 23, 2022		
Marion Graham Mortuary	Jan/Feb 2022	280739-21-FC	\$4,000	March 25, 2022	Paid in Full	
Joy McCartney	2/3/2022	282878-21-FC	\$1,250	March 25, 2022	Paid in full	
Paradise Funeral Chapel LLC	2/3/2022	App for Licensure	\$1,500	March 25, 2022		In the process of sending to OGC for administrative action
Stonemor Florida LLC DBA Forrest Hills Memorial Park	2/3/2022	282705-21-FC	\$800	April 25, 2022	Paid in full	
All Points Removal Service	1/6/2022	286302-21-FC	\$2,500	March 5, 2022	Paid in full	
Whitfield Funeral Home	1/6/2022	284339-21-FC	\$1,800	February 28, 2022		In the process of sending to OGC for administrative action
Alvin Whitfield	1/6/2022	284340-21-FC	\$1,300	February 28, 2022 ²		In the process of sending to OGC for administrative action
Northstar Funeral Services of Florida, LLC, d/b/a Moss-Feaster Funeral Homes & Cremation Services	1/6/2022	280403-21-FC	\$1,500	February 28, 2022	Paid in Full	
Peter Mackerowski	1/6/2022	286926-21-FC	\$2,000	March 25, 2022	Paid in full	
St. Fort’s Funeral Home, Inc.	1/6/2022	280742-21-FC	\$500	February 28, 2022	Paid in Full	

	Rose Hill Cemetery Company	1/6/2022	282700-21-FC	\$2,000	March 29, 2022	Paid in Full	
	Naples Funeral Home, Inc.	1/6/2022	282694-21-FC	\$750	March 29, 2022	Paid in Full	
	D & L Removal & Transport, Inc	1/6/2022	283168-21-FC	\$1,500	28-Feb-22		In the process of sending to OGC for administrative action
	Michael J. Sanders	1/6/2022	277016-21-FC	\$1,500	28-Feb-22	Paid in full	
	Foundation Partners of Florida LLC D/B/A Steele's Family Funeral Service	1/6/2022	277013-21-FC	\$1,500	28-Feb-22	Paid in full	
	Metro	12/2/2021	268724-20-FC	\$1,000		Paid in full	
	Marie Decker	May-21	243582-19-FC	\$2,250	11/22/2021	No	Sent to OGC for administrative action
	Americare Funeral Services, LLC, d/b/a Lifesong	11/4/2021	280011-21-FC	\$500	February 28, 2022	Paid in Full	
	Debra Lynn Parrish	11/4/2021	282523-21-FC	\$1,000	12/17/2021		In the process of sending to OGC for administrative action

3-28-2022

U. Chairman's Report (Verbal)

Chair Brandenburg – I have no report.

Ms. Simon – Thank you, sir.

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

Ms. Munson – The report was provided for informational purposes. It's with the note that Rule 69K-12.011 is scheduled to become effective on or about the 21st of this month. Thank you.

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

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

W. Public Comments (Verbal)

Chair Brandenburg – Mr. Williams? Mr. Bill Williams?

Mr. Bill Williams – Thank you, Mr. Chairman. My comments go back to an earlier agenda item, Jay Funeral Home, that the Board tabled until the next meeting. And I'd like to give the Board some information about Jay Funeral Home, if you don't mind. This firm, without question, has had some baggage in the community in the past, and has probably had some regulatory baggage, as well. However, the firm has since sold. The current owner of the firm happens to be the mayor of the

town of Jay, Florida, and he is acquiring this firm with the intent of basically cleaning it up. He's expended considerable funds remodeling the firm. And in fact, he has also honored the preneed contracts that were sold by the prior owner of that firm. And even though we have counseled him that he can go to the Consumer Protection Trust Fund for any differences. I'm not sure he has ever made a claim on that trust fund. I could be wrong about that. But the bottom line is that he has worked with that firm, he has brought it up to standards in the community, and he is honoring all those preneed contracts. He also submitted an application for the preneed main license that the Division recommended for approval without any conditions. And there were no deficiencies at all on that application. And, as Ms. Wiener stated earlier, if there are any regulatory outstanding items that have happened, that would be to the former owner, not the current owner of the firm who is doing everything appropriate right now to operate that firm in the community. And I just hate to see that individual being penalized for something that maybe a former owner has done in the past at that firm. And I would implore the Board maybe to go back and reconsider its motion on that one agenda item.

Chair Brandenburg – Thank you, Mr. Williams. Board that's the item. O. (1) (a). Is there a motion to revisit this?

MOTION: Mr. Jones moved to revisit the item. Mr. Knopke seconded the motion.

Chair Brandenburg – So, in light of all the considerations, and, of course, the Division's recommendation, the stated net worth, the new owner committed to abide under the statute, would we like to do anything to address that? Mr. Jensen?

Mr. Jensen – Mr. Chair, I believe I was already kind of raised concerns on this. I'm not worried about the new owner. What is puzzling to me, is sort of what Mr. Knopke referred to on the cemetery with the place in Miami that raided the funds. I understand, Mr. Owens here has not gone after the Consumer Protection Trust, but I do know that there are a lot of preneeds out there. The former owner is not around and not in the picture. All I'm concerned with is who is going to service those preneeds? If Mr. Owens is willing to give a letter saying that he's going to service them, no questions asked, and not raid the Consumer Protection Fund, I've got no issue with, but I think the families of Jay and Santa Rosa County need to know that they're going to be protected.

Chair Brandenburg – Mr. Williams?

Mr. B. Williams – Thank you, Mr. Chairman. Mr. Jensen, first of all, when the mayor acquired this firm, he is under no legal obligation at all to fulfill those preneed contracts. He did not acquire those preneed contracts, but, of course, he has been doing that. If he hasn't been doing that, then those families have the ability to go to the Consumer Protection Trust and try to get some type of refund from that trust fund. But, especially being the mayor that town, the last thing he wants from a reputational standpoint is to not fulfill those contracts and he has been doing that, even though he's not legally required to do so. So, he has fulfilled those contracts. And I have no reason to believe that he will discontinue fulfilling those contracts. But even if he did, he has no legal obligation to do that. And so, there is no reason to go back against him personally for something a former owner did, but he is trying to clean it up. He is fulfilling them. And there's been no issue so far.

Mr. Jensen – I would not disagree with you, Bill, on that. I mean, I know of this gentleman and everything seems to be in order there. I'm just wondered about, it's a small place, you know, and I know what you know, and there is a lot of baggage. So, you know, and I know the Department has been directly involved in that, and what's going on with that, I don't know, but I do know there's a lot of prearrangements hanging out there with no funding. So, I'm just wondering how are they going to get serviced? That's all I'm asking. I have no issue with the new owner or his ability to be licensed or whatever. That's all I was questioning.

Chair Brandenburg – Thank you, Mr. Jensen. Ms. Clay? Ms. Clay? Ms. Clay, if you're speaking, we can't hear you.

Ms. Clay – Can you hear me now?

Chair Brandenburg – Yes, we can hear you now.

Ms. Clay – I just wanted to be reminded of the reason it was tabled. It was for more information, right?

Chair Brandenburg – Yes.

Ms. Clay – My connection {inaudible}. And so, is Mr. Williams a representative of that firm?

Chair Brandenburg – We can't hear. You're breaking in and out, so we really can't understand your question.

Ms. Clay – Don't worry about it. It's OK.

Chair Brandenburg – Rabbi Lyons?

Rabbi Lyons – Just to clarify one thing. If he bought the firm, why is he not obligated to fulfill the preneed contracts that were previously done by that firm?

Ms. Munson – If I can, Chair Brandenburg?

Chair Brandenburg – Well, Mr. Williams was answering Rabbi Lyons' question, and then we'll get to you, Ms. Munson.

Ms. Simon – I'm sorry. Before we go on, Mr. Williams has not been sworn in and I need to do that, Mr. Chairman.

Unidentified person – It's public comments.

Ms. Simon – Ok. I apologize.

Mr. B. Williams – May I address Rabbi Lyons?

Ms. Clay – Mr. Chair, can you hear me now?

Chair Brandenburg – I can hear you now. Yes, ma'am. Ms. Simon is it necessary to be sworn in?

Ms. Simon – I was under the impression that there was a motion outstanding to revisit this issue, and if there was a motion outstanding to revisit, we are no longer in public comment. That was my concern, as to any of Mr. Williams' statements. However, the Board wishes to continue.

Chair Brandenburg – Mr. Williams, please go right ahead.

Mr. B. Williams – Thank you. Rabbi Lyons, it's not uncommon, especially in the State of Florida, for an entity to buy a funeral home with an asset purchase agreement. And those assets are identified in the asset purchase agreement of what the new entity has acquired. It is not unusual for that entity to not acquire preneed contracts. And so, what would typically happen, the seller then would find another firm that would honor those preneed contracts. We happen to be in a small town called Jay, Florida. In this situation, there are no other funeral homes probably within, and Mr. Jensen can help me here, thirty (30), forty (40), fifty (50) miles of that firm. And so, it was an asset purchase agreement where he did not buy the liabilities, just the assets. Basically, the building, the property, and maybe some goodwill for the business itself. But, because it is the only firm up there, because it's the mayor up there, he can't afford not to honor these preneed contracts, even though he is not legally required to do so, because he did not acquire those as part of the asset purchase agreement. I hope that answered your question.

Chair Brandenburg – Thank you. Ms. Munson

Ms. Munson – Chair Brandenburg, I was just wanting to clarify. I was under the impression that during the public comment section, we were accepting public comment, and I understand that during the public comments section, a question was raised to revisit a vote of the Board. It just seems like procedurally things are becoming very merged and possibly confusing to the Board members who are not familiar with the process. But, just normally as a reminder, during public comment, it's for that sole purpose, and I think the senior Board members understand, because I know we have some newer ones, that is solely for the purpose of public comment. I'm not going to interfere with the direction, or what the Department may feel. I just wanted to, on the record, at least clarify procedurally where we were.

Chair Brandenburg – Ok. Well, after the after the public comment, I'm asking the Board, do you want to revisit it? And there has been a motion, and it's been seconded and all those in favor, aye?

Board members – Aye.

Chair Brandenburg – Any opposed?

Rabbi Lyons – Opposed?

Chair Brandenburg – I heard one opposed.

Ms. Clay – I opposed.

Mr. Jensen – What are you referring to, Mr. Chair? Are you voting again to go back and revisit? We already voted that. Or are we voting on the license?

Chair Brandenburg – No, where we're voting on going back to revisit Q. (1) (a), the application for a preneed main license, by Jay Funeral Chapel, which went through the necessary requirements of qualifying. They have the reported net worth, and the Division is recommending approval without conditions. So, this has no bearing on the funeral home that was there before that, or the owner of that funeral home before that. So, if we want to, we're merely revisiting it. So, that's as clear as I can make it.

MOTION: Rabbi Lyons moved to table this until the next meeting. Ms. Clay seconded the motion.

Chair Brandenburg – There's a motion to table it till the next meeting and it's been seconded. And all those in favor, aye?

Board members – Aye.

Chair Brandenburg – And all those opposed?

Board members – Aye.

Chair Brandenburg – How about a roll call?

Ms. Simon – Yes, sir.

Chair Brandenburg – The motion was to table, and now there's a roll call, where your vote is Yes or No.

Ms. Simon – Actually, sir, in point of order, I apologize, but it has already been tabled. There is a motion to revisit that there is not a motion to reconsider the vote. To take this procedurally I apologize, but there's already been a motion that's been approved to table.

Rabbi Lyons – Great.

Chair Brandenburg – Ok. Anything else by anyone? Ok. Ms. Simon, anything else to come before the Board.

Ms. Simon – Yes, sir. I believe Ms. Miranda is on video, and she has raised her hand.

Chair Brandenburg – Ms. Miranda, go right ahead.

Ms. Miranda – Thank you, Mr. Chairman. My name is Michelle Miranda. I am requesting that you sincerely reconsider your denial for Item I (2), for my acceptance as a licensed funeral director in the State of Florida. For the record, I would like it to be known that serving as a Sister of Notre Dame for over eight (8) years in the convent, I truly value service and education. As a former educator, I value passing exams, but passing an exam does not entirely make someone a proficient, licensed funeral

director or any other service provider. In your denial, based on an exam, you're not taking into consideration the high integrity that I bring to this industry. I feel that you are overlooking my good standing as a licensed funeral director in another state, and my perfect record of conduct. In the State of California, I acknowledged as a licensed funeral director in good standing, as are every other licensed funeral director throughout that state. The National Funeral Directors Association acknowledges every licensed funeral director in California, just as they do as licensed funeral directors in Florida. I am not discriminated by the NFDA due to the state licensing requirements. In fact, I am highly regarded in my industry. I cannot allow a denial of any sort to be on my record. I am already participating in the NFDA Professional Women's Conference here in Miami, Florida, on April 29th through May 1st. If you will not review my consideration today, may I please ask that you at least postpone this denial until I can secure counsel to help me understand why this is happening in the state of Florida. I am asking you, please give me a chance to bring my gifts and my talents and the work that I love into the State of Florida. Thank you, Mr. Chairman, and thank you, Board of Directors.

Chair Brandenburg – Please understand, we hear your plea, but this Board doesn't make the laws. They don't make the statutes. We're sworn to abide by the laws and the statutes. So, we're not changing a statute, we're merely abiding by it.

Ms. Miranda – So, in Florida, no California licensed funeral director is acknowledged as a licensed funeral director?

Chair Brandenburg – I can't say. I can't confirm that. I can only confirm your instance that came before the Board, and it was denied for the reasons stated. Thank you very much. And thank you for coming back on. Board members, anything for the good of the cause? Rabbi Lyons?

Rabbi Lyons – Just one comment. When we were talking earlier about the exempt cemetery and the perpetual care trust fund, I would still like to say that I am confused by the issue, because I'm under the impression that it has nothing to do with this Board, or Chapter 497, or anything. That the way that a trust fund works is that it's a third party and there's a trustee who is holding the money. It needs to follow the terms of the original contract, because that was the condition with which the trustee became involved. So, if that's not the case, then I think we need to really consider how trust funds work, or maybe there's some language we can put into a contract, or something. But if it is not the case that the contract alone is going to protect the money from being raided, then I think that's a major problem, and we need to figure out how to solve it.

Chair Brandenburg – Thank you. Mr. Knopke?

Mr. Knopke – Yes, sir. I see that Ms. Miranda is still there. I would like for the Board to reconsider what we've done, as far as the denial, and offer her the opportunity to withdraw her request for licensure. That way she doesn't have a denial on her record, if and when she does come back to the Board for approval. I think it would be to her advantage to do that, but that's her choice. But a denial is something difficult to overcome.

Mr. Jones – I'll second that.

Mr. Knopke – It just makes it better.

Chair Brandenburg – And all those in favor, aye?

Board members – Aye.

Chair Brandenburg – Any opposed? Ms. Miranda, did you understand what the motion is and the opportunity that's being afforded you to withdraw your application, and you won't have a denial?

Ms. Miranda – Yes, thank you.

Mr. Knopke – Mr. Chair?

Chair Brandenburg – That's I (2) (a) 1., and the application has been withdrawn. Mr. Knopke?

Mr. Knopke – I was just confirming that's what we were doing, and that she understands she's withdrawing it, at least at this point, from consideration.

Ms. Miranda – I don't really fully understand the ramifications, but I will seek counsel and I thank you for your kindness, sir.

X. Administrative Report

This information was provided on the agenda.

Y. Disciplinary Report

This information was provided on the agenda.

Z. Upcoming Meeting(s)

- (1) May 5th (Videoconference)
- (2) June 21st (Videoconference)

AA. Adjournment

Chair Brandenburg – Anything else, Board members? Thank you, thank you. The meeting is adjourned.

Ms. Simon – Thank you, Board members.

The meeting was adjourned at 1:21.