

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
MARCH 2, 2023 - 10:00 A.M.

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

Ms. Jill Peeples – Good morning, this is Chair Jill Peeples. It's Thursday, March 2, 2023. This is a videoconference meeting. It is 10:00 A.M., and I would like to turn it over to Ms. Simon for preliminary remarks and roll call.

Ms. Ellen Simon – Thank you, Madam Chair. Good morning. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is March 2, 2023, 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 all interested persons. Both the link and call-in number are on the agenda, which has been made available to the public. The link and call-in number and other information relating to this Board meeting has also been published on the Division's website. 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.

As always, we need everyone that is on the call to place their phone or audio feed on mute, if you are not speaking. The ambient noise coming from someone's phone or audio, which is not muted, causes severe disruption to the meeting. If you are not muted, you may be muted by Division staff. As a result, you may need to call back into the meeting because that may be the only way to unmute your phone. Also, if you are using your computer or smartphone for your audio feed, please remember to speak directly into the microphone on your device. To do so otherwise negatively impacts the recording of this meeting. Just as in a live meeting, persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board Chair, Ms. Peeples, runs the meeting. Persons desiring to speak should initially ask the Chair for permission.

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

As a final reminder, Board meetings are public meetings under Florida Law, and anything said via chat is subject to a public records request. This feature should only be used for technological issues you may be experiencing, and all inquiries in chat should be directed to Mary Schwantes. She is monitoring the chat feature and, as necessary, will forward your inquiry to someone who can assist in resolution of the problem. At this point I will take the roll:

Jill Peeples, Chair
Andrew Clark, Vice Chair
Joseph "Jody" Brandenburg
Sanjena Clay
Vincent "Todd" Ferreira
Christian "Chris" Jensen
Kenneth "Ken" Jones

Janis Liotta (**EXCUSED**)
Jay Lyons
Darrin Williams (**EXCUSED**)

Also noted as present:

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

Ms. Simon – Even with two (2) people being absent, we have a quorum for the business of the Board, Madam Chair.

Chair Peeples – Thank you, Ms. Simon.

B. Action on Minutes

- (1) *January 5, 2023*
- (2) *February 2, 2023*

Chair Peeples – Action on the minutes?

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

Chair Peeples – Ms. Simon?

C. Old Business

- (1) *Application(s) for Preneed Main*
 - (a) *Recommended for Approval without Conditions*
 - 1. *Sean A Banks Mortuary & Cremation Center LLC (F355765) (Avon Park)*

Ms. Simon – If I could just have another minute.

Chair Peeples – Yes, ma'am.

Ms. Simon – The Department received an application for preneed main licensure on October 24, 2022, which was incomplete at the time of submission. The application was deemed complete on January 13, 2023. A completed background check of all principals was returned without criminal history. Applicant's qualifying funeral establishment license is located at the address referenced on your coversheet. If approved, this entity will trust with FSI, and use approved contracts. The application was reviewed at the February 2, 2023, Board meeting and tabled. A financial statement was requested by the Board to be reviewed and that financial statement is part of your packet today. The Division recommends approval without conditions.

Chair Peeples – Board members?

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

Ms. Simon – If I may, was there a person representing that entity on the call today?

Ms. Wendy Wiener – This is Wendy Wiener, General Counsel for FSI and this is an FSI client. And we were here for questions, if there were any. Thank you.

Ms. Simon – Thank you, Ms. Wiener. I appreciate that.

D. Disciplinary Proceedings

- (1) *Settlement Stipulation (Probable Cause Panel A)*
(a) *Related Cases – Division Nos. ATN-39377 & ATN-39840*
1. *Engh, David A.: DFS Case No. 300621-22-FC; Division No. ATN-39377 (F046462)*

Ms. Simon – Is there a representative on the call? Hearing no response. Ms. Marshall for the Department.

Ms. Kimberly Marshall – Thank you, Ms. Simon. This is Kimberly Marshall on behalf of the Department. David A. Engh (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F046462. The Department conducted an inspection of Respondent and found as follows: Respondent is the FDIC for Gallaher American Family Funeral Home, LLC, a licensed funeral establishment holding license number F091052 and doing business in Ft. Myers, Florida. This establishment advertised preneed services on its website without being licensed to do so. As FDIC for this establishment, Respondent is therefore subject to discipline for this violation. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,000, and Respondent’s license shall be placed on probation for a period of one (1) year. The Department requests that the Board accept this Settlement Stipulation as resolution of this case and I’m available to answer any questions. Thank you.

Mr. Jones – Madam Chair?

Chair Peeples – Yes, Mr. Jones?

Mr. Jones – I’d like to recuse myself, as far as being on Probable Cause Panel A, from D (1) (a) 1 and 2.

Chair Peeples – Thank you, Mr. Jones.

Mr. Jones – Thank you.

Chair Peeples – Board members, what’s your pleasure?

MOTION: Mr. Chris Jensen moved to accept this Settlement Stipulation, which provides that the Respondent shall pay a fine of \$1,000 and have his license placed on probation for one (1) year. Rabbi Jay Lyons seconded the motion, which passed unanimously.

2. *Gallaher American Family Funeral Home LLC: DFS Case Nos. 300620-22-FC and 301222-22-FC; Division Nos. ATN-39377 & ATN-39840 (F091052)*

Ms. Simon – Is there a representative on the call? Hearing no response. Ms. Marshall?

Ms. Marshall – Thank you, Ms. Simon. Gallaher American Family Funeral Home, LLC (“Respondent”) is a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F091052. The Department conducted an inspection of Respondent and found as follows: Respondent advertised preneed services on its website without being properly licensed to do so. Respondent further failed to timely pay a fine imposed in a prior disciplinary case. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$2,000, and Respondent’s license shall be placed on probation for a period of twelve (12) months. The Department requests that the Board accept this Settlement Stipulation as resolution of this case and I’m available to answer any questions. Thank you.

Chair Peeples – Thank you, Ms. Marshall. Board members?

Ms. Rachelle Munson – If I may ask, just to clarify for the record?

Chair Peeples – Yes, Ms. Munson.

Ms. Munson – If I may ask to clarify for the record as just, attendance might be important. Is the Respondent present?

Ms. Simon – I had already asked that, and they were not here.

Ms. Munson – I did not hear. It did not come through on my audio. Thank you.

Chair Peeples – Thank you, Ms. Munson. Mr. Brandenburg, did you have a question, sir?

MOTION: Mr. Jody Brandenburg moved to accept this Settlement Stipulation, which provides that the Respondent shall pay a fine of \$2,000 and have its license placed on probation for one (1) year. Mr. Ferreira seconded the motion.

Chair Peeples – Is there any discussion on the motion?

Rabbi Lyons – Just a quick question, ma'am, if I may?

Chair Peeples – Yes, Rabbi Lyons.

Rabbi Lyons – The FDIC was \$1,000 fine and the funeral home is a \$2,000 fine. Is that consistent, Ms. Marshall?

Ms. Marshall – That is correct. The case against the funeral home actually involves two (2) separate cases. One involving the advertising of the preneed, and the other involving their failure to pay a fine in a previous case. So, hence the additional penalty for the establishment.

Chair Peeples – Rabbi Lyons, did that complete your question, sir?

Rabbi Lyons – Yes.

Chair Peeples – Thank you. Mr. Jensen?

Mr. Jensen – Yes, thank you. Just to piggyback on what Rabbi Lyons said. Is the old fine included with the new fine?

Ms. Marshall – The old fine remains delinquent and payable. What's being assessed today is in addition to that.

Mr. Jensen – How old is the old fine?

Ms. Marshall – One minute, I can pull it up. The Consent Order in that previous case was issued on July 13, 2022.

Mr. Jensen – Chair Peeples, a follow-up?

Chair Peeples – Yes, sir.

Mr. Jensen – One other question here. So, was there not a stipulation on the old fine that if they don't pay it then they're basically shut down, or probation, or something like that? I mean, why are we allowing them to continue to operate when they're obviously not paying their fine?

Ms. Marshall – One moment. I can pull up that previous agreement.

Mr. Jensen – And what are the ramifications if someone does not pay their fine? It just stays on the book forever or what?

Ms. Marshall – Well, the previous Consent Order provides that failure to comply with terms will result in the filing of Administrative Complaint, which is exactly what we're dealing with here today. There was nothing in there providing for immediate suspension for failure to pay.

Mr. Jensen – So, if we approve this today, then the old one goes away?

Ms. Marshall – No, the old case is still open and that fine remains due and payable to the Department. And if they continue to be delinquent on this case then we will come back with an additional Administrative Complaint.

Mr. Jensen – Ok. Ms. Peeples?

Chair Peeples – Yes, sir?

Mr. Jensen – I would like to ask Mr. Brandenburg if he would be willing to change his to acceptance dependent upon the old fine being paid first.

Chair Peeples – Mr. Brandenburg?

Mr. Brandenburg – I don't wish to change my motion.

Chair Peeples – Mr. Jensen, did that answer your question, sir? Or would you like further discussion?

Mr. Jensen – No, I'm good. Thank you.

Chair Peeples – Thank you. We have a motion and a second. Is there any further discussion on this particular motion? Rabbi Lyons?

Rabbi Lyons – Ok, just to be clear, the new motion is to accept the settlement agreement on the condition they pay the old fine first?

Mr. Brandenburg – No.

Chair Peeples – No, sir. Mr. Brandenburg did not amend his motion. Mr. Brandenburg, if you'll please confirm that your motion is to accept the Settlement Stipulation. And Mr. Ferreira, you second?

Mr. Brandenburg – That was my motion.

Chair Peeples – Rabbi Lyons, does that answer your question, sir?

Rabbi Lyons – Yes. Thank you.

Chair Peeples – You're welcome. Any further discussion on the motion? Hearing none, all in favor of the motion, say aye.

Board members – Aye.

Chair Peeples – All opposed?

Rabbi Lyons – Opposed.

Chair Peeples – Who opposed? Is that Rabbi Lyons? Mr. Jensen? Mr. Jensen, you were the only opposing gentleman?

Mr. Jensen – I believe me and Rabbi Lyons.

Rabbi Lyons – Yes, me too.

Chair Peeples – OK. Please let the record reflect that Rabbi Lyons and Mr. Jensen opposed the motion. Ms. Simon, with the two (2) Board members that we have out, does that give us the majority, ma'am?

Ms. Simon – The vote passes, ma'am.

Chair Peeples – Thank you, ma'am. Ms. Simon, would you like to go to the next item, please?

Ms. Simon – Thank you.

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

(a) *Related Cases – Division No. ATN-36430*

1. *Epps, Lawrence J. Jr: DFS Case No. 282708-21-FC; Division No. ATN-36430 (F043918)*

Ms. Simon – Is there a representative on the call? Hearing no response. Ms. Marshall?

Ms. Marshall – Thank you. I do see Mr. Grabowski is on the line today who is the counsel in this case, so he may be available to answer any questions if you need him. In any event, Lawrence J. Epps, Jr. (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F043918. The Department conducted an inspection of Respondent and found as follows: Respondent is the owner of and FDIC for, Lawrence J. Epps, Jr., d/b/a Epps Memorial Funeral Home, a licensed funeral establishment holding license number F300009. This establishment advertised preneed services on its website without being licensed to offer preneed services. Respondent also failed to retain copies of written agreements for two (2) decedents. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,000, and Respondent’s license shall be placed on probation for a period of one (1) year. The Department requests that the Board accept this Settlement Stipulation as resolution of this case, and I’m available to answer any questions. Thank you.

Chair Peebles – Thank you, Ms. Marshall. Board members?

MOTION: Mr. Jones moved to accept this Settlement Stipulation, which provides that the Respondent shall pay a fine of \$1,000 and have his license placed on probation for one (1) year. Mr. Andrew Clark seconded the motion, which passed unanimously.

2. *Lawrence J. Epps, Jr., d/b/a Epps Memorial Funeral Home: DFS Case No. 282706-21-FC; Division No. ATN-36430 (F300009)*

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

Ms. Marshall – Thank you, Ms. Simon. Lawrence J. Epps, Jr., d/b/a Epps Memorial Funeral Home (“Respondent”) is a funeral home and apprentice/intern training agency, licensed under Chapter 497, Florida Statutes, license number F300009. The Department conducted an inspection of Respondent and found Respondent advertised preneed services on its website without being licensed to offer preneed services. Respondent also failed to retain copies of written agreements for two (2) decedents. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,500, and Respondent’s license shall be placed on probation for a period of one (1) year. The Department requested the Board accept the settlement and stipulation as resolution of this case and I’m available to answer any questions. Thank you.

Chair Peebles Thank you, Ms. Marshall. Mr. Brandenburg?

Mr. Brandenburg – Ms. Marshall, when you read the synopsis, you mentioned the license number that is different than the one that we have.

Ms. Marshall – My apologies. That was a typo. That is the license number for the FDIC for this establishment. The correct license number in this case is F300009.

Mr. Brandenburg – I thought that was. My copy says F043918.

Ms. Marshall – Yes, that is the license number for the FDIC, for this establishment. It was a typo.

Chair Peebles – Which Mr. Brandenburg, also on your agenda, as Ms. Marshall stated, it does have the correct establishment number, the F30009. So, does that assist you with an answer to your question, sir?

Mr. Brandenburg – Yes.

Chair Peeples – Thank you, sir. Board, what is your pleasure?

Ms. Clay – Madam Chair, I have a question, if I may.

Chair Peeples – Yes, Ms. Clay?

Ms. Clay – Thank you. Ms. Marshall, the two (2) cases, this case that we're discussing and the case before both come with a one-year probationary period. Is that current or does one end and the other one begins?

Ms. Marshall – Well, one probationary period is against the FDIC and the other is against the establishment. So, they would presumably run concurrently one year from the date the Final Order is issued. Thank you.

Chair Peeples – Thank you, Ms. Clay. Any further discussion? If I may, anyone that is on the Board conference today, this video call, if you are on your phone, please mute your phone to rid the ambient noise. We want us to have a clear recording. So, if you will please mute your phone please. We have callers 11, 9, 7, 13, 1, 6, 8, 10, and 12. Thank you. We have a motion, and we have a second. If there's no further discussion, all in favor of the motion say "aye."

Board members – Aye.

Chair Peeples – All opposed? Motion carries.

(b) SCI Funeral Services of Florida, LLC – Dade North d/b/a Caballero Rivero Dade North: DFS Case No. 297779-22-FC; Division No. ATN-38303 (F039496)

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

Ms. Lisa Coney – Yes, ma'am. Lisa Coney, Dignity Memorial Dade South.

Ms. Simon – Mr. Griffin?

Mr. Marshawn Griffin – Marshawn Griffin for the Department. SCI Funeral Services of Florida, LLC – Dade North d/b/a Caballero Rivero Dade North ("Respondent") is a cemetery, licensed under Chapter 497, Florida Statutes, license number F039496. The Department conducted an investigation of Respondent and found that Respondent failed to timely honor a contract. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine in the amount of \$2,250 and have its license placed on probation for one (1) year. The Department requests that the Board accept this Settlement Stipulation.

Chair Peeples – Mr. Brandenburg?

Mr. Brandenburg – I'd like to declare my affiliation with SCI Funeral Services of Florida LLC, and this affiliation will not affect my ability to render a fair and impartial decision on any items before the Board today.

Chair Peeples – Thank you, Mr. Brandenburg. Board members, what is your pleasure?

MOTION: Mr. Jones moved to accept this Settlement Stipulation, which provides that the Respondent shall pay a fine of \$2,250 and have its license placed on probation for one (1) year. Mr. Clark seconded the motion, which passed unanimously.

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

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

Chair Peeples – Yes, ma'am.

E. Application(s) for Preneed Sales Agent

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

Ms. Simon – This is an informational item. Pursuant to Section 497.466 Florida Statutes, the applicants on addendum A have been issued their licenses and appointments as preneed sales agents.

(2) Recommended for Denial (Adverse License History)

(a) Chestnut, Christopher (Appointing Entity: Chestnut Funeral Home Inc)

Ms. Simon – I have been in email conversations with Mr. Chestnut between yesterday and today. While it is unclear whether he is withdrawing his application in its entirety, in either case he has waived the deemer provision, and we would request that that matter be withdrawn from the agenda.

Chair Peebles – Thank you, Ms. Simon.

F. Application(s) for Continuing Education

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

(a) Cremation Association of North America (16008)

(b) Florida Morticians Association (23208)

(c) Ged Lawyers, LLP (17408)

(d) Independent Funeral Directors of Florida Inc. (136)

(e) International Cemetery, Cremation and Funeral Association (22808)

(f) International Order of the Golden Rule (2201)

(g) LifeNet Health (22608)

(h) New Jersey Funeral Service Education Corp (7002)

(i) WebCE (43)

(j) 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. Jensen moved to approve the applications. Mr. Ferreira seconded the motion, which passed unanimously.

(2) Provider Approval - Recommended for Approval without Conditions – Addendum C

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the entity presented on Addendum C has been reviewed by the CE Committee and the Committee, as well as the Division, recommends approval of the application to become a CE provider.

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

G. Consumer Protection Trust Fund Claims

(1) Recommended for Approval without Conditions – Addendum D

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: Rabbi Lyons 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 E

(a) Collins, Alexis F F649786

(b) Collins, Anna G F649785

(c) Gates, Everett E F335119

- (d) *Gonzalez-Marvaldi, Kendruja I F402618*
- (e) *Williams, Jacqueline F648422*

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.

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

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum F*
 - (a) *Funeral Director (Internship and Exam)*
 - 1. *Everett, April D*
 - 2. *Phillips, Amanda E*
 - (b) *Funeral Director and Embalmer (Endorsement)*
 - 1. *Ellison, Bryan J*
 - 2. *Morris III, John V*
 - (c) *Funeral Director and Embalmer (Internship and Exam)*
 - 1. *Jepsen, Dillon M*
 - 2. *Mills-Coleman, Chelsey S*
 - 3. *Pierre, Brenda E*
 - 4. *Schofield, Patrice N*
 - 5. *Vadi, Mabel*

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.

J. Application(s) for Internship

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum G*
 - (a) *Funeral Director*
 - 1. *Knop II, Donald W F071965*
 - 2. *Taylor, Nancy D F643708*
 - (b) *Funeral Director and Embalmer*
 - 3. *Arroyo, Jessica D F648938*
 - 4. *Bialkoski, Kaitlyn A F560466*
 - 5. *Carbonell, Barbara E F577609*
 - 6. *Kania, Jessica M F648632*
 - 7. *McClendon, Darrell A F648631*
 - 8. *Stilwell, Josie I F652223*

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 G.

- (2) *Recommended for Approval without Conditions*
 - (a) *Funeral Director and Embalmer*
 - 1. *Castellanos, Diana E F568659*

Ms. Simon – If I may have one moment?

Chair Peoples – Yes, ma'am.

Ms. Simon – Is Ms. Castellanos or a representative on the call? Hearing no response. An application to renew the funeral director and embalmer internship license was received on February 7, 2023. The application was deemed completed when received. The applicant has previously been licensed as a funeral director and embalmer intern. The current license expired on February 10, 2023. Because the applicant asked for renewal before the end of her internship, the Division recommends approval without conditions.

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

(3) Recommended for Denial

(a) Funeral Director and Embalmer

1. Adler, Samuel

Ms. Simon – Samuel Adler is represented by Wendy Wiener. An application for funeral director and embalmer, concurrent internship license was received on January 12, 2023. The application was complete when received. In review of the application, the applicant answered “Yes” to the criminal history question and submitted the criminal history forms, court documentation, and reference letters along with the application. As Board members can see from the coversheet of this application, there are criminal charges beginning in 2009, and extending to 2015. The charges in 2015 resulted in an incarceration sentence of seventy-eight (78) months. The Division is recommending denial.

Chair Peeples – Board members?

Ms. Wiener – Ms. Peeples? May I be heard on this matter, please?

Chair Peeples – Yes, ma'am.

Ms. Wiener – Thank you. And Mr. Adler is trying to make himself available. He was having trouble with his computer connection, and I know is working on dialing in. So, we'll see how that goes if he is needed. But let me just briefly address this matter. So, as you can see from your Board coversheet, Mr. Adler does have an unfortunate criminal history. Now, one of the criminal history entries listed on your Board packet, I don't believe is appropriate to even be listed there, which is the misdemeanor because it was outside of the time frame for consideration by this Board. So, I would encourage you to disregard that one. However, he does have a reportable criminal history. And I think it's really noteworthy for this Board that Mr. Adler did disclose his criminal history. As he has noted, and as have those, who you all as Board members know well, his professors, as well as his employer, like he disclosed this matter to this Board, he disclosed his criminal history to both his educational institution, as well as his employer prior to initiating his studies and his employment. Mr. Adler has served his time. And while the time that he served was significant, it gave him the time that was necessary in order to really get his life turned around. As you can see from his transcripts, he has nearly perfect grades. It is clear that his attention has been on his school, on endeavors that have benefited him, benefited his employer, and will ultimately benefit the consumers of the State of Florida if he is able to become licensed. I'm available for questions if you have any, and perhaps we'll see if you have questions that Mr. Adler needs to answer and if so, and hopefully he'll be able to do so.

Ms. Clay – Madam Chair? Madam Chair, you're muted.

Chair Peeples – I'm sorry. Thank you, Ms. Clay. Thank you, Ms. Wiener for your presentation. Board members, what is your pleasure regarding this particular case?

Ms. Clay – Madam Chair, may I ask a question of Ms. Wiener?

Chair Peeples – Please. Yes, ma'am.

Ms. Clay – Ms. Wiener, you indicated that Mr. Adler disclosed this information to professors. My question is, was he aware of the stipulation associated with his criminal history and going into the profession prior to going into school? Was he aware this could be a problem?

Ms. Wiener – He was. And that's why he made sure to disclose it to the professors. The professors that have written in with recommendations, I think as I mentioned, are known to this Board. They are known to be upstanding members of our collective death care community preparing students that they think will be a credit to the profession for the profession. And so, he did know that there might be issues, or that there would certainly be issues because he knew as he disclosed this to his professors, and to the school, and to his employer that he would in fact have to disclose this and that there would be a situation like this where he would come before this Board. So, yes, he was aware of that. But his professor, as you can see, got to know him, believed in him, and I think that has borne out with his transcript and through the letters of recommendation.

As you can see, his own professors and his employer would entrust their own family members to Mr. Adler. He's currently caring for two (2) of his family members, in addition to going to school and working and becoming and continuing to be a good member of society and at the capacity he's able to work at this time of our death care profession.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes. Question of Ms. Wiener. Ms. Wiener, you mentioned that he has served all his time. The February 14 of 2015 was seventy-eight (78) months, which is six-and-a-half years, and then two (2) years of post-supervision. Is that like parole? What is that?

Ms. Wiener – Yes, it's like parole. Yes.

Mr. Jensen – So, he really hasn't served all his time because that would be eight-and-a-half years from 2015. Correct?

Ms. Wiener – Well, yes. I would say that's true. He has served the time that he was required to be incarcerated. Yes.

Mr. Jensen – OK, but he is on supervised release, so to speak?

Ms. Wiener – Well, I think there's a difference really in supervised release and checking in with a probation or parole officer, just as our licensees here go on to probationary status. We don't consider them not to be lawfully practice. So, he his lawfully not incarcerated, but he has been on his parole status. He was released after four (4) years and seven months. And I think, let me see, I think he's trying to join us on the call. Hold on. Can we pause just for a moment and see if he's able to get on?

Chair Peeples – Yes, ma'am.

Ms. Wiener – Mr. Adler, are you able to join? I know he was trying to join by video, but I think phone might be the best we can do.

Mr. Samuel Adler – Yes, Wendy. Can you hear me?

Ms. Wiener – Oh yes. We can. We can hear you.

Mr. Adler – Thank you.

Chair Peeples – Mr. Adler?

Ms. Wiener – Mr. Adler, you have to be sworn in to give your testimony to the Board.

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

Mr. Adler – I do.

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

Mr. Adler – My name is Samuel Adler, last name A-D-L-E-R.

Ms. Simon – Thank you, sir.

Chair Peeples – Ms. Wiener, I have a question before Mr. Adler speaks. On Mr. Jensen's question regarding the item on February 14, 2015, it states there's a final disposition date of August 25, 2016, and it says it's a term of seventy-eight (78) months, post release supervision of two (2) years. So, will that go to 2024? For him, can you speak to that, please?

Ms. Wiener – I cannot, but Mr. Adler certainly can speak to that time frame because it appears that he was actually released early pursuant to court order. So, now that he's been sworn in, I would ask Mr. Adler to address yours and Mr. Jensen's question directly.

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

Mr. Adler – Thank you. I would like to address those questions to you. So, the sentence that you're discussing, the seventy-eight (78) months, I served four (4) years and seven (7) months of that and was released for good behavior. And the two (2) years that you're referring to as the order of conditions, I served the one (1) year of that and then was released. So, as of November 14, 2021, I was no longer on what you would call "papers." So, as far as the sentencing and any type of parole or anything else that happened, all of that was finished and completed as of November 14th.

Ms. Wiener – 2021?

Mr. Adler – Yes.

Ms. Wiener – Thank you.

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

Ms. Munson – I was just curious, and maybe I did not notice it in the materials, but did we have any type of documentation regarding that release?

Ms. Simon – No documentation has been sent to us.

Chair Peeples – Ms. Simon, the Board office has not received documentation regarding Mr. Adler's statement of conditions were completed November 14, 2021?

Ms. Simon – I don't believe that we have that.

Ms. Munson – I'm only mentioning it because that conviction is pretty recent, 2021. So, if that information is available, it might be helpful for the Board's consideration. It's totally up to this Board.

Ms. Wiener – We can provide that. If the Board is inclined to grant Mr. Adler's license contingent upon receipt by the Division of that documentation, that would certainly be acceptable.

Chair Peeples – Board members? Mr. Brandenburg?

Mr. Brandenburg – Thank you, Madam Chair. I would like to ask Mr. Adler to describe to the Board what the infractions were in detail that led to his incarceration.

Chair Peeples – Mr. Adler?

Ms. Wiener – Did we lose you?

Mr. Adler – Not at all. Thank you for allowing me this opportunity to give you a little bit of brief insight into the decisions that led me to make the choices that I did. As of the 2015 incarceration, one of the ways that I fell into this was myself and my girlfriend at the time were attempting to make rent and I started off by selling marijuana. That led down this ugly road leading me get connected to the wrong people who decided to start selling harder and more expensive drugs. This is not something that I ever thought that I would get into, but the same drive that I have attempted to turn my life around was also something that worked against me in this instance. The leadup to the 2015 initial arrest was with possession of narcotics with intent. I was selling drugs. I was using those to create funds. And while I make no excuses for my behavior, I have attempted to try everything possible in order to prove that I have changed. And I used that time while incarcerated specifically to not just

better myself but attempt to become a better member of society once leaving that. And that was why I focused on the death care industry.

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

Mr. Brandenburg – Somewhat.

Chair Peeples – Thank you, sir. Do you have a follow up question?

Mr. Brandenburg – No.

Chair Peeples – Thank you. Mr. Clark, I think you had your hand up next.

Mr. Clark – Yes. I was just going to ask a question of Mr. Adler. I know in the letter from your employer that they desire for you to complete your internship there. But I was curious if your plan was to complete your internship at Fred Hunter's?

Chair Peeples – Mr. Adler?

Mr. Adler – Yes sir, that is the plan. I actually spoke as of yesterday with the VP, Raymond Parker, who said that he is very interested in having me come onboard as the intern and is well aware of my situation and even has not only lent me his name, but currently they are letting me use work time to actually be on this conference.

Chair Peeples – Mr. Clark, does that complete your question, sir?

Mr. Clark – It does. Thank you.

Chair Peeples – Ms. Munson?

Ms. Munson – Yes, and I just would appreciate if Mr. Adler can clarify and clearly state for the record specifically which drugs were he convicted of possessing and selling. And as another question as a follow up, if you can sir, disclose were you ever a user of any of the narcotics or any substances that are not permitted by law?

Mr. Adler – Yes, ma'am. The drugs in questions were cocaine, as well as heroine. And one of the reasons that the sentence was so lengthy was because I was not a user.

Chair Peeples – Ms. Munson, does that complete your questions, ma'am?

Ms. Munson – Yes. Thank you, Chair.

Chair Peeples – Yes, ma'am. Are there any further questions for Mr. Adler? Mr. Brandenburg?

Mr. Brandenburg – Mr. Adler, I thought that you initially said that you were using the drugs that you were selling, and you were using them in a high amount?

Mr. Adler – No, sir. The initial part was when I started selling it was initially marijuana. Because there wasn't enough money in it in order to make it, and because I was decent at it, that's how I got connected to other people offering me harder drugs with opportunities to make more money. But no sir, I was not a user.

Ms. Wiener – Mr. Brandenburg, I believe that he said, and I was confused by his phrasing too, but I believe he said, "I was using the sale of marijuana to make rent and pay bills." So, I think he used the word "using" in that context.

Mr. Jones – Ms. Chair?

Chair Peeples – Yes, sir?

Mr. Jones – If I may ask a question, please?

Chair Peeples – Yes, sir, Mr. Jones.

Mr. Jones – Mr. Adler, can you discuss the two (2) firearm charges?

Mr. Adler – Those charges stem from a 2009 charge that as far as I am aware, and as far as I was told those records have been sealed because it didn't actually come with a conviction. So, that was something that I spoke with Wendy about that those actually shouldn't be there, according to all documentation, as well as the statutes that I'm aware of.

Mr. Jones – If I may follow up? Ms. Simon, or Ms. Munson, should they be there? And is that a question I can ask?

Ms. Simon – If I may?

Chair Peeples – Ms. Simon?

Ms. Simon – Mr. Jones, we found those charges through a fingerprint background check. And from what I understand those are able to be questioned. It's unfortunate, perhaps that there was a misunderstanding, but we were able to find the charges. And since we were able to find them, I would think that you were able to answer questions about them. But Ms. Munson, perhaps you have more to suggest.

Ms. Munson – Yes, let me say this. If they were sealed, sir, I don't know if they would have been available for, and Ms. Wiener can chime in if she so chooses, if they were sealed, sir, as pursuant to having sealed documents or sealed convictions are, I'm not certain how we would have been able to discover them necessarily. And secondly, I just want to make sure that I understand your comment, Ms. Wiener can direct you, if you were suggesting because they are sealed, by your understanding, you are then not willing to disclose the terms under which the Board member has just requested.

Mr. Adler – I would like to clarify that there was no actual conviction of possession of firearms.

Ms. Munson – And I don't know if the question was regarding a conviction or the charge.

Mr. Brandenburg – Well, conviction just really means guilty.

Ms. Munson – I understand, sir.

Ms. Wiener – So, to answer Ms. Munson's question, this is a tricky situation because the records are sealed, and you can see the seal order in your materials. I was not able to get any information beyond the actual charges, which is what you see here. So, I do think we're in a tricky spot because if in fact those records were sealed, and all you're seeing is the arrest then I don't know that that would have generated a disclosable criminal matter. Perhaps Mr. Griffin can help. He's got his hand up.

Mr. Griffin – Yes. Pursuant to s. 943.059(6)(b), Florida Statutes, "The subject of the criminal history sealed under this section or other provisions of law, including the former 893.14, 901.33, and 943.058, they lawfully deny or fail to acknowledge the arrest covered by the sealed record." It does give a couple different exceptions for that. The only exemption that's applicable to the Department of financial Services is for the Division of Insurance Agent Agency Services. They're the only section of the Department that has a carve out that is allowed to see it. So, based on the plain language of the statute he doesn't have to tell us.

Chair Peeples – Mr. Jones, does that answer your question?

Mr. Jones – I'm sorry, I didn't hear the last sentence Mr. Griffin said. I apologize.

Mr. Griffin – Oh sorry. There is a Division of the Department of Financial Services that's permitted to see sealed records, but it's not this Division.

Mr. Jones – Ok. I'm trying to help Mr. Adler. I was trying to get to his full history. So, if we're not going to discuss that, that's fine. Have you had any problems since 2015 to present? Any brushes with law enforcement?

Mr. Adler – No, sir. I have not.

Mr. Jones – Thank you.

Chair Peeples – Mr. Adler, this is Board Chair Ms. Peeples. I have a question. Since your completion on November 14, 2021, of the charges that you had, have you been involved in any kind of counseling, any type of assistance, for the charges that you had. Have you completed any kind of courses or anything like that since November 2021?

Mr. Adler – No, ma'am. I completed any courses that was needed for counseling, as well as drugs and usage and anything like that well before that. That was part of the stipulations to complete it early.

Chair Peeples – Thank you, sir. Board members, do we have any further questions? Mr. Brandenburg?

Mr. Brandenburg – Our paperwork says on or about February 5, 2015, the applicant was arrested and charged with the following: criminal possession of a weapon. And then it says final disposition: convicted upon a plea of guilty. Sentence time served. Can we not ask Mr. Adler about that?

Ms. Wiener – Mr. Adler, do you want to address that particular component? Mr. Brandenburg, what you're going to hear from Mr. Adler is that that was all related to the drug charge, which was from that same time period and so it was all swept up together in a single sentence. But Mr. Adler can add additional detail.

Mr. Adler – Thank you, Wendy. What you're referring to is actually a misdemeanor charge that I received for possession of a pocketknife. Just like the knives that I carry for work, that was something that the police, during a sweep, because of where I was located in the city at the time, were picking up everybody that happened to be in the area. The charges would have been dismissed because it wasn't actually an illegal weapon. They just wanted to charge everyone to make quota. That's why it was a misdemeanor charge. And it was February 15, 2015.

Ms. Wiener – And also, outside of the time period associated with the disclosure within this application, the misdemeanor lookback period is shorter than the felony lookback period.

Chair Peeples – Mr. Brandenburg, does that complete your question, sir?

Mr. Brandenburg – Yes. Unless Mr. Adler would choose to comment on the 2009 felony firearms convictions.

Ms. Wiener – Ms. Peeples?

Chair Peeples – Yes, Ms. Wiener?

Ms. Wiener – I don't believe it's appropriate for him to do so. As Mr. Griffin said, this Division cannot take that into consideration. Another Division of the Department of Financial Services could, but this Division may not take that particular matter into consideration as a basis for denial because the records are sealed. That's how I understood Mr. Griffin to advise the Board.

Mr. Brandenburg – My question was, does he choose to comment on that?

Ms. Wiener – I would direct him not to comment on something that is not discoverable by this Board. If there is a crime committed and it sealed, it is sealed for a reason. And that means that he need not disclose it. He cannot be penalized for not disclosing it, and he cannot therefore be penalized for not voluntarily deciding to talk about it.

Chair Peeples – Mr. Brandenburg, does that complete your question, sir?

Mr. Brandenburg – Yes, it does.

Chair Peeples – Thank you. Ms. Simon is next, then Mr. Jones, then Ms. Munson.

Ms. Simon – Just to confirm, Board members. There's been some talk about the misdemeanor, whether it applies or not, and I'm not sure how that would be relevant to your decision. But actually, that was within the five-year period as the disposition occurred on March 23, 2018. And that's within the five (5) years. Thank you.

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

Mr. Jones – Mr. Adler, can you give me some assurance or reassurance looking at these charges and going back what we can and cannot discuss, why I should vote a positive vote for you? Can you give me a little more assurance? I see your grades. They're very good. I see you did very good in college but help me out here.

Mr. Adler – Yes, sir and thank you for that. To answer your question, I have, since getting out of prison and released in November 2019, and well before that while I was currently incarcerated, spent a lot of time thinking and a lot of time internalizing why I made the decisions that I did. And one of the biggest things was everything that led me to be arrested in 2015, everything that I did prior to that was absolutely not worth it. It ruined my life. It ruined the lives of everyone that I love. And when I was released, I was released with nothing. I had no prospects. I had nothing going on. And the fact is that I attempted as much as possible to right those wrongs as much as I could. I can't change my past. I can't change the decisions that I made. I can only change my future. And I ask the Board for the opportunity to continue to do so. I would point to the fact that since getting out I have had zero issues with the law, I have done everything in my power to get good grades in school, I have volunteered. I help take care of my sick mother and my grandmother. And I am asking the Board for the opportunity to continue to work in this industry.

Mr. Jones – Thank you.

Chair Peeples – Ms. Munson, were you next, ma'am?

Ms. Munson – I believe I was, but I have retracted my comments. So, thank you, Chair.

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

Mr. Brandenburg – I do have one question. Mr. Adler, what have you been doing for employment since 2019, when you were released?

Mr. Adler – So, one of the things that luckily, I still had was from my time serving in the U.S. Army, I had the GI Bill. I was able to use that in order to offset my time at school by receiving income, so I didn't have to work. As of January 2022, I started working in the funeral industry for Fred Hunter's. I have since been employed there and continue to be employed.

Chair Peeples – Does that answer your question, Mr. Brandenburg?

Mr. Brandenburg – Yes.

Chair Peeples – Ms. Wiener?

Ms. Wiener – Thank you. I was just going to clarify. You did disclose your criminal history to your employer prior to beginning your employment, correct?

Mr. Adler – Yes, ma'am. Both the general manager, the vice president, and the owners are aware of my criminal history.

Ms. Wiener – Thank you.

Chair Peeples – Board members, any other questions for Mr. Adler or Ms. Wiener? Board members, what is your pleasure?

MOTION: Ms. Clay moved to deny the application.

Chair Peeples – Board members? Hearing no second to Ms. Clay's motion, the motion fails.

Mr. Jones – Ms. Chair, If I may?

Chair Peeples – Mr. Jones?

Mr. Jones – Rabbi Lyons had his hands up first. I'm sorry.

Chair Peeples – Rabbi Lyons?

Rabbi Lyons – I'll defer to Mr. Jones.

Mr. Jones – I was going to make a recommendation to approve with a two-year probation.

Rabbi Lyons – Would you consider documentation of the November 14, 2021, debt to society paid as a condition, to produce that documentation?

Mr. Jones – Can you clarify, Rabbi Lyons?

Rabbi Lyons – The gentleman presented to the Board that as of November 14, 2021, that he was cleared of all probation {inaudible}. So, we haven't had documentation to that. Would you consider producing that documentation as a condition?

Mr. Jones – I would, yes.

MOTION: Mr. Jones moved to approve the application subject to the conditions that the license be placed on a two-year probation and receipt of documentation showing that he completed his sentence on November 14, 2021. Rabbi Lyons seconded the motion.

Chair Peeples – Ms. Simon did you have any discussion?

Ms. Simon – The only question I had is I wanted to confirm that the licensure will not be issued until those documents are received.

Mr. Jones – Correct.

Ms. Simon – Thank you.

Chair Peeples – Ms. Munson?

Ms. Munson – I was curious if there were any special terms of this two-year probation, or is it just two-year probation for the Order?

Ms. Jasmin Richardson – I'm sorry, this is Jasmin Richardson. I just wanted to say before we go forward that a concurrent internship is only issued for twelve (12) months. So, twenty-four (24) months of probation wouldn't serve for this particular license because it's only issued for one-year.

Chair Peeples – Thank you, Ms. Richardson. Mr. Jones, I was going to mention that an internship is for one (1) year, and you mentioned a two-year probation

Mr. Jones – Yes, I will go with a one-year.

Chair Peeples – Rabbi Lyons?

Rabbi Lyons – Yes, I would amend my second based on that. Thanks for catching that.

Chair Peeples – Thank you. Ms. Simon?

Ms. Simon – And if we can use the standard probationary terms that are used in all disciplinary cases, I would appreciate it.

Mr. Jones – Which is fine with me.

Ms. Simon – Thank you.

Chair Peeples – Rabbi Lyons?

Rabbi Lyons – Yes.

Chair Peeples – Ms. Munson?

Ms. Munson – Except to clarify, and Ms. Wiener is familiar with the proceedings, I don't know if Mr. Adler is familiar with what those probationary disciplinary terms are. And he can waive that for Ms. Wiener, who is probably very familiar, but I just wanted to clarify that for the record.

Ms. Wiener – I am. He will accept that term of probation if the Board votes for that. In addition, Mr. Adler just informed me that the date of release was actually December 15, 2020. So, actually earlier than we anticipated, and so the motion might be amended to reflect the correct date. And he does have that document. We would provide that prior to the Board's Order.

Chair Peeples – Thank you. Before we go to amending the motion, Mr. Jensen?

Mr. Jensen – Yes, quick clarification please, from either Ms. Simon or Ms. Munson. Once this intern license is over in a year, then obviously he'll have to reapply for the funeral director and embalmer's license. And all this will be associated with that again or does this all go away now?

Ms. Munson – Then it comes back.

Ms. Wiener – Yes, we will have an opportunity to revisit at that time, Mr. Jensen. Yes.

Mr. Jensen – For Ms. Simon or Ms. Munson, so we'll see the felony convictions again and stuff like that, or no?

Ms. Munson – And I'm just going to interject. I believe it's standard practice for the Division, whenever an application is submitted to use the same process. So, that summary, should that application be submitted, would need to include all of the information that was included with this application.

Mr. Jensen – Thank you, Ms. Munson. Thank you, Chair.

Chair Peeples – You're welcome, Mr. Jensen. Mr. Jones? Mr. Clark?

Mr. Clark – Yes, I was just going to mention, I think Mr. Jensen was on the same track I was. But for the applicant's consideration for the when he comes back, I would encourage him to include updates on, you know, how he's doing. Being proactive and having letters of reference was helpful for me in this particular matter, but I would say because the criminal history is coming back before this Board, updates may be helpful for his consideration.

Ms. Wiener – Thank you. We would absolutely bring back to you full information.

Chair Peeples – Thank you, Mr. Clark. Thank you, Ms. Wiener. Mr. Jones, would you agree to the amended motion that changes the document condition that it reflects December 15, 2020, instead of November 14, 2021?

Mr. Jones – Yes, ma'am.

Chair Peeples – Rabbi Lyons?

Rabbi Lyons – Ok, so just in case, how about the documentation shows that he was cleared no later than November 14, 2021? I don't want to have to come back just because there was some problem with the date. So, he represented November 14, 2021. Let's just say that he can prove that we cleared no later than November 14, 2021.

Chair Peeples – Mr. Jones?

Mr. Jones – I'm fine with that.

Rabbi Lyons – Ok. I'll second that.

Chair Peeples – We have an amended motion to approve Mr. Adler's request for internship application. He will be on one-year probation. We need to receive documents no later than a completion of November 14, 2021, of his sentence. We have a motion. We have a second. Is there any additional discussion? Seeing none. Let's do a roll call, Ms. Simon, please?

Ms. Simon – Yes, ma'am. Please say, "yay" if you approve of the motion and "nay" if you do not. Mr. Clark?

Mr. Clark – Yay. Yes.

Ms. Simon – Mr. Brandenburg?

Mr. Brandenburg – Yes.

Ms. Simon – Ms. Clay?

Ms. Clay – No.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Yes.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yes.

Ms. Simon – Mr. Jones?

Mr. Jones – Yes.

Ms. Simon – Ms. Liotta?

Chair Peeples – She isn't on the call, ma'am.

Ms. Simon – Thank you. Rabbi Lyons?

Rabbi Lyons – Yes.

Ms. Simon – Mr. Williams? Or is he recused from this?

Chair Peeples – Mr. Williams isn't in the meeting.

Ms. Simon – I apologize. And Madam Chair?

Chair Peeples – No.

Ms. Simon – That motion passes.

Chair Peeples – Thank you, Ms. Simon. Thank you, Ms. Wiener. Ms. Munson?

Ms. Munson – Yes, before we actually close the matter, I just wanted to clarify that if for any reason this probationary period is extended within the one (1) year, as there's a legal right to extend it, because the probation is just one (1) year, is it the Board's intention that the probation be for one (1) year, or be for the period of the internship even if extended?

Mr. Jones – That's the reason I went with two (2) years originally, just in case of an extension. But I am good with the one (1) and will address it if it extends it.

Chair Peeples – Rabbi Lyons, do you concur?

Rabbi Lyons – The entire term of the internship.

Chair Peeples – Mr. Jones is that your motion?

Mr. Jones – That was my intent. I'm fine with that.

Chair Peeples – Ok. Ms. Munson, does that complete what you needed, ma'am?

Ms. Munson – Yes. The Order will reflect for that the probation is for one (1) year or the full-term of the internship. To be clear. Thank you.

Mr. Jones – That is fine.

Chair Peeples – Thank you. Ms. Munson. Thank you, Ms. Wiener, and Mr. Adler.

Ms. Wiener – Thank you. Thank you, Board.

K. Application(s) for Monument Establishment Sales Agents

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum H*
 - (a) *Gurdon-Matthews, Sandra F649751*
 - (b) *Matthews, Garfield F649750*
 - (c) *Wilson-Wolfe, Robyn N F651894*

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

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

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum I*
 - (a) *SE Funeral Homes of Florida LLC d/b/a Baldwin Fairchild Alternatives at All Faiths (F078965) (Orlando)*

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

M. Notification(s) for Change of Location

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum J*
 - (a) *Neptune Management Corp d/b/a Neptune Society Management Corporation (F064862) (Fort Myers)*

(b) Pax-Villa USA Inc (F041155) (Miami)

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

N. Application(s) to Acquire Control of an Existing Cemetery Company

(1) Recommended for Approval with Conditions

(a) State Park Cemetery Company, Inc d/b/a Washington Park Cemetery (Orlando)

Ms. Simon – State Park Cemetery Company, Inc (State Park) herein applies for change of control of an existing cemetery company for the property referenced in your coversheet. The cemetery location being acquired is licensed as named at that specified location. The application was received by the Division on February 14, 2023, and no deficiencies were noted on the application. A completed background check of all officers revealed no criminal history. The change of control will be accomplished via a stock purchase, wherein the current principals and owners are relinquishing ownership to Zachary Henson, who will ultimately be acquiring 100% ownership of State Park. The new owner will acquire all the assets and liabilities and continue to operate the location under the existing name. For more information on that, there is a letter from the applicant's attorney that lays that out in detail. If this application for a change of control is approved, State Park will continue to operate at the same cemetery location: Washington Park Cemetery (F039528 The Care and Maintenance Trustee Report for CY 2021 is attached. The cemetery report appears to be in line with the reported gross sales for CY 2021 for the listed property being acquired. The Division recommends approval subject to conditions as follows:

1. The Board approval of change of control does not include approval of any development plans. If after approval of the change in control the new controlling person intends to develop the cemetery, the new controlling person shall cause development plans to be submitted to the Board for approval prior to implementing same.
2. That closing occurs within 60 days of the date of this Board meeting, and without material change in the terms and conditions of the transaction as described to the Board in this coversheet and the materials provided to the Board herewith.
3. Receipt by the Division within seventy-five (75) days of this Board meeting of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and without material change in the terms and conditions of the transaction as described to the Board in this coversheet and the materials provided to the Board herewith.
4. Receipt by the Division within seventy-five (75) days of this Board meeting, of a copy of the Stock Purchase Agreement, executed by all parties, and all amendments thereto, also fully executed.

Is there a representative of this entity on the call today? Is Ms. Wiener on the call?

Chair Peeples – Mr. Brandenburg?

Mr. Brandenburg – My question is does the property become encumbered in this change of ownership? Does the cemetery property become encumbered, or any part of the cemetery property become encumbered?

Chair Peeples – Ms. Simon?

Ms. Simon – Madam Chair, I see that Lynn Merritt just showed her face, and I'm not sure if that's the representative of this entity who can answer that question.

Chair Peeples – Ms. Merritt are you representing the State Park Cemetery Company Inc d/b/a Washington State Cemetery? You were visual to us, and you were unmuted. Ms. Merritt?

Ms. Coney – Board, you do have another matter coming in front of you with Merritt, so I don't suspect that Lynn Merritt has anything to do with Washington Park Cemetery.

Chair Peeples – Thank you, Ms. Coney. Is there a representative of State Park Cemetery Company Inc. d/b/a Washington Park Cemetery on this call? Hearing none. Mr. Brandenburg, back to your question, how would you like to go forward, sir, since we don't have a representative to answer it?

Mr. Brandenburg – Well, it's hard to approve unless the question is answered. Does this make the property encumbered?

Chair Peeples – Ms. Munson?

Ms. Munson – Just curious. I just wanted to clarify if Ms. Wiener was or was not involved with this application at all?

Ms. Simon – If I may answer both those questions, Mr. Brandenburg, this is essentially a sale in the family. I don't know if that helps you. But that has been how it was described to me, that it was from one family member to another. Perhaps Ms. Wiener can shed some light on anything else to do with this entity.

Ms. Munson – Please identify if she's speaking as a representative.

Ms. Wiener – Yes, I am counsel for the buyer in this situation. Mr. Henson is actually acquiring this cemetery from his uncle. So, it is an internal family transfer of the cemetery.

Chair Peeples – Ms. Wiener, can you answer Mr. Brandenburg's question regarding encumbrance of the property?

Ms. Wiener – I would love to, but I haven't heard his question because I answered a phone call. So, I apologize for stepping away. I didn't realize you guys were going to go so quickly through those other agenda items. The land of the cemetery will not be encumbered, as that is in violation of Chapter 497.

Chair Peeples – Mr. Brandenburg, does that complete your question, sir?

Mr. Brandenburg – That completes my question and answers my question. Thank you.

Chair Peeples – Yes, sir. Are there any other questions for Ms. Wiener? Hearing none. What's the Board's pleasure?

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

Chair Peeples – Thank you, Ms. Wiener.

O. Application(s) for Broker of Burial Rights

(1) Recommended for Approval without Conditions

(a) Neil J Levine d/b/a Final Expense Consultants (Boca Raton)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. The application was received on January 20, 2023. The application was complete when received. The Department completed a background check of Applicant's principal and owner, which revealed no criminal history. The Division recommends approval without conditions.

Chair Peeples – Board members?

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

Ms. Simon – Madam Chair?

Chair Peeples – Yes, ma'am?

Ms. Simon – I just wanted to ensure, that was a motion for approval, correct?

Mr. Jones – Correct.

Ms. Simon – Thank you.

P. Application(s) for Cinerator Facility
(1) Recommended for Approval with Conditions
(a) Guerry Funeral Home LLC (Lake City)

Ms. Simon – An application for cinerator facility licensure was received on December 1, 2022. The application was incomplete when submitted. A completed application was received on January 27, 2023. The Funeral Director in Charge will be William Guerry (F044044). A background check of the principals revealed no criminal history. This entity was operating as a cinerator facility without proper licensure. There is currently an administrative complaint filed against Guerry Funeral Home and William Guerry in regard to this matter. The Division recommends approval subject to condition that the cinerator facility passes an inspection by a member of Division Staff.

Chair Peebles – Board members?

Mr. Jensen – May I ask a question, Chair?

Chair Peebles – Yes, sir, Mr. Jensen.

Mr. Jensen – Ms. Simon, so you mentioned there's currently a complaint that they were operating without a license, but yet if this passes, it's going to give him a license. Does that then delete the complaint or are we going to have to come back and say they're in trouble for not having a license, but we've already given them a license?

Ms. Simon – That is an excellent question. May I, Madam Chair?

Chair Peebles – Yes, ma'am.

Ms. Simon – The Administrative Complaints that were filed are against Guerry Funeral Home and William Guerry. They are not against the cinerator facility. So, this cinerator facility will only receive what is given to it today.

Mr. Jensen – The complaint states they were operating a cinerator facility without a license. Is that correct?

Ms. Simon – Yes, sir.

Mr. Jensen – Ok. Thank you.

Chair Peebles – Mr. Ferreira?

Mr. Ferreira – Do we know how long the facility hasn't had a license? Has it ever been issued a license?

Chair Peebles – Ms. Simon?

Ms. Simon – I don't know if I checked for certain. Is there a representative of Guerry Funeral Home LLC on the call? Hearing no response. My understanding is that it was for a substantial period of time without licensure.

Chair Peebles – Yes, sir, Mr. Ferreira?

Mr. Ferreira – I know the facility was built some time ago. So, it was never licensed?

Ms. Simon – Correct.

Mr. Ferreira – Like years?

Ms. Simon – It was never licensed, sir.

Chair Peeples – Mr. Ferreira, does that complete your question, sir?

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Ms. Munson?

Ms. Munson – And don't know if this offers any type of clarification and please, if Ms. Simon needs to interject for the Division comment, but it appears the Board may be asking or be concerned about possibly issuing a license if an Administrative Complaint is pending that's related to that license. And just for clarification procedural purposes, I don't know what the outcome of that Administrative Complaint will be, but of course, that Administrative Complaint can then address any issues that may be impacted by this license. However, if the license is issued today, it will be starting free and clear from the moment the Order is issued, indicating that the license was in fact approved. So, I don't know if we're crossing disciplinary licensure lines with some of the consideration here, but if that is the case, I just was hoping that we can, understanding the related nature of the matter, kind of keep these lanes just a little bit clear.

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

Ms. Simon – The question at this point is whether to approve this application and that is based on the facts you know. However, the only disciplinary action we're looking at currently is there is an Administrative Complaint filed against two (2) different entities, not this one. And you can approve this license subject to other conditions, or you can choose not to approve the license. I don't know if that offered any clarity.

Chair Peeples – Thank you, Ms. Simon. Rabbi Lyons, then Mr. Ferreira.

Rabbi Lyons – Question for Ms. Munson. Just to be clear with what Ms. Simon just said, so if I understand correctly, if the Board were to deny this application or approve it with probation, my understanding is that the cinerator facility is separate from the entity which is potentially facing an Administrative Complaint. Therefore, let's say we were to deny this application right now, there's no issue of double jeopardy. Let's say we would site the reason for denial as the fact that they were running an unlicensed cinerator facility. Where the funeral homes who appear in front of this Board for disciplinary action for running an unlicensed cinerator facility, there would be no issue of double jeopardy because this is a question about a licensed for a cinerator facility, and the Administrative Complaint is against a funeral home. Is that correct?

Ms. Munson – Basically, that's correct, sir. Again, when you say you would deny, you have to have a basis for denial. So, the Division's information says there's no prior discipline, there's no criminal history record, so you'll have to then determine on what basis would you choose to deny this particular license for a cinerator facility.

Rabbi Lyons – The fact that it was operating previously without a license.

Mr. Brandenburg – Not part of the Board packet.

Chair Peeples – Ms. Munson, and Ms. Simon, this may help a little bit. And Ms. Simon, if you will kind of confirm this, from our coversheet, it states that the cinerator facility will be located in Lake City Florida. That Mr. Guerry has a funeral home that operates in McClenny, Florida. So, these are two (2) different entities. And we are talking about a cinerator facility application now. Is that correct, Ms. Simon?

Ms. Simon – There are two (2) different facilities. But I believe that there are two (2) different funeral homes, Guerry Funeral Homes, at different locations. I might not be correct at that. But we're looking at three (3) different potential license numbers. One would be the cinerator facility. One would be the Administrative Complaint against Mr. Guerry. And the other would be the license number belonging to Guerry Funeral Home. So, there would be no double jeopardy. There would be no impact on anything else depending on what happens here.

Chair Peeples – Rabbi Lyons does that help assist you with your questions, sir?

Rabbi Lyons – Yes ma'am.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – So, the cinerator facility sits behind the funeral home in Lake City, his funeral home in Lake City that was built years ago. So, my question is, how many cremations have taken place in that facility that was never licensed from the original build out and do the funeral homes that use him on the wholesale side, are they aware of that?

Chair Peeples – Ms. Marshall?

Ms. Marshall – Thank you. And Board Counsel, please stop me, as I know this is not an evidentiary hearing and I don't want to step on toes and bring matters in from the disciplinary cases into this, but the Department has obtained cinerator logs from the unlicensed facility. They were keeping track of the cremations that were performed. It was beginning, or the earliest we have is May 4th, of 2020. It was continuing throughout 2022. They admitted that they were cremating, I believe, approximately one hundred (100) cremations per year. And again, Board counsel please cut me off if I'm speaking out of turn here, but I can represent to the Board that apart from failing to obtain the license for the cinerator facility, everything else was being done above board. They were keeping the logs. They got the air general permit from the DEP. They got permit from Department of Health. And it appears that this was simply an administrative oversight and the application that you all are reviewing today is an attempt to fix that oversight. So, it appears that they are acting here in good faith if I may have a say so.

Chair Peeples – Thank you, Ms. Marshall. Mr. Jensen?

Mr. Jensen – Yes, just to clarify, I believe it was suggested that perhaps we should not consider bringing in the pending discipline case into the cinerator facility licensing case. Is that what you were saying, Ms. Munson?

Ms. Munson – I was just clarifying that they really are two (2) separate considerations. Once the cinerator facility gets a license and what happens with that license, it almost appears that the Board may be considering some type of penalty inclusion into a possible approval based on a pending discipline case that's not even been presented. And that will be problematic.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes, quick follow up. So, we have the same owner, William Lee Guerry. May I ask Ms. Simon, is that same name on the complaint as well?

Ms. Simon – On the Administrative Complaint, sir?

Mr. Jensen – Correct.

Ms. Simon – Yes.

Mr. Jensen – So, that would leave me to believe that these are tied together, that we should be considering both. No?

Ms. Simon – No, because we are looking at least two (2) different licenses and if this license is granted it's a third. So, if this license is granted, it does not impact the other two (2) licensees at all. If this license is denied, it does not impact the disciplinary nature against the other two (2) licensees. So, they are three (3) separate issues. One (1) is this application for licensure and the other are the disciplinary nature against the other two (2) entities involved.

Mr. Jensen – Follow up for Ms. Munson?

Chair Peeples – Yes,

Mr. Jensen – Ms. Munson, so if we were to deny this based upon the fact that we want to see where the complaint goes, can we do that?

Ms. Munson – Deny it based on what, sir?

Mr. Jensen – Where the complaint goes for operating a cinerator facility without a license. I would like to see that resolved before I issue a license for a cinerator facility, quite frankly. We have the same individual here and he's a licensee of the Department and you would think that we would look at all that.

Ms. Munson – And as I'm understanding, as the Department or Division is presenting, they are separate and distinct licenses and applications that are involved. Ms. Simon, maybe you can clarify this better from the perspective of the language that might be more relevant for those who are in the funeral industry.

Mr. Jensen – Ms. Munson, what I'm getting at is you mention that we have to have a reason if we deny. So if we deny, can we give a reason, well I shouldn't speak for anyone else, but could I give a reason that I want to see where the Administrative Complaint ends before we take this on?

Chair Peebles – Ms. Simon, would you like to interject?

Ms. Simon – Thank you. Mr. Jensen, unfortunately, that wouldn't really be appropriate. What you would have is that you could deny this license based on the fact that they were operating without licensure. And then they could come back and apply again. They have that opportunity. But it does not seem appropriate to deny only to see what's going on with the other two (2) cases because the denial is a denial. It's not a contingent denial.

Chair Peebles – Mr. Jensen?

Mr. Jensen – I just thought we had to give a specific reason why.

Ms. Munson – You would, sir.

Ms. Simon – And the reason it seems would be that they were operating without proper licensure.

Mr. Jensen – Ok, thank you, Ms. Simon. Thank you, Ms. Munson. Thank you, Chair.

Chair Peebles – Sure. Ms. Marshall?

Ms. Marshall – I'd also just like to add for consideration. I mean, simply the fact that they are applying for this license today, attempting to make it right is a mitigation that would be considered in the disciplinary cases. So, this is their attempt to sort of right the situation. So, I just like for the Board to think about that.

Chair Peebles – Thank you. Mr. Jones, you had your hand up before Mr. Ferreira. Did you have a question, sir?

Mr. Jones – Just really quick. This facility, while they were operating, was never inspected by the Division?

Chair Peebles – Ms. Simon?

Ms. Simon – It was inspected by the Division, and I cannot speak as to why this retort was not located.

Mr. Jones – Do you know when it was inspected, Ms. Simon?

Ms. Simon – At the moment I do not, sir. But it was inspected between 2020 and 2022.

Mr. Jones – And it just wasn't picked up and it wasn't brought up. Ok, thank you.

Chair Peebles – Thank you. Mr. Ferreira?

Mr. Ferreira – So, I want to just clarify this. In 2020, was there ever an application for the cinerator?

Ms. Simon – May I?

Chair Peeples – Yes.

Ms. Simon – No, we have never had an application for a cinerator facility from this applicant since the time that the cinerator began to run.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – So, in a case, let me just say, this scenario where we had someone open up a building, ok, and call it a funeral home, and ran a funeral home for two (2) to three (3) years, and never licensed. I mean that's the same idea we're talking about. You can't just open a building and run funerals through it and never be licensed for two (2) to three (3) years.

Chair Peeples – Mr. Ferreira if you are holding on your question, or your comment, Rabbi Lyons?

Rabbi Lyons – So respectfully, I mean, I agree with Mr. Ferreira except that this is much worse because you're talking about a cinerator facility where you take a dead human body, and you remove any trace of DNA. So, I'm not suggesting anybody did anything wrong, but if they wanted to, running an unlicensed cinerator facility would be a really good way to do it.

Chair Peeples – Thank you, Rabbi Lyons. Mr. Jensen?

Mr. Jensen – Yes, I'd like to make a motion if you're ready, Chair?

Chair Peeples – Let me hold your motion really quick. Ms. Munson, your hand was up, please.

Ms. Munson – Yes, and again, the Board has this question to go with whichever direction it chooses to go. Just the oddity about this case, the way it's been presented by the Division is that it's been presented that and all parts of the Division have stated that this application is before the Board with the understanding that there's pending discipline, but the mere fact that this applicant is applying for licensure, is a part of the mitigating circumstances for that pending discipline that the Board may seem to feel is to be held against the applicant. So, and I'm not speaking for anybody, but the applicant appears to have presented an application to mitigate issues, or correct issues based on the pending discipline and the Division has indicated that they have inspected the particular facility without any recognition that a license did not exist. And now that things are in its posture to be corrected, the denial, and Ms. Simon may correct, if that is the posture of this particular Board, then the denial will be based on the knowledge that the Division did its part without knowing it was a license and the Division also is looking at discipline after discovering there's not a license, and the effort to correct that is the basis for the denial. And that's why I'm wanting to clarify, because if the Order is written, and I don't know what the Order will be based on your vote, I want to make sure I understand what the Board is suggesting.

Mr. Jensen – That seems totally contrary to what we've been talking about.

Ms. Munson – Ok.

Mr. Jensen – {Inaudible}.

Chair Peeples – Mr. Jensen, if you will give me one moment, please. Ms. Simon?

Mr. Jensen – Yes.

Ms. Simon – Thank you, Madam Chair. Whatever happens with this application, the ameliorating circumstances would be regarding the discipline being taken against William Guerry, Guerry Funeral Home, that has nothing to do with this application today. That mitigation can be used when it comes to that discipline. But when we're talking about today, what we're talking about is simply whether they should be licensed. And I need to bring up to the forefront that we're unable to table this matter because of a deemer provision. So, the decision would need to be made today.

Chair Peeples – Thank you, Ms. Simon. Rabbi Lyons?

Rabbi Lyons – Ok, just to be clear, the pending investigation, wherever that is, it is a material to what we're talking about right now. I don't know what Mr. Jensen is going to say in his motion, but in theory, a motion to deny just because we have knowledge that this cinerator facility was operating without a license, by the same entity applying for a license, regardless of any disciplinary action against any other license, that would be potentially, and I'm not going to put words in anybody's mouth, but that would potentially be the basis to deny it. And that would not be, you know, and I understand that we want to, have an open road for redemption, but there's sort of a balance to collect over here.

Chair Peeples – Thank you, Rabbi Lyons. Mr. Jense, then Mr. Clark.

Mr. Jensen – Thank you, Chair. So, basically what I heard Ms. Munson say is that we should not be considering it. One of my questions is one of the main reasons we know about it is because the Department presented it in the beginning of this and said, "Oh by the way, there's pending disciplinary proceedings." Ms. Munson also stated that the Department had done its job. Ms. Simon said the Department has never been out there to inspect this cinerator facility. And if the Department did do their job, why are they then putting a disciplinary procedure on these? So, I'm very confused here. Do you follow me? Did I make any sense?

Chair Peeples – Ms. Munson, would you like to reply, or Ms. Marshall, to Mr. Jensen?

Ms. Munson – I think Ms. Simon might be the better person to reply with regard to the Department. The Department did go and inspect it based on what Ms. Simon has presented, that there was an inspection. How it was not noticed that this facility was not licensed is unknown. But they did, in fact, conduct an inspection.

Ms. Simon – That is correct. And the mere fact that it was not discovered is not a defense in this matter. They still have been using the cinerator without proper licensure, regardless of before or after the inspection. I just wanted to go along with that. And the reason why the Administrative Complaint is even in here is to let you know there is three (3) separate things going on. That was for your information to know what is going on within the Department so you have a full scope if you were to accept this application and find out that there's disciplinary history against these two (2) individuals, the Board might be upset about that. And in addition, if you were to deny the application and find that out too, that just may impact you in the future. This is the taken in a vacuum in this matter. This entity is applying for licensure, and they operated without having that licensure. I don't know what other facts would go into making your decision today.

Chair Peeples – Thank you, Ms. Simon. Mr. Clark, you had your hand up, then Mr. Brandenburg.

Mr. Clark – Thank you, Madam Chair. This is probably for Ms. Munson. I just want to clarify what's in my head. The way I was thinking about this matter is, should an Administrative Complaint, or when an Administrative Complaint comes before this Board, and if penalty would be applied due to the factors of the case, the penalty would apply to this license if we were to approve it today. Is that correct?

Chair Peeples – Ms. Munson?

Ms. Munson – I don't think so based on the Division's explanation that this license is not affiliated with the other two (2) licenses that are under discipline consideration. And again, that is a better question for Ms. Simon.

Ms. Simon – This is a stand-alone case, where there is not currently an Administrative Complaint existing against this unlicensed entity.

Mr. Clark – Thank you.

Chair Peeples – Mr. Clark, does that complete your answer?

Mr. Clark – It does.

Chair Peeples – Ok. Mr. Brandenburg?

MOTION: Mr. Brandenburg moved to deny the application based upon the fact that it's been operating for years without a license. Rabbi Lyons seconded the motion.

Chair Peeples – Is there any further discussion? Mr. Jensen?

Mr. Jensen – I do agree with that motion. I would also like to add that the main reason being that the person that filled out this application for the cinerator facility is also the same person that has the pending other issues going on. Can we add that to that Mr. Brandenburg, or no?

Mr. Brandenburg – No, I don't want to add any other issues to the motion. Those other issues will be addressed later.

Mr. Jensen – Ok. Got it. Thank you.

Chair Peeples – Ms. Munson?

Ms. Munson – May I just clarify, based on that, potentially a reason for the denial, operating without a license for the facts to reflect what period they were operating without a license, is a material fact that I think I would need to include in that.

Chair Peeples – {Inaudible} May 4, 2020.

Ms. Munson – I didn't document it before, so I wanted to clarify. Thanks.

Chair Peeples – Yes, ma'am. May 4, 2020, to current. Is that correct, Ms. Simon?

Ms. Simon – Actually, I just heard a reference during the Board meeting that they had operated from 2020 to 2022.

Mr. Jensen – You said you had a cinerator log.

Ms. Simon – From the cinerator log. Yes, sir.

Mr. Jensen – Ok.

Mr. Brandenburg – I don't think the motion needs to include the date or how long they 've been operating without a license.

Chair Peeples – Yes, sir, Mr. Brandenburg. I was going to come back to you about amending the motion once Rabbi Lyons had his comment, sir.

Rabbi Lyons – Just as a point of fact, they weren't regulated, and if they weren't licensed you don't know how long they were operating except for what they told us. So, the fact that they were operating, and I understand Mr. Brandenburg's motion which I seconded, it is the very fact that they operated a cinerator facility without a license, but I don't know if we want to get so specific as to the timing, because I don't know that we know the timing because they weren't regulated.

Chair Peeples – Rabbi Lyons, if I may direct a question to Ms. Munson since she will be drafting the Order? Instead of using a specific date, could you make the comment that the license may be denied based on operating without a cinerator facility license according to the dates in the cremation log that the Department has?

Ms. Munson – That's perfectly fine. And I wasn't asking to amend the motion. The motion for the denial was worded fine, it's just the Order has to have some substance to it, because we're discussing it now and I just need something for the record in case an individual were to appeal it to say, "What do you mean operating without a license? What proof do you have?" I have nothing, so I needed that type of clarification. What you've indicated Chair Peeples would be fine.

Chair Peeples – Mr. Brandenburg, would that be ok with you, sir?

Mr. Brandenburg – Whatever. Yes.

Ms. Munson – It doesn't have to change the motion. I just needed facts. That's all.

Chair Peeples – Ok. Thank you, ma'am. So, we still have the motion by Mr. Brandenburg. Second by Rabbi Lyons. Is there any further discussion? Hearing none. Go ahead. Who is that questioning?

Unidentified person – Are we allowed to make a comment if you're not on the Board, or do you have to be on the Board or represent this individually?

Chair Peeples – Who is this?

Unidentified person – I'm just a member and I'm up for an application.

Chair Peeples – No ma'am. You do not have an opportunity. I'm sorry. But thank you for asking.

Unidentified person – Yes, ma'am. Thank you.

Chair Peeples – You're welcome. So, we have a motion, we have a second. Since there is no further discussion, Ms. Simon, will you do a roll call vote, please?

Ms. Simon – Yes, ma'am. All those in favor of the motion for denial signify by saying aye. Mr. Clark?

Mr. Clark – Aye.

Ms. Simon – Mr. Brandenburg?

Mr. Brandenburg – Aye.

Ms. Simon – Ms. Clay?

Ms. Clay – Aye.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Aye.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Aye.

Ms. Simon – Mr. Jones?

Mr. Jones – Aye.

Ms. Simon – Rabbi Lyons?

Rabbi Lyons – Aye.

Ms. Simon – And Chair Peeples?

Chair Peeples – Aye.

Ms. Simon – That motion passes.

Chair Peeples – Thank you, Ms. Simon.

Ms. Simon – May I move on, on the agenda?

Chair Peeples – Yes, ma'am.

Q. Application(s) for Direct Disposal Establishment
(1) Recommended for Approval with Conditions
(a) Adams Funeral Home Inc d/b/a North Florida Cremation (Panama City)

Ms. Simon – Is there a representative of that entity on the call today? Hearing no response. An application for direct disposal establishment licensure was received on January 17, 2023. The application was complete when submitted. A background check of the principals revealed no criminal history for its principals. The Division recommends approval subject to condition that the establishment passes an inspection by a member of Division Staff.

Chair Peeples – Board members?

Mr. Jensen – May I ask one question, Ms. Peeples?

Chair Peeples – Yes, sir.

Mr. Jensen – This is for Ms. Simon. I noticed that the entity here, the person that did the application is in Panama City. There was an Adams Funeral Home in Panama City that sort of had some issues. Am I allowed to ask is this one of the same, or no?

Ms. Simon – I'm afraid that I can't answer that. This entity is applying for licensure on Jenks Avenue in Panama City. I do not have that other information you are aware of.

Mr. Jensen – Ok. Thank you.

Chair Peeples – Board members, what is your pleasure regarding application for direct disposal establishment by Adams Funeral Home?

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

Mr. Brandenburg – Madam Chair?

Chair Peeples – Yes, sir, Mr. Brandenburg?

Mr. Brandenburg – Can we take a break?

Chair Peeples – Yes, sir, we can. It is 11:51. Let's come back at 12:05. Would that be enough time, sir? Thank you. Let's resume at 12:05, please.

*****BREAK*****

Chair Peeples – It is 12:05. Ms. Bryant are you going to begin recording, ma'am.

Ms. LaTonya Bryant – I already have.

Chair Peeples – Thank you, Ms. Bryant. We will continue back. Ms. Simon if you will return to agenda item R. (1) (a).

Ms. Simon – Yes, ma'am.

R. Application(s) for Funeral Establishment

(1) Recommended for Approval with Conditions

(a) Amos Jerome Foster Funeral Home LLC (Orlando)

Ms. Simon – An application for funeral establishment licensure was received on January 10, 2023. The application was incomplete when submitted. A completed application was received on January 31, 2023. A background check of the principals revealed no criminal history. The Division recommends approval subject to condition that the establishment passes an inspection by a member of Division Staff.

Chair Peeples – Board members?

Ms. Simon – If I may, is there a representative of this funeral home on the call today? Hearing no response. I apologize for butting in.

Chair Peeples – That's ok. Mr. Brandenburg?

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

(b) Faith Mortuary Services LLC (Florida City)

Ms. Simon – Is there a representative of that entity on the call today? Hearing no response. An application for funeral establishment licensure was received on January 13, 2023. The application was incomplete when submitted. A completed application was received on January 26, 2023. A background check of the principals revealed no criminal history. The Division recommends approval subject to condition that the establishment passes an inspection by a member of Division Staff.

Chair Peeples – Ms. Simon, I noticed Mr. Van Brown has appeared by camera, who is affiliated with Faith Mortuary Services LLC, so please let the record reflect. Mr. Brown, are you representing this entity? You are muted, sir. Mr. Brown, I think you may be connected by a microphone. Your camera may have just phased out. Mr. Brown, are you representing this entity, sir? We still can't hear you, sir.

Ms. Simon – Madam Chair, what we can do is we can pass this matter, give Mr. Brown the time to close down his computer and start it again, and call back if that's acceptable.

Chair Peeples – That's a great suggestion, Ms. Simon. Mr. Brown, would you be so kind to maybe logout of your computer and log back in to see if that would give us a connection with you? While he's doing that, Ms. Simon if you'll go to R. (1) (c), please?

Ms. Simon – Yes.

(c) Neptune Management Corp d/b/a Neptune Society (Miami)

Ms. Simon – An application for funeral establishment licensure was received on December 19, 2022. The application was incomplete when submitted. A completed application was received on January 30, 2023. A background check of the principals revealed no criminal history. The Division recommends approval subject to condition that the establishment passes an inspection by a member of Division Staff. Is there a representative of Neptune on the call today?

Ms. Gabby Siqueira – This is Gabby Siqueira. I am here in case there are questions.

Ms. Simon – Thank you. Board members?

Chair Peeples – Board members, what's your pleasure?

MOTION: Mr. Clark moved to approve the application subject to condition that the establishment passes an inspection by a member of Division Staff. Mr. Jones seconded the motion.

Chair Peeples – Any discussion? Hearing none. Mr. Ferreira?

Mr. Ferreira – Yes. Is this the same Neptune Society that is a direct disposer?

Ms. Simon – I'm sorry?

Chair Peeples – Ms. Simon, can you answer Mr. Ferreira's question?

Mr. Van Brown – Hello?

Chair Peeples – Ms. Simon?

Ms. Simon – Yes?

Mr. Brown – Hello? Hello?

Chair Peeples – Is this Mr. Brown?

Mr. Brown – Yes, ma'am it is. I apologize.

Chair Peeples – That's ok, sir. If you will, just mute your phone and we will go back to your application request in just a moment. We allowed you to kind of get back in touch with us, so if you'll give us one moment, please, sir.

Mr. Brown – Thank you.

Chair Peeples – You're welcome. Ms. Simon, Mr. Ferreira had a question regarding Neptune Society. Mr. Ferreira, would you restate, please?

Mr. Ferreira – Yes, I was just wondering if this is the same company that operates as Neptune Society as a direct disposer?

Ms. Coney – This is Lisa Coney with SCI Funeral Services of Florida, and I'm associated with Neptune as well.

Chair Peeples – Ms. Simon, do we need to swear her in for any testimony or any comments?

Ms. Coney – I'm not an attorney.

Ms. Simon – Actually, if I could just have one moment, please?

Chair Peeples – Yes, ma'am.

Ms. Simon – Ms. Coney, please raise your right hand to be sworn in.

Ms. Coney – It looks like my screen is frozen, but my hand is up, Ellie.

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

Ms. Coney – I do.

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

Ms. Coney – Lisa Coney, C-O-N-E-Y.

Ms. Simon – Thank you.

Chair Peeples – Thank you, Ms. Simon. Ms. Coney, could you answer Mr. Ferreira's question, and you are not legal counsel, is that correct? You're just representing Dignity Memorial and Neptune Management Corporation.

Ms. Coney – I am the compliance director for SCI Funeral Services of Florida and assist with Neptune as well. This is a network of operations that does include some direct disposition licenses, but this is a brand-new funeral establishment license that is recommend for approval with only the condition of prelicensure inspection. It's not related to, specifically related to an existing direct disposition firm except by affiliation.

Chair Peeples – Mr. Ferreira, does that answer your question, or do you have a follow up?

Mr. Ferreira – Are there other funeral homes, Ms. Coney, that operate under the same name?

Ms. Coney – Yes, there are multiple Neptune locations, like there are multiple National Cremation locations, like there are, you know, multiple Baldwin Fairchild Funeral Home locations. It's not uncommon for us to have shared names.

Mr. Ferreira – Right. But you're licensing this as a funeral home.

Ms. Coney – Most of our licensees are in fact fully licensed funeral homes. There are a few remaining direct disposition firms that, you know, for whatever reason that is what works in those respective locations and markets. But this is a full-service funeral home by licensure and meets all those requirements.

Chair Peeples – Mr. Ferreira, does that complete the question?

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Thank you. Does any other Board member have a question for Ms. Coney? Hearing none. What is the Board's pleasure regarding this application?

Mr. Brandenburg – Wasn't there a motion?

Chair Peeples – Ok, I'm sorry, sir. Thank you. We have by Mr. Clark and Mr. Jones. Thank you, Mr. Brandenburg. Hearing no further discussion, all in favor of the motion say aye.

Board members – Aye.

Chair Peeples – All opposed.

Rabbi Lyons – Opposed.

Chair Peeples – Please let the record reflect Rabbi Lyons opposes. The motion carries. Thank you, Ms. Coney.

Ms. Coney – Thank you, Board.

Chair Peeples – Can we go back to R (1) (b) please? Mr. Van Brown joined us back.

Ms. Simon – Yes.

Chair Peeples – Thank you, ma'am.

(b) Faith Mortuary Services LLC (Florida City)

Ms. Simon – And as a gentleman is on the call, you are representing this entity, sir?

Mr. Brown – Yes, ma'am. My name is Van Brown, B-R-O-W-N.

Ms. Simon – Thank you, sir. An application for funeral establishment licensure was received by Faith Mortuary Services LLC on January 13, 2023. The application was incomplete when submitted, but a completed application was received on January 26, 2023. The funeral director in charge will be Van Brown Sr. A background check of the principals revealed no criminal history. The Division recommends approval, subject to the condition that the establishment passes an onsite inspection by a member of Division staff.

Chair Peeples – Thank you, Ms. Simon. Board members?

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

Chair Peeples – Thank you, Mr. Brown.

Mr. Brown – Thank you, so much.

S. Application(s) for Monument Establishment and Monument Retail Sales Agreement(s)

(1) Recommended for Approval with Conditions

(a) Merritt Monuments Inc (Brooksville)

1. Monument Establishment License

Ms. Simon – I see Lynn Merritt on the call today representing the entity. An application for monument establishment retail licensure was submitted on January 13, 2023. The application was incomplete when submitted. A complete application was received on January 31, 2023. A completed background check revealed no criminal history for its listed principals. The Division recommends approval subject to condition that the establishment passes an inspection by a member of Division Staff.

MOTION: Rabbi Lyons moved to approve the application subject to condition that the establishment passes an inspection by a member of Division Staff. Mr. Jensen seconded the motion.

Ms. Lynn Merritt – Excuse me. May I address the Board, please?

Chair Peeples – One second, Ms. Merritt. Mr. Jensen, was that a second?

Mr. Jensen – Yes, ma'am it was.

Chair Peeples – Ok. Ms. Merritt if you'll let Ms. Simon swear you in, please.

Ms. Merritt – Yes, of course.

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

Ms. Merritt – I do. Thank you.

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

Ms. Merritt – My name is Lynnette Merritt. M-E-R-R-I-T-T.

Ms. Simon – Thank you.

Chair Peeples – Ms. Merritt, please ma'am.

Ms. Merritt – Yes, thank you. I just wanted to advise that Ms. Fradkin had been out for an onsite inspection, and she told me that she had submitted that report to the Board.

Chair Peeples – Ms. Merritt that will be an item if you would like to talk to the team there at the office after the Board meeting. They can kind of direct you regarding that. But thank you for updating us.

Ms. Merritt – Ok, yes, ma'am. Thank you.

Chair Peeples – We appreciate it. We have a motion by Rabbi Lyons to accept with conditions. We have second Mr. Jensen. Any further discussion? Hearing none. All in favor of the motion say aye.

Board members – Aye.

Chair Peeples – All opposed? Motion carries.

2. Monument Retail Sales Agreement

Ms. Simon – And as a companion matter, the same entity submitted and a monument establishment sales agreement for approval. And that agreement is in your Board package and the Division recommends approval subject to the condition that two (2) full size print ready copies are received by the Department within sixty (60) days of this Board meeting.

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

Chair Peeples – Thank you, Ms. Merritt.

Ms. Merritt – Thank you. Have a great day.

Chair Peeples – Thank you.

T. Application(s) for Preneed Main

(1) Recommended for Approval without Conditions

(a) Americare Funeral Services LLC d/b/a Lifesong (F516747) (Tallahassee)

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

Ms. Wiener – Yes. Wendy Wiener representing Americare.

Ms. Simon – Thank you. The Division received an application for preneed main licensure on January 10, 2023, which was incomplete at the time of submission. The application was deemed complete on January 31, 2023. A completed background check of all principals was returned without criminal history. However, the entity does have adverse licensing history which is included within your Board package. Applicant's qualifying funeral establishment license is located at the address provided on your coversheet. If approved, will trust with Funeral Directors Life Insurance. The Division recommends approval.

Chair Peeples – Board members? Is there any discussion or questions for Ms. Wiener? Hearing none.

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

Chair Peeples – Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

(b) Lakeside Funeral Home LLC (F076320) (Royal Palm Beach)

Ms. Simon – Is there a representative of that entity on the call today? Hearing no response. The Department received an application for preneed main licensure on December 2, 2022, which was incomplete at the time of submission. The application was deemed complete on February 16, 2023. A completed background check of all principals was returned without criminal history. Applicant’s qualifying funeral establishment license is located at the above address. If approved, will trust with IFDF and use approved contracts. The Division recommends approval.

Chair Peeples – Board members?

MOTION: Mr. Jensen moved to approve the application. Ms. Clay seconded the motion.

Chair Peeples – Is that with conditions Mr. Jensen and Ms. Clay?

Mr. Jensen – Yes, ma’am.

Ms. Clay – Yes.

Chair Peeples – Any further discussion? Hearing none. All in favor of the motion say aye.

Board members – Aye.

Chair Peeples – All opposed? Motion carries.

Ms. Simon – Madam Chair, I'm not sure if it would impact any order written in this matter, but there were no conditions on this case.

Ms. Munson – I was just about to ask. Thank you, Ms. Simon.

Chair Peeples – Well, we had them on all the others for an inspection, so that's what I was kind of going with from that. So, thank you for that clarification.

Ms. Simon – It's usually a safe bet.

U. Application(s) for Removal Service

(1) Recommended for Approval with Conditions

(a) Bethel Mortuary Removal & Transport Service LLC (St Petersburg)

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

Ms. Chastity Bethel – Yes, ma'am.

Ms. Simon – Thank you, ma'am. What is your name?

Ms. Bethel – It's Chastity Bethel.

Ms. Simon – Thank you. An application for removal service licensure was received on January 4, 2023. The application was incomplete when submitted. A completed application was received on January 27, 2023. A background check of the principals revealed no criminal history. The Division recommends approval subject to condition that the removal service passes an inspection by a member of Division Staff.

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

Chair Peeples – Thank you, ma'am, for being here.

(b) Cannaberraz LLC d/b/a Afterlife Care (Riverview)

Ms. Simon – An application for removal service licensure was received on November 6, 2022. The application was incomplete when submitted. A completed application was received on January 25, 2023. A background check of the principals revealed no criminal history. The Division recommends approval subject to condition that the removal service passes an inspection by a member of Division Staff.

Chair Peeples – Board members?

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

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

(1) Recommended for Approval without Conditions

(a) Preconstruction Performance Bond

1. SCI Funeral Services of Florida, LLC d/b/a Caballero Rivero Southern

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

Ms. Coney – Yes, ma'am, I'm available if you have any questions.

Ms. Simon – Thank you. SCI Funeral Services of Florida LLC d/b/a Caballero Rivero Southern intends to construct a new mausoleum pursuant to Section 497.272 Florida Statutes. A preconstruction trust must be put in place if sales are going to occur prior to completion. However, s. 497.272(8), F.S. provides that in lieu of a preconstruction trust fund, the cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator. The licensee has submitted for approval a performance bond in lieu of a preconstruction trust. This performance bond is acceptable to the Division. The mausoleum project and the bond are summarized on your coversheet. The Division recommends approval without conditions.

Chair Peeples – Board members, what's your pleasure?

Mr. Jensen – Quick question. Is this the bond that I'm seeing from Liberty Mutual? Hello? Ms. Coney?

Ms. Coney – I'm sorry. I'm having IT issues at the moment, and I can't open up that section for some reason. It is an A rated bond that was approved by the Division for the scope of the project.

Ms. Simon – Mr. Jensen, the information on page 3 of your Board packets is that the bond is from Liberty Mutual Insurance Company.

Mr. Jensen – Yes, that was my question. Thank you, Ms. Simon.

Chair Peeples – Thank you, Ms. Coney.

Ms. Coney – Of course.

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

Mr. Jensen – Yes, Madam Chair.

MOTION: Mr. Jones moved to approve the performance bond. Mr. Ferreira seconded the motion, which passed unanimously.

Ms. Coney – Thank you, Board.

W. Executive Director's Report
(1) Operational Report (Verbal)

Ms. Simon – At this point of the proceeding it is the Executive Director's Report. And it is my pleasure to turn the meeting to our Executive Director Mary Schwantes.

Ms. Mary Schwantes – Madam Chair, may I?

Chair Peeples – Yes, ma'am.

Ms. Schwantes – Thank you, ma'am. Good afternoon, Board members. The Florida State Legislative Session is officially scheduled to begin on March 7th and ends on May 5th. Having said that, committee meetings are already well underway. We do not expect to have any provisions relating to Chapter 497 in this year's Department Agency Bill. However, there are a few bills that we are following. All of these bills involve issues that the Board is already familiar with from prior years. These involved issues in bills that did not pass recent legislative sessions.

So, the first, which is HB401/SB604, concerns sovereign immunity issues which, if passed, would only involve reference changes in Chapter 497. The second bill that we are loosely following is HB1061/SB60 on Animal Cremation. It is not expected to impact Chapter 497. Finally, we're more closely watching this year's bill on Abandoned and Historical Cemeteries which is HB0049/SB430. If passed, that bill would change the definition of "legally authorized person" as it is defined in our section 497.005, F.S., to include a member of a representative community organization. I know that Mr. Jones has told Ms. Simon that there are some bills that the Department of Health is also following. Mr. Jones, did you want to comment on any of those?

Mr. Jones – Right now there is SB864/HB1231. It is Death with Dignity, End of Life Options. It's dealing with how people end life with dignity. You can look those up. There's a couple of adoption bills we're dealing with that do not impact, but the Death with Dignity, End of Life Options may be of some interest. That's it for me.

Ms. Schwantes – Thank you, Mr. Jones. All the referenced bills are in committee review. As a reminder, a bill generally needs to pass three (3) committees before it even reaches the legislative floors for consideration. And we'll present more detail on these bills at the April Board meeting as we get further into the session meetings.

Mr. Jensen – Madam Chair, may I ask Ms. Schwantes a question?

Chair Peeples – Yes, sir, Mr. Jensen.

Mr. Jensen – Ms. Schwantes, could you repeat the name of the bill for the pet crematories?

Ms. Schwantes – I just have it listed as Animal Cremation. It is HB1061/SB60. So, they are companion bills going through the different houses.

Mr. Jensen – Thank you very much.

Ms. Schwantes – Thank you, sir. Ok. I want to talk to you a little bit about the Division. Over the past many years, the Division has averaged approximately three (3) to four (4) vacant positions each year, many involving the field staff positions, which are primarily responsible for conducting the annual inspections. Fortunately, our field staff are cross-trained. When there are vacancies on our Inspection Team, we pull from our other teams to get the annual inspections completed by the statutory deadlines. Most vacancies occur as a result of normal attrition: higher paying jobs (that's come up a lot lately), family moves, retirement, etc. Currently, we have six (6) vacancies, five (5) of which are field staff positions. So, I would invite anyone who is listening in on the call, if either you or you know of anyone who is interested in more information on these positions, and possibly applying to work with our Division, please contact us. They can always reach out to me by email or phone. Until we can fill these positions and train the new employees, our existing field staff are putting in extra effort to complete the annual inspections that are due by fiscal year end. And I want to give a particular shoutout to our inspection, examination, and investigation team members for their hard work in these areas. They do a great job year-round, but they are to be particularly commended for pulling together to cover the extra workload presented by these increased vacancies. This is the most that I

can recall having in any given time. We actually had seven (7) vacancies. We just filled one (1) earlier this week. So, I'm glad that we're able to find people, and just like I said, we would invite anyone who is interested to please contact us for more information.

We had planned a Rules Committee meeting to take place in person on April 3rd, and unfortunately due to scheduling conflicts, the meeting had to be cancelled for that date. We're in the process of trying to reschedule a meeting for some time within the next few months. I'm not sure yet of when that will be, but we are planning an in-person meeting with appropriate notice provided and it will also be posted on our website. Our next Board meeting will be held in person in Tallahassee on Tuesday, April 4th at 10:00 A.M., and we look forward to seeing everyone then. And that ends the Executive Director's Report. It's good to be back and thank you all.

Chair Peebles – Ms. Simon? You're muted ma'am.

Ms. Simon – Thank you.

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

Ms. Simon – This is informational only.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 Date of Board meeting: March 2, 2023
 Date report was prepared: February 22, 2023

Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
D&L Removal and Transport, Inc.	Feb-23	300633-22-FC	\$500			
Rosalind Ann Pinder	Jan-23	294356-22-FC & 295162-22-FC	\$2,000	3-Mar-23		
Melinda Mezeline Jackson	Jan-23	287709-21-FC	\$1,250	3/3/2023		
American Removal Service LLC	Jan-23	297735-22-FC	\$1,000	3/3/2023		
Carl J. Carnegie d/b/a Carnegie's Monument Sales and Service	Jan-23	297725-22-FC	\$300	3/3/2023	Paid in Full	
Ray Williams Funeral Home, Inc.	Jan-23	283180-21-FC	\$2,000	3/3/2023		
Jeffrey Lynn Rhodes	Jan-23	283184-21-FC	\$1,250	3/3/2023		
Richard L. Macon, Inc. d/b/a Freeman Funeral Home	22-Nov	280688-21-FC & 287726-21-FC	\$5,000	1/1/2023		Sent to the OGC for failure to pay
Richard L. Macon	22-Nov	282871-21-FC	\$1,500	1/1/2023	Paid in Full	
Ryan James Swann	22-Nov	298092-22-FC	\$1,000	12/16/2022	Paid in Full	Sent to the OGC for failure to pay
Swann's Mortuary	22-Nov	298091-22-FC	\$1,000	12/16/2022	Paid in Full	Sent to the OGC for failure to pay
Family Funeral Home & Cremation Services	22-Nov	280010-21-FC	\$1,000	1/4/2023	Paid in Full	
Mercedes Miranda	Oct-22	283186-21-FC	\$2,300	12/16/2022	Paid in Full	
Northstar Funeral Services of Florida, LLC d/b/a Homestead Crematory	Oct-22	283185-21-FC	\$3,000	11/28/2022		Sent to the OGC for failure to pay
Williams Funeral Home in Bartow, LLC	Oct-22	280750-21-FC	\$750	11/28/2022	Paid in Full	

ES 2/22/2023

X. Chair's Report (Verbal)

Ms. Simon – Madam Chair?

Chair Peeples – Thank you, Ms. Simon. A welcome back to Ms. Schwantes. She's been out for a couple of months and so we welcome back. But also, in the same aspect I'd like to thank Ms. Simon for taking her role, and Ms. Mary's role and handling them very dutifully the last couple of months. So, Ms. Simon we appreciate all that you have done these last two (2) months. To all the team there at the office, the investigators, the field staff, Ms. Munson, Mr. Griffin, Ms. Marshall, thank you for all you do. You make it a seamless process. We appreciate that. And looking forward to seeing all of you in April in Tallahassee in an in-person meeting. So, looking forward to that. So, thank you, Ms. Simon.

Ms. Simon – Thank you.

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

Ms. Simon – Ms. Munson?

Ms. Munson – This is provided for informational purposes only. Looking forward to the Rules Committee meeting. Thank you all.

BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
MARCH 2023

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-5.007	Conversion Procedures	08/04/2022	08/19/2022	08/29/2022	09/15/2022	10/18/2022	11/07/2022

Z. Public Comments (Verbal)

Ms. Simon – Is there anybody here to speak to public comment?

Ms. Coney – This is Lisa Coney and I do have an issue that I would like to bring before for public comment.

Chair Peeples – Ms. Coney?

Ms. Coney – Thank you, Madam Chair. Before you earlier today, and it is not to bring that same issue up, but just to talk about how simple it was, was a preconstruction bond application. The preconstruction bond process is clearly delineated in law under 497.272 and it would require us to provide a bond for sales prior to construction, to either trust or bond, and that the information regarding those trust and bond approvals are under 497, 458. In lieu of a trust, what the law says is that the cemetery may deliver to the Department a performance bond in an amount and by a surety company that acceptable to the Department. The rules related to this are found under 69K-7.005. And those rules specifically say that we may furnish that, and that no sale would occur prior to delivery and written acceptance of such delivery, that the amount of that bond would be determined by the Board based on the cost of construction, design estimates, contract, or bids, or so forth, and the quality of that bond is specified in rule for both the equality of the security company, the policy holder, and their financial rating. In the few instances where these bonds are provided to the Board, all those things are really quite perfunctory in nature. It's very much an administrative function. And it's one of the few administrative functions that continue to come in front of the Board for approval, rather than allowing delegation by the Board to the Division for such approval. So, I'm coming before you today to ask, respectfully hat in hand, if that was something that Madam Chair may consider amending the agenda to consider. There doesn't appear to be any necessary rule making changes, however in 497.103 the Board authority for rule making is quite broad, and includes applications, construction standards, standards of operation, professional techniques, practices of licenses and so forth. So, I think it's completely within the Board's ability to choose to delegate that.

The reason being the same as we would for licensees that are currently delegated to the Division for approval. When those licenses come before the Division for approval, there's a check this box. These items {inaudible}. It really is a very

administrative function. The financial analyst the Division has, I would assume it's one of the easiest tasks that come across her desk. It's a very simple process of defining the scope, securing the bond, and providing it and then being able to go forward. So, what I would love to see is that that be delegated to the Division so that these one-month and two-month delays in being able to begin preconstruction sales go away. I have a bond that I've secured for Naples Memorial Gardens that is incredibly low on inventory, but because of the kind of construction experiences, I'm sure all of our profession is experienced securing mausoleum contractors and so forth. We didn't make the 30-day, or 45-day in advance deadline to get that in front of the Board for this meeting, but it's sitting in the Division office with all of the scope of construction and a secured bond that meets all of your requirements. But just because this has not been delegated it's going to be another month of not being able to pursue this activity because of an arbitrary deadline. My specific request would be for delegation, and my secondary request would be hopeful that the matter that's sitting on a financial analyst desk already is something that could be looked at prior to the April meeting, so that we can serve that community in Naples and so that future bond requests don't have these kind of delays when the Division staff is more than capable of putting this forward and the Board is an informational matter as do with licensees that are consumer facing that would certainly as a result of those tasks have, you know, a far greater need for Board review. That's the end of my couple of minutes. I'm available for any questions but I would respectfully request the Board's consideration in that delegation authority.

Chair Peeples – Thank you, Ms. Coney. We will be glad to further discuss it at our Rules Committee meeting. And we appreciate your information and your presentation today. And I'm sure the team in the office had made their notes accordingly. So, thank you for that. We appreciate it. Ms. Simon?

Ms. Coney – If there's not a basis for a necessary rule change in any of the relevant statute, why would we delay it for a Rules meeting that's not even scheduled?

Chair Peeples – Ms. Simon, please, ma'am?

Ms. Simon – I'm sorry. I'm not sure I'm comfortable with this. I'm not sure whether I'm comfortable one with the statement that it must be the easiest thing that our financial analyst does, which I don't think that's the case, but also that I'm not sure that we don't want the Board to see these performance bonds. And I would need to think about it to see if that was correct and I'm not sure if the Board members would need to think about it.

Chair Peeples – Thank you, Ms. Simon. And Ms. Coney, we're not going to act on this today, but we will take for consideration your information and we appreciate your presentation, but we will not act on it today.

Ms. Coney – Thank you for your time.

Chair Peeples – Thank you. Ms. Simon?

Ms. Simon – Are there any other public comments during this part of the meeting. Hearing none. Madam Chair?

Mr. Ron Nigam – Excuse me. Hello?

Chair Peeples – Who is speaking, please?

Mr. Nigam – This is Ron Nigam with Cannaberraz, and I did have a comment to make.

Ms. Simon – If I may? I'm sorry to interrupt, but if this is about the matter that was on the agenda that was already moved upon that a decision has already been made, it would not be appropriate for public comment.

Nigam – Ok. All right.

Chair Peeples – Thank you, sir.

AA. Upcoming Meeting(s)
(1) April 4th (Tallahassee)

- (2) *May 4th (Videoconference)*
- (3) *June 29th (Videoconference)*

Chair Peeples – Ms. Schwantes mentioned we have April 4th in Tallahassee, May 4th videoconference, and June 29th videoconference.

BB. Adjournment

Chair Peeples – Thank you Board members. Thank you for those that support us for being a part today. It is 12:44 and we'll adjourn. Thank you for your time.

The meeting was adjourned at 12:44.