

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
JUNE 29, 2023 - 10:00 A.M.

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

Ms. Jill Peeples – Good morning. This is Jill Peeples, Chair of the Board of Funeral, Cemetery, and Consumer Services. It's 10:00 AM on Thursday, June 29, 2023. Thank you for everyone attending today. I would like to call this meeting to order and turn it over to Ms. Simon for preliminary remarks.

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 June 29, 2023, and it is approximately 10:00 AM. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by videoconference. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to interested persons. Both the link and call-in number 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 Y 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, Executive Director. She is monitoring the chat feature and, as necessary, will forward your inquiry to someone who can assist in resolution of the problem. At this point I will take the roll:

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

Janis Liotta
Jay Lyons
Darrin Williams

Also noted as present:

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

Ms. Simon – Madam Chair, we have a quorum for the business of the Board.

Chair Peeples – Thank you, Ms. Simon. May we go to agenda item B please?

Mr. Jody Brandenburg – Madam Chair?

Chair Peeples – Yes, sir. Mr. Brandenburg?

Mr. Brandenburg – I'd like to declare my affiliation with SCI Funeral Services of Florida LLC. 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. Ms. Simon?

B. Action on Minutes

(1) May 4, 2023

Ms. Simon – Is there anybody that would like to make a motion regarding the minutes?

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

C. Old Business

(1) Application(s) to Renew Internship

(a) Recommended for Approval without Conditions

1. Niles, Stephen T F481279

Ms. Simon – An application to renew the funeral director and embalmer concurrent internship license was received on February 28, 2023. The application was deemed completed when received. The applicant has previously been licensed as a funeral director and embalmer intern and 69K-18.002, Florida Administrative Code, only permits one (1) internship in a lifetime. The application to renew the funeral director and embalmer concurrent internship license went before the Board for consideration at the April 4, 2023, Board meeting and was tabled to allow the licensee to submit a petition for waiver of rule. The petition for waiver of rule was submitted and received on April 26, 2023, and published on May 4, 2023. The applicant has previously had an application to renew internship received on January 21, 2022, and approved at the March 3, 2022, Board meeting. The most current license expired on March 7, 2023. The Division recommends approval of this application.

Chair Peeples – Board members?

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

Ms. Rachelle Munson – This is Ms. Munson. I think there was a petition attached to it and I just wanted to clarify if this body was voting on both.

Ms. Simon – That is accurate, Madam Chair. There is a petition for waiver rule as well as an application to renew and it was expected that the Board would rule on both, and I apologize for not delineating that.

Ms. Munson – And if I may just clarify, because it is a petition, there will be an Order associated with it. I was wanting to clarify if we had any appearances regarding this particular matter.

Chair Peeples – Is there anyone representing Mr. Stephen Niles on the call today? Hearing none. Ms. Munson, would you prefer us to take a separate motion on the petition?

Ms. Munson – I absolutely would. Thank you.

Chair Peeples – Yes, ma'am. Thank you. We have had a motion for recommendation of approval without conditions to renew his internship. We need to take a motion on the second item. Board members?

MOTION: Mr. Brandenburg moved to approve the request for waiver. Mr. Andrew Clark seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Ms. Munson.

Ms. Munson – Thank you so much.

(2) Application(s) for Funeral Establishment

(a) Recommended for Approval with Conditions

1. Washington Memorial & More Funeral Service Industry LLC (Lake Butler)

a. Feb 2023 Board Packet - Washington Memorial & More Funeral Service Industry LLC (Lake Butler)

Ms. Simon – This item has been withdrawn from this Board meeting and will be expected to be raised at a later Board meeting.

D. Disciplinary Proceeding(s)

(1) Settlement Stipulations (Probable Cause Panel A – Ken Jones)

(a) Related Cases (ATN-40386)

1. SCI Funeral Services of Florida, LLC d/b/a Southeastern Crematory; DFS Case No. 305420-23-FC; Division No. ATN-40386 (F040267)

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

Mr. Jones – Madam Chair?

Chair Peeples – Mr. Jones?

Mr. Jones – Yes. I'd like to recuse myself for D (1) and (3), as I was on Probable Cause Panel A.

Chair Peeples – Thank you, Mr. Jones. We appreciate that. Mr. Griffin, did you have a question, sir? Are you ready to proceed?

Mr. Marshawn Griffin – Ready to proceed.

Chair Peeples – Thank you, sir.

Mr. Griffin – Marshawn Griffin for the Department. SCI Funeral Services of Florida, LLC, d/b/a Southeastern Crematory ("Respondent") is a cinerator facility, licensed under Chapter 497, Florida Statutes, license number F040267. The Department

conducted an investigation of Respondent and found that an employee of Respondent engaged in sexual conduct with human remains in Respondent's care and custody. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that the Respondent shall pay a fine of \$10,000 and have its license placed on probation for sixty (60) months. The Department requests that the Board accept this Settlement Stipulation.

Chair Peeples – Thank you. Mr. Griffin. Ms. Wiener, are you representing this entity?

Ms. Wendy Wiener – I am. Yes, ma'am.

Chair Peeples – Thank you, ma'am. Are you here for questions or would you like to address the Board?

Ms. Wiener – Just very briefly to address the Board, and I appreciate that opportunity. Thank you. This is a very serious matter, as you have seen in your Board packet. The company takes the matter extremely seriously and has proposed and has agreed with the Division to a significant amount of oversight during the probationary period, and the company has offered to stand behind all of those things that it has agreed to do. And I'm available to address any questions if there are any. Thank you.

Chair Peeples – Thank you, Ms. Wiener. Board members? Mr. Jensen?

Mr. Chris Jensen – Yes. Thank you, Ms. Peeples. I have a question for Mr. Griffin. I'm just curious how you came up with this settlement and exactly what are the stipulations of the probation.

Mr. Griffin – The stipulations of probation are contained within the pages of the Settlement Stipulation, which is on pages four (4) through seven (7) of the PDF that is in the Board packet. This case is a matter that the Chief Financial Officer takes very seriously. The allegations are very severe. I mean, arguably this is one of the worst things that can happen within and under the context of the practice of the death care industry. The Department felt that due to the gravity of these situations and gravity of these allegations that the penalty that was proposed as a settlement offer is more than appropriate.

Mr. Jensen – Follow up, Ms. Peeples?

Chair Peeples – Yes, sir, Mr. Jensen.

Mr. Jensen – Yes. I'm just a little nervous about this, a \$10,000 fine. I've seen \$10,000 fines on much less serious cases. Also, the fact that the entity had known about this beforehand, had been reported before and the employee in question was not removed or reassigned or something. So, I'm just wondering, did you take that into consideration?

Mr. Griffin – So in the approximately three (3) years that I spent handling cases in front of this Board, for the Board of Funeral, Cemetery, and Consumer Services, I can unequivocally say that no case has had more conversation and more deliberation about a proposed penalty than this case. I mean, the discussions, there were numerous, numerous discussions, all of these factors were taken into consideration when coming to this proposed resolution. The Department understands that this is a tough case in both the nature of the gravity of the violation and the gravity of the violations. But I want to assure you that all considerations were taken into play, that this was a thoroughly, thoroughly considered settlement offer.

Mr. Jensen – Okay. Thank you, Mr. Griffin.

Chair Peeples – Thank you, Mr. Jensen. Any other questions by Board members? Mr. Williams?

Mr. Williams – Yes, ma'am. Thank you, Madam Chair. To Mr. Griffin, I didn't see anywhere in the Settlement Stipulation a reference to the FDIC in reference to any penalty towards that person. Was there any consideration in that?

Mr. Griffin – There is a separate matter on the agenda for the then FDIC, Carly Schiro.

Mr. Williams – Got you. Thank you.

Chair Peeples – Board members. Any other discussion or any questions for Ms. Wiener? What's the pleasure of the Board, please?

MOTION: Mr. Jay Lyons moved to accept this Settlement Stipulation, which provides that the Respondent shall pay a fine of \$10,000 and have his license placed on probation for a period of sixty (60) months. Mr. Todd Ferreira seconded the motion, which passed with one (1) dissenting vote.

Ms. Wiener – Thank you, Board.

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

2. Schiro, Carly; DFS Case No. 306005-23-FC; Division No. ATN-40386 (F057653)

Mr. Griffin – I believe Ms. Schiro is represented by attorney Kim Skievaski.

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

Mr. Griffin – Marshawn Griffin for the Department. Carly Schiro (“Respondent”) is currently licensed as a funeral director and embalmer. Respondent is the former funeral director in charge (“FDIC”) of SCI Funeral Services of Florida, LLC, d/b/a Southeastern Crematory (“Southeastern Crematory”) a cinerator facility, licensed under Chapter 497, Florida Statutes, license number F040267. The Department conducted an investigation of Southeastern Crematory and found that an employee of Southeastern Crematory engaged in sexual conduct with human remains in Southeastern Crematory’s care and custody. Respondent, as FDIC of Southeastern Crematory, is subject to discipline based on Southeastern Crematory’s violation of Chapter 497, Florida Statutes. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that the Respondent shall pay a fine of \$5,000 and shall be prohibited from serving as an FDIC or Direct Disposer in Charge for any entity regulated pursuant to Chapter 497, Florida Statutes for a period of two (2) years. The Department requests that the Board accept this Settlement Stipulation.

Chair Peeples – Thank you, Mr. Griffin. Is Ms. Schiro or her counsel attending the meeting today? Hearing none. What is the Board’s pleasure?

Mr. Williams – Chair Peeples?

Chair Peeples – Mr. Williams?

Mr. Williams – Yes. Thank you, Madam Chair. So, Mr. Griffin, could you share the penalty guidelines in reference to this statute?

Mr. Griffin – So we have a two-count AC. Ms. Schiro does not have any prior discipline so a \$5,000 fine, I believe, each one (1) of those counts, at least 1B, for example, which is the most serious violation in each count, 1B carries with it a penalty guideline of reprimand, a fine of \$1,000 to \$2,500, I believe six (6) months to one-year probation, up to two-year suspension or permanent revocation. So, there's two (2) violations of that particular statute. So that's where the \$5,000 comes into play, and that is on the higher end of the discipline available on that. And then the Department decided that, or it was after due consideration, placing Ms. Schiro on probation was determined that the most appropriate sanction for her was to prohibit her from being in a position of leadership or authority in Chapter 497 regulated entities.

Mr. Williams – Madam Chair, may I have a follow up?

Chair Peeples – Yes, sir.

Mr. Williams – So I guess if I'm reading this correctly, SCI has already removed her as the FDIC, correct?

Mr. Griffin – They have, yes.

Mr. Williams – So there's necessarily not a penalty that we're providing because they have already done that. So, I'm just trying to –

Mr. Griffin – So the penalty is the \$5,000 fine and the prohibition against her acting as an FDIC. So, for the next two (2) years, if this Settlement Stipulation was approved, for the following two (2) years, she cannot serve as an FDIC of an establishment.

Mr. Williams – Is there an option for probation outside of not serving as a FDIC?

Mr. Griffin – So, basically at this time, because Ms. Schiro or her counsel aren't present, we'd have to consider that a counteroffer, and I would need to present that counteroffer to Ms. Schiro and to her attorney.

Mr. Williams – And I guess I'm just asking this question because if this is as grievous as we're talking about, I think this is like very low in, and some more conversation should be had.

Mr. Griffin – And if I can, to kind of go into a little bit of the facts of the case, and I think that if you've listened to the audio recordings, the situation is that Ms. Schiro was basically an FDIC in name. She was not like within the structure of that particular establishment, she was a supervisor in name only. There were people within the organization that were actually filling the capacity of the FDIC, which was the person on paper. In which I understand according to 497 that if you're the FDIC for an establishment, you're liable for all the violations. But I'll also point out some consideration was given to the fact that this individual was the individual that discovered the conduct that formed the basis for all of this, that formed the basis of this case. And you know, it was a very traumatic experience, and so the Department, you know, there's some consideration is being given to that.

Mr. Williams – Okay. Thank you.

Chair Peebles – Rabbi Lyons?

Rabbi Lyons – Yes, two (2) questions. One is that I think I just heard Mr. Griffin say that the prohibition is against serving as an FDIC for the next two (2) years, but the packet doesn't say that. The packet says that she's prohibited from serving as an FDIC, with no time limit on it.

Mr. Griffin – I believe if you look at page 4 of 175 of the PDF that contains the Settlement Stipulation, paragraph subsection C; Respondent shall not act as an FDIC or DDIC for any establishment or entity regulated under Chapter 497 Florida Statutes for two (2) years from the effective date of the Consent Order issued in this matter. I apologize for not adding that extra detail in the memorandum that preceded my presentation.

Chair Peebles – Rabbi Lyons?

Rabbi Lyons – I'm sorry. So, I'm on page 4. What item? Can you just call out the item number of the subsection?

Mr. Griffin – Page 4 of 175.

Rabbi Lyons – Right.

Mr. Griffin – And then if you go down to the subsection C as the condition of, it's paragraph 12, subsection C.

Rabbi Lyons – Two (2) years. Okay. All right. I missed that the first time. Thank you. Okay. Can I have another question, ma'am?

Chair Peebles – Yes, sir.

Rabbi Lyons – Okay. If I just understand this correctly, the second incident she reported immediately and took charge of immediately. It was the first incident that was overlooked. Is that correct?

Mr. Griffin – Yes. The first incident, and she had no personal involvement in the first incident.

Rabbi Lyons – Right. Okay. But she was the FDIC, so she's in charge of it.

Mr. Griffin – Yes.

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

Rabbi Lyons – Yes.

Chair Peeples – Thank you. Mr. Jensen?

Mr. Jensen – Yes. Quick question. Does anybody know if this young lady is still employed with the entity?

Ms. Wiener – She's not.

Mr. Jensen – Okay.

Ms. Wiener – {Inaudible}

Mr. Jensen – Just a follow up, Ms. Peeples?

Chair Peeples – Yes, sir. And was that Ms. Wiener that made that comment?

Ms. Wiener – Yes. Counsel for Southeastern Crematory. And she is no longer employed by the entity. She separated from her employment.

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

Mr. Jensen – Yes. I would propose since she doesn't have counsel and she's not here, I would agree with Mr. Williams that we should add some sort of probation along the same lines. So, I would propose adding two (2) years' probation to coincide with the two (2) years not being able to be an FDIC. I would make that motion to approve with also adding probation. Or we can't do that, we have to do a counteroffer?

Mr. Griffin – That's a counteroffer. It's a counteroffer to add a term of two (2) years' probation, which I can present to her attorney and see if they'd be amenable to that resolution.

Mr. Jensen – And Ms. Peeples, may I?

Chair Peeples – Yes, sir.

Mr. Jensen – Yes, I just sort of feel it's almost right because of the last case, these are kind of joined together and there was probation involved in that one. I think there should be some probation involved with this one as well. That's all. Thank you.

Chair Peeples – Ms. Simon?

Ms. Simon – Yes. Thank you, Madam Chair. I would just like to remind the Board members; whatever you do, you have many choices here. However, please keep in mind that if you counteroffer, that will not be taken up today, and there will be no final resolution of this matter today because as stated, neither the licensee nor her counsel is on the call today.

Ms. Munson – And if I may, Madam Chair?

Chair Peeples – Yes, Ms. Munson.

Ms. Munson – What actually will happen if this Board is not comfortable with the settlement as presented, the Order will be written to reject the settlement because you are technically as indicated presenting a counteroffer. So, an Order will be written stating that it is rejected, and then it would need to be re-presented to the Board in whatever substance that the Office of General Counsel and the parties so agree.

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

Rabbi Lyons – I think this is a question for Ms. Simon. If we were to accept the offer as is right now, that there's a monetary fine and a prohibition against serving as FDIC, in the future, in any application, if she's asked that there is any adverse licensing history, would she have to disclose this? Is this adverse licensing history?

Mr. Griffin – Yes. It's a Consent Order. This is discipline.

Rabbi Lyons – Because we're going against our license because we're limiting it to not serve an FDIC?

Mr. Griffin – And well also we're you're imposing a \$5,000 fine. So, I mean, that is adverse –

Rabbi Lyons – Adverse licensing history. Okay.

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

Rabbi Lyons – Yes. Thank you.

Chair Peeples – Thank you. Mr. Jensen?

Mr. Jensen – Yes. Thank you, Ms. Peeples. Just to the sheer seriousness of this offense and no one's here to represent, I would like to propose a motion to reject this offer.

Ms. Clay – Madam Chair, I second.

Chair Peeples – We have a motion by Mr. Jensen to reject the Settlement Stipulation offer and a second by Ms. Clay. Is there any discussion on the motion? Rabbi Lyons?

Rabbi Lyons – Okay. Just so I understand. Mr. Jensen, your strategy is to reject it in order to bring the licensee back or a counteroffer that would include probation on a license?

Mr. Jensen – Yes, sir. That is my intention. I think some probation ought to be associated with this, and Mr. Griffin said and also Ms. Munson stated the only way we could do that is just reject it totally and go back with a counteroffer.

Rabbi Lyons – Thank you.

Chair Peeples – You are welcome. Any further discussion on the motion? Hearing none. Ms. Simon, would you take a roll call vote on this item, please?

Ms. Simon – Yes, Madam Chair. For those that agree with the motion to reject the Settlement Stipulation, please respond yay. Those that do not, respond nay. Mr. Clark?

Mr. Clark – Yes.

Ms. Simon – Mr. Brandenburg?

Mr. Brandenburg – Ms. Simon, would you repeat that?

Ms. Simon – Yes. Those that agree with the motion, please respond by saying yay. Those that do not, please respond by saying nay.

Chair Peeples – And Mr. Brandenburg, this is a motion to reject the Settlement Stipulation offer.

Mr. Brandenburg – I disagree with that motion.

Ms. Simon – Okay. Thank you, sir. Ms. Clay?

Ms. Clay – Yay.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Yes.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yes.

Ms. Simon – Mr. Jones?

Chair Peeples – He's recused.

Ms. Simon – Oh, thank you. Ms. Liotta?

Ms. Liotta – Nay.

Ms. Simon – Rabbi Lyons?

Rabbi Lyons – Yes.

Ms. Simon – Mr. Williams?

Mr. Williams – Yes.

Ms. Simon – Madam Chair?

Chair Peeples – Yes.

Ms. Simon – And that motion passes, Madam Chair.

Chair Peeples – Thank you. Ms. Munson, do you have any follow up items that we need to complete on this or Mr. Griffin?

Ms. Munson – No, ma'am. I do not.

Mr. Griffin – No, ma'am.

Chair Peeples – Thank you.

Ms. Simon – If I may?

Chair Peeples – Yes, ma'am.

Ms. Simon – I think it may be appropriate for the Board to, and Ms. Munson could let me know, for the Board to extend a counter to inform Ms. Schiro. Ms. Munson?

Ms. Munson – So yes, the Order is only going to show that it's rejected, but the Board does have discretion if it wants to suggest certain terms that it would like to see included so that Mr. Griffin may present them accordingly. And he may have already determined that adding of the probation would be the term. But for the record, it can be clarified. It's going to be written what the parties choose to agree on.

Chair Peeples – Mr. Griffin, do you wish us to go forward with the suggested items for the new offer?

Mr. Griffin – Yes, if you would. Obviously, you guys can't pre-decide a case, but if there's any sort of inclination of an expected settlement agreement that, you know, were this case to be before you, that would be palatable. That would definitely help in being able to communicate with counsel.

Chair Peeples – Thank you, Mr. Griffin. Mr. Jensen, since you made the motion for rejection, would you like to add additional items?

Mr. Jensen – Yes, ma'am.

Chair Peeples – What would be the offer, sir?

Mr. Jensen – Yes, ma'am. What I am thinking, add two (2) years of probation to coincide with the two (2) years of not being allowed to be an FDIC added to it. Thank you, Ms. Peeples.

Chair Peeples – Is that a motion Mr. Jensen?

Mr. Jensen – Yes, ma'am. We can consider that a motion.

Chair Peeples – Thank you. Board members?

Mr. Ferreira – I second.

Chair Peeples – Is that Mr. Ferreira?

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Thank you. We have a motion by Mr. Jensen from the previous Settlement Stipulation items that were included to also include two (2) years' probation. Is that correct Mr. Jensen?

Mr. Jensen – Yes, ma'am.

Chair Peeples – And Mr. Ferreira has seconded. Is there any discussion on the motion? Hearing none. All in favor of this motion say yes.

Board members – Yes.

Chair Peeples – All opposed, say no. Motion carries.

Mr. Brandenburg – No.

Chair Peeples – Who is the no? Mr. Brandenburg? Please let the record reflect that we had all said yes except Mr. Brandenburg. Thank you. Ms. Simon or Mr. Griffin or Ms. Marshall?

Ms. Simon – Yes, ma'am.

(b) Related Cases (ATN-38027)

- 1. Willdoris & Associates, Inc. d/b/a Cycadia Mausoleum and Monument Company: DFS Case Nos. 290748-22-FC and 300629-22-FC; Division Nos. ATN-38027 and ATN-39301 (F037722)*

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

Mr. Kevin Cantrell – Yes, that's me, Kevin Cantrell.

Ms. Simon – Thank you, sir. Ms. Marshall for the Department.

Ms. Kimberly Marshall – Thank You, Ms. Simon. Willdoris & Associates, Inc., d/b/a Cycadia Mausoleum and Monument Company (“Respondent”) is a monument establishment retailer, licensed under Chapter 497, Florida Statutes, license number F037722. The Department conducted an investigation of Respondent and found that Respondent operated as a monument establishment retailer during a period of time when its license was expired. Additionally, Respondent failed to report a change in location to the Board when it established a second location and commenced operations prior to undergoing an inspection. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that the Respondent shall pay a fine of \$1,500, 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 in resolution of this matter, and I'm available to answer any questions. Thank you.

Chair Peebles – Thank you, Ms. Marshall. Mr. Cantrell, we have you on the call today. If you would like to address the Board, we would need to swear you in. Sir, would you like to address us?

Mr. Cantrell – Yes.

Chair Peebles – Ms. Simon, if you will swear Mr. Cantrell in.

Ms. Simon – Mr. Cantrell, 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. Cantrell – Yes.

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

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

Chair Peebles – Thank you. Mr. Cantrell. Would you address the Board, sir?

Mr. Cantrell – Yes. Well, first off, I would like to thank you for the brief time to speak about the first matter here. We were very, very busy in our business and something probably got lost in the mail. Okay? Like, everybody is busy. Something got lost in the mail and we didn't receive something to tell us to pay. We had licensed one (1) of my sons in sales a few months before that and my wife just missed it. She is our bookkeeper. We apologize. We didn't mean to do anything like that with not having a current license. I have been purchasing licenses since we were required to do that. I think I bought seven (7) of them every two years so far, and probably eight (8) counting this last one. But anyway, we didn't intend to do that, and I just wanted to make that clear. That wasn't anything intentional in our company. Nothing has changed in our company except we've gotten really busy, and we didn't get a bill from anybody. And of course, we know you don't send out a bill apparently. So, we are going to be, of course, looking for it. My wife is on high alert about licenses and fees and things like that at this time. And I'm sure that's never going to happen again. But what I meant to say is we did wrong. I mean, we were wrong to have missed it. As far as the other location, it was a storage lot. It's in the same city, same town. I didn't realize you had to have a second license for it. It's the same name, same everything. So, but anyway, we were wrong there. We found out we were. There's no denying we were wrong, so that's why we want to settle. There's no denying that.

Chair Peebles – Thank you, Mr. Cantrell. Board members?

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

2. Cantrell, Kevin Dale: DFS Case No.: 290752-22-FC; Division No. ATN-38027 (F031765)

Ms. Simon – Ms. Marshall?

Ms. Marshall – Thank You, Ms. Simon. Kevin Dale Cantrell (“Respondent”) is a monument establishment sales agent, licensed under Chapter 497, Florida Statutes, license number F031765. The Department conducted an investigation of Respondent and found that Respondent violated the rules of the Board by failing to abide by a cemetery’s bylaws regarding business hours. Additionally, Respondent operated as a monument establishment sales agent during a period of time when his license was expired. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that the Respondent shall pay a fine of \$1,500, and Respondent’s license shall be placed on probation for a period of twelve (12) months. The Department requests that the Board accept the Settlement Stipulation in resolution of this matter, and I’m available to answer any questions. Thank you.

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

Mr. Brandenburg – I’ll move to accept the Settlement Stipulation.

Mr. Cantrell – Timeout. This is Kevin Cantrell again. I’m sorry to interrupt. C-A-N-T-R-E-L-L.

Chair Peeples – Yes, sir, Mr. Cantrell?

Mr. Cantrell – Yes. On this last piece that you put there, the settlement for the license selling for six (6) weeks without a license, let me go back into that for just a second. The very day that we found out that there was no license, my wife went online and renewed it, and it renewed us, and it charged us a fine, it charged us some kind of a small fine for doing that. So, we renewed it right away. The minute that we found out about it online, that very -- I think we did it like 11:00 at night. This whole thing about Memorial Park of St. Petersburg and working in the cemetery afterhours, the situation that was referred to in these papers is absolutely untrue. We wanted that to be on the record that we do not agree with that at all, but we would just like to settle because it’s coupled with the thing that I’ve already told you that we didn’t have a license. So, we can’t deny that. And that’s fineable apparently. But the thing about working in the cemetery after the hours, that’s unproven and there was no fact. We actually do have material fact that disputes that, that’s actual evidence. But we didn’t want to go there with this because of it’s coupled with the other piece. And the Department didn’t want to separate the two (2) cases because we would’ve fought the other one. And we have the evidence to do that. And the family in North Carolina would also be on call if they needed to be. But that’s all I wanted to put out there. Ms. Marshall mentioned something about the cemetery thing afterhours. And it’s not like that. As a matter of fact, the whole case referred to something about refinishing. We don’t refinish a bronze memorial in the cemetery. They’re picked up and carried away and they’re done in a shop and then brought back. It’s not like we’re in a cemetery refinishing memorials in the middle of the night if that’s what somebody thinks. But anyway, it doesn’t happen that way. We do not do that. But anyway, so we agreed to a settlement. But I want the record to show that the thing about Memorial Park of St. Petersburg, some of that complaint to begin with was way off the wall and mostly unfounded. For some reason they sent us back to that one. It’s retaliatory, of course, from years past, but they sent the one case, what they’re saying that we were in there after hours. That’s something that they said we did, we said we didn’t. Next thing I know I’m getting this thing in the mail for this. So, nobody got into a bunch of, you know, proof that [brief laughter] -- anyway, but that’s what I wanted to put on the record, if it can be. And I think you all agreed to that. Is that correct?

Chair Peeples – Thank you, Mr. Cantrell. Do you have any further items you would like to address to the Board?

Mr. Cantrell – No, ma’am. That was just it. I wanted the Board, your Board, the people that serve there on the Board to know that we’d like to settle it, but we do not agree with the Memorial Park case at all.

Chair Peeples – Okay.

Mr. Cantrell – And I have evidence against it, but I'd rather just go ahead and -- you know, it's a lot of money, but we'll do it.

Chair Peeples – Mr. Cantrell, if you are disputing material facts, this case can go to DOAH. And Ms. Marshall, if you would like to expound.

Ms. Marshall – Yes.

Mr. Cantrell – I've had that option. I've had that option given to me, if I might respond to that one, and we don't want to do that this time. My mom just passed away and we're just busy and there's a lot of things going on. I don't want to get into any of that. We'd just rather just go ahead this way. I don't see where I should be on probation for not renewing a license, because it's certainly, it's something that people do. And we admit that we do that. Since we're asked to buy a license, we do. I wish I'd have gotten a bill; we wouldn't be sitting here today with this.

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

Ms. Marshall – Thank you, Madam Chair. To address a couple of the points that Mr. Cantrell made. As far as the allegations and whether or not he supports them, at this juncture it's immaterial. In this Settlement Stipulation on paragraph 4 which is on page 3 of your materials for this case, it explicitly states that the Respondent is denying the allegations that are against him in this case, that we are entering into this stipulation simply for the purposes of avoiding litigation in an interest of resolving this matter expediently. The other thing that he mentioned regarding having to pay a fine for renewing a license late. That is an administrative fine that is simply associated with anybody who renews a license late. This is different because it is discipline for practicing on that expired license. So that would be the distinction there.

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

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

Chair Peeples – Thank you, Mr. Cantrell.

Mr. Cantrell – Thank you. Please contact us about how to pay you.

Chair Peeples – The Board team will be in touch with you, Mr. Cantrell. Thank you for attending today. Ms. Simon?

(2) Settlement Stipulations (No Probable Cause Panel Member Recusal Needed)

(a) Related Cases (ATN-37872)

- 1. Foundation Partners of Florida LLC d/b/a A Life Tribute Funeral Care: DFS Case No. 291156-22-FC; Division No. ATN-37872 (F201713)***

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

Ms. Wiener – Yes, Wendy Wiener.

Ms. Simon – Thank you. Ms. Marshall?

Ms. Marshall – Thank You, Ms. Simon. Foundation Partners of Florida LLC, d/b/a A Life Tribute Funeral Care (“Respondent”) is a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F201713. The Department conducted an investigation of Respondent and found as follows: Respondent issued preneed contracts to consumers which were not sequentially numbered. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that the Respondent shall pay a fine of \$500, and Respondent’s license shall be placed on probation for a period of six (6) months. The Department requests that the Board accept this Settlement Stipulation in resolution of this matter, and I'm available to answer any questions. Thank you.

Mr. Clark – Madam Chair?

Chair Peeples – Yes, sir. Mr. Clark.

Mr. Clark – I just want to state for the record my affiliation with Foundation Partners Group of Florida and that affiliation will not prevent me from rendering a fair and impartial decision on this matter or any matter throughout the day.

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

MOTION: Mr. Brandenburg moved to accept this Settlement Stipulation, which provides that the Respondent shall pay a fine of \$500 and have his license placed on probation for a period of six (6) months. Mr. Jones seconded the motion.

Chair Peeples – Is there any discussion or any questions for Board counsel representing this entity? Mr. Williams?

Mr. Williams – Yes, ma'am. Ms. Marshall, has there been any other violations for this firm in the past in reference to situations around this violation?

Ms. Marshall – One moment. I can check. No, I do not see any.

Mr. Williams – Thank you.

Chair Peeples – Thank you, Mr. Williams. Any further discussion or questions? Hearing none. All in favor of the motion say yes.

Board members – Yes.

Chair Peeples – All opposed say no. Motion carries.

2. Shorter, Michael Derrall Jr.: DFS Case No. 292655-22-FC; Division No. ATN-37872 (F063226)

Ms. Simon – Representing this licensee is Wendy Weiner.

Chair Peeples – Ms. Wiener?

Ms. Wiener – Yes?

Chair Peeples – Do you have any comments for the Board?

Ms. Wiener – No, this is the companion case to the other case, which is really just a computer glitch. The contracts were not printing out with sequential prenumbers on them. And so, this is the discipline associated with that.

Ms. Simon – Thank you, Ms. Wiener. Presenting for the Department is Ms. Marshall.

Ms. Marshall – Thank You, Ms. Simon. Michael Derrall Shorter, Jr. (“Respondent”) is a funeral director and embalmer licensed under Chapter 497 and holding license number F063226. At all times material to this case, Respondent was the funeral director in charge of Foundation Partners of Florida LLC, d/b/a A Life Tribute Funeral Care (“A Life Tribute”), a funeral establishment holding license number F201713 and doing business in Largo, Florida. The Department conducted an investigation of A Life Tribute and found that the establishment issued preneed contracts to consumers which were not sequentially numbered. As the funeral director in charge of A Life Tribute, Respondent is 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 \$500, and Respondent’s license shall be placed on probation for a period of six (6) months. The Department requests that the Board accept this Settlement Stipulation in resolution of this matter, and I’m available to answer any questions. Thank you.

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

Mr. Brandenburg – I move to accept the proposed Settlement Stipulation minus the probation period of six (6) months.

Rabbi Lyons – Second, Lyons.

Chair Peeples – We have a motion to accept the Settlement Stipulation and remove the six (6) months' probation. Ms. Marshall?

Ms. Marshall – I'm sorry. If the Board is looking to modify the terms of the Settlement Stipulation, technically it would have to be a rejection and a counteroffer.

Chair Peeples – Mr. Brandenburg?

MOTION: Mr. Brandenburg moved to reject this Settlement Stipulation and proposed a counteroffer that Respondent shall pay a fine of \$500.

Chair Peeples – Rabbi Lyons?

Rabbi Lyons – If we're modifying it in the favor of the Respondent, do we really need to go through this or can we just approve it the way that Mr. Brandenburg said?

Ms. Munson – You have to go through it.

Ms. Clay – Madam Chair?

Chair Peeples – Yes, Ms. Clay.

Ms. Clay – Mr. Brandenburg, will you please share with us your thoughts regarding the removal of the probation?

Mr. Brandenburg – Yes. My thought is it was a technical glitch in the sequential numbering of the contract and that the Respondent didn't have anything to do with that. It was certainly beyond his control that a numbers glitch happened and that the fine of \$500 is certainly in line but not placed on probation for six (6) months for a glitch that certainly wasn't the Funeral Director in Charge's responsibility.

Chair Peeples – Thank you, Mr. Brandenburg. Ms. Clay, did that complete your question?

Ms. Clay – I'm not sure, but you can go ahead and move on.

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

Mr. Williams – Just a point of clarity to Ms. Marshall. I heard Ms. Wiener state there was a clerical glitch, but in the investigation report, I don't see that. I see that it was something else. So, can you share or provide some medium in terms of which one it is?

Ms. Marshall – The information in the investigative report, I think speaks for itself. The Department is, I guess in this case, agnostic as to exactly the means by which the sequential numbering was left off of these contracts. Ms. Wiener perhaps would be in a better position to speak to exactly behind the scenes what happened since it is her client.

Ms. Wiener – I can.

Chair Peeples – Ms. Wiener?

Ms. Wiener – Thank you. The contracts at issue were themselves, when the paper versions were created, sequentially pre-numbered. Unbeknownst to the licensee, and these were insurance funded preneed contracts, when they were completed and printed off from the system, once they were funded by the insurance policies, when they printed off from the system, a

sequential pre-numbering did not come with them. That matter has been resolved now. It was a technical issue associated with them. The funeral director in charge, to Mr. Brandenburg's point, did not realize that these contracts were not sequentially pre-numbered until it came to our attention and now it's been resolved.

Mr. Williams – A follow up, Madam Chair?

Chair Peeples – Mr. Williams?

Mr. Williams – So I thank you for that, Ms. Wiener. I guess I'm just having, from the heartburn in reference to removing the fine. If the FDIC is in charge, and if we have this premise of ensuring that the FDIC is in charge of anything that takes place at the firm to kind of keep that penalty. I just want to make sure.

Ms. Wiener – Mr. Brandenburg didn't propose to remove the fine. He proposed to remove just the probationary term.

Mr. Williams – The probation? Okay. I'm sorry.

Ms. Wiener – And we would agree to that.

Mr. Williams – Okay.

Chair Peeples – And Mr. Williams, I was trying to get your attention to reply, as Ms. Wiener did, that Mr. Brandenburg is just asking for the probation time to be removed, not the fine.

Mr. Williams – Okay. Okay. So, is that a motion on the floor still, Madam Chair?

Chair Peeples – Well, we have a motion by Mr. Brandenburg and a second by Rabbi Lyons to reject the Settlement Stipulation offer and to counter with the fine but delete the probation time. That is the motion that we have, that we have not voted on.

Mr. Williams – So, Madam Chair –

Ms. Clay – I believe it was raised by Mr. Brandenburg.

Mr. Williams – Will we first need to just reject the settlement and then ask for a second motion to counteroffer it? Should it be in the same motion?

Chair Peeples – Ms. Munson?

Ms. Munson – Technically they should be separate.

Chair Peeples – Thank you, Ms. Munson.

Ms. Clay – Madam Chair, I believe we have a motion on the floor with both of those. And I also believe we lost Mr. Brandenburg.

Mr. Brandenburg – I'm here.

Chair Peeples – Ms. Clay, we only have a motion by Mr. Brandenburg. He suggested that we reject it and remove the probation. He included it in one from that item. So, we would need to go back to Mr. Brandenburg and ask him if he wanted to redefine his motion and then we would go with the second one. Mr. Brandenburg, did you receive that information, sir?

Mr. Brandenburg – Yes.

Chair Peeples – Thank you.

Mr. Brandenburg – Motion to reject the Settlement Stipulation.

Chair Peeples – Thank you. And Rabbi Lyons, do you concur with the second? Rabbi Lyons, we have you on mute, sir.

Rabbi Lyons – I apologize for that. Yes. Second.

Chair Peeples – Okay. We have a motion and a second. Is there any further discussion to reject the Settlement Stipulation offer? If you agree with rejecting the Settlement Stipulation offer, all in favor say yes.

Board members – Yes.

Chair Peeples – All opposed say no.

Mr. Williams – I say no.

Chair Peeples – I say no. Mr. Williams, you say no?

Mr. Williams – Yes. I say no.

Chair Peeples – Thank you. So, we have two (2) Nos, but the motion carries. Mr. Brandenburg, would you like to make a countermotion?

Mr. Brandenburg – Yes. That all the terms of the Settlement Stipulation be accepted with the exception of the Respondent's license being placed on probation for six (6) months.

Rabbi Lyons – Second, Lyons.

Chair Peeples – We have a motion by Mr. Brandenburg for the counter stipulation offer of the fine only. If you are in favor of this motion, say yes.

Board members – Yes.

Chair Peeples – If you're opposed, say no.

Mr. Williams – No.

Ms. Clay – No.

Chair Peeples – No. We have a no by Mr. Williams, by Ms. Clay, by Ms. Peeples. Are there any other Nos'? Motion carries. Thank you, Ms. Wiener.

Ms. Simon – If I may continue.

Chair Peeples – Yes, Ms. Simon.

(3) Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel A – Ken Jones)

(a) Bonar, Brian James: DFS Case No. 293064-22-FC; Division No. ATN-37322 (F042932)

Ms. Simon – Is Mr. Bonar, or a representative on the call? Hearing no response. Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact

(Motion) in the matter of Brian James Bonar (Respondent). Respondent was the funeral director in charge (FDIC) of Stonemor Florida Subsidiary, LLC, d/b/a Forrest Hills – Palm City Chapel (“Palm City Chapel”), a funeral establishment and apprentice/intern training agency. The Division alleges Palm City Chapel permitted an unlicensed individual to engage in preneed sales. The Motion demonstrates Respondent has alleged that there are no material facts in dispute and for this matter to proceed as an informal hearing before the Board, and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Chair Peeples – Thank you, Mr. Griffin. Is there a motion?

MOTION: Mr. Jensen moved that Respondent was properly served with the Administrative Complaint and has timely submitted a request for an informal hearing. Mr. Clark seconded the motion, which passed unanimously.

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

Rabbi Lyons – Ma'am?

Chair Peeples – Yes, sir. Rabbi Lyons?

Rabbi Lyons – We received an email with the settlement that claimed that he wasn't the one in charge at the time, he wasn't manager at the time. Is that material to this stuff or is that later on?

Chair Peeples – Mr. Griffin, would you like to respond to Rabbi Lyons?

Mr. Griffin – Well, he elected an informal hearing. I mean, in as much as in his email he's alleging that he was not the FDIC at the time of these allegations, and that would create a disputed issue of material fact, and then this matter would not be able to be resolved here and would have to go to DOAH.

Chair Peeples – Rabbi Lyons, does that complete your question?

Rabbi Lyons – Yes.

Chair Peeples – Thank you. Any further discussion?

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

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

Chair Peeples – Is there a motion?

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

Mr. Griffin – The Department also offers into evidence the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. As to penalty, the Department recommends that the Board impose an \$11,000 fine and places the Respondent's license on two (2) years of probation. The rationale behind this is as follows. Each one of these counts carries with it a minimum fine of \$1,000 fine. There are eleven (11) counts which means \$11,000. And that is as written in Rule 69K-30.001, Florida Statutes.

MOTION: Mr. Jensen moved that the Respondent shall pay a \$11,000 fine and place Respondent's license on probation for two (2) years. Ms. Clay seconded the motion, which passed unanimously.

(b) Related Cases (ATN-38690)

1. Florida Finest Family Cremations, LLC d/b/a Florida Family Cremation; DFS Case No. 296783-22-FC; Division No. ATN-38690 (F414705)

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

Ms. Wiener – There is. Wendy Wiener.

Ms. Simon – Thank you, Ms. Wiener. Mr. Griffin for the Department.

Mr. Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Florida Finest Family Cremations, LLC, d/b/a Florida Family Cremation (Respondent). The Division alleges Respondent engaged in the following:

- Respondent entered into a contract which misrepresented the true nature of the contract.
- Respondent failed to trust preneed monies.
- Respondent entered into a preneed contract without the benefit of licensure.

The Motion demonstrates Respondent has alleged that there are no material facts in dispute and for this matter to proceed as an informal hearing before the Board and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Chair Peeples – Thank you, Mr. Griffin. Ms. Wiener, would you like to address the Board or to answer question?

Ms. Wiener – I think at this juncture, as Mr. Griffin suggested, well, I don't know. Marshawn, do you need them to –

Mr. Griffin – If you're going to argue the facts of the case or arguing for in terms of mitigation, I think we need to get to the actual informal part. So, I think that first they need to find that there is no disputed issue in material facts and that we're agree to proceed to the informal.

Ms. Wiener – Correct. So, we don't dispute the facts of this matter.

Chair Peeples – Thank you, Ms. Wiener. Board members, is there a motion for determination of waiver and final order?

MOTION: Mr. Jensen moved that Respondent was properly served with the Administrative Complaint and has timely submitted a request for an informal hearing. Ms. Clay seconded the motion, which passed unanimously.

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

Chair Peeples – Do we have a motion to accept findings of fact?

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

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

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

Ms. Wiener – I believe this is when I can speak to this matter. I believe that in this case, the Board should not find this Respondent in violation of any statute and should in fact dismiss this case because of prior action taken in November of 2021. During your Board meeting then, this very matter came before the Board and the Respondent and the following Respondent, Mr. Menneke, who is the FDIC for this licensee, paid a substantial fine and was placed on a long probationary term with regard to a matter, this exact matter, where a particular guardian was engaged with his funeral establishment and would not sign preneed contracts that were to be submitted to the court system for approval in the guardianship approval process. In that case, in that stipulation, the Board and the Respondent, according to the terms of that stipulation, intended to resolve all issues pertaining to investigation numbers 35668 and 36303. The investigation in 36303 and the companion investigation was not regarding specific contracts per se. It was regarding, as the investigation speaks, and this was on page 38 of 185 of the Board packets. Mr. Nassiri, who was the Pinellas County investigator that was the complainant in the case, was investigating the financial transactions of a court appointed guardian, Traci Hudson, specifically funeral arrangements entered into with Florida Finest Family Cremations. There was no representation during that case that those were the only contracts that were entered into. As it turns out now, we learn there was another contract that had been entered into with that woman who was trying to get these guardianship documents approved, but just simply would not agree to the appropriate situation, the appropriate documentation. So, we believe that this is just a follow-up companion case to that other case, which pursuant to this Board's own stipulation, all issues regarding those investigations, which would include this contract because this contract predates all of that, it was all part of the same situation. The Board, as it stated in that stipulation back in November of '21, intended to resolve all issues related to those investigations, and it did. Huge, huge penalties were paid by Florida Finest Family Cremations and Mr. Menneke. And so, we believe that this case should be dismissed.

Mr. Griffin – Madam Chair. May I respond?

Chair Peeples – Yes, sir. Mr. Griffin.

Mr. Griffin – Okay. So, let's start off with the first thing. All of our Settlement Stipulations contain the following verbiage. Respondent fully understands that this stipulation and resulting consent order will in no way preclude additional proceedings by the Department against Respondent for acts or admissions not specifically found in the investigation. These contracts were not a part of that investigation, hence why they have different investigation numbers. We'll refer to the ATN number that's contained on the form. Furthermore, any reference to the fact that the consumer refused to do the right thing and that that somehow obviates or absolves Mr. Menneke or Florida Finest of any responsibility is ridiculous. When you become a licensee, you agree to follow the laws. It's similar to as an attorney. If my client wants me to break the law, I don't just get to do it because he is my client. I have an ethical obligation as an attorney, just the same as our 497 licensees, they have an obligation to follow Chapter 497. So, we would argue that number one, that this is completely different from the prior case. It's a similar nature of allegations, but this is a different violation. This would be akin to me robbing three (3) banks on Monday, getting prosecuted for two (2) of those banks, and then the state attorney coming back and saying, "Well, we're going to prosecute you for the third bank." And I say, "No, you can't do that because you already prosecuted me for robbing bank A and B." That's not how this works. This is a completely different violation. It may be a similar type of violation but is a completely different investigation. And if we had had these contracts as part of that other investigation, then you would've seen them as part of that packet to the Board. So, we would argue that there is a violation in this matter, and Ms. Wiener's arguments may go to the nature of the level of penalty that this Board would want to consider, but it does not change the fact that the Respondent, without a preneed license, entered into a contract that purported to be an at-need contract and did not trust those monies that were part of the contract.

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

Ms. Wiener – The Respondent did have a preneed license and it wanted to write the contract on the preneed contract itself, a Type 18 written under FSI, but the guardian would not agree. Mr. Griffin's logic does not hold in this case because the stipulation indicated specifically, and this was all part of the same thing. Now remember, we're talking about four (4) contracts total. There were three (3) or maybe four (4), maybe five (5) contracts total, three (3) or four (4) that were covered in the prior November 2021 matter. This is a case about one (1) additional contract. But the key language is that the investigation, was a specific ATN number, but it did not say in the stipulation or in the notice of investigation that the investigation was only into these contracts. The investigation, the prior investigation, which was settled in November of '21, was regarding financial transactions of a court appointed guardian. Specifically, funeral arrangements entered into with Florida Finest Family Cremations. So, when the Board, in 2021, adopted a stipulation, which said broadly it intends to resolve all issues pertaining to

investigation. Investigation was into funeral arrangements with guardian entered into by Florida Finest Family Cremations. I believe that in fairness, the licensee had the right to rely on the fact that all of the matters associated with that guardian and her failure, her reluctance, her refusal to enter into the right kind of contract, that they had the right to rely on that, and this case never should have been brought in the first place. I agree with Mr. Griffin. There was this numbered contract. This specific single contract was not identified in the Administrative Complaint, but the stipulation didn't say Respondent and Department intend to resolve issues related to these three (3) or four (4) contracts. It said the Department and the Respondent intend to resolve all issues related to the investigation. And this was an issue related to that investigation. This was the only issue related to that investigation. In November of 2021, Mr. Menneke independently as funeral director in charge and the licensee were each fined \$7,500. I believe they paid sufficient penalties for four (4) contracts entered into with a woman who simply wouldn't sign these preneed contracts and was urging that this was what she needed. She needed an at-need form to take to the court for approval.

Mr. Griffin – If I can go back, the Settlement Stipulation very clearly states that the Respondent is on the hook for acts and omissions not found in the investigation. This contract was not a part of the prior investigation. And if you'd like, you can pull up the Board packet. The second thing is, is in as much as Respondent keeps trying to point to this is the guardian that is the violation, we don't regulate guardians. We regulate people who are licensed under Chapter 497. Mr. Menneke, if he wanted to abide by Chapter 497, needed to take the high road and say, I cannot do this, regardless of what is convenient for you.

Ms. Wiener – And as soon as that came to his attention, that is exactly what he did.

Chair Peeples – Thank you, Mr. Griffin. Thank you, Ms. Wiener. For the record, I would like to, as a licensee, state that our purpose is to protect the consumer. I'd just like to have that on the record, please. Board members, we are at the aspect of a violation of Chapter 497. Is that correct, Mr. Griffin?

Mr. Griffin – Yes, ma'am.

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

Ms. Clay – Madam Chair, can we have Mr. Griffin to read the last part of what he was asking the Board to do?

Chair Peeples – Yes, Ms. Clay. Mr. Griffin?

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

Chair Peeples – Ms. Clay, did that complete your question?

Ms. Clay – It did.

Chair Peeples – Thank you, Ms. Clay.

MOTION: Ms. Clay moved to find the Respondent in violation of the statutes as charged in the Administrative Complaint. Mr. Williams seconded the motion.

Mr. Clark – Madam Chair?

Chair Peeples – Yes, sir.

Mr. Clark – I just wanted to confirm with Ms. Wiener. In our Board packet, because I know you just responded to Mr. Griffin with, as soon as he was made aware, that's exactly what he did. Is that in reference to page 54 of the Board packet? He clearly states he sent an email to her, and he stated that she had two (2) options, sign the contract or receive a refund. And then he provided a refund. Is that correct?

Ms. Wiener – He did. Yes, sir. Mr. Clark, he did provide a refund.

Mr. Clark – Okay.

Chair Peeples – Thank you. Ms. Wiener?

Ms. Wiener – So, he did provide that refund. I want to make sure that because the Board doesn't have the benefit of the Board packet from the prior Board meeting, it wasn't included within this packet, I want to make sure that one word gets some due attention. Mr. Griffin has given a lot of information about the fact that the stipulation says things that are omitted from the investigation –

Mr. Griffin – Acts or omissions not found in the investigation. That's what it says. Acts or omissions not found in this investigation.

Ms. Wiener – I understand that. However, the stipulation entered into in 2021 used this language; the Respondent and the Department intend to resolve all issues pertaining to those investigations. If this was not an issue pertaining to financial transactions of the court appointed guardian, specifically funeral arrangements with Florida Family Finest Cremations, I don't know what would be. This was what the investigation was about. Just because this contract was not known –

Mr. Griffin – It wasn't found in the investigation is the problem. You're proving the point of paragraph 13. If we didn't know about it in the investigation, you signed a stipulation that says we can still take action for you for that. And if need be, we can table this matter until the August Board meeting where we can present the Settlement Stipulation that was from November of 2021, which I'll point to, by the way, that email correspondence is from December 2021, which was after he entered into the stipulation for the first set of violations. [Inaudible] point as to whether or not what the prior stipulation said, then I would suggest we table both of these matters and we can represent the Board packet with the prior settlement stipulations.

Chair Peeples – Hold on, Mr. Williams. Ms. Wiener, would you like to reply or respond?

Ms. Wiener – I just keep going back to this broad language. The investigation was not about three (3) contracts. The investigation in case 36306 was about financial transactions with the guardian. Specifically, these contracts.

Mr. Griffin – We don't regulate guardians. We don't regulate the transaction of court appointed guardians.

Ms. Wiener – I didn't write the notice of complaint. That was what the investigation was into. The investigation was into these specific kinds of contracts. This licensee, for four (4) contracts written on the wrong form, no consumer was harmed ever with regard to the first contracts or the second contracts. These people either got their funerals or they got their money back. He's already been fined \$15,000 and was relying on the fact, when we settled this matter, for that astronomical fine and a long probationary term, that this matter was concluded, because the stipulation says matters pertaining to the investigation, which I know it has a number, but matters pertaining to an investigation, which you look into the actual investigation was into these very contracts between this guardian and the licensee. There's not an allegation that this was not a contract between this guardian and the licensee. That's what it was about. That's what this one was about, and that's what those were about.

Chair Peeples – Thank you, Ms. Wiener. We have a motion by Ms. Clay and a second by Mr. Williams that there is a violation of 497. I would like to take a vote on that motion. Mr. Williams?

Mr. Williams – Madam Chair, just a point of information. You know, I hear what Ms. Wiener is saying, but we cannot talk about a case that many of us don't have access to right now, and it'd be unfair for us to even entertain that notion outside of what Mr. Griffin has presented. So, I just wanted to bring that to the Chair's attention in terms of we keep referencing a case that many of us don't have access to, nor was it included in the Board packet at this time for us to consider. So, if we can move forward with the motion said.

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

Ms. Clay – Considering that we are not fully informed, I would like to withdraw my motion and move that we table this until next month when staff has an opportunity to include all of the information regarding this.

Mr. Griffin – It would need to be moved to August.

Ms. Clay – Okay, that's fine.

Chair Peeples – Okay. We have a motion by Ms. Clay to reject her previous motion. Mr. Williams, do you agree to that?

Mr. Williams – No. ma'am.

Chair Peeples – Okay.

Mr. Williams – And my reasoning, if I need to, I think Mr. Griffin has laid out everything. What we're doing now is asking outside cases or previous cases to factor in what we're trying to decide today. So, I'm not in agreement of that because we're talking about this case here and we're still referencing a case that many of us don't have access to or it's something that has already been resolved and we're talking about this particular case.

Chair Peeples – Thank you, Mr. Williams. Ms. Munson, I have a question for you procedurally. Ms. Clay had made a previous motion that Mr. Williams seconded. We were in the discussion phase and Ms. Clay wanted to reject her motion. We need to go ahead and take a vote on the previous first motion, correct?

Ms. Munson – Yes. If it was presented and properly seconded, it still remained active.

Chair Peeples – Yes, ma'am. So, we need to take a vote. The motion was that there is a violation of Chapter 497. So, Ms. Simon, if you will do a roll call vote, please.

Ms. Simon – Yes. If I understand correctly, if you agree with the original motion in favor of Mr. Griffin's statements, please answer by saying yay. Otherwise, please say nay. Mr. Clark?

Mr. Clark – No.

Ms. Simon – Mr. Brandenburg?

Mr. Brandenburg – No.

Ms. Simon – Ms. Clay?

Ms. Clay – No.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – No.

Ms. Simon – Mr. Jensen?

Mr. Jensen – No.

Ms. Simon – Ms. Liotta?

Ms. Liotta – No.

Ms. Simon – Rabbi Lyons?

Rabbi Lyons – No.

Ms. Simon – Mr. Williams?

Mr. Williams – Yes.

Ms. Simon – Madam Chair?

Chair Peeples – Yes.

Ms. Simon – And that motion fails.

Ms. Clay – Madam Chair?

Chair Peeples – Yes, Ms. Clay?

MOTION: Ms. Clay moved to table this matter until staff has the time to provide all of the information associated with this case and the previous case, which has been referenced in this meeting.

Mr. Griffin – And if I can make one representation, all previously tendered offers in this matter are hereby rescinded.

Chair Peeples – Thank you, Mr. Griffin. We have a motion by Ms. Clay. Mr. Brandenburg?

Mr. Brandenburg – I second the motion.

Chair Peeples – Thank you. We have a motion by Ms. Clay to table this case until the August Board meeting. If you agree to the motion, say yes.

Board members – Yes.

Mr. Williams – Madam Chair?

Chair Peeples – Mr. Williams?

Mr. Williams – So Ms. Munson, can you help with procedurally with this, because now that Mr. Griffin has stated that they're rescinding the information...

Mr. Griffin – We're not resending the information. I'm just saying any previous offers of settlement in this matter are rescinded.

Mr. Williams – Okay. So, with that still said, so we're going back to square one because what we're discussing is about the settlement offer.

Mr. Griffin – No, no. Sorry, I want to be clear.

Ms. Munson – This is not a settlement.

Mr. Griffin – Madam Chair?

Chair Peeples – Please speak.

Mr. Griffin – Yes. There were certain agreements made between counsel regarding penalty recommendations provided that this matter was resolved at this meeting. So, I'm just advising that any previously tendered offers or any previously tendered, we're still proceeding as an informal, but any previous representations about penalty recommendations are now rescinded.

Mr. Williams – Thank you.

Chair Peeples – Thank you, Mr. Williams. We have a motion and a second. Is there any further discussion? The motion is to table this case. Yes, Rabbi Lyons?

Rabbi Lyons – Just the only discussion would be a request to have the settlement of Ms. Wiener is referred to, you know, given to us in our Board packet. And also, if there's some type of guidelines, obviously double jeopardy is very serious issue.

Mr. Griffin – This is not double jeopardy.

Ms. Munson – It's not double -- I'm sorry.

Mr. Griffin – Double jeopardy would have to be for the same contract.

Chair Peeples – This is a new situation, Rabbi Lyons, that came up and why the Administrative Complaint was formed. But the motion that is on the floor by Ms. Clay is to table this case. And Ms. Munson, would we have to take a separate motion, or can we include D(3)(b)2? Because these are companion cases. Is that not, correct?

Ms. Munson – If that is the pleasure of this body, yes, you may include it. The motion for the record would have to reflect that for the minutes.

Chair Peeples – Okay. We have them separate, so let's take D(3)(b)1, which is Florida Finest Family Cremations LLC d/b/a Florida Family Cremation. We have a motion by Ms. Clay to table. We have a second by Mr. Brandenburg. All in favor of the motion say yes.

Board members – Yes.

Chair Peeples – All opposed say no. I'm on the record saying no to this. So, this will be tabled until the August Board meeting.

Mr. Jensen – Madam Chair?

Ms. Simon – I'm sorry, Madam Chair. I think that we need to continue with David Menneke as that was only addressing Florida Finest.

Chair Peeples – Yes, ma'am. That's what I was doing. I didn't know if you needed to read anything before Mr. Griffin.

Mr. Griffin – I mean, based off of the prior action, we'll just make this easier for everyone. Based on the prior motion and the prior vote, the Department will request to pull David Menneke's case to travel alongside Florida Finest at the August Board meeting.

Chair Peeples – Ms. Munson, is that appropriate?

Ms. Munson – That's appropriate.

Chair Peeples – Do we need a motion and a second?

Ms. Munson – No, because the Department is pulling their case.

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

Ms. Simon – Thank you, Madam Chair.

2. Menneke, David: DFS Case No. 296786-22-FC; Division No. ATN-38690 (F089837)

Ms. Simon – This item was removed from the agenda and will be presented at the August meeting.

*(4) Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel B – Darrin Williams)
(a) City Monument Company: DFS Case No.: 288385-21-FC; Division No. ATN-36926 (F037667)*

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

Mr. Williams – Madam Chair?

Chair Peeples – Yes, Mr. Williams?

Mr. Williams – I served on the Probable Cause Panel B, so I need to recuse myself from (4)(a), (b), (c), (d) and (e).

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

Mr. Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of City Monument Company (Respondent). The Division alleges Respondent operated a monument establishment with an expired license. The Motion demonstrates Respondent failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Chair Peeples – Thank you, Mr. Griffin.

Ms. Katherine LaChance – Excuse me.

Chair Peeples – Whoever is on the Board call today that is connected by phone, please mute your phone. Thank you.

Ms. LaChance – I have a question.

Chair Peeples – Who is this please?

Ms. LaChance – This is Katherine LaChance. I have an item that's coming up and I just wanted to double check where we were at.

Chair Peeples – Well, we are right in the middle of the Board meeting right now, ma'am. Ms. Simon, would you like to address that?

Ms. Simon – No, I'd like to stick with what we're talking about, Madam Chair. If you don't mind. I believe Mr. Griffin just made a recommendation to the Board for a motion.

Chair Peeples – If I may, let me address the young lady that just had the question. Ma'am, you'll just have to follow along please. We're in the middle of Board business. Thank you.

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

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

Chair Peeples – Do we have a motion? Mr. Brandenburg?

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

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

Chair Peeples – Do we have a motion?

Ms. Munson – May I just interject? Did we determine whether or not anyone was here representing? I may have missed it.

Ms. Simon – Yes. We did. No one was present.

Ms. Munson – Okay, thanks. No one there. Okay. Thank you.

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

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

Mr. Griffin – The Department also offers into evidence the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. As the penalty in this matter, the Department recommends that Respondent City’s license being issued a \$2,000 fine. The methodology for that recommendation is as follows. This is a first-time violation for this entity for a violation of Section 497-152(5)(e). And that has a mandated penalty of \$250 per month for every month that the license is all late if it’s a delinquent license. The licensee was eight (8) months delinquent in renewing, so $\$250 \times 8 = \$2,000$.

MOTION: Mr. Jones moved that the Respondent shall pay a \$2000 fine. Ms. Liotta seconded the motion, which passed unanimously.

(b) Lynch, Jeffery W.: DFS Case No. 296083-22-FC; Division No. ATN-37723 (F043601)

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

Mr. Jefferey Lynch – I am here. I’m representing myself.

Ms. Simon – Thank you. Ms. Marshall?

Ms. Marshall – Thank You, Ms. Simon. The above-referenced matter is presented to the Board for consideration of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Jeffery W. Lynch (Respondent). The Division conducted an investigation of Respondent and alleges as follows: At all times material to this case, Respondent was the funeral director in charge of Signature Memorial Funeral & Cremation Services (“Signature Memorial”) a licensed funeral establishment holding license number F090323 and doing business in Gainesville, Florida. Signature Memorial aided, assisted, procured, employed, or advised its unlicensed owner to engage in the practice of funeral directing by entering into a contract for funeral goods and services with a consumer. As FDIC, Respondent is subject to discipline for this violation. The Motion demonstrates Respondent has alleged that there are no material facts in dispute and for this matter to proceed as an informal hearing before the Board, and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty. At this time, it would be appropriate for the Chair to entertain a motion determining that the Respondent was properly served with the Administrative Complaint and has timely submitted a request for an informal hearing.

Chair Peeples – Board members?

MOTION: Mr. Brandenburg moved that Respondent was properly served with the Administrative Complaint and has timely submitted a request for an informal hearing. Mr. Ferreira seconded the motion, which passed unanimously.

Ms. Marshall – The Department asks that the Chair entertain a motion determining that there are no material facts in dispute in this case.

MOTION: Mr. Jones moved that there are no material facts in dispute in this case. Mr. Clark seconded the motion, which passed unanimously.

Ms. Marshall – Now that the Board has determined that there are no material facts in dispute in this matter, the Department ask the Chair to entertain a motion to adopt the allegations of fact as set forth in the Administrative Complaint.

Mr. Jensen – I have a question.

Chair Peebles – Yes, sir?

Mr. Jensen – Before we adopt the facts, is it possible that we could hear from Mr. Lynch?

Ms. Marshall – That's the next thing.

Mr. Jensen – Okay. Thank you.

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

Ms. Marshall – Now would be an appropriate time to hear from Mr. Lynch if he'd like to speak.

Chair Peebles – Mr. Lynch, we need to swear you in please, sir. Ms. Simon?

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

Mr. Lynch – I do.

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

Mr. Lynch – Jeffrey Lynch, L-Y-N-C-H.

Chair Peebles – Thank you, Mr. Lynch. Please proceed.

Mr. Lynch – I do apologize. I don't really know what to say. Thank you for giving me the opportunity to come before you. I know that what I did, the allegations are correct. There were times, or many, many times that contracts were signed without me being present. I addressed it many times with Mr. Tanner, the owner of the funeral home. He is the owner. I worked for him part-time. I can only do what he would allow me to do. I told him, I said, you've got to keep me up to date when we have death calls. I've got to meet with you. I've got many, many texts of him back and forth stating that, you know, you're putting my license in jeopardy. And he kept saying that he would get better and get better. I actually quit him like four (4) or five (5) different times throughout the year and a half that I was with him. I know what I did was wrong. I didn't do for any benefit from me. He actually still owes me like \$3,000 or \$4,000 for back pay that he has not paid me. I have recently, a year and a half ago, left him, worked at another funeral home. And I've learned from what I've done. I've not signed any contracts. I let the FDIC handle it, funeral directors in charge handle it. I'm just coming before you to ask for leniency and to do anything that I can to appease the Board for what I need to do.

Chair Peebles – Thank you, Mr. Lynch. We appreciate you being here today. Ms. Marshall?

Ms. Marshall – Thank you, Madam Chair. The Department also offers into evidence the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. So now that the Board has adopted the findings of fact in this case, the Department asked the Chair to entertain a motion finding that these facts constitute a violation of Florida Statutes as set forth in the Administrative Complaint.

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

Chair Peebles – Ms. Marshall?

Ms. Marshall – And now we move on to the penalty phase. The Department's recommendation in this case is a \$2,000 fine and one-year probation.

Chair Peebles – Rabbi Lyons?

Rabbi Lyons – What was the methodology to come to that?

Ms. Marshall – So the guidelines for this violation call for a reprimand, a fine of \$1,000 to \$2,500, costs, probation six (6) months to one (1) year, suspension up to one (1) year or revocation. And so, I sort of took the middle path between all of those options.

Chair Peebles – Rabbi Lyons, does that complete your question?

Rabbi Lyons – Yes.

Chair Peebles – Thank you. Board members, your pleasure?

Mr. Jensen – May I ask a question of Mr. Lynch?

Chair Peebles – Yes, Mr. Jensen.

Mr. Jensen – Mr. Lynch, what do you feel is appropriate in this case for yourself?

Mr. Lynch – I mean, honestly, I know that I did wrong. I know that the financial aspect of it's going to be tight on me. But I mean, I would like to have the fine lessened because I mean, like I said, I've moved on to another funeral home and I've learned from it. What I did was not right, and I did not do anything like I did with Tony with this new funeral home. I have learned and I have progressed. You know, whatever you all need, I just don't want to lose my license to be quite honest with you.

Mr. Jensen – Okay. Thank you. Mr. Lynch. Ms. Peebles, may I? The Department again is asking for what, Ms. Marshall?

Ms. Marshall – A fine of \$2,000 and one (1) year of probation.

MOTION: Mr. Jensen moved that the Respondent shall pay a \$1000 fine and have his license placed on probation for two (2) years.

Mr. Brandenburg – Is that a motion?

Mr. Jensen – Yes, sir. That's a motion.

Ms. Clay – Before we do that, haven't we determined that that's not the proper way to do it?

Chair Peeples – We are at the penalty phase right now, and Ms. Marshall can we request a different penalty from what you have suggested during this particular time?

Ms. Munson – It is completely the Board's discretion in these informal hearings to determine whatever penalty you deem may be more appropriate.

Chair Peeples – Thank you. Mr. Jones?

Mr. Jones – Yes. Mr. Lynch, how long have you been licensed?

Mr. Lynch – Since 2004.

Mr. Jones – Okay, thank you.

Chair Peeples – We have a motion by Mr. Jensen to reduce the fine to \$1,000 and two (2) years' probation.

Rabbi Lyons – Madam Chair?

Chair Peeples – Rabbi Lyons?

Rabbi Lyons – Mr. Jensen, would you consider adding to that a deadline of one (1) year instead of the usual thirty (30) days? I do believe that there is a financial hardship here as the gentleman stated that he's still owed money.

Mr. Jensen – I think by reducing the fine in half, we're helping him with that hardship. I do believe there's some culpability here, so I don't want to make it too easy, but I do understand the situation that he was in, so I would like to keep my motion the same. Thank you.

Ms. Liotta – Second, Liotta.

Chair Peeples – We have a motion by Mr. Jensen to reduce the fine to \$1,000 with two (2) years' probation. A second by Ms. Liotta. Is there any further discussion? Hearing none. All in favor of the motion say yes.

Board members – Yes.

Chair Peeples – All opposed say no.

Mr. Clark – No.

Chair Peeples – Is that Mr. Clark?

Mr. Clark – Yes.

Chair Peeples – Motion carries.

Mr. Brandenburg – Madam Chair?

Chair Peeples – Yes, Mr. Brandenburg?

Mr. Brandenburg – I'd like to ask the Division if there will be, or how can there be discipline against Signature Memorial Funeral and Cremation Services and the owner Tony Tanner, who is not a licensed funeral director?

Ms. Simon – I think that question is best served with Ms. Marshall?

Chair Peeples – Correct. Ms. Marshall?

Ms. Marshall – Yes, Mr. Brandenburg. There are cases pending against other licensees as part of this investigation.

Chair Peeples – Mr. Brandenburg?

Mr. Brandenburg – Did you say other licensees?

Ms. Marshall – Yes, there are other cases pending for them related to this.

Mr. Brandenburg – How do we discipline the owner who is not licensed?

Ms. Marshall – The owner, there is a cease and desist out for him essentially telling him that he's not allowed to continue practicing without a license.

Mr. Brandenburg – Thank you.

Chair Peeples – Thank you. Thank you, Mr. Lynch, for being a part of the call today. Ms. Simon?

(c) Related Cases (ATN-39123)

1. DA Boyd & Sons Funeral Home: DFS Case No. 302545-22-FC; Division No. ATN-39123 (F040195)

Ms. Simon – It is my understanding that case has been withdrawn. Ms. Pettine? You're on mute.

Ms. Lauren Pettine – Yes. Thank you. We'd like to engage in settlement negotiations and have an opportunity to do that before bringing this matter to the Board.

2. Coleman, Christopher: DFS Case No. 302547-22-FC; Division No. ATN-39123 (F045343)

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

Mr. Christopher Coleman – Yes, this is Mr. Coleman. I'm on the call.

Ms. Simon – Thank you, sir. Mr. Griffin for the Department.

Mr. Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact, I'm sorry, Motion for an Informal Hearing (Motion) in the matter of Christopher Coleman (Respondent). Respondent was the funeral director in charge (FDIC) of DA Boyd & Sons Funeral Home (DA Boyd), a funeral establishment licensed under Chapter 497, Florida Statutes. The Division alleges DA Boyd engaged in the following:

- Failed to furnish a contract containing the signature of the consumer
- Failed to produce its Bodies Handled Reports
- Demonstrated negligence or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes.

The Motion demonstrates Respondent has alleged that there are no material facts in dispute and for this matter to proceed as an informal hearing before the Board, and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Chair Peeples – Board members?

MOTION: Mr. Jones moved that Respondent has submitted a request for an informal hearing. Ms. Liotta seconded the motion, which passed unanimously.

Ms. Munson – May I just clarify, Mr. Griffin, that this is not a waiver, right?

Chair Peeples – No, ma'am. I believe he timely submitted a response requesting an informal hearing.

Ms. Munson – I just wanted to make sure what that motion was. Thank you. Thank you.

Chair Peeples – Mr. Griffin?

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

Chair Peeples – Board members?

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

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

Ms. Munson – Are we going to give him a chance to speak first?

Mr. Coleman – Hello?

Chair Peeples – Is Mr. Coleman on the call still?

Mr. Coleman – Yes. Yes, ma'am. I'm here.

Chair Peeples – Would you like to address the Board? If so let us swear you in, please.

Mr. Coleman – Yes, ma'am. I would.

Ms. Simon – Please raise your right hand to be sworn in.

Mr. Coleman – Okay.

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

Mr. Coleman – I affirm.

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

Mr. Coleman – My name is Christopher Coleman, C-O-L-E-M-A-N.

Ms. Simon – Thank you, sir.

Chair Peeples – Mr. Coleman, would you like to address to the Board, sir?

Mr. Coleman – Yes, ma'am. First of all, thank you all for giving me this opportunity to address the Board. I've been licensed in the State of Florida for almost thirty (30) years, so I am aware of the procedures [inaudible]. So, I know, you know, when things happen, I have to speak to what the truth is. And so that's the reason why I just requested to give a response to the allegation. I know as a funeral director because I'm presently in my own establishment as well as Wilson-Eichelberger. So, I'm abreast to the rules and regulations. However, this situation with DA Boyd Funeral Home, I was there only as an embalmer and I stated to the owner that if he didn't get a licensed person, that I could no longer be the embalmer there. He was going through difficulties so I told him that I would be the licensed FDIC until he could get somebody, but he'd have to do so because I have my own establishment to run. When the investigation started, when I noticed that there were activity going on that did not have me in the loop, I immediately [inaudible] that I would no longer be the FDIC there. [Inaudible] from that

establishment. In the investigation [inaudible] was under my watch that there was going to be something that came down the pipeline for me. So, I understood that as well. Being that some of the things that you all pulled off the agenda, but there were things that was done to hide things that were going on without my knowledge, and you'll hear about that whenever this comes back up to the Board meeting. When I left, there [inaudible] was there. When I left their contract had not even been [inaudible] So, if there were any signatures, it was not my signature, I responded to the Board in that. So, I have very expeditiously removed myself from that particular facility. And presently, you know, maintaining Cole's Mortuary, which is my own business, and Wilson-Eichelberger as the FDIC, that even recently [inaudible] just did their inspection and passed with flying colors, as well as myself. So, I know what the rules are. Unfortunately, I made a bad decision to follow someone who did not understand the protocol of what it means to have a license in the State of Florida. But I appreciate [inaudible] to the Board.

Chair Peebles – Thank you, Mr. Coleman. What is the pleasure of the Board? Ms. Simon?

Ms. Simon – Yes. I believe there may be a recommendation from the Office of the General Counsel.

Mr. Griffin – Yes. At this time, the Department would make the following recommendation as to penalty; that the Board issue a \$1,000 fine to Respondent and place his license on probation for six (6) months.

Chair Peebles – Mr. Brandenburg?

Mr. Brandenburg – Madam Chair, I'd just like to mention that so many times in the profession we hear of locations not having an FDIC and just having a rent-a-license and go out and rent-a-license. I think we've seen a couple of cases of that today, and it's something that bothers most of us in the profession. And it's certainly to be taken seriously and the discipline should be taken seriously because this continues to happen so that unlicensed people can make funeral arrangements and run services because they've got a license of an FDIC hanging on the wall. But the FDIC doesn't have anything to do with the license operations. Just wanted to make that comment because those of us that have been around have heard that and heard it and heard it, and it hasn't been proven enough.

Chair Peebles – Thank you, Mr. Brandenburg. If I may, before I call on Mr. Jensen. Between Ms. Munson and Mr. Griffin, in my notes I have that we've had two (2) motions. The first being that there were no material facts in dispute and proceed as an informal hearing. Then my second I have is that there were findings of fact. So, should we take the next motion as a violation of Florida Statute 497?

Mr. Griffin – Yes, ma'am. Yes. Now that the Board has adopted the facts as all alleged in the Administrative Complaint, it would be appropriate at this time for the Board to entertain a motion finding violations of Chapter 497 Florida Statutes as alleged in the Administrative Complaint.

Chair Peebles – Thank you. Board members?

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

Mr. Griffin – In an unrelated note, just going back to the Signature Memorial matter, I would like to inform the Board that Mr. Tanner currently has criminal charges pending relating to the unlicensed practice of Chapter 497, Florida Statutes.

Mr. Brandenburg – Can you repeat that?

Mr. Griffin – Mr. Tanner of Signature Memorial currently has pending felony charges regarding unlicensed practice or acting as an unlicensed funeral director or embalmer or disposer.

Mr. Brandenburg – Thank you.

Chair Peebles – Mr. Griffin?

Mr. Griffin – Yes, ma'am?

Chair Peeples – Are we on the penalty phase now?

Mr. Griffin – Yes, ma'am. And the Department recommends a penalty of \$1,000 fine plus six (6) months of probation.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes, that being said, I 100% agree with Mr. Brandenburg. And I do have a question for him. Seeing what the Department is recommending, Mr. Brandenburg, are you in line with that or would you like to recommend something different?

Mr. Brandenburg – I'm not in line with that.

Mr. Jensen – I would like to hear what Mr. Brandenburg has in mind in lieu of what the Department is recommending, if possible.

Chair Peeples – Mr. Brandenburg?

Mr. Brandenburg – I would recommend a \$3,000 fine and a year probation.

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

Mr. Jensen – Yes, ma'am. Is that an official motion from Mr. Brandenburg?

Mr. Brandenburg – I was just answering your question.

Mr. Jensen – Okay, thank you. Yes, ma'am. I'm good. Thank you.

Chair Peeples – What is the pleasure of the Board?

MOTION: Rabbi Lyons moved that the Respondent shall pay a \$1000 fine and place Respondent's license on probation for six (6) months. Ms. Liotta seconded the motion, which passed with two (2) dissenting votes.

Mr. Coleman – Thank you.

Chair Peeples – Thank you, Mr. Coleman for participating today.

Mr. Coleman – Thank you so much. I appreciate the Board and your time.

Chair Peeples – Thank you. Ms. Simon?

(d) Related Cases (ATN-40030)

- 1. Dignity Funeral Services, Inc. d/b/a Michels & Lundquist Funeral Home & Cremation Service: DFS Case No. 305166-23-FC; Division No. ATN-40030 (F076904)*
- 2. Johnson, Drew: DFS Case No. 305168-23-FC; Division No. ATN-40030 (F155242)*

Ms. Simon – Both items have been withdrawn from the agenda.

(e) Related Cases (ATN-39273)

- 1. The Warden Group, LLC d/b/a Funerals by T S Warden: DFS Case No. 300764-22-FC; Division No. ATN-39273 (F077572)*

Ms. Simon – Is there a representative of The Warden Group on the call?

Ms. Pettine – I am representing The Warden Group as their counsel. In addition, we do have Tyrone Warden here as well.

Ms. Simon – Thank you. Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of The Warden Group, LLC, d/b/a Funerals by T S Warden (Respondent). The Division alleges Respondent engaged in the following:

- Entered into preneed contracts without the benefit of licensure
- Failed to timely trust monies received on preneed contracts
- Entered into a contract which used language that misrepresented the true nature of the contract

The Motion demonstrates Respondent has alleged that there are no material facts in dispute and for this matter to proceed as an informal hearing before the Board, and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

MOTION: Ms. Liotta moved that Respondent has requested an informal hearing in this matter. Rabbi Lyons seconded the motion, which passed unanimously.

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

Chair Peebles – Board members?

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

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

MOTION: Mr. Jones moved to find the Respondent in violation of the statutes as charged in the Administrative Complaint. Ms. Liotta seconded the motion.

Chair Peebles – We have a motion by Mr. Jones, a second by Ms. Liotta. Is there any discussion? Hearing none. All in favor of the motion say yes.

Mr. Griffin – I think Ms. Pettine wants to make argument.

Chair Peebles – Okay. Ms. Pettine?

Ms. Pettine – Yes. We'd like to go ahead and take an opportunity to address the Board, if that's all right, regarding the matter. This matter with The Warden Group essentially boils down to a quote provided to an individual which ended up resulting in this "preneed contract." That organization that ended up [inaudible] contract sent in monthly checks. One (1) of the checks was mistakenly cashed. That amount was \$75, as you can see in your Board packet. Ultimately, on previous Board meetings regarding unfunded, unlicensed preneed, in the March Board meeting for the Timothy Kitchens matter, five (5) contracts for fully paid and unlicensed preneed resulted in the fine of \$2,000. So, per contract, the fine for these tends to be very low. This is a single contract which was offered to a single organization. Additionally, Tyrone Warden here would be happy to answer questions if you need. Thank you.

Mr. Griffin – If I can respond?

Chair Peebles – Yes, sir. Mr. Griffin.

Mr. Griffin – At a certain point, we have to walk a delicate balance between enforcing the penalty guidelines as the rules as they are. And this counts for multiple violations, and we're kind of creating a perverse circumstance where if I violate the law ten (10) times, I get a better outcome than somebody that violates it once. So, at a certain point, we need to start drawing a line in the sand. Each one of these contracts, when you are a licensee, and this is not the type of violation where you -- this is basically an unforced error. You know, this is not a violation where reasonable lines can differ. You as the licensee have complete control over whether or not you enter into this agreement, whether or not you trust this money, whether or not you cash these checks. So, at a certain point, I have to say, we have to start kind of treating our licensees as the competent people that we believe they are, which means holding them liable when they make mistakes, especially such as these where it's a wholly on the part of the licensee. You know, reasonable lines can differ, you know, or an argument, a legal argument. This is plain and simple.

Chair Peeples – Thank you, Mr. Griffin. And I'd like to make an item for the Board to consider. It is on page 6. It states on item 7 that between August 22, 2019, and February 23, 2021, Respondent received approximately \$5,185 in payments from Cathedral Gerontology Center Inc. as payment on the preneed contract. Counsel had mentioned only \$75 was received. So, I just want to bring that to the Board's attention. Ms. Pettine?

Ms. Pettine – If I may? What occurred is that that amount was sent to the location in the form of monthly checks. Those checks were not cashed other than a \$75 check, which was mistakenly cashed as part of a pile of checks during some administrative. The situation here is that Cathedral Gerontology Center asked for a quote, which was then provided on the statement of funeral goods and services. That quote was then treated by Cathedral Gerontology Center as a preneed contract to which they were sending payments. The real mistake ultimately here is that the licensee should have followed up regarding those checks instead of simply not cashing them. So, while the payments were received in the form of checks, they were not cashed. Only \$75 ever entered The Warden Group.

Chair Peeples – Mr. Griffin?

Mr. Griffin – And I think that kind of highlights or makes this violation even worse because it wasn't just one (1) check, it was multiple checks. After the first check, if this was just a quote, they should have told the consumer to stop sending in checks. And they say that they were holding onto these checks is it's just creating an artifice to get around trusting this money that has been received on a preneed contract.

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

Mr. Jensen – Yes, that was kind of my thoughts exactly. I mean, if they're taking checks and they don't have an official preneed contract, you can't do that. I mean, you just can't do that. So, he basically said what I was thinking. Thank you, Chair.

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

Ms. Pettine – Part of the reason that the location was not cashing these checks is because the location knew that they were not able to sell preneed. That's part of the situation that is here. You are correct in that clarification should have been provided, but it is ultimately one (1) contract and the amount of money that actually exchanged hands between these facilities was \$75. So ultimately that does factor in as a mitigating factor as opposed to an aggravating factor, which can be considered under the disciplinary guidelines.

Chair Peeples – Ms. Pettine, I have a question for you. Regarding the amount I mentioned in that item I just went to another page. I think it was \$5,185. So, if \$75 was cash, that's \$5,110. What happened to these checks?

Ms. Pettine – As I understand, what occurred with these checks was that the checks simply were not cashed. And then at the end, and Tyrone Warden can offer more details, the \$75 was applied against the arrangements that were indeed applied for this individual, for this decedent. So, the payments that came in, the checks just simply never cashed.

Chair Peeples – If I may, Mr. Griffin, before I have you come back, in the material that we received, we saw where the checks had been written by Cathedral Gerontology Inc., evidently received at The Warden Group location and The Warden Group

LLC d/b/a Funerals by T S Warden. So where was that money for two (2) years? Where was it held? Where was it? That's the question I have. I have a concern for the consumer and so I need a clarification, please.

Ms. Munson – If I may, Madam Chair?

Chair Peebles – Yes, ma'am. Ms. Munson?

Ms. Munson – Well, I was just going to note that although I appreciate the representation of Ms. Pettine, if there's someone there from Warden Group who can answer questions and provide a firsthand account of maybe an answer to one (1) question, why was the money kept and not immediately returned and to your question that you just asked. I didn't want to put Ms. Pettine in the position to testify.

Chair Peebles – Thank you, Ms. Munson. Ms. Pettine?

Ms. Pettine – Well we can absolutely bring Tyrone onto the call regarding this matter. Ultimately, since the checks were voided as we can see in the Board packet, especially on page I believe 84 is an example of one (1) of the voided checks, the amount was simply retained in Cathedral's bank account. And we can bring Mr. Warden on the call now if it is your pleasure.

Chair Peebles – Mr. Warden, would you like to address the group? If so, we need to swear you in, sir.

Mr. Tyrone Warden – Yes, ma'am.

Chair Peebles – Ms. Simon?

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

Mr. Warden – Yes, ma'am.

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

Mr. Warden – Tyrone Warden, W-A-R-D-E-N.

Chair Peebles – Thank you, Mr. Warden. Would you like to address the Board? And if you would, if you'll start off with my question that I had to Ms. Pettine.

Mr. Warden – As far as the monies that were sent, I have no knowledge of those other funds. The \$75 check that did happen to be cashed, that was office error. But when this person passed, that's when we found out about everything that was supposed to have been sent. I didn't have any record of receiving those checks outside of the \$75.

Chair Peebles – Thank you, Mr. Warden. Mr. Griffin, I have a question for you. During the investigation phase I did not see in the Board packet anything stating that the checks were voided. I do note on page 84 it shows void, but I'm not sure if that's because of it being on a watermark paper as death certificates are?

Mr. Griffin – I think that that's the point. And then that point is supported by, if you go to page 87, okay, so what we have here is, this is kind of -- this is an invoice, this is showing a running tab of payments received. The total pre-arrangement charge was \$5,185. You notice that they've received several payments and that number goes down. Okay? If those checks were voided, why would the number be going down? Especially if they're only good for ninety (90) days. The logic does not hold. So, the only way that that makes any sense, the only way you can square that circle is that they were cashing those checks, hence why the invoice was going down. Because this is back in August of 2019. So, if they weren't cashing the checks, the checks on their face say they're voided after ninety (90) days, they would've had to have kept getting new checks, like kept getting new checks, which once again shows they were knowingly receiving money funds here. Like this wasn't just one (1) check or two (2) checks, this is multiple payment. This is, you know, well in excess of, you know, three (3) or four (4)

payments on this. So, each one (1) of those checks that they received represents an opportunity, missed opportunity or a violation where they failed to do the right thing, which was say, "We cannot take this money. We're not doing this correctly."

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

Rabbi Lyons – Thank you. Okay. Just to that last point. The calculation here is being produced by the nursing home, which is doing these checks. So, in their own accounting, that's the number that they're coming up with. That's why the numbers are going down. But that doesn't mean that the entity cashed the checks. It doesn't mean that the money actually transferred.

Mr. Griffin – But generally, invoices aren't presented by the consumer. Invoices are generated by the seller. And that's why the documents are titled an invoice.

Rabbi Lyons – It looks like QuickBooks from the Cathedral Gerontology Center is doing this.

Mr. Warden – That's where that came from. That's not our accounting. The fact of the matter is, and –

Mr. Griffin – Okay, sorry. Then I'll go to the page 89 that has the payment record. That's from T S Warden, and that number keeps going down, and it's a lot more payments than the one that was depicted on page 84 or 87.

Mr. Warden – But just like the nursing home said, we did not cash any checks outside of the \$75 check, which was an error on our part, but that the rest of that 51 and some change, that never was deposited in our account. I've never seen any of those checks.

Chair Peeples – I know Mr. Jensen had his hand up and Rabbi Lyons. When I was reviewing the information, I did see as Mr. Griffin has stated that on page 87, 88 that there were -- or probably page 88 that these were from Cathedral Gerontology. But then on page 89 it says Funerals by T S Warden payment record. That's where I have a concern, is that they stated they were receiving these checks and they had something on their letterhead that state they received this money. So that's where I have a concern and a question. And Mr. Griffin, if we could kind of get your recommendation and then I will go to Mr. Jensen.

Mr. Griffin – The Department's recommendation on this matter is a \$3,000 fine and one (1) and a half year of probation.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes. I would also like to point out along the same lines on page 66, when it becomes an at-need contract, the total is \$2940. If \$5185 was given, that's a difference of \$2,245. So where is that? They must have cashed that and they're giving them credit there for something on the at-need contract.

Mr. Warden – No, sir. That additional monies went to the cemetery, which they went to the cemetery on their own. That was one of the disputes that we had with the family and me trying to go back and try to figure out what happened. Those additional monies went to the cemetery. We only collected 29 and some change.

Mr. Jensen – \$2940.

Mr. Warden – Yes.

Mr. Jensen – So you're alleging, sir, that the \$2,245 was paid to the cemetery? Was that paid by the family or was that paid by –

Mr. Warden – That was paid by the family. It was paid by the family or the nursing home.

Chair Peeples – Mr. Jensen, do you have follow-up questions, sir?

Mr. Jensen – Well, just one. I'm a little confused. I would revert to Mr. Griffin here about these payments that are showing the funeral home is taking in these payments. So, on these payments we're talking about in the 80s pages that the funeral home actually showing themselves that they cashed, where did that money go?

Chair Peeples – Mr. Warden, would you like to address Mr. Jensen's question?

Mr. Warden – The only thing that I can tell you, Mr. Jensen, is we, in error, received the \$75 payment that was deposited into our checking account. The other monies outside of what went to the cemetery, I cannot tell you. We only collected \$2,940 for that particular service. The other monies to my knowledge, was to go to the cemetery, and that had to be paid either by the family or by the nursing home.

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

Mr. Jensen – Yes, ma'am. Thank you.

Chair Peeples – Thank you. Ms. Pettine?

Ms. Pettine – I just wanted to draw the Board's attention to the fact that page 89 is contained as a part of the records of the nursing facility and not the records of the location. The name at the top is a typical QuickBooks accounting system that provides this. This doesn't come from the funeral establishment. So, it is showing that the checks were written, but there's no evidence contained in any of these exhibits that that amount was cashed or received by Warden Funeral Home.

Chair Peeples – Ms. Pettine, this is Chair Peeples. But I go back is I am a funeral director as well as FDIC here at Peeples Funeral Services Inc., and if I present something that has our name, Peeples Funeral Services Inc., with the word “payment record”, that is stating that we have received funds, whether it be by check, cash, credit card, that we have presented a payment record. And that is my concern I have for this consumer and this family. This was a part of the packet and I take that as Mr. Warden received this money and he did not have a preneed license at the time, did not have a prearranged agreement entered into for this individual, this consumer. So, I don't think that that is an item. If you'll notice at the top of page 89 to the left, it states where it came from. The fax number has been blocked out, but it went to 854-8304. So, we can't get any credibility of where that came from, from that particular document that's on page 89. So that's just my concern that I have for the record. And I don't know if you'd like to respond or if we need to go back to Mr. Griffin. Would you like to respond, ma'am?

Ms. Pettine – If I may, thank you. Ultimately what's occurred today is that these documents do go and show the checks were indeed sent to The Warden Funeral Group, which is indeed, you know, part of why we're here at the informal hearing today. Ultimately a mistake was made, but the mistake is not that \$5,000 was accepted, it is the \$75. Testimony today from Mr. Warden indicating that those checks were not cashed and that provides the evidence showing this, whereas these documents can be interpreted to show that the checks were sent as the Gerontology Center indicated, but the testimony today is that Mr. Warden has not cashed those checks.

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

Mr. Griffin – I will point out that the fax number that's listed, that's the fax number for the establishment, and I believe it's on the page where the ALIS profile is. That's the address for The Warden Group, which is on page 51 of 96, is 904-765-1549. And you'll notice that the number at the top of that sheet of paper on the two (2) does not match that number.

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

Ms. Pettine – Chairwoman, would it be possible to table this matter so we could receive testimony from the nursing center? That should provide some clarification regarding the cashed checks one direction of another, and apparently at this point we now have a disputed matter of fact.

Mr. Griffin – So, we'll just refer it to DOAH.

Chair Peeples – Mr. Griffin, what was your comment, sir?

Mr. Griffin – The Department will refer this matter to DOAH, and we'll refer it at the start of probably July or start of next month. I'm going to go ahead and refer it to DOAH next week.

Chair Peeples – Ms. Pettine, is that agreeable?

Ms. Pettine – Yes.

2. Warden, Tyrone: DFS Case No. 300765-22-FC; Division No. ATN-39273 (F042941)

Chair Peeples – Now, Ms. Munson or Mr. Griffin regarding this case, which is regarding the FDIC, Mr. Warden, that case will also accompany the previous case?

Mr. Griffin – It will. And just to have on the record, any prior representations about the Department's willingness to what discipline, the prior representations that were made to Respondent are all hereby rescinded.

Chair Peeples – Is that agreeable, Ms. Pettine?

Ms. Pettine – Yes. Thank you.

Chair Peeples – Thank you. And if I can ask Mr. Griffin, when it goes to DOAH, is there a request that can be made to Cathedral Gerontology to show the back of the check where –

Mr. Griffin – Well, so basically, they're putting on an affirmative defense. So, evidence will come out. If they have these correspondence, say it'll come out during the discovery process, then it will resolve itself.

Chair Peeples – Okay. Thank you, Mr. Griffin. Thank you, Ms. Pettine. And thank you, Mr. Warden for participating.

(5) Department's Motion for Order Dismissing Petition without Prejudice (No Recusal Needed)
(a) Range Funeral Home; DFS Case No. 279223-21-FC; Division No. ATN-35709 (F041814)

Ms. Simon – Is Mr. Simmons, or a representative of Mr. Simmons on the call? Hearing no response. Ms. Marshall?

Mr. Jones – Madam Chair?

Chair Peeples – Who is this please? Mr. Jones?

Mr. Jones – Can we have a 10-minute break real-quick please?

Chair Peeples – Well, yes sir. We were going to take it as soon as this case was over.

Mr. Jones – That is fine.

Chair Peeples – Can we complete this? We were going to take a 20-minute break as soon as this case is over.

Mr. Jones – That is fine. Thank you, ma'am.

Chair Peeples – Yes, sir. Ms. Marshall?

Ms. Marshall – Thank you, Madam Chair. Before I begin presenting this case I would like to note, I know it says on the agenda that nobody was recused, but in fact Mr. Jones did hear this case on the Probable Cause Panel, so he would need to be recused from this matter.

Chair Peeples – Thank you, ma'am.

Ms. Marshall – Okay. So, this matter is presented to the Board for consideration of the Department's Motion for an Order Dismissing Petition Without Prejudice ("Motion") On or about May 12, 2023, the Department filed an Administrative Complaint against Range Funeral Home ("Respondent") alleging violations of Chapter 497, Florida Statutes. On or about May

24, 2023, Respondent timely submitted a petition requesting a formal hearing pursuant to section 120.57(1); however, the petition failed to identify any dispute issues of material fact. As such Respondent's petition failed to meet the requirements for a formal hearing as outlined in Rule 28-106.2015, *Florida Administrative Code*. Accordingly, this Motion requests that the Board dismiss Respondent's petition without prejudice and enter an order providing Respondent with an additional twenty-one (21) days in which to file a facially sufficient petition for formal hearing or to request an informal hearing. Furthermore, the Department requests that the Order provide that if Respondent fails to provide a timely response, that Respondent will have waived its right to a hearing in this matter. And I am available to answer any of the Board's questions.

Chair Peeples – Thank you, Ms. Marshall. So, on this particular item for a Motion for an Order Dismissing Petition Without Prejudice, we just need one motion for this case?

Ms. Marshall – Yes ma'am.

Chair Peeples – Thank you. Board members? Mr. Brandenburg?

MOTION: Mr. Brandenburg moved that the Board dismiss Respondent's petition without prejudice and enter an order providing Respondent with an additional twenty-one (21) days in which to file a facially sufficient petition for formal hearing or to request an informal hearing. Furthermore, the Department requests that the Order provide that if Respondent fails to provide a timely response, that Respondent will have waived its right to a hearing in this matter. Rabbi Lyons seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Ms. Marshall.

Ms. Marshall – Thank you, Madam Chair.

Chair Peeples – It is now 12:37. Let's take a break and resume back at 1:00 please. Thank you.

*****BREAK*****

Chair Peeples – It is 1:01 on Thursday, June 29th, and we're going to start back, please. Ms. Simon?

Ms. Simon – Thank you, 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.

Chair Peeples – Ms. Simon, if I may? I don't see Mr. Williams. Did he have to go to office business?

Ms. Simon – Yes, he did, ma'am.

Chair Peeples – Thank you. So please let the record reflect Mr. Williams is not on the call and may rejoin. Thank you, ma'am. Please proceed.

Ms. Simon – Thank you so much.

(2) Recommended for Approval with Conditions (Criminal History)
(a) Chase, Elcain S (Appointing Entity: Neptune Management Corp)

Ms. Simon – Is Elcain Chase on the call today or a representative? Hearing no response. On February 13, 2023, an application was received by the Division for the aforementioned licensee as a preneed sales agent, and no deficiencies were noted on the application. Thus, a temporary preneed sales agent license was issued for Mr. Chase. No criminal history was reported on the

application. However, during the review of Mr. Chase's background check it was revealed that he did in fact have reportable criminal history that required review. To wit, in 2019, a misdemeanor charge for DUI was filed against Mr. Chase by the County Court in Broward County. Therefore, the Division recommends approval subject to the condition that the applicant be placed on probation for a period of one (1) year.

Chair Peeples – Board members?

Rabbi Lyons – Just a question, ma'am?

Chair Peeples – Yes, sir, Rabbi Lyons?

Rabbi Lyons – Okay, Ms. Simon, how does the Department decide whether to recommended approval or denial? Like what's their criteria? I thought it was just, if it's a criminal history, it's always denial.

Ms. Simon – Typically, criminal history is a recommendation for denial. However, in years past, within the Board, the Board has looked at DUIs as a crime unto itself, and the Board has typically found exceptions for DUIs, which is why the Division recommended approval, but probation for one (1) year because there was misleading information on the application.

Rabbi Lyons – Okay, thank you.

Chair Peeples – Thank you. Any further discussion?

MOTION: Mr. Ferreira moved to approve the application subject to the condition that the applicant be placed on probation for a period of one (1) year. Ms. Liotta seconded the motion, which passed unanimously.

(3) Recommended for Denial (Criminal History)

(a) Beyo, Anthony M (Appointing Entity: NorthStar Cemetery Services of Florida LLC)

Ms. Simon – Is that individual or a representative of Mr. Beyo on the call today?

Ms. Wiener – Wendy Wiener representing Mr. Beyo and Mr. Beyo is also on the call.

Ms. Simon – Thank you, Ms. Wiener. Applicant answered "Yes" to the background question regarding criminal history on the application due to reportable criminal history that required disclosure. To wit, in 2016, in the District Court for Dallas County, Texas, Mr. Bayo was convicted of two (2) felonies: Manslaughter and Aggravated Assault with a Deadly Weapon. Mr. Bayo was sentenced to two (2) years of confinement in a penitentiary, and as a result, the Division recommends denial.

Chair Peeples – Ms. Wiener, did you wish to speak to the Board or have Mr. Beyo sworn in and speak?

Ms. Wiener – I'm going to address the Board and then if there are questions that Mr. Beyo needs to address, then he can certainly do so afterward. So again, good afternoon, Board members. Thank you. I represent Mr. Beyo in this matter. Mr. Beyo's criminal history is related to a single incident. It is solely related to a tragic car accident. Mr. Beyo was not under the influence of any drugs or alcohol when the car accident occurred. It was purely that, an accident. It did result in manslaughter. Mr. Beyo felt and feels terribly about that. The family that suffered that loss never leaves his thoughts. But since that time Mr. Beyo has done a lot of work on himself and on his career path and wishes to again, become a servant to the death care industry. He completed the sentence imposed on him, and as you can see from the materials presented, he completed some additional training and went through a rigorous program while he was there. His character references speak to the fact that he is ready to serve the death care industry and to do what he can to comfort those in a difficult time keeping in mind always the pain that he caused to that family, to his own family and to himself. And we would ask for your favorable consideration of his application.

Chair Peeples – Thank you, Ms. Wiener. Board members, do you have any questions for Ms. Wiener or Mr. Beyo? Mr. Jensen?

Mr. Jensen –Yes, I do. I'm just curious. If it was an accident, how did you get charged with aggravating assault with a deadly weapon?

Chair Peeples – Okay, Mr. Jensen, let's refer that to Ms. Wiener and then if she feels that Mr. Beyo needs to speak, we'll talk to him. Ms. Wiener?

Ms. Wiener – In a circumstance such as this, Mr. Jensen, the car is the deadly weapon.

Mr. Jensen – Okay.

Ms. Wiener – The motor vehicle is the deadly weapon. This was a car accident, and so that's how that charge comes about. It was a car accident that resulted in a death. That's why it was manslaughter because it was an accidental death. So, he was charged with manslaughter, and the deadly weapon that was used in that accidental death was the motor vehicle.

Mr. Jensen – Okay. I got it. I just didn't know they sent you to prison if you, you know, just had an accident, you weren't under the influence or anything. I was just curious. Thank you.

Chair Peeples – Thank you, Ms. Wiener. Mr. Jensen. Excuse me, Board members, are there any other questions for Ms. Wiener? Rabbi Lyons?

Rabbi Lyons – Thank you. Did Mr. Beyo have any other citations for speeding before or after that?

Ms. Wiener – Mr. Beyo will have to answer that question.

Chair Peeples – Okay, Mr. Beyo, we need to swear you in, please, sir. If you'll raise your right hand.

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

Rabbi Lyons – Please unmute yourself, sir.

Chair Peeples – Thank you.

Mr. Anthony Beyo – Yes.

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

Mr. Beyo – My name is Anthony Beyo, B-E-Y-O.

Chair Peeples – Thank you, sir. If you'll please address Rabbi Lyons' question.

Mr. Beyo – Yes. Rabbi Lyons, no, I do not have speeding or tickets that I can recall as far as after, before, memory as far as I can go back is what I can recall.

Rabbi Lyons – Great, thank you.

Chair Peeples – Any other Board members have questions for Mr. Beyo? Rabbi Lyons?

MOTION: Rabbi Lyons moved to approve the application with probation. Ms. Liotta seconded the motion.

Chair Peeples – We have a motion by Rabbi Lyons to approve Mr. Beyo's preneed licensure application. And we have a second by Ms. Liotta. Is there any further discussion on the motion? Ms. Wiener?

Ms. Wiener – What is the term of the probation, Mr. Lyons?

Rabbi Lyons – Yes, good question. Okay. So, we'll put on probation for a year.

Chair Peeples – Ms. Munson, did you have a comment, ma'am?

Ms. Munson – No, I was just going to clarify that you would need some type of terms of probation. I know standard terms exist, but I didn't know what the length was.

Chair Peeples – Thank you, ma'am.

Rabbi Lyons – Sorry about that.

Chair Peeples – Ms. Liotta, do you accept that addendum to the motion?

Ms. Liotta – Yes.

Chair Peeples – So, we have a motion by Rabbi Lyons for approval for the preneed license with one-year probation, second by Ms. Liotta. Is there any further discussion or questions? Hearing none. All in favor of the motion say yes.

Board members – Yes.

Chair Peeples – All opposed say no. I have a no. Who else has a no?

Ms. Clay – No.

Chair Peeples – So Peeples and Clay are no. So, the motion carries. Thank you, Ms. Wiener. Thank you, Mr. Beyo.

Ms. Wiener – Thank you, Board.

Mr. Beyo – Thank you.

(b) LaChance, Katherine E (Appointing Entity: FPG Florida LLC)

Ms. Simon – On April 21, 2023, an application was submitted for the above named for licensure as a preneed sales agent, and Applicant answered “Yes” to the background question regarding criminal history on the application due to reportable criminal history that required disclosure. In 2020, Ms. LaChance was charged with two (2) misdemeanors of culpable negligence to which she pled no contest. These criminal offenses occurred in Brevard County, Florida. Adjudication of guilt was withheld by the court and Ms. LaChance was ordered to pay court costs and fees. The Division recommends denial. Is Ms. LaChance or a representative of Ms. LaChance on the call?

Ms. LaChance – Yes, ma'am.

Ms. Simon – Thank you, ma'am.

Ms. LaChance – You are welcome.

Ms. Simon – Board members?

Chair Peeples – Who do we have on the call regarding this case, please?

Ms. LaChance – There is myself, Katherine LaChance, my hiring person, Kenneth Krull, and –

Chair Peeples – Thank you. Thank you. Board members, what are your thoughts? Mr. Brandenburg?

Mr. Brandenburg – Could she be sworn in for questions?

Chair Peeples – Ms. LaChance, will you raise your right hand?

Ms. LaChance – Yes.

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

Ms. LaChance – Yes, I do.

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

Ms. LaChance – My name is Katherine LaChance, L-A, capital C-H-A-N-C-E.

Ms. Simon – Thank you.

Chair Peeples – Thank you, ma'am. Mr. Brandenburg, did you have questions, sir?

Mr. Brandenburg – Ms. LaChance, can you tell us what happened on the criminal history form? Can you describe that incident to us?

Ms. LaChance – Yes. So, I was sick at that time, pretty ill with either severe cold or possibly COVID. It was happening during COVID times. And my children left before they were supposed to. When I asked them to get ready for school, they decided to walk over to their father's work, which I didn't know where they were going, so I'm required to report them as missing anytime I don't know where they're at. I had been informed in the past by police, so I called the police and reported them missing. The police found them, and they were complaining that they were hungry, and they didn't like the food that we had at the house. So, the officer came, and he confronted me after he found them and me being ill and irritated and whiny, I was planning on taking them out for breakfast that day, and I didn't know what was going on. So, I had a little bit of an attitude with him and that upset him. So, he said that he was going to investigate me. He said he was going to look for a reason to arrest me. So, to proceed further. I agreed to let the officers into the house to show them I had food, and everything they need. But I did forewarn them that the house was in disarray because I'd been having a hard time managing the house as well as their behavioral issues and working full-time as a single parent.

Chair Peeples – Take a moment if you need it.

Ms. LaChance – The next day I was arrested, because of the condition of my house that I had neglected because I was trying to prioritize just keeping track of my kids and making sure that they were doing what they were supposed to be doing when I wasn't at work. And what happened was the case got backlogged for two (2) years, and during that time, I cleaned the house. I got rid of our pets. I found them new homes to get the pets. We ended up moving to a better house. I found someone that was very supportive and was there for me during the process. About a year into the process, he moved us into a nicer house which is way cleaner. It doesn't have the structural issues that our old residence had. I was able to get everything fixed, though by this time, the court date was set, and the prosecutors offered me just to pay the fines and fees associated with the case. There was no sentence for jail or probation. They recognized that I worked hard. So, the prosecutors acknowledged that I had corrected the issues and were very lenient and agreed to adjudication withheld with no jail time, no probation, and just the costs of the case, which the judge gave me five (5) years to pay.

Chair Peeples – May I ask a question?

Ms. LaChance – Yes.

Chair Peeples – This is Chair Peeples, ma'am. How long have you been working in this industry?

Ms. LaChance – This is my first time applying for a preneed sales job.

Chair Peeples – But how long have you been working in the industry? Are you currently employed by a firm?

Ms. LaChance – Not for preneed sales. I have my hiring manager who offered me a position.

Chair Peeples – That was my question. How long have you worked in this industry? Not as a preneed sales professional.

Mr. Kenneth Krull –She has not been in the industry at all.

Chair Peeples – Excuse me, sir. Excuse me, sir, you'll have to be sworn in, please. Please raise your right hand. Ms. Simon?

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

Mr. Krull –Yes, I do.

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

Mr. Krull – My name is Kenneth Krull, K-R-U-L-L. I am the hiring director with Baldwin Brothers Funeral and Cremations, a Division of FPG Funeral Systems here in Orlando. And Ms. Katherine has not had any industry experience whatsoever. I am a former Marine Corps officer and I've been very impressed by her work ethic, determination, and ability to move forward through this process, and I want her on my team. I am happy to guide her every step of the way. I think she was going to be fantastic with our families, and that's why we're here today. Thank you.

Chair Peeples – Thank you, sir. I appreciate that. So, in answer to my question, ma'am, is you have never worked in the death care environment? I think you're on mute.

Ms. LaChance – Yes, I was. I apologize.

Chair Peeples – That's okay.

Ms. LaChance – I'm looking for a new start into a career that is long term where I can help people, where I can be a better provider and be able to continue balancing my work and life more effectively. And I believe that this position offers that. And as I said, I also like to help people, so I'll be able to meet people and help them arrange their services prior to the need being needed.

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

MOTION: Mr. Jones moved to approve the application. Rabbi Lyons seconded the motion.

Chair Peeples – Is there any further discussion or questions for the applicant? Mr. Jensen?

Mr. Jensen –Yes, I would like to ask Ms. LaChance, have you made any payments yet since this was a kind of a current case?

Ms. LaChance – Not as of yet. I haven't worked consistently since January 1st of this year.

Mr. Jensen –Okay. Thank you.

Chair Peeples – Thank you, Mr. Jensen. Any other questions or discussion? Our motion is for approval of the application. All in favor of the approval, say yes.

Board members – Yes.

Chair Peeples – All opposed say no.

Ms. Clay – No.

Chair Peeples – Thank you. So, we have motion carries. We have one disapproval by Ms. Clay. Good luck, ma'am.

Ms. LaChance – Thank you so much.

(c) McPhearson, Michelle N (Appointing Entity: SCI Funeral Services of Florida LLC)

Ms. Simon – On May 11, 2023, an application was submitted for the above named for licensure as a preneed sales agent, and Applicant answered “Yes” to the background question regarding criminal history on the application due to reportable criminal history that required disclosure. To wit, in 2015, Ms. McPhearson was charged with a felony charge for possession of cocaine and violation of probation to which she was found guilty. This criminal offense(s) occurred in St Lucie County. I believe Ms. Wiener is on the call representing Ms. McPhearson. The Division's recommendation is to deny.

Chair Peeples – Thank you, Ms. Simon. Ms. Wiener, would you like to address the Board or are you here for questions?

Ms. Wiener – No, I'm here to address the Board. Thank you Chair and thank you Board members for considering Ms. McPhearson's application. Ms. McPhearson is also on the call, I believe. So, she should pop on camera anytime now. So, as you read in the Board packet, when Ms. McPhearson was much younger, she became involved with absolutely the wrong man. He was a criminal, but he hid his criminal activities from her. He was very secretive about his life when he was away from her, and that was pretty easy for him to do because she was working 12- to 15-hour days as a postal carrier. Ms. McPhearson would return home each evening, but before she returned home, he would demand that she call and touch base or get in touch with him so that he could, I'm sure, clear out whatever criminal activities were happening in the home that they shared. Ultimately their home was being surveilled and it was raided and because she was a homeowner, she was charged with a series of crimes that of course led to the loss of her job with the federal government for which you have to be background screened and cleared regularly. Having lost that job where she had worked for a decade, building her career she became extremely depressed. Never having been a substance abuser in her life, she began to experiment with and use drugs herself. And prior to that incident, she had never once been in trouble. She had lived an exemplary life up until that time, which brings us to now. So, setting aside that time period of the crime and its aftermath, now her life is really an example of overcoming adversity. She has a partner of eight (8) years named Rex. They have a home remodeling business. They own two (2) homes together. They're super involved in their children and in their community. They're very involved in their church, and as a family, were baptized together in 2020. They foster adults with special needs. Really super engaged with her children who are seventeen (17) and graduating from high school, 15-year-old who was just named student of the year, and she's got a rising first grader as her baby. She's overcome a lot of adversity to take herself from an untenable and really unimaginable relationship. And now she's ready to serve the death care industry. She has the full support of her employer. She has been issued her insurance agent's license by your sister sub-agency, the Division of Agent and Agency Services. And we would ask that you favorably consider her application today. And I see Ms. McPhearson is on if you have questions for her. Thank you.

Chair Peeples – Thank you, Ms. Wiener. Board members, do you have any questions for Ms. Wiener? If you have questions for the applicant, we will need to swear her in. Mr. Brandenburg?

Mr. Brandenburg – I just want to make sure that there's been no other disciplinary issues with the applicant over the years.

Ms. Wiener – No, sir.

Mr. Brandenburg – This is the only one over the years?

Ms. Wiener – This is the extent of her criminal, reportable criminal history. Yes, sir.

Mr. Brandenburg – Thank you.

Chair Peeples – Board members, are there any questions? What is the pleasure of the Board? Mr. Jensen?

Mr. Jensen –Yes, I'd like to make a motion seeing that she's already been licensed by the insurance Department, our fellow agency and she served her time. I would make a motion that we give her a chance to make a living.

MOTION: Mr. Jensen moved to approve the application. Ms. Liotta seconded the motion, which passed with one (1) dissenting vote.

Chair Peeples – Thank you, Ms. Wiener.

Ms. Wiener – Thank you, Board.

F. Application(s) for Continuing Education

- (1) *Course Approval - Recommended for Approval without Conditions – Addendum B*
 - (a) *APEX Continuing Education Solutions (4201)*
 - (b) *Colibri Healthcare (113)*
 - (c) *Cremation Association of North America (16008)*
 - (d) *Florida Cemetery, Cremation & Funeral Association (75)*
 - (e) *Florida Morticians Association (23208)*
 - (f) *Graystone Associates, Inc. (41808)*
 - (g) *International Order of The Golden Rule (2201)*
 - (h) *National Funeral Directors and Morticians Association, Inc (15608)*
 - (i) *New Jersey Funeral Service Education Corp (7002)*
 - (j) *SCI Management - Dignity University (99)*
 - (k) *Selected Independent Funeral Homes (137)*
 - (l) *TRS Enterprises (71)*
 - (m) *WebCE (43)*
 - (n) *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.

Chair Peeples – Board members?

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

G. Consumer Protection Trust Fund Claims

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

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

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

H. Application(s) for Embalmer Apprentice

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum D*
 - (a) *Dixon, Danielle L F679198*
 - (b) *Key, Brennan N F671544*
 - (c) *Loring, Mahala L F669527*
 - (d) *McDonald, Alexa H F669116*
 - (e) *Medina, Gabriel M F670785*
 - (f) *Scheider, Alexis M F667985*

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

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

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum E*
 - (a) *Funeral Director (Endorsement)*
 - 1. *Villegas, Marlene*

2. *Weaver, Damion L*
- (b) *Funeral Director (Internship and Examination)*
 1. *Blum, Emily A*
 2. *Cooper Jr, Aaron A*
 3. *Felch, Jessica P*
 4. *Miller IV, James W*
- (c) *Funeral Director and Embalmer (Endorsement)*
 1. *Barnett, Timothy E*
 2. *Becker, Matthew R*
 3. *Bell, Mallory P*
 4. *Eby, Jill M*
 5. *Kannapel, Kathryn M*
 6. *Meeson Sr, Scott D*
 7. *Mello Jr, Stephen A*
 8. *Pescitelli, James R*
 9. *Teeple, Stephen J*
 10. *Thompson, Kirk D*
 11. *Williams, Jaloni*
- (d) *Funeral Director and Embalmer (Internship and Exam)*
 1. *Gomez, Amanda M*
 2. *Hughes, Michael L*
 3. *McCall, Ashli E*

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

- (2) *Recommended for Denial (Criminal History)*
 - (a) *Funeral Director and Embalmer (Internship and Exam)*
 1. *Lewis, Johnnie R*

Ms. Simon – An application for a combination funeral director and embalmer license was received by the Division on May 24, 2023. The application was complete when submitted. The applicant does have relevant criminal history, which was reviewed at the June 21, 2022, Board meeting where the Board approved the application with condition of probation. On or around March 10, 2004, the applicant was found guilty of felony possession of cocaine and was sentenced to a 4-year probation. Is the applicant or a representative of the applicant on the call today?

Ms. Pettine – Hi, I'm representing Mr. Lewis today.

Ms. Simon – Thank you. Madam Chair?

Chair Peeples – Thank you, Ms. Simon.

Mr. Clark – Madam Chair?

Chair Peeples – Yes, sir. Mr. Clark?

Mr. Clark – I know this matter came before the Board previously. I had recused myself then, and I'll recuse myself from this matter as well.

Chair Peeples – Thank you, Mr. Clark. Ms. Pettine?

Ms. Pettine – Thank you, Chairwoman. We'd like to discuss the application for the funeral director and embalmer. Mr. Lewis came before this Board in June of 2022, during which time, as you'll note from the Board packet, the minutes discussed extensively different options in terms of his approval, including checking in probationary period, that sort of thing. Over the

previous year during his internship, which was approved by that Board and extensively discussed, he has performed in an exemplary manner. The comments on all of his supervisor's quarterly reports have been glowing, and in addition, I do believe that his supervisor, Michael Shorter, is here today to act as a character witness should the Board so desire. Therefore, he should be approved for the funeral director license for which he has performed his internship. Thank you.

Chair Peeples – Thank you, Ms. Pettine. Board members, is there any questions for Ms. Pettine? Hearing none. What's the pleasure of the Board?

Rabbi Lyons – Ma'am?

Chair Peeples – Yes, sir.

Rabbi Lyons – Is the supervisor on the call? Could we hear his or her endorsement?

Chair Peeples – Well, we would need to swear this gentleman in. Mr. Shorter, would you please be sworn in?

Mr. Michael Shorter – I will.

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

Mr. Shorter – I do.

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

Mr. Shorter – Michael Derrall Shorter, Jr., S-H-O-R-T-E-R.

Chair Peeples – Thank you, sir. Rabbi Lyons, would you like to ask a question, Mr. Shorter?

Rabbi Lyons – Yes, just no specific question. Just want to hear your endorsement.

Mr. Shorter – Johnnie has been one of our exemplary employees and team members. Even as an intern, he has really been a leader in not only our expectations of our location, but truly the expectations of our industry with the way in which he cares, the way in which he takes care of families and ensures that everything is handled from a customer service standpoint, but also in line with his internship in the statute from a legal standpoint. So, I have no problem at all continuing to support Johnnie through his career and endorsing him, you know, as he moves into licensure as a funeral director and embalmer.

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

Ms. Simon – Yes. Mr. Shorter, are you the same individual that is on this agenda for discipline today?

Mr. Shorter – I am. Yes, ma'am.

Ms. Simon – Thank you. No further questions. Thanks.

Chair Peeples – Thanks, Ms. Simon. Mr. Jensen?

Mr. Jensen – Quick question. Looking back at the previous motion from 2022, when was the Florida Laws and Rules examination taken by this individual? Can anyone answer that?

Ms. Simon – If I may?

Chair Peeples – Ms. Simon?

Ms. Simon – I don't think he has taken the exam yet. That's why we are here today.

Mr. Jensen – Okay, because the original motion, which I made back then, said that we would approve it with probation for one (1) year once the Florida Law and Rules examination has been passed, and the funeral director and embalmer license is issued. So, we're not there yet. Is that correct?

Ms. Simon – It depends on what the Board's action is today.

Mr. Jensen – Yes. I would stand by my original motion, Ms. Peebles back in 2022. You have Mr. Jones seconded that motion and it passed. So, until the Florida Law and Rules examination has been passed and the license issued, then we associate a year probation with that. So, I would stand by the original and make a motion today to deny it.

Ms. Jasmin Richardson – I'm sorry. This is Jasmin Richardson.

Chair Peebles – Yes?

Ms. Richardson – So I think there's an issue. So, this is the application to take the Florida Law and Rules examination. The one (1) in 2022 was for the internship. So, he has completed the internship, and in order to take the law and rules examination, he had to complete that and pass the national Board exams in order to get to this point. So, he can't take it until you all say yes on this item.

Mr. Jensen – I will withdraw that Ms. Peebles. I am in error, and I would vote to approve this gentleman to take the test. Yep.

Rabbi Lyons – Second, Lyons.

Chair Peebles – Okay. We have motion by Mr. Jensen for approval and a second by Mr. Lyons. Mr. Brandenburg, I saw your hand, sir.

Mr. Brandenburg – The question was answered.

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

Ms. Simon – I'm not sure. Does that include the probation referenced before that motion? At the time that he is licensed, that he would be placed on probation for one (1) year.

Mr. Jensen – Absolutely. I would like that. If I wasn't clear on that, I definitely think that one-year probation is in order with this once the gentleman receives his license.

Chair Peebles – Rabbi Lyons, do you agree with that second?

Rabbi Lyons – I didn't understand it that way, but okay. Yes, I'll second that.

Chair Peebles – Mr. Brandenburg?

Mr. Brandenburg – Is Mr. Lewis on the call and available to answer questions?

Chair Peebles – Ms. Pettine is your client available?

Ms. Pettine – Yes, he is available and more than willing to answer questions if needed.

Chair Peebles – Mr. Brandenburg, before we swear him in, do you have direct questions for Mr. Lewis?

Mr. Brandenburg – Do I?

Chair Peeples – Yes, sir.

Mr. Brandenburg – Yes.

Chair Peeples – Mr. Lewis, if you're on the call, please raise your right hand to be sworn in.

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

Mr. Johnnie Lewis – Yes, I do.

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

Mr. Lewis – Johnnie Lewis. L-E-W-I-S.

Ms. Simon – Thank you, sir.

Mr. Lewis – Yes.

Chair Peeples – Thank you. Thank you. Mr. Lewis. Mr. Brandenburg?

Mr. Brandenburg – Hello, Mr. Lewis. When was the last time you were drug tested?

Mr. Lewis – It's been years, sir. I assure you. I have no issue with drugs or anything of that nature. I made a mess up in my life almost twenty (20) years ago, and I assure you that was a very isolated time in my life and nothing before that has ever happened, and nothing has ever happened since.

Mr. Brandenburg – In your present employment, what have you been doing?

Mr. Lewis – I was hired as a funeral associate at the funeral home, and then a few months into that I applied to do my internship and I've been working on fulfilling my internship as the embalmer and funeral director intern at Anderson McQueen.

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

Mr. Brandenburg – Yes.

Chair Peeples – Thank you. Any other Board members' have questions for Mr. Lewis?

Ms. Munson – I don't have a question regarding Mr. Lewis, but I just wanted to clarify what this motion was that we're voting on, because that's what the Order will reflect, and I'm not certain if I'm clear on that wording.

Chair Peeples – It was approval of the applicant's request with probation of one (1) year if successfully passed the state laws and rules exam. Once the license is issued, it will be placed one-year probation. Is that correct, Mr. Jensen?

Mr. Jensen – That is correct. And I do have one question for the Department.

Chair Peeples – Real-quick, Mr. Jensen. Ms. Munson, is that clear for you or do you need further clarification?

Ms. Munson – Approval to take the exam and if he passes, then one-year probation. Ms. Simon; can we do that?

Ms. Simon – Yes, we can.

Ms. Munson – Okay.

Ms. Simon – This is approval to take the examination if the Board so chooses. At the time he is licensed he will be placed on one (1) year of probation, according to the motion.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes, ma'am. That is correct. I do have a question. I'm assuming that the gentleman already has all the other qualifications to be a funeral director and take the exam. Is that right, Ms. Simon?

Ms. Simon – Other than the reportable criminal history, yes, sir.

Mr. Jensen – Yes. That is all Ms. Peeples and I stand by my motion.

Chair Peeples – Thank you. Ms. Richardson, I saw you kind of chime in. Did you have any information to provide?

Ms. Richardson – Actually, no. I don't even know how my camera got back on. Sorry. No, I'm good.

Chair Peeples – Good to see you. Thank you. Any other questions for Mr. Lewis, for Mr. Shorter or Ms. Pettine before we take a vote? Hearing none. All in favor of the motion to approve the applicant's request to take the state laws and rules test and become licensed with one-year probation after license is issued, please say yes.

Board members – Yes.

Chair Peeples – If you oppose, please say no. Motion carries. Good luck, Mr. Lewis.

Mr. Lewis – Thank you.

(3) *Recommended for Denial (Education)*

(a) *Funeral Director by Endorsement*

1. *Huddy, Katelyn R*

Ms. Simon – Ms. Huddy submitted an application for a funeral director license on May 3, 2023, at which time the application was incomplete. A completed application was received on May 30, 2023. The applicant's fingerprints returned with no criminal history. However, while Ms. Huddy holds a funeral director license which is currently active and is in good standing outside of Florida and has taken and passed the State Board Arts; however, she did not receive an Associate or higher in Mortuary Service and has engaged in full-time practice as a funeral director for only two (2) years not the five (5) as required by statute. Therefore, the Division is recommending denial. I believe Ms. Wiener is representing this applicant.

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

Ms. Wiener – Thank you, Board. Let me take you back a year or two (2) to when we were regularly presenting these comparisons of educational background to the Board when approving these applicants. And I presented to you in the Board packet, you have the comparison tables that I used to regularly prepare. Once we changed the law, such that five (5) years of experience, licensed experience brings you in without that comparison, we've kind of moved away from that, but we're back with this one because as Ms. Simon correctly noted Ms. Huddy has only two (2) years of licensure in Washington state. But I believe you will note that based upon the comparison tables, that the education that she received and the experience that she received in becoming licensed as a funeral director in Washington is more than adequate for matching up with that that would be required if she were to be a recipient of the associate degree in funeral service. And I use the St. Pete College curriculum to compare. So, you can check the comparison tables to see that she is more than qualified to hold licensure here in Florida. And we would request that you approve her application. Thank you.

Chair Peeples – Thank you, Ms. Wiener. This is Chair Peeples. I have a concern because Ms. Huddy's degree is in recreation and park management, which doesn't have anything to do with our industry. And Ms. Huddy, I think is on the call, but Ms. Wiener, she is currently a student at Commonwealth College. Is that correct?

Ms. Wiener – She is. And since the time of the submission of her application, she's actually finished another semester of that. So, she's quite close. But nevertheless, this Board has considered in the past the general education received, whether it be through a college degree or through community college or even through continuing education when considering the kinds of things that are required.

Chair Peebles – Thank you, Ms. Wiener. I'm just very concerned. She doesn't have five (5) years' experience. She doesn't have a degree in this particular accredited institution. So, I'm just real concerned about granting her a license. And it seems that if she may have a future completion date of the end of this year, if everything [inaudible].

Ms. Clay – Madam Chair?

Chair Peebles – Yes, ma'am?

Ms. Clay – If I may, and I've said this many times before, if there are rules and we refuse to follow the rules, then we don't need the rules. I am an advocate of promoting persons who deserve to be promoted, but when the qualifications are not at all parallel, there is no comparison. That being said, I move for denial.

Chair Peebles – Thank you, Ms. Clay. Do we have any other Board members?

Mr. Jones – I have a question if I may.

Chair Peebles – Yes, Mr. Jones?

Mr. Jones – I may be in error. I thought I saw Ms. Huddy's Bachelor of Science. Am I incorrect or did I read something wrong?

Ms. Wiener – She has a Bachelor of Science. That is correct.

Mr. Jones – Okay. Clarify that for me, Ms. Wiener.

Ms. Wiener – I will gladly do so Mr. Jones. If you would indulge me, let me just say quickly to Ms. Clay, however. We're not going against the rules here, Ms. Clay. Ms. Clay, the rule is your education has to be equivalent or superior to the requirement of Florida, and that's why we make those comparison tables. It doesn't say you must have the degree. It says you've got to be substantially equivalent or better than. And so that's why I prepare these tables to show the substantial equivalency. But we are not asking for a variance from the rule or a waiver of the rule, or law. We're simply comparing her education to what is required to get the associate degree in the State of Florida. Mr. Jones, to your question she has a Bachelor of Science from East Carolina University, and then she also completed in Washington State you have to go through a really extensive internship. So, you go through, it's much like other licensees that we've brought in from the state of Ohio where you don't have to have the school education, you get your education while going through the required internship, and it has to be documented. And then she also has courses from the Commonwealth Institute of Funeral Service. But to Ms. Peebles point, she need not do that to become a licensed funeral director in Florida because her education is equivalent or better than what's required in Florida. But she will need that to become an embalmer and she wishes to become a licensed funeral director and embalmer. So that is the reason for that additional education.

Chair Peebles – Thank you, Ms. Wiener. And I'll second Ms. Clay's motion that she made. So, we have on the table a motion to deny. And we have a second. Is there any other discussion? Mr. Jensen?

Mr. Jensen – Yes, I would like to point out, I do see here, and I do have a question for Ms. Wiener in reference to how was she able to take the National Boards? I noticed she's taken the National Boards and passed those. How did that happen?

Ms. Munson – May I Madam Chair, just before?

Chair Peebles – Yes, Ms. Munson.

Ms. Munson – I'm going to encourage the Board members that where the representatives are here for the role of representing. If you have the applicant, you can directly get firsthand information from them by directing your questions to them that you feel will elicit the responses that you're looking for or seeking. I just wanted to note that for the record, because oftentimes I don't see where questions are being directed to the applicants themselves.

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

Ms. Wiener – This is really a legal question and a mixed question of law, in fact, I guess. But the answer is because she completed the requirements to become licensed in the State of Washington, one of the requirements was that she taken past the National Boards, which she has. If you deny this applicant a license under these circumstances, this will be the first applicant of this nature with demonstration of equivalency that you will have denied. Just for the record.

Chair Peeples – Ms. Wiener, respectfully, as Ms. Clay stated, I concur with Ms. Clay, that you're setting precedent and I don't like that because I went through a lot over thirty-five (35) years ago to get my license, and it's not as hard today to get your license. So that is why I seconded the motion. So, we have a motion, and we have a second. Mr. Jensen?

Mr. Jensen – I do have one follow-up question. I'm just curious on this. I do know that there's been some work done in the statutes to change the laws on this in this five-year thing, Ms. Wiener, I'm just curious, what is your rationale about that? Because there's only two (2) years' experience here and that's pretty black and white.

Ms. Wiener – Well, there's more than one (1) path to licensure by endorsement in Florida. One of them is that you've been licensed and continually serving as a funeral director and/or embalmer for five (5) years or you must meet the criteria set forth in Florida Statutes. That criteria includes either having the associates degree or showing that the education that you have to be a funeral director from your state was equivalent to or superior to that required of Florida. I have set forth in those tables every single class you have to take to become a funeral director or to achieve the associate degree in Florida, which if she had, we would not even be before you. This would've been an informational item. There would be no question. Ms. Huddy has not one (1), not two (2), but often three (3) and four (4) of her educational achievements go to every one of those classes. And so, in this situation where she was well educated as an undergraduate student achieving a bachelor's degree in recreational, I forget what the name of her thing is, but recreational event planning, that sort of thing, she's applying to you to become a funeral director, not a funeral director and embalmer, she doesn't have the education for that, but a funeral director. So, she has that bachelor's degree, she has all that she went through in Washington State in order to become a funeral director there. And she can certainly speak to the length of time that that was and all of the things that she went through. Those things taken together in addition with the additional classes she's taken at Commonwealth, certainly match up to or are better than that required in Florida. I think in terms of establishing precedent, you are in peril of establishing a terrible precedent where you have fifteen (15), maybe twenty (20) prior precedents of considering applicants measuring up their educational requirements, as is your obligation, and then finding that they're qualified and not one (1) of them has sent back to you with a problem. Thank you.

Chair Peeples – Thank you. Ms. Wiener. We have a motion. I'm going to call a vote. We have a motion on the floor with a second. Ms. Simon, if you will do a roll call vote, please. And if you vote yes, you're voting to deny, if you vote no, you're voting to not deny.

Ms. Simon – Yes, ma'am. Just one moment.

Chair Peeples – Thank you.

Ms. Simon – Mr. Clark?

Mr. Clark – No.

Ms. Simon – Mr. Brandenburg?

Mr. Brandenburg – No.

Ms. Simon – Ms. Clay?

Ms. Clay – Yes.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – No.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yes.

Ms. Simon – Mr. Jones?

Mr. Jones – No.

Ms. Simon – Ms. Liotta?

Ms. Liotta – No.

Ms. Simon – Rabbi Lyons?

Rabbi Lyons – No.

Ms. Simon – Mr. Williams?

Chair Peeples – Mr. Williams is on leave.

Ms. Simon – Oh, I apologize. I apologize. And Madam Chair?

Chair Peeples – Yes.

Ms. Simon – So that motion fails. May I?

Chair Peeples – Yes, ma'am.

Ms. Simon – I might be saying something to my peril because I have read over the statute over and over again so many times over the years, but I am looking at s. 497.373, which is the licensure of funeral director by endorsements. And that says, which is the education for what we're talking about, received an associate of arts, associate in science degree, or associate in -- I'm going to stop right there. Please excuse my remarks.

Chair Peeples – Yes, ma'am. So, the motion failed. So, what is the Board's pleasure?

Mr. Brandenburg – Madam Chair?

Chair Peeples – Yes, Mr. Brandenburg?

MOTION: Mr. Brandenburg moved to approve the application. Ms. Liotta seconded the motion.

Chair Peeples – We have a motion, and we have a second for the application approval. Ms. Simon, if you'll do a roll call vote, please.

Ms. Simon – Yes. One moment please.

Chair Peeples – Yes, ma'am.

Ms. Simon – All those in favor of the motion say aye. Mr. Clark?

Mr. Clark –Aye.

Ms. Simon – Mr. Brandenburg?

Mr. Brandenburg – Aye.

Ms. Simon – Ms. Clay?

Ms. Clay – No.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Aye.

Ms. Simon – Mr. Jensen?

Mr. Jensen – No.

Ms. Simon – Mr. Jones?

Mr. Jones – Aye.

Ms. Simon – Ms. Liotta?

Ms. Liotta – Aye.

Ms. Simon – Mr. Lyons?

Rabbi Lyons – Aye.

Ms. Simon – Madam Chair?

Chair Peeples – No.

Ms. Simon – That motion passed.

Chair Peeples – Thank you.

Ms. Wiener – Thank you, Board.

J. Application(s) for Internship

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

(a) Embalmer

- 1. Felch, Jessica P F601108**
- 2. Rossy, Amanda L F338909**

(b) Funeral Director

- 2. Aubrey, Meghan F F679629**
- 3. Diekman, Alicia M F630152**
- 4. Ritter, Christina L F643454**
- 5. Young, Jeremy K F669787**

(c) Funeral Director and Embalmer

- 1. Beeks, Dominique L F411534**

2. *Cappola, Dana C F533388*
3. *Cumberbatch, Kevin L F673992*
4. *Dennisk Timothy M F679296*
5. *Dragon, Jennifer L F645687*
6. *Gebhart, Kelly E F611569*
7. *Geise, Jordan M F667970*
8. *Graham, Pamela E F667026*
9. *Harrington III, Cornelius F679295*
10. *Hernandez, Mabiely F668474*
11. *Hobley, Mildreka S F669777*
12. *Jones, Vernon L F667969*
13. *Kippur, Lindsay F672088*
14. *Kozina, Emily M F670784*
15. *McGoldrick, Joseph L F287468*
16. *Pazo, Jacnery H F020935*
17. *Shores, Kristen P F667955*

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

(2) Recommended for Denial (Criminal History)

(a) Funeral Director and Embalmer

1. Williams, Shelly S

Ms. Simon – An application for a concurrent intern license was received by the Division on May 30, 2023. The application was incomplete when submitted and a deficiency letter was issued on June 15, 2023. All deficiencies were corrected, and the application was deemed complete on June 16, 2023. The applicant answered “Yes” to the criminal history question. On or around June 11, 2003, the applicant was arrested and charged with one (1) count of felony, third degree, fraud-use of another person’s personal identification information without consent. On November 3, 2003, the applicant was convicted guilty with adjudication withheld. However, in this case, whether an adjudication is withheld or not, it is still considered a conviction. And if I may remind the Board that while most felonies are only reportable for twenty (20) years, as this one, when it is a fraudulent charge, we can introduce it at any time. Because of that the Division recommends denial. Is Ms. Williams here today?

Ms. Shelly Williams – I’m here.

Ms. Simon – Thank you, ma'am. Madam Chair?

Chair Peeples – Thank you, Ms. Simon. Ms. Williams, if you'll let us swear you in, please, in case there are any questions for you. Please raise your right hand.

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

Ms. Williams – I do.

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

Ms. Williams – Shelly Williams. W-I-L-L-I-A-M-S.

Ms. Simon – Thank you.

Chair Peeples – Thank you, Ms. Williams. Would you like to address the Board?

Ms. Williams – I would. So, twenty (20) years ago, I had bad company, and I was used, and she never told me that it was a patient of hers. I never actually took any information, but I allowed her to use it because she told me it was her aunt. And because they knew we were friends, the company pressed charges. So that's pretty much what happened. I was young and the lawyer said, you know, in Florida, it's best to just take probation. Don't even try to fight it because it was an elderly person. I never got anything out of it. I never got any money. I never took any IDs or anything. She wanted a cell phone, and I guess she didn't want to pay the -- I know I'm probably mumbling because, you know, it's like some crazy story, but she wanted a cell phone. She didn't want to pay the deposit. I worked at Nextel, so she used whoever -- some -- I guess it turned out to be a lady so that she can get the cell phone. The cell phone went to her house, but she was going to pay the bill, I guess, but she didn't want to pay the deposit. That's why she used the fake information. Dumb, stupid, and I got involved in it because I was her friend and I worked it. She told me was her aunt, or whatever, and I believed it. At that time, you didn't have to come in, you didn't have to bring any, you know, you could just say, yes, it's me. You fill out the paper and that was it. I've never been in trouble before. I've never been in trouble after. I have four (4) beautiful kids. I have one (1) of them in FSU. They're thirty-two (32), nineteen (19), seventeen (17), and sixteen (16). I have a beautiful husband. I just want to start my life.

Chair Peebles – Thank you, Ms. Williams. Board members, do you have any questions for Ms. Williams?

Ms. Williams – I have also been working in the funeral industry for like ten (10) years. I've been here doing crematory operator at Newcomer for one (1) year.

Chair Peebles – Thank you, ma'am. Board members, any questions for Ms. Williams? I think Mr. Ferreira had to drop off with the camera and I think he may be still connected by phone. Is that correct, Mr. Ferreira?

Mr. Ferreira – Yes, ma'am.

Chair Peebles – Okay. So, you're back on with camera?

Mr. Ferreira – Yes, ma'am.

Chair Peebles – Thank you. So, is there any further discussion? Mr. Brandenburg?

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

Chair Peebles – Good luck Ms. Williams.

Ms. Williams – Thank you. I appreciate it. Thank you, guys.

- (3) *Application(s) to Renew Internship***
- (a) *Recommended for Approval without Conditions***
- 1. *Funeral Director***
- a. *Chandler, Glenn A F592313***

Ms. Simon – An application to renew the funeral director internship license was received on April 25, 2023. The application was complete when received. The applicant was previously licensed as a funeral director and embalmer intern and 69K-18.002, Florida Administrative Code, only permits one internship in a lifetime. The current license expired on May 27, 2023. The Division recommends approval.

Chair Peebles – Is Mr. Chandler on the call today? Hearing none. Board members your pleasure.

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

- 2. *Funeral Director and Embalmer***
- a. *Batts, Jamaad F236933***

Ms. Simon – Is Mr. Batts or a representative of Mr. Batts on the call today? Hearing no response. An application to renew the funeral director and embalmer internship license was received on May 25, 2023, via electronic mail. The application was incomplete when initially received but all missing information was satisfied and deemed complete on June 2, 2023. The applicant has previously been licensed as a funeral director and embalmer intern and 69K-18.002, Florida Administrative Code, only permits one internship in a lifetime. The current license expired on May 25, 2023. The Division recommends approval.

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

b. Coffee, Shamonique F592097

Ms. Simon – Is Ms. Coffee on the call today? Hearing no response. An application to renew the funeral director and embalmer (concurrent) internship license was received on May 18, 2023. The application was complete when received. The applicant was previously licensed as a funeral director and embalmer intern and 69K-18.002, Florida Administrative Code, only permits one internship in a lifetime. The current license expires on July 6, 2023. The Division recommends approval.

Chair Peeples – Board members?

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

c. Duarte, Karyna F575716

Ms. Simon – Is Karyna Duarte on the call today? Hearing no response. An application to renew a funeral director internship license was received on March 9, 2023. The current license expired on March 14, 2023. The application was not complete when received. Ms. Duarte initially submitted the incorrect application and fee. The correct application and fee were resubmitted on March 30, 2023, and was deemed complete on April 24, 2023, after documentation was received designation the correct training agency locations. Although the correct application and fee was submitted after the internship expired, based upon the circumstances, the Division considers that Ms. Duarte did initially submit an application and fee timely. The applicant was previously licensed as a funeral director and embalmer intern and 69K-18.002, Florida Administrative Code, only permits one internship in a lifetime. The Division recommends approval.

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

d. Ewing, Dustin L F516730

Ms. Simon – Is Mr. Ewing or a representative of Mr. Ewing's on the call today?

Mr. Dustin Ewing – I am present.

Ms. Simon – Thank you, sir. An application for concurrent license and a petition for waiver of rule 69K-18.002, F.A.C., was received by the Division on May 23, 2023. The applicant previously held a funeral director and embalmer (concurrent) intern license which expired June 28, 2022. The applicant was outside of the timeframe to submit a request to renew internship. The applicant has reportable criminal history to wit, in or around March 2004, Mr. Ewing pled guilty to ten (10) counts of Forgery and eleven (11) counts Theft. This same criminal history information was presented to the Board for consideration on June 24, 2021. The applicant has no new reportable criminal history. The applicant did not complete the one-year internship that previously expired and is seeking licensure as a concurrent intern. The Division recommends denial of the Petition for Waiver and denial of the application for licensure.

Chair Peeples – Thank you, Ms. Simon. Mr. Ewing, if you will please be sworn in if you'll raise your right hand.

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

Mr. Ewing – I do.

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

Mr. Ewing – Dustin Ewing, E-W-I-N-G.

Ms. Simon – Madam Chair?

Chair Peeples – Thank you. Thank you, Ms. Simon. Thank you, Mr. Ewing. Board members, do you have any questions for Mr. Ewing? Mr. Ewing as Chair, I would just like to ask a question. With you being approved back on June 24, 2021, for the internship, and now you're requesting a waiver to kind of go back and do another internship, would you like to address the Board of kind of what the circumstances are?

Mr. Ewing – Yes. I also would like to point out that that case that she referenced was overturned and I thought that it was removed and that would show on the current set of fingerprints. Was it still showing on there?

Chair Peeples – Ms. Simon?

Ms. Simon – Yes, it was.

Mr. Ewing – Okay. So, I will contact my attorney and get any information needed by the request, but that case was overturned on appeal. In reference to renewing the internship I presented the information and I hope it was in the Board's packet where I returned back to care for my grandmother who became ill. And then in the course of that time, our entire family was overridden with COVID, and I just was not able to get back to Florida. And since then, she passed, we took care of that and now we have my grandfather in an assisted living. So, I returned to Florida hoping to finish the internship and then be licensed.

Chair Peeples – Thank you, sir. This may be a question for Ms. Munson or Ms. Simon or Ms. Richardson. Since Mr. Ewing has made the comment about the previous criminal history case was overturned on an appeal, should we possibly table this to allow him time to get that information to us?

Ms. Simon – Madam Chair, it depends on the Board. If the Board requires that information, that would be fine. Otherwise, the application and the submissions to the Board remain the same.

Chair Peeples – Thank you, Ms. Simon.

Ms. Munson – If I may ask?

Chair Peeples – Yes, Ms. Munson.

Ms. Munson – I don't know whether that information would've been a dispositive factor in the decision. And if it was, then I guess you could actually table it for that particular matter. I want to make sure that everyone understands the basis for these petitions and the language is not necessarily included. But the statute that kind of provides the guidance for petitions is that the individuals, the petitioners, are really asked to just identify that the application of the rule, the way it's currently written, would create a substantial hardship or violate principal fairness in their circumstance. And also, substantial hardship is determined to be some type of demonstration of economic, legal, technological, or other type of hardship. And also identify that the principles of fairness that are violated when the literal application of the rule affects a particular person in a manner that may significantly be different from how it could affect someone else. So, if the gentlemen would, just with this example, because we don't talk about these, we usually just run over the petitions with assumptions. If he's identifying that his special circumstance was the care for the family member, the impact of COVID, and those are the type of considerations that the Board is being asked to give consideration to with regard to substantial hardship and how his efforts may be special because of those circumstances which led him not to meet the requirements of the rule. And that's kind of just my overview I wanted to share.

Chair Peeples – Thank you, Ms. Munson. What is the pleasure of the Board? Mr. Jensen?

Mr. Jensen – Yes. Quick question for Ms. Munson. So, are you saying that we should not consider the criminal history here? And also, was this criminal history known when he was originally approved to do the internship?

Ms. Munson – Ms. Simon can answer, but I believe it was known and Ms. Simon can confirm whether or not it was not or known, but I believe it was presented to the Board and it was made known at that time. And I'm not suggesting that you don't consider it, but you may also consider the fact that you considered it before. I don't know.

Chair Peeples – Ms. Simon?

Ms. Simon – Madam Chair, I must say this to the Board, and I apologize. I think the information regarding the prior charges was based on Mr. Ewing's last application. When I'm looking now, Mr. Ewing is correct that those crimes are not mentioned, so they should not be considered, and I apologize for that.

Chair Peeples – Thank you, Ms. Simon, for the clarification. Board members, we have Mr. Ewing here. Does any other Board member have a question for him before we proceed?

Mr. Brandenburg – Just one quick question.

Chair Peeples – Mr. Brandenburg?

Mr. Brandenburg – Mr. Ewing, are you working in Florida now?

Mr. Ewing – Yes, I'm currently employed by Fred Hunter's as a funeral associate. I'm just working services as an attendant. And I'm also confused because on my copy of the agenda, it said that that they were recommending approval.

Chair Peeples – Mr. Ewing in answer to your question on our cover sheet, it has the recommendations and it had it for denial. But that's why we're going through this process of asking questions and getting information. I do appreciate you bringing that to our attention. Mr. Brandenburg, did you have any further questions, sir?

Mr. Brandenburg – No. I'd like to make a motion if appropriate?

Chair Peeples – Yes, sir.

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

Chair Peeples – Good luck Mr. Ewing.

Mr. Ewing – Thank you.

Chair Peeples – You are welcome.

K. Application(s) for Monument Establishment Sales Agent

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

- (a) Berube, Angela F674897
- (b) Bianculli, Mary F678270
- (c) Gray, Craig F674898
- (d) Grossetto, Brian F673977
- (e) Hill, Adrianna F666631
- (f) Hill, Alisa F666632
- (g) Hill, Darren F666582
- (h) Nunez, Gabriela F678909
- (i) Pinter, Stephen F673976
- (j) Tanner, Tracy M F673417

(k) Wilkerson, Wendy H F674863

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

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

(1) Information item (Licenses Issued without Conditions) – Addendum H

- (a) Degusipe St Petersburg LLC d/b/a Degusipe Funeral Home & Crematory (F560984) St Petersburg*
- (b) SCI Funeral Services of Florida LLC d/b/a Merritt Funeral Home (F613750) (Brooksville)*
- (c) SCI Funeral Services of Florida LLC d/b/a Merritt Funeral Home (F613751) (Spring Hill)*
- (d) Trahan Family Funeral Home of Milton Inc (F609968) (Milton)*
- (e) Trahan Mortuary Services Inc d/b/a Pensacola Mortuary Shipping (F609965) (Pensacola)*
- (f) Trahan Mortuary Services Inc d/b/a Trahan Family Funeral Home (F609966) (Pensacola)*
- (g) Walker-Berry Funerals & Cremations Inc d/b/a Coleman Walker Berry Funerals & Cremations (F643939) (Jacksonville)*

Ms. Simon – This is an informational item. The Division has reviewed the applications listed on Addendum H 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.

(2) Recommended for Approval with Conditions (Request for Waiver)

- (a) Capstone Funeral Holdings of FL LLC d/b/a Whitehurst-Powell Funeral Home & Crematory (F664068) (Crestview)*

Ms. Simon – This newly approved establishment (F664068) is now seeking approval of a waiver of Rule for 69K-18.004, Florida Administrative Code, regarding certain requirements for licensure as a training agency. And, as an update the application, currently the Applicant has no interns at his establishment. The Division recommends approval subject to the conditions:

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

It would be appropriate at this time to have motions for two (2) different votes.

Chair Peeples – Board members? Rabbi Lyons?

Rabbi Lyons – Can I just clarify one thing? It's just very confusing. It sounds like they've had more than forty (40) cases, but because it just changed hands, so therefore they can't claim to have had forty (40) cases. Is that the issue?

Ms. Simon – Madam Chair?

Chair Peeples – Ms. Simon?

Ms. Simon – That is correct. When there is a change of ownership, you cannot claim that this new facility had forty (40). That's under the old licensure, which is one of the reasons for the request for favor which is in your Board package.

Rabbi Lyons – Once the facility is granted status as a training facility, how long does that license last for?

Ms. Simon – The license lasts for an indeterminate period of time. However, as I stated, this is a new license. It's a new establishment according to the law, according to the Board's vote. And as a result of that newness, this agency, this establishment has not yet gotten the requirements for a training agency. But that is why they are asking for a waiver.

Rabbi Lyons – In theory, we could first waive the rule and then we could allow them to be a training agency but have to come back for re-licensure in a year and show us that they've done forty (40).

Ms. Simon – The Division's recommendation is that Rule 69K-18.004, Florida Administrative Code be waived and that the application for registration of a training agency be granted. This is very similar to recent, previous cases in front of the Board.

Chair Peeples – So, Rabbi Lyons, we're going to need two (2) motions. One to waive the rule and second to approve their application for a training agency. Would you like to proceed?

MOTION: Rabbi Lyons moved to approve the request for waiver. Ms. Liotta seconded the motion, which passed unanimously.

Rabbi Lyons – I'd like to make a motion that we approve them as a training facility. Wait one second before I motion. Sorry. Ms. Simon, one more question. If the training facility doesn't keep up the forty (40) then do they lose the status?

Ms. Simon – That depends on what is reported to the Division at that time. It is not an automatic.

Rabbi Lyons – Okay. So, I'd like to make a motion that we approve them as a training facility for the duration of one (1) year. So, in other words, they need to come back in a year, then they can show us how many cases they've done, how many interns they have. So, it's a motion to approve, but that the license is only for a year.

Ms. Munson – If I may?

Chair Peeples – Ms. Munson?

Ms. Munson – I'm just going to defer to Ms. Simon. I don't know if we can take a license and approve it for one (1) year. If you're trying to place a condition on this license, then I don't know if it's a probationary period. I'm not certain, but Ms. Simon, I would really appreciate what information this Department is accustomed to doing with regard to licensure. I mean, they're up for renewals, but I don't know about –

Ms. Simon – Within the Division, we do not have a way of tracking that. I have never had a motion for licensure for only one (1) year and then the applicant would need to apply again. That is not what the previous course of this Board has been.

Rabbi Lyons – Okay. So, we can make a condition that they keep up the forty (40) cases per intern. Would that work?

Ms. Munson – And I'm interjecting only because if they don't, they would be subject to some type of other issue. Maybe discipline or something. Is that not correct?

Rabbi Lyons – Well, we just waived the rule for that.

Ms. Munson – No, no. You didn't waive the rule for that.

Chair Peeples – We have a motion by Rabbi Lyons.

Rabbi Lyons – Yes, again. Sorry. Ms. Munson, if my motion is that we approve them on the condition that they maintain forty (40) cases per intern. You're okay with that?

Ms. Munson – It can be written that way, I suppose. Ms. Simon?

Ms. Simon – Rabbi Lyons, that would be rather difficult because we as a Division would not track that. So, it'd be rather difficult for a license to be approved for only a year. And I am unaware of that previously occurring,

Rabbi Lyons – So not for a year?

Ms. Simon – As I said, these recommendations by the Division have been consistent for at least several years. And each time this has come before the Board, it has been approved. Of course, the Board can do whatever the Board is so inclined to. It can change things up. But I just wanted to give you that information.

Rabbi Lyons – All right, all right, all right. So, we'll motion to approve the license.

Mr. Brandenburg – Thank you.

Rabbi Lyons – For this training facility.

Mr. Jensen – Thank you.

Chair Peeples – Do we have a second?

Mr. Jensen – Madam Chair?

Chair Peeples – Well, we need a second. Do we have a second?

Mr. Jensen – I'll second.

Chair Peeples – Okay. So, we have a motion by Rabbi Lyons. A second by Mr. Jensen. Any discussion?

Mr. Jensen – One thing just to state, I think we're in the process of maybe refining that. And also, just for Mr. Lyons, I am familiar with that funeral home. They're going to have no problem with that amount. So, I mean, we're good.

Chair Peeples – We have a motion and a second. Is there any further discussion? Hearing none. All in favor of the motion say yes.

Board members – Yes.

Chair Peeples – All opposed to the motion, say no. Motion carries.

M. Notification(s) of Change in Location

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

(a) Angels of Paradise Mortuary LLC (F365678) (Miami)

(b) B&T Enterprises of Tampa Bay LLC d/b/a Community Cremation (F060511) (Land O'Lakes)

(c) Funeraria Hialeah Memorial Inc (F063613) (Hialeah)

(d) Love and Grace Funeral and Cremation Services LLC (F090208) (Sunrise)

Ms. Simon – This is an informational item. The Division has reviewed the applications listed on Addendum I.

N. Application(s) for Broker of Burial Rights

(1) Recommended for Approval without Conditions

(a) Thomas G Maiolo (Tampa)

Ms. Simon – Is that gentleman here or a representative of that gentleman here today?

Mr. Thomas Maiolo – Yes, Board. I am here.

Ms. Simon – Thank you. The application was received on April 19, 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.

Chair Peeples – Board members?

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

Mr. Maiolo – Thank you.

Chair Peeples – You are welcome.

O. Application(s) for Funeral Establishment

(1) Recommended for Approval with Conditions

(a) A L Hall Funeral Director Inc d/b/a Tillman Funeral Home (Monticello)

Ms. Simon – An application for a funeral establishment was received on April 26, 2023. The application was incomplete when submitted. A completed application was received on June 1, 2023. The Funeral Director in Charge will be Doctor Choice (F046148). A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the establishment pass an onsite inspection by a member of Division Staff. Is there a representative of this entity on the call today? Hearing no response. Madam Chair?

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

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

(b) Brody C Harris Funeral Home Inc d/b/a Harris Funeral Home & Cremations (Live Oak)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. An application for a funeral establishment, based on a change of ownership, was received May 5, 2023. The application was incomplete when submitted. A completed application was received on May 26, 2023. The Funeral Director in Charge will be Roger Rathburn (F044661). A background check of the principals revealed no relevant criminal history. The current establishment does have a qualifying preneed license; however, an application for a preneed license has not been submitted. The Applicant did submit a letter stating they will fulfill all unfulfilled preneed contracts. The establishment passed its inspection on June 14, 2023. The Division recommends approval subject to the following conditions:

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

I would have another condition I'd like to add one on page 8 of 8 of the application that is on page 9 of your PDF, there is 10(b) a change of ownership that is not signed. One of the conditions for licensure would be that the applicant submit that page again of the application with the required signature.

Chair Peeples – Pleasure of the Board?

Mr. Brandenburg – Ms. Simon?

Ms. Simon – Yes, sir?

Mr. Brandenburg – You're talking about the signature of the applicant?

Ms. Simon – If I may? I need to pull it up again. I am talking about the signature of the current owner or representative of the current owner.

Mr. Brandenburg – Thank you.

Chair Peeples – Board members?

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

P. Application(s) for Monument Establishment Builder and Monument Sales Agreement

(1) Recommended for Approval with Conditions

(a) In Loving Memory Headstone LLC (Deerfield Beach)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. An application for monument establishment builder licensure was submitted on April 19, 2023. The application was complete when submitted. A completed background check revealed no criminal history for its listed principals. If approved, Applicant will operate as a monument establishment retailer at the address cited on the coversheet in your Board package. The Division recommends approval subject to the condition that the establishment pass an onsite inspection by a member of Division Staff.

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

(b) In Loving Memory Headstone LLC (Deerfield Beach)

Ms. Simon – The Division is recommending approval subject to the condition that two (2) full-sized print-ready copies are received by the Department within sixty (60) days of this Board meeting.

Chair Peeples – Board members?

MOTION: Rabbi Lyons 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. Mr. Jensen seconded the motion, which passed unanimously.

Chair Peeples – Let's take a real-quick 10-minute break so we can come back and finish up the meeting. So, it's 2:35. Let's come back at 2:45. Thank you.

*****BREAK*****

Chair Peeples – We are at 2:45 and this is Thursday, June 29th. We're going to reconvene. Did Mr. Williams ever join us back?

Ms. Simon – He doesn't appear to have.

Chair Peeples – Thank you. Just let the record reflect Mr. Williams is not here. Ms. Simon?

Ms. Simon – And I see Madam Chair, seven (7) Board members on.

Chair Peeples – Let's see. I have nine (9).

Ms. Simon – Okay.

Chair Peeples – Well, two (2) more chimed in as you said that. So, we have all nine (9).

Ms. Simon – Okay.

Q. Application(s) for Preneed Main License
(1) Recommended for Approval *without* Conditions
(a) Abundant Favor Mortuary Inc (F062035) (Bradenton)

Ms. Simon – Ms. Wiener is representing this entity. The Department received an application for a preneed main license on May 18, 2023, which was incomplete at the time of submission. The application was deemed complete on May 22, 2023. A completed background check of all principals was returned without criminal history. Applicant’s qualifying funeral establishment license is located at the address on your coversheet. The applicant did not include with their package a balance sheet for 2022. So, contrary to what is stated on your coversheet, the Division is going to recommend approval with a condition that the applicant provide a balance sheet for 2022 that shows that it has met the required net worth. Madam Chair?

Chair Peebles – Yes ma'am? Board members? Mr. Brandenburg?

MOTION: Mr. Brandenburg moved to approve the application with the condition as stated by the Division. Mr. Ferreira seconded the motion, which passed unanimously.

Ms. Liotta – Madam Chair? Sorry.

Chair Peebles – Ms. Liotta?

Ms. Liotta – I have a question before we get into any more of these items with regards to general question about the net worth statement that I wanted to just verify that my understanding is correct. In looking at the balance sheets, in some cases the preneeds are listed as liabilities and in other cases they are not. And it's my understanding that's if it's covered by insurance, it does not need to be listed. Is that my correct understanding?

Chair Peebles – Ms. Simon?

Ms. Simon – I spoke with Ms. Liotta about this yesterday and I confirmed for her my understanding is the same as hers, but I suggested she bring it up to the Board because brighter minds than mine may prevail.

Chair Peebles – Board members? Mr. Jensen?

Mr. Jensen – Yes, I see Bill Williams on the call, and I know he can explain this thoroughly. Perhaps we could get his opinion on this, Ms. Chairman?

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

Mr. Bill Williams – I do.

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

Mr. B. Williams – Bill Williams, W-I-L-L-I-A-M-S.

Ms. Simon – Thank you, sir.

Mr. B. Williams – The short answer to the question is yes. If its insurance funded preneed it's still got to be on your balance sheet. Bottom line is that that does not affect your net worth. It is a long-term liability and it's also an asset and they offset each other. But because it is an obligation of the firm, it must show up as a liability and an asset on the balance sheet.

Chair Peebles – Thank you, Mr. Williams. Ms. Liotta, to follow up from your question, did you have any other questions?

Ms. Liotta – Not at this point, no.

Chair Peeples – Thank you, ma'am. Rabbi Lyons?

Rabbi Lyons – Right. Okay. So just to clarify, if the entity is using a trust fund, so then the funds for the preneed are the property of the licensee. They are an asset. The contract is a liability and that's how it cancels it out. If it's an insurance policy, then the funds for the contract are not the asset of the entity, they're the asset of the customer and therefore it's not on the balance sheet at all. Is that correct?

Mr. B. Williams – No, sir. Everything should be on the balance sheet no matter how it's funded, with trust or insurance. If it's funded with an insurance policy, it is a liability of the firm, but you have an offsetting asset because the life insurance policy has been assigned to the firm. So, they zero each other out as far as net worth is concerned. On a trust funded preneed contract, the contract itself is also a liability. You have an offsetting entry of accounts receivable and as the accounts receivable is paid down, money goes into trust and the cash and that offsets each other. So, the bottom line is any preneed contract that's sold no matter how it's funded, is a liability of the firm, and then you have an offsetting asset.

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

Rabbi Lyons – I mean if it's true, it's true, but I think that would be maybe where Ms. Liotta's question started because some of these entities are not reporting it at all on their net worth.

Ms. Liotta – That's correct.

Rabbi Lyons – And what they all have in common is that they use an insurance. I don't know about that last statement. But I noticed they all have in common is that they use insurance.

Chair Peeples – Thank you, Rabbi Lyons. And I think that's probably one of the items as we get into each individual entity, we'll need to address that. Is that correct, Ms. Simon?

Ms. Simon – Yes, ma'am.

Chair Peeples – Thank you.

Ms. Liotta – And actually, can I ask one more question?

Chair Peeples – Sure.

Ms. Liotta – So just a definition, the deferred preneed expense, is that really more like a prepaid?

Chair Peeples – Mr. Bill?

Mr. B. Williams – It can be.

Ms. Liotta – I see it as an asset.

Mr. B. Williams – But the only thing –

Ms. Liotta – {Inaudible} an asset.

Mr. B. Williams – The only thing you can really defer on a preneed sale are basically commissions and you can defer those as an expense.

Ms. Liotta – Okay.

Mr. B. Williams – Anything else you really can't.

Chair Peeples – Ms. Liotta, does that complete your question?

Ms. Liotta – Yes. Thank you.

Chair Peeples – Thank you. Mr. Jensen?

Mr. Jensen – Yes, just to kind of piggyback on what Mr. Williams was saying. If I heard him correctly, it's pretty much a zero-sum game. It's not a plus or a minus. They're going to zero each other out. Is that correct Mr. Williams?

Mr. B. Williams – Yes, it is on the original sale. Now, if you take a 70/30 trust where you're only trusting 70% of the money you receive, say you get \$100, you will put \$70 in the trust, \$30 goes into cash, that offsets the liability. Now if you spend down that cash, you may be upside down.

Mr. Jensen – Got you.

Ms. Simon – Madam Chair?

Chair Peeples – Yes, ma'am.

Ms. Simon – Thank you.

(b) Directors Service Inc d/b/a Florida Direct Cremation (F040344) (St Petersburg)

Ms. Simon – The Department received an application for a preneed license on April 18, 2023, which was incomplete at the time of submission. The application was deemed complete on May 3, 2023. A completed background check of all principals was returned without criminal history. Applicant's qualifying funeral establishment license is located at the address listed on your coversheet for the applicant. If approved, will trust with FSI. The Division is recommending approval.

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

(c) Evans-McDonald Funeral Home LLC (F666606) (Defuniak Springs)

Ms. Simon – The Department received an application for preneed main licensure on March 14, 2023, which was incomplete at the time of submission. The application was deemed complete on May 12, 2023. A completed background check of all principals was returned without criminal history. Applicant's qualifying funeral establishment license is located at the address listed on your coversheet. If approved, will trust with FSI. The Division is recommending approval.

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

Ms. Liotta – I have a question.

Chair Peeples – Yes, ma'am, Ms. Liotta?

Ms. Liotta – I had submitted this earlier to Ellie. They are showing goodwill of \$230,000 on their balance sheet that's aiding them in having this net worth, and I just wanted to make sure I understood the genesis of that.

Ms. Simon – Madam Chair, I apologize. I did speak with Ms. Liotta about that earlier and I called the applicant to see that the applicant would be on the call, in case there were any questions. And I neglected to ask, is the applicant a representative of the applicant on the call? Madam Chair?

Chair Peeples – Thank you. Mr. Williams, are you still available for a question, please sir?

Mr. B. Williams – Yes, ma'am. The goodwill that they're referring to, if they acquired a firm and a firm had -- is that the situation, Ms. Liotta?

Ms. Liotta – That's what I'm asking. I'm just verifying that I understand the genesis of that goodwill. I'm assuming it came as part of the acquisition of the facility, but I just wanted to verify that because it's such a large number and you know, if that number wasn't there, they would have a negative net worth. So, I just wanted to make sure that I did understand that that is where that goodwill came from.

Mr. B. Williams – If you go back to our \$100 example a while ago where we put \$70 in trust and \$30 under cash, and when they sold the firm, they kept all that cash. The new owner can take that difference and put that down as goodwill.

Ms. Liotta – No, no, I understand that. Yes. I just wanted to make sure I understood that that is where it came from, that it did come from a transaction of the acquisition because that's really the only time you can really book up goodwill is when you have like an acquisition.

Mr. B. Williams – That's basically, yes.

Ms. Simon – Madam Chair?

Chair Peeples – And Ms. Liotta, in reply to your question, excuse me, we don't have a representative from this firm on the call from that, so we can –

Rabbi Lyons – Yes, we do. I believe you do, ma'am.

Chair Peeples – Who is representing Evans-McDonald Funeral Home?

Mr. Keaton McDonald – I'm Keaton McDonald.

Chair Peeples – Okay. If you will, sir, please be sworn in. Ms. Simon?

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

Mr. McDonald – Yes, I do.

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

Mr. McDonald – Keaton McDonald, M-C-D-O-N-A-L-D.

Chair Peeples – Thank you, Mr. McDonald. I don't know if you heard the question from Ms. Liotta regarding some of the forms that you provided in your application regarding goodwill. Did you hear that question, sir?

Mr. McDonald – Yes ma'am, I did. And yes, the goodwill was part of the acquisition of the funeral home.

Ms. Liotta – Okay. I just wanted to verify that.

Chair Peeples – Thank you, Ms. Liotta. Are there any other questions for Mr. McDonald? Ms. Simon?

Ms. Simon – I'm not sure if it was answered before, but I believe that there was a question, and this is on page 28 regarding deferred preneed expense and –

Ms. Liotta – That was answered earlier.

Ms. Simon – Okay. Thank you.

Mr. Brandenburg – Just one moment.

Chair Peeples – Mr. Brandenburg? Did you have a question?

Mr. Brandenburg – I did, but I see it now. Thank you.

Chair Peeples – Yes, sir. Thank you. Any other questions for Mr. McDonald? Hearing none, what is the Board's pleasure?

Mr. Jensen – I already made a motion, Ms. Chairman.

Chair Peeples – I'm sorry. I'm sorry. I see my notes. We got a motion by Mr. Jensen. A second by Mr. Ferreira. Thank you, sir. Any discussion? Hearing none. All in favor of the motion say yes.

Board members – Yes.

Chair Peeples – Any opposed to this motion? Motion carries.

(d) Gulf to Bay Cremation LLC (F501553) (Clearwater)

Ms. Simon – The Department received an application for a preneed license on April 12, 2023, which was incomplete at the time of submission. The application was deemed complete on May 1, 2023. A completed background check of all principals was returned without criminal history. Applicant's qualifying funeral establishment license is at the Clearwater address listed on the cover sheet of your Board package. If approved, will trust with FSI. The Division is recommending approval.

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

(e) Ocala Funeral and Cremation Care LLC (F639886) (Ocala)

Ms. Simon – The Department received an application for preneed main licensure on May 12, 2023, which was incomplete at the time of submission. The application was deemed complete on May 22, 2023. A completed background check of all principals was returned without criminal history. Applicant's qualifying funeral establishment license is located at the Ocala address on the cover sheet to your Board package. If approved, will offer insurance funded preneed through Great Western Insurance Company. The Division is recommending approval.

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

(f) Walker-Berry Funerals & Cremations Inc d/b/a Coleman Walker Berry Funerals & Cremations (F643939) (Jacksonville)

Ms. Simon – The Department received an application for preneed main licensure on April 26, 2023, which was incomplete at the time of submission. The application was deemed complete on May 22, 2023. A completed background check of all principals was returned without criminal history. Applicant's qualifying funeral establishment license is located at the Jacksonville address on the cover sheet to your Board package. If approved, will offer insurance funded preneed through Great Western Insurance Company. The Division is recommending approval.

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

R. Application(s) for Preneed Main License Renewals
(I) Recommended for Approval without Conditions – Addendum J

Ms. Simon – The Division staff recommend that the preneed licensees listed on Addendum J have their preneed licenses renewed effective July 1, 2023, based upon meeting the minimum net worth requirements for approval.

Mr. Jensen – Madam Chair?

Chair Peeples – Yes, sir. Mr. Jensen.

Mr. Jensen – I must recuse I'm listed on this list.

Chair Peeples – Well, I think all of us are listed on the list. I don't think we can recuse ourselves because then we can't have enough people to vote.

Mr. Jensen – I don't {inaudible} last time. I'm not real sure how you do it.

Rabbi Lyons – Madam, Chair?

Chair Peeples – Yes, sir?

Rabbi Lyons – My company is also listed, but it's a nonprofit. I'm a volunteer president. I am an employee also, but I do not feel I have a big enough stake in it that I need to recuse. So as a civic duty here, I'm going to disclose that and not recuse so we can keep our quorum.

Chair Peeples – Thank you. I like to keep the flow going and I am not going to recuse myself because I'd like to vote even though I'm listed. But that means we're all approved from that perspective. So, what's the Board's pleasure?

MOTION: Ms. Liotta moved to approve the applications. Ms. Clay seconded the motion, which passed unanimously.

- (2) *Recommended for Approval with Conditions*
- (a) *Reference Guide – 69K-5.0016*
- (b) *M&M Florida Enterprises Inc (F019185) (Lakeland)*

Ms. Simon – The update is the late fee payment of \$400 was received by the Division on May 26th. The licensee has met all requirements for renewal and the Division recommends approval without conditions.

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

- (c) *Marion Nelson Funeral Home Inc (F019235) (Lake Wales)*

Ms. Simon – It appears that this entity does not meet the minimum net worth requirements. As a result, the Division recommends approval subject to the conditions that the Board accepts the net worth requirement attested to by the principal William Gill and accepts and requires that the licensee voluntarily trust 100% or sell insurance funded contracts.

Chair Peeples – Board members?

MOTION: Mr. Ferreira moved to approve the application subject to the conditions stated by the Division. Mr. Brandenburg seconded the motion.

Mr. Jensen – Madam Chair, I do have a question.

Chair Peeples – Yes, sir. I'm sorry.

Mr. Jensen – Madam Chair?

Chair Peeples – Yes, sir, Mr. Jensen.

Mr. Jensen – Quick question here. So, looking at this net worth inadequate but alternative conditions acceptable. Ms. Simon?

Ms. Simon – Yes, sir?

Mr. Jensen – So, I guess I'm a little confused by that. If we're supposed to have \$100,000 kind of back to what Ms. Liotta was saying earlier, and they're on the hook for \$6.5 million in preneed and they have a negative net worth of a million dollars. Is that right?

Ms. Simon – Yes. Mr. Jensen the reason why Rule 69K-5.0016, Florida Administrative Code, was provided in your Board package is because alternatives are permitted according to statute if you find that the consumer is being protected, and that is what was submitted by this applicant today, two (2) of those alternatives.

Mr. Jensen – Okay. Yes, that was what I was concerned with the consumer part of it. Thank you, Madam Chair.

Chair Peebles – Yes, sir, Mr. Jensen. We have a motion and a second Any further discussion? Hearing none. So, we have a motion to approve by Mr. Ferreira with conditions, a second by Mr. Brandenburg. All in favor of the motion say yes.

Board members – Yes.

Chair Peebles – All opposed say no. Motion carries.

(d) Orange City Leasing Inc (F038704) (DeLand)

Ms. Simon – While this entity does not have the required financial threshold, the alternatives that the applicant requests are that the Board accept the personal guarantee of Cheryl Lankford dated June 14, 2023, along with the personal financial statement of assets and liabilities for Ms. Lankford, and that the licensee continue to trust 100% or utilize insurance funding.

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

(e) Paradise Funeral Chapel LLC (F451486) (Miramar)

Ms. Simon – An update to the application is the late fee payment of \$1,000 was received by the Division by June 23, 2023. As a result, the licensee has met all requirements for renewal and the Division recommends approval without conditions.

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

(f) Professional Funeral Services of Northwest FL LLC (F048080) (DeFuniak Springs)

Ms. Simon – An update to the application is that the late fee payment of \$200 was received by the Division as of June 26, 2023. As a result, the licensee has met all requirements for renewal. Therefore, the Division recommends approval without conditions of the preneed main licensure renewal.

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

(g) Robert Bryant Services Inc (F039341) (Orlando)

Ms. Simon – This entity does not meet the required net worth. Therefore, the Division recommends approval subject to the conditions that the licensee trust 100% or utilize insurance funding for the current renewal period of July 1, 2023, to June 30, 2024.

MOTION: Rabbi Lyons moved to approve the application subject to the condition that the licensee trust 100% of all preneed contract sales or sell only insurance funded contracts for the current renewal period of July 1, 2023, to June 30, 2024. Ms. Liotta seconded the motion, which passed unanimously.

(h) Robert M Naugle Mortuaries Inc (F019241) (Jacksonville)

Ms. Simon – This entity did not meet the net worth requirement. As a result, the Division recommends approval subject to the Board accepting the letter of explanation of past financial activity submitted by Paul Naugle and the requirement that the applicant trusts 100% of preneed funds or utilize insurance funding.

MOTION: Ms. Liotta moved to approve the application subject to the condition that the licensee trust 100% of all preneed contract sales or sell only insurance funded contracts. Mr. Jones seconded the motion, which passed unanimously.

Mr. Brandenburg – Madam Chair?

Chair Peeples – Yes sir, Mr. Brandenburg?

Mr. Brandenburg – I have a question for the Division on all these that utilize the trust or insurance funded. Who monitors that?

Ms. Simon – May I, Madam Chair?

Chair Peeples – Yes, ma'am.

Ms. Simon – That is often reviewed at the time of a preneed examination and the trust company used often has oversight over that as well.

Mr. Brandenburg – Thank you.

Chair Peeples – Ms. Simon, can we go to R(2)(i)?

Ms. Simon – Yes, ma'am.

Chair Peeples – Thank you.

(i) Shannon Funeral Home PA (F019265) (Bradenton)

Ms. Simon – The update to this application is that late fee payment of \$1,000 was received by the Division as of June 28, 2023. As a result, the licensee has met all requirements for renewal and the Division recommends approval without conditions.

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

(j) Timothy E Kitchens Funeral Home Inc (F059562) Riviera Beach

Ms. Simon – The update to that application is that all required forms have been provided and the late fees have been paid. Therefore, the Division is recommending approval without conditions.

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

(k) TroxelCorp Enterprises Inc (F038723) (Cocoa)

Ms. Simon – This entity failed to meet the net worth requirement. The Division recommends approval subject to the conditions that the Board extend the stated conditions on the existing personal guarantee of the licensee's principle, Cary Troxel. That the licensee's principle, provide a current statement of personal assets and liabilities within thirty (30) days of the Board meeting and that the licensee trust 100% during the renewal period of tomorrow through June 30, 2024.

MOTION: Mr. Ferreira moved to approve the application subject to the conditions recommended by the Division. Ms. Clay seconded the motion.

Rabbi Lyons – Just one question, Madam Chair.

Chair Peeples – Yes, sir, Rabbi Lyons?

Rabbi Lyons – Okay. So, if I'm not mistaken, there's an item later on asking to waive a late fee for this entity?

Ms. Simon – Yes, sir, but that is not this item that we are looking at, at this moment. We are looking at the application for renewal of the preneed main license.

Rabbi Lyons – But in the eventuality that we didn't waive the late fee, we would probably want the late fee to be a condition of licensure like it was with everybody else. Correct?

Chair Peeples – These are two (2) separate items, sir.

Rabbi Lyons – So that's sort of my question. Meaning does it make sense to do it in reverse order? At first, we should decide whether or not there's a late fee, and then if we do decide that there's a late fee, then paying the late fee would be a condition of this licensure like it is with anybody else who has a late fee.

Chair Peeples – Well, if you'll oblige us and let us do R(2)(k) and then we'll go to R(3), R(4) because we kind of just need to handle in that order, if that's okay. Please.

Rabbi Lyons – Yes, you make the order. Yes. But –

Chair Peeples – Ms. Simon, is that correct?

Ms. Simon – I'm sorry, Madam Chair. I lost that.

Chair Peeples – That we're going to handle these two (2) items separately. We're going to do the preneed main license renewal now for TroxelCorp Enterprises. Then when we go to R(3)(b), we'll take up the waiver for late fee.

Ms. Simon – That was the intention, however, we could do it whichever way the Board pleases.

Chair Peeples – Okay. You're not helping me out.

Ms. Simon – Sorry.

Chair Peeples – Just trying to keep us all together so we can get complete. So would we like to honor Rabbi Lyons' request and take these two (2) things backwards. What is the Board's pleasure?

Rabbi Lyons – Meaning I'm suggesting that we do it in the other order. That first we decide whether or not there's a late fee and then after whatever decision that is, and then afterwards we talk about the licensure because if there would be a late fee, we would want the payment of the late fee to be a condition of renewal. So that was my suggestion.

Chair Peeples – I appreciate you, Rabbi Lyons. Thank you for keeping me on my toes. So, folks, let's kind of move from R(2)(k) to R(3)(b) on your agenda, which is the request for waiver of late fee.

(3) Request(s) for Waiver of Late Fees

(b) TroxelCorp Enterprises Inc (F038723) (Cocoa)

Ms. Simon, would you like to add anything to that ma'am?

Ms. Simon – Yes ma'am. Only that as you can see in your Board package, the applicant requests a waiver of the late fee. We do not have a recommendation concerning that. That is up to the Board's purview.

Chair Peeples – Thank you, Ms. Simon. Board members please note on page 2 of that packet Mr. Troxel did make a personal comment of the reason for the waiver request. So, if you'd like to review that and then if you would like to let me know your pleasure. Rabbi, would you like to go forward, sir?

Rabbi Lyons – Why are you picking on me?

Chair Peeples – Because I appreciate you.

Rabbi Lyons – Okay. There you go. I don't have enough of a grasp of what the Board has done in the past with these. I mean, it sounds very compelling to me, but I wouldn't want to set a precedent. So, maybe if Ms. Munson has any wisdom for us or somebody else wants to take this.

Ms. Munson – Each case is fact specific. I'm not sure what Mr. Jensen wants to add.

Mr. Jensen – I want to make a motion that we not waive the penalty. We don't waive the penalty for anybody else. So, I do not think we need to waive the penalty. So, I'll make a motion that yes, they do have to pay the penalty.

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

Chair Peeples – So please return back in your packet to R(2)(k).

*(2) Recommended for Approval with Conditions
(k) TroxelCorp Enterprises Inc (F038723) (Cocoa)*

Chair Peeples – We do have a motion on the table from that item by Mr. Ferreira and to accept with conditions and a second by Ms. Clay. So, let's vote on that motion. If there's no further discussion.

Rabbi Lyons – Well wait. So, ma'am?

Chair Peeples – Yes, sir.

Rabbi Lyons – If I may, could we ask them to amend the motion to include the payment of the fee as a condition?

Chair Peeples – Ms. Simon, or Ms. Munson, we have that separate item that we just voted on regarding their request for waiver of late fee, that's already been completed. So, do we need to add that item as a condition for the preneed main license renewal?

Ms. Simon – Madam Chair, I think that may be best to do that.

Mr. Ferreira – I'll restate the motion. So, my motion is that we include the late fee as part of this motion.

Mr. Jensen – As a condition?

Mr. Ferreira – As a condition. Yes, sir.

Chair Peeples – Ms. Munson, are you good with that?

Ms. Munson – I am good with it. I just want to make sure that the Board understands that they can't renew until the late fee is paid and there's no time restraint they could take forever. As long as they need to pay the late fee is what I'm understanding that will mean.

Chair Peeples – Ms. Simon?

Ms. Simon – Actually, since this came up, let me make a suggestion. The suggestion being that the conditions as stated be met, but that the license is suspended, that suspension is lifted for sixty (60) days. If the payment of the late fee and all the other conditions are met within those sixty (60) days, then the suspension never be imposed.

Ms. Munson – I don't understand that, and I think we may have tried to do something like that before, but I think that's difficult.

Ms. Simon – We have done that for years. We have said that a suspension for sixty (60) days, however, that suspension is not imposed if the conditions are met within those sixty (60) days.

Mr. Brandenburg – It's been done forever.

Ms. Simon – Thank you.

Chair Peeples – Okay. So, are we all on the same page? And Mr. Ferreira, you stated that you would add as one of your conditions that the late fee payment be paid and the statement that Ms. Simon made about the license is suspended and the suspension will be lifted if paid within sixty (60) days. Is that correct?

Mr. Ferreira – Yes.

Chair Peeples – Ms. Simon?

Ms. Simon – Yes, ma'am.

Chair Peeples – Okay. Mr. Ferreira, you agree with that?

Mr. Ferreira – Yes ma'am.

Chair Peeples – Ms. Clay, do you agree with a second?

Ms. Clay – Yes.

Chair Peeples – Thank you. We have a motion and a second. Please don't make me have to restate it. So, if there's no further discussion, all in favor of the motion, say yes.

Board members – Yes.

Chair Peeples – All opposed say no. Motion carries.

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

Ms. Simon – Ms. Simon – This entity did not submit the required forms and the required forms that were submitted were late by seventeen (17) days. Therefore, the Division recommends approval, and the license be suspended, but within the next sixty (60) days, if the licensee submits the required forms R(2)(a) and R(2)(b) and pays the late fees as required, that will be between \$500 and \$1,000 that the suspension not be imposed.

Ms. Munson – So we're adding the sixty (60) days to the language that you have provided on the summary?

Ms. Simon – Yes.

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

(3) Request(s) for Waiver of Late Fees

(a) Martin Funeral Home and Crematory Inc (F019171) (Stuart)

Ms. Simon – The Division recommends approval of the application for preneed main licensure renewal. If the Board confirms the late fees of \$1,000, the Division recommends that the payment of \$1000 in late fees be assessed. And if the Board does not confirm that payment, then the Division recommends approval without any conditions. I know this is rather difficult, but if the Board does not waive the late fees, the Division is also requesting that there be a suspension of license for sixty (60) days. If the late fees are paid within those sixty (60) days, then that suspension never take effect.

MOTION: Mr. Jensen moved to approve the renewal with the conditions recommended by the Division. Mr. Brandenburg seconded the motion.

Ms. Susan King – Madam Chairwoman?

Chair Peeples – Who is on the call please?

Ms. King – Yes, Madam Chairwoman. My name is Susan King, and I am one (1) of the co-owners of Martin Funeral Home and Crematory Inc.

Chair Peeples – Okay, Ms. King. Thank you for being here today. Ms. Simon, will you swear her in, please?

Ms. Simon – Yes. But before I do, I'd like to mention something. The motion that was just made by Mr. Jensen and seconded by Mr. Brandenburg did not address the request for waiver of late fees. So, the Division recommended two (2) different things. One, if a late fee was assessed, if the request for waiver was denied and the other, if the request for waiver was approved. And if the individual on the call can raise their right hand and be sworn in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Ms. King – I do.

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

Ms. King – Susan King, K-I-N-G.

Chair Peeples – Thank you, ma'am. Ms. Munson, before we have Ms. King speak, do we need to go back and address the items that Ms. Simon brought up?

Ms. Munson – Yes, because some item was placed on the agenda and notice regarding the waiver of the late fees.

Chair Peeples – Thank you. So, Mr. Jensen, what is your pleasure regarding the request for waiver of late fees?

Mr. Jensen – I do not waive the late fees. I mean, I understood it to be the motion that it was the same as we'd done before with the 60-day thing. If they don't pay it, that they get suspended or they are suspended for sixty (60) days unless the late fees are paid, then they're good. If they don't pay them, they're done. Is that what I'm understanding?

Chair Peeples – Ms. Simon?

Ms. Simon – Yes. Mr. Jensen, that I understand that to be your motion, but in order to state that, what first needs to be decided is whether the Board wants to waive the late fees because that is a condition essentially of your motion.

Mr. Jensen – I see. So, Madam Chair, I would like to make a motion that the Board does not waive the late fee.

Chair Peeples – Thank you.

Mr. Brandenburg – And that's part of the second.

Chair Peeples – No, sir. Mr. Brandenburg, we're taking up a separate new motion right now, whether to waive the late fees or oppose the late fees. Thank you. Ms. Simon?

Ms. Simon – We can. I understand Mr. Brandenburg's suggestion that one (1) motion be made for both. That the late fees are not waived and that the license for preneed renewal is granted and there be a suspension imposed. But if the fee is paid within sixty (60) days, the suspension never takes place.

Chair Peeples – Well, we have two (2) motions on the floor because we went back, and we addressed the waiver of late fees. So, Ms. Munson, is it okay if we be in that order and do that first, then we'll do the second?

Ms. Munson – Yes, ma'am.

Chair Peeples – Thank you. So, we have a motion by Mr. Jensen and a second by Mr. Brandenburg regarding waiving the late fees that is a negative, that there is in their motion, they want to impose the late fees. Is that correct, Mr. Jensen? Mr. Brandenburg?

Mr. Jensen – That's correct.

Mr. Brandenburg – Right.

Chair Peeples – Perfect. So, any further discussion, Ms. Simon?

Ms. Simon – I think that the caller wanted to speak as to this.

Chair Peeples – Thank you, Ms. Simon. Ms. King, if you'd like to address the Board, please.

Ms. King – Yes, Madam Chairwoman. We had an unusual circumstance. For the twenty (20) plus years that we've been doing this we have never been late. I've always been on time. Our funeral home doesn't have problems such as, you know, loss of money or underfunded or anything of that nature. You know, we've always been above board and on top of everything. What we had was a situation where our comptroller had entered into the emergency room on four (4) separate occasions. The woman that does this, the finance part of this, okay? And she was in the emergency room on four (4) separate occasions, two (2) of which were COVID. Now, that she did it. We got it all done and we submitted it. We had the check initially written; I believe it was April 12th. Yes, we understand that's late. We understand it's a couple days, you know, what is it, almost two (2) weeks late, you know what I mean? But then once it went to our accountant, he held onto it because he had to do his part, as you all know, for the rest of the financial part. And thereby that's why it was late. Can you all please take this into consideration. Not only was it a hardship for our funeral home not to have a comptroller, as the FDIC, I am handling all of the comptroller work that make everything from paying the electric bills, paying the payroll, you know, employees, you know, doing my job as a licensed funeral director and embalmer, you know, just all the things that life entails. I was just asking because I've not been late, I've never had to do this. And I was making a special request [inaudible] everyone on the Board that you would please take this into consideration. And I actually have my comptroller here with me at this time. And she's a remarkable lady and a remarkable woman. And we suffered without her. And it obviously it reflected by having this all turned in late. And then on top of that, my accountant and brother –

Ms. Simon – Madam Chair, Madam Chair, I'm sorry. I'm sorry to interrupt.

Chair Peeples – Yes, ma'am.

Ms. Simon – But I have been told that I neglected to swear in this witness. I began but then was derailed with other issues. May I do so now?

Chair Peeples – Well, we did swear Ms. King in.

Ms. King – I thought I was.

Chair Peeples – Yes ma'am. We did swear her in.

Ms. Simon – Okay. I think I was informed that I started to, and then everything else occurred, but I apologize for the interruption.

Chair Peeples – She stated her name and the spelling of her last name, so thank you for checking. Board members we have a motion and a second regarding the waiver request of late fee to not grant that request. What is the Board's pleasure?

Rabbi Lyons – Are we voting?

Chair Peeples – Is there any discussion, any further discussion for Ms. King? Any discussion? We would have to swear her comptroller in. I just need to know if anybody else has any other questions before I call a vote.

Ms. King – Well, like I said, it is based on a COVID thing. This has not happened. I can assure you it will not happen again. I'm almost embarrassed by having to do this, but it was a hardship on us all and otherwise I would not be here and possibly even having consideration of having a suspension of licensure. It's just that it was just unusual circumstances this year for us. We made it through COVID for three (3) years and somehow, we had issues this year.

Chair Peeples – Thank you, Ms. King. I appreciate your interjection. Board members is there any further discussion? Hearing none, we're going to do a vote. The vote is if you say yes that you are agreeing with the motion to not waive the late fees, the motion by Mr. Jensen, Mr. Brandenburg. All in favor of the motion say yes.

Board members – Yes.

Chair Peeples – All opposed say no.

Rabbi Lyons – No.

Chair Peeples – I'm Ms. Peeples and I'm voting no. Are there any other Nos?

Rabbi Lyons – I'm voting no.

Chair Peeples – So please let the record reflect that Ms. Peeples and Rabbi Lyons were no. Motion carries. So now we need to address the conditions that we had regarding paying the \$1,000 fine, approving the license, the sixty 60 days' suspension, but if the fine is paid, is this correct Ms. Simon, then that will be lifted?

Ms. Simon – Actually, a suspension, but if the fine is paid within the first sixty (60) days that the suspension never take effect.

Chair Peeples – Thank you, ma'am. And that was a motion made by Mr. Jensen and a second by Mr. Brandenburg. Is there any discussion or any questions of Ms. King by the Board? Hearing none.

Ms. King – I'm sorry I didn't get a chance to speak. I am disappointed that you did not, you know, waive our late fee. As I said, for twenty (20) plus years, we've not been late. Unusual circumstances have taken place and I'm very disappointed. I'm sorry that, you know, that you voted that way. I didn't realize that about the suspension, but since you've already said it then you've already said that we have to pay it. I can assure you a check will be out in today's mail, and it will be postmarked today, and you'll be receiving it. But I am disappointed, and I'd like the record to reflect that. I'm disappointed that you did not take that into consideration surrounding all the circumstances that I just explained, but I will go ahead, and it will be paid. You can go ahead and vote on your second part of the suspension however you wish [inaudible] today.

Chair Peeples – Thank you, Ms. King. We have a motion on the floor made by Mr. Jensen, second by Mr. Brandenburg. If you're in favor of the motion, you will say yes. If you're opposed, you'll say no. All in favor of the motion, say yes.

Board members – Yes.

Chair Peebles – All opposed say no. Motion carries. Thank you, Ms. King.

(4) Non-Renewing Preneed Licensees (Not Renewing as of June 30, 2023) – Addendum K

Ms. Simon – This is provided to the Board for information purposes only. The licensees on Addendum L have either affirmatively advised the Division that they are not renewing their preneed license or have not responded to the renewal application that was sent to them, or the follow-up notice. However, there are three (3) exceptions, and the first one (1) being **Guiding Light Cremations LLC**. As of June 23, 2023, the applicant for preneed main renewal submitted the required form, demonstrated their financial threshold and the Division is recommending approval without conditions.

Chair Peebles – Who is that please?

Ms. Simon – Guiding Light Cremations. They are listed on addendum K.

Chair Peebles – So Ms. Simon, you are asking us, because these three (3) exceptions will take those up first and then we'll do for the remaining as non-renewals, we'll get a motion for that?

Ms. Simon – Actually, we do not need a motion for the non-renewals.

Chair Peebles – Perfect.

Ms. Simon – That was just informational item only, but these are three (3) exceptions from that list.

Chair Peebles – Thank you.

Ms. Simon – We're starting with Guiding Light.

Chair Peebles – I appreciate the clarification. So, Board members, we have a request for Guiding Light Cremations to have an approval of their preneed main license.

Rabbi Lyons – I'm sorry. I might have missed it there. There must have been a late fee, correct?

Ms. Simon – There was a late fee assessed and I apologize, there was a late fee assessed of \$1,000, but that late fee has already been paid. That is why we recommended without conditions.

Rabbi Lyons – Thank you.

Chair Peebles – You are welcome.

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

Ms. Simon – The next matter for preneed main renewal is **Lake Osborne Funeral Services LLC**. As of June 28th, this entity provided all of the required information and there was a late fee assessed of \$1,000 and that late fee has been paid. They meet the net worth requirement for renewal. The recommendation is for approval without conditions.

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

Ms. Simon – I may have one moment.

Chair Peebles – Yes ma'am.

Mr. Brandenburg – Madam Chair, I'm going off camera, but I'll still be on Board.

Chair Peebles – Thank you, sir.

Ms. Simon – Thank you, Madam Chair. The licensee as of June 26, 2023, the licensee provided the required R (1) form and completed R (3)(a) and R (3)(b). They have met the required net worth. The Division recommends approval subject to the conditions that the licensee pay the required fee of \$305, the licensee complete forms R (2)(a), R (2)(b) and R (4) and demonstrate that it meets the required net worth and that the licensee pay a late fee of \$1,000. The Division further requests that there be a suspension, but the suspension be stayed for sixty (60) days, and if the payment is made and these forms are received within those sixty (60) days, the suspension never take effect.

Chair Peeples – And Ms. Simon, what entity is that please?

Ms. Simon – **A Paradise Central Funeral Home Incorporated.** That is license number F614273.

Chair Peeples – Thank you, ma'am. Board members?

MOTION: Mr. Jensen moved to approve the application with the conditions recommended by the Division. Mr. Jones seconded the motion.

Ms. Wendy Bruner – Chair, if I may.

Chair Peeples – Yes, ma'am. Who is this, please?

Ms. Bruner – This is Wendy Bruner with FSI. I just wanted to let the Board know that the late fee –

Chair Peeples – Oh, hold on one second. We need to swear you in real-quick, please.

Ms. Bruner – Okay.

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

Ms. Bruner – Yes.

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

Ms. Bruner – Wendy Bruner. B-R-U-N-E-R.

Chair Peeples – Thank you, ma'am. Please proceed.

Ms. Bruner – I just wanted to let the Board know that I delivered yesterday the fee for the renewal, the late fee, and all the additional paperwork that was needed for Paradise Central, so it was delivered to the Department yesterday.

Chair Peeples – Thank you, Ms. Bruner. We appreciate that.

Ms. Bruner – Thank you.

Chair Peeples – We have a motion, and we have a second. Is there any further discussion? Hearing none. All in favor of the motion, say yes.

Board members – Yes.

Chair Peeples – All opposed say no. Motion carries.

Ms. Simon – Madam Chair, I believe that we are done with the preneed main renewals. May I move on to the rest of the agenda?

Chair Peeples – Kindly. Thank you.

S. Application(s) for Removal Service

(1) Recommended for Approval with Conditions

(a) Burgess Transport & Removal LLC (Hollywood)

Ms. Simon – An application for a removal service was received on March 1, 2023. The application was deficient when submitted. A completed application was received on May 15, 2023. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the removal service pass an onsite inspection by a member of Division Staff.

Mr. Jensen – Madam Chair?

Chair Peeples – Mr. Jensen?

Mr. Jensen – I'm looking on the business entity list of principals. There's no name there. This would be page 8 of 10 in your packet. Ms. Simon, what's with that?

Ms. Simon – Just give me one moment.

Chair Peeples – Yes ma'am.

Ms. Simon – I am looking at page 8 of 10 and I do not see a principal either. I believe one, I could only surmise one was intended and not placed there.

Ms. Richardson – I can tell you that it was requested, and they probably returned it and I probably entered the wrong page on this application. So, this was a deficiency where I starred and then they responded and then I inherently did not put the right page in there.

Chair Peeples – Thank you, Ms. Richardson. Mr. Jensen, does that help your question?

Mr. Jensen – Yes, ma'am. Yes, I assume Jasmin meant that she now has the correct principal.

Ms. Richardson – That would be correct.

Mr. Jensen – Yes. I'm good.

Chair Peeples – Thank you, Mr. Jensen. Thank you, Ms. Richardson. Any further discussion? Hearing none.

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. Ferreira seconded the motion.

(b) Forrest Mortuary Service PA (Bradenton)

Ms. Simon – An application for a removal service was received on May 16, 2023. The application was complete when submitted. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the removal service pass an onsite inspection by a member of Division Staff.

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

(c) Horizon Mortuary Transportation Services LLC (Miami)

Ms. Simon – An application for a removal service was received on May 16, 2023. The application was incomplete when submitted. A completed application was received on May 26, 2023. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the removal service pass an onsite inspection by a member of Division Staff.

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. Jensen seconded the motion, which passed unanimously.

(2) Recommended for Approval without Conditions
(a) Premium Funeral Services Corp (West Park)

Ms. Simon – An application for removal service licensure was received on April 28, 2023. The application was complete when submitted. Fingerprints for the listed principal were returned with reportable no criminal history. The removal service passed its inspection on May 18, 2023. The Division recommends approval.

Mr. Jensen – Madam Chair?

Chair Peebles – Yes, sir, Mr. Janssen?

Mr. Jensen – Quick question here. I'm looking on page 3 of the 10 and it indicates this is an application for change in location, and it's listed under a new removal service. So, I'm just curious. Which one is it?

Ms. Richardson – Ellie, do you want me to take this one?

Ms. Simon – Please, Ms. Richardson.

Ms. Richardson – A change of location for a removal service requires a new license and so they have to submit a new application for a change of location each time they move locations.

Mr. Jensen – Okay. They didn't have the thing checked where it says application for license is a new removal service, so that's what threw me off. Thank you, Ms. Richardson.

Ms. Richardson – You're welcome.

Chair Peebles – What's the Board's pleasure?

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

T. Collective Application(s)
(1) Recommended for Approval with Conditions
(a) Family Owned Funeral Group LLC (multiple cities)
1. Cemetery (3)

Ms. Simon – Family Owned Funeral Group, LLC (Family Owned) herein applies for Change of Control of an Existing Cemetery Company for the above-named cemetery properties. The cemetery locations being acquired are licensed as named at the above specified locations. The applications were received by the Division on May 19, 2023, and no deficiencies were noted on the applications. A completed background check of all officers revealed no criminal history. The change of control will be accomplished via an asset purchase. If approved, the new owner will acquire all the assets and liabilities and continue to operate the following cemeteries located at the locations previously referenced above under their existing names: Forest Meadows Cemeteries – Central (F435650), Forest Meadows Cemeteries – East (F435651), and Forest Meadows Cemeteries – West (F435089). The care and maintenance trustee reports for CY 2022 are attached. The cemetery report appears to be in line with the reported gross sales for CY 2022 for the listed properties being acquired. The Division recommends approval subject to the 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 cover sheet and the materials provided to the Board herewith.
- 3) Receipt by the Division within 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 cover sheet and the materials provided to the Board herewith.
- 4) Receipt by the Division within 75 days of this Board meeting, of a copy of the Asset Purchase Agreement, executed by all parties, and all amendments thereto, also fully executed.

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

(b) Family Owned Funeral Group LLC (multiple cities)

1. **Cinerator Facility**
2. **Direct Disposal Establishment**
3. **Funeral Establishment (2)**
4. **Preneed**
5. **Preneed Branch (6)**

Ms. Simon – Family Owned Funeral Group LLC, seeks approval of the following applications for licensure based upon a change of ownership: one (1) cinerator facility, one (1) direct disposal establishment, two (2) funeral establishments, one (1) new preneed main and six (6) new preneed branch licenses. More specifically, the entities that are being acquired is as follows:

- 1) Faithful Heritage Holdings Inc d/b/a Forest Meadows Crematory, a licensed cinerator facility, license #F429214, physical address: 725 NW 23rd Avenue, Gainesville, FL 32609. Proposed FDIC: Patrick Cooney #F046717
- 2) Faithful Heritage Holdings Inc d/b/a A Direct Cremation, a licensed direct disposal establishment, license #F429216, physical address: 3700 SE Hawthorne Rd, Gainesville, FL 32641. Proposed FDIC: Badger Moring, license #F026753
- 3) Faithful Heritage Holdings Inc d/b/a Evans Carter Funeral Home, a licensed funeral establishment, license #F429217, physical address: 18724 North Main Street, High Springs, FL 32643. Proposed FDIC: Badger Moring, license #F026753
- 4) Faithful Heritage Holdings Inc d/b/a Forest Meadows Funeral Home, a licensed funeral establishment, license number #F429215, physical address: 725 NW 23rd Avenue, Gainesville, FL 32609. Proposed FDIC: Patrick Cooney #F046717

New Preneed Main and Branch

- 1) Family Owned Funeral Group LLC d/b/a George H Hewell and Son Funeral Homes, license #F651593, physical address: 4140 University Blvd S (preneed main)
- 2) Family Owned Funeral Group LLC d/b/a A Direct Cremation, license pending, physical address: 3700 SE Hawthorne Rd, Gainesville, FL 32641
- 3) Family Owned Funeral Group LLC d/b/a Evans Carter Funeral Home, license pending, physical address: 18724 North Main Street, High Springs, FL 32643.
- 4) Family Owned Funeral Group LLC d/b/a Forest Meadows Funeral Home, license pending, physical address: 725 NW 23rd Avenue, Gainesville, FL 32643
- 5) Family Owned Funeral Group LLC d/b/a Forest Meadows Cemeteries - West, license pending, physical address: 700 NW 143rd St, Newberry, FL 32669
- 6) Family Owned Funeral Group LLC d/b/a Forest Meadows Cemeteries – East, physical address: 3700 SE Hawthorne Rd, Gainesville, FL 32641
- 7) Family Owned Funeral Group LLC d/b/a Forest Meadows Cemeteries - Central, license pending, physical address: 4100 NW 39th Ave, Gainesville, FL 32606

Also included within your Board package are the separate applications regarding the above listed properties. The change of ownership is the result of an asset purchase. The principal(s) of the corporation have submitted fingerprints and were returned without criminal history. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these

locations, the obligation to fulfill those preneed contracts will be assumed by the new owners. The Division recommends approval subject to the following conditions:

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

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

- (c) *Lambe Funeral Services Inc d/b/a Marianna Chapel Funeral Home (Marianna)*
 1. *Funeral Establishment*
 2. *Training Facility*
 3. *Transfer of Preneed License*

Ms. Simon – Lambe Funeral Services Inc, seeks approval of the following applications for licensure based upon a change of ownership: one (1) funeral establishments one (1) transfer of preneed license and one (1) training facility (request for rule waiver) license. More specifically, the entities that are being acquired are as follows:

- 1) Kentkare Inc d/b/a Marianna Chapel Funeral Home, a licensed funeral establishment, license #F039855, physical address: 3960 Lafayette St, Marianna, FL 32446. Proposed FDIC: Richard Lambe, license #F348772
- 2) Kentkare Inc d/b/a Marianna Chapel Funeral Home, a licensed preneed main, license #F019170, physical address: 3960 Lafayette St, Marianna, FL 32446

Request for Rule Waiver and Request for Registration as a Training Facility

- 1) Lambe Funeral Services Inc d/b/a Marianna Chapel Funeral Home, physical address: 3960 Lafayette St, Marianna, FL 32446

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

- 1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- 2) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.

- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities, (if any), of the location(s) being acquired.
- 8) That Rule 69K-18.004, Florida Administrative Code, be waived as requested by the licensees, provided there has been no dispute by the public within 30 days of the date the request was published

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

(d) Michael D Smith LFD LLC d/b/a Gause Funeral Home (Bartow)

1. *Funeral Establishment*
2. *Transfer of Preneed License*

Ms. Simon – Michael D Smith LFD LLC, seeks approval of the following applications for licensure based upon a change of ownership: one (1) funeral establishment and one (1) transfer of preneed license. More specifically, the entities that are being acquired is as follows:

- 1) Gause Funeral Home Inc, a licensed funeral establishment, license #F092229, physical address: 625 S Holland Parkway, FL 33830. FDIC: Michael Smith, license #F045142
- 2) Gause Funeral Home Inc, a licensed preneed main, license #F019344, physical address: 625 S Holland Parkway, FL 33830

Also included within your Board package are the separate applications regarding the above listed properties. The change of ownership is the result of an asset purchase. The principals of the corporation have submitted fingerprints and were returned without criminal history. The establishment passed its inspection on May 22, 2023. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these locations, the obligation to fulfill those preneed contracts will be assumed by the new owners. The Division recommends approval subject to the following conditions:

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

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

- (2) *Recommended for Approval without Conditions*
 - (a) *Miami Funeral Services & Crematories Inc (Hollywood)*
 1. *Cinerator Facility*
 2. *Funeral Establishment*

Ms. Simon – Miami Funeral Services & Crematories Inc, seeks approval of the applications for licensure of one (1) funeral establishment and one (1) cinerator facility. More specifically, the entities that are being applied for is as follows:

- 1) Miami Funeral Services & Crematories Inc d/b/a Nacional Hollywood Funeral Home and Crematorium, a funeral establishment, physical address: 2830 North 28th Terrace, Hollywood, FL 33020. Proposed FDIC: Tunisia McClan, license #F042345
- 2) Miami Funeral Services & Crematories Inc d/b/a Nacional Hollywood Funeral Home and Crematorium, a cinerator facility, physical address: 2830 North 28th Terrace, Hollywood, FL 33020. Proposed FDIC: Nulka Martinez, license #F062572

Also included within your Board package are the separate applications regarding the above listed properties. The principals of the corporation have submitted fingerprints for the principals were returned without criminal history. The establishments passed the inspection on June 1, 2023. The Division recommends approval.

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

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

(1) Recommendation for Approval without Conditions

(a) Preconstruction Performance Bond(s)

1. SCI Funeral Services of Florida, LLC dba Woodlawn Memorial Park & Funeral Home (Gotha)

Ms. Simon – SCI Funeral Services of Florida, LLC dba Woodlawn Memorial Park & Funeral Home intends to construct a new mausoleum consisting of 216 niches and 240 crypts. The licensee has submitted for approval a performance bond in lieu of a pre-construction trust. The mausoleum project and the bond are summarized on the cover sheet to your Board package. The cemetery agrees to complete the construction in accordance with the terms of the construction agreement with Mausoleums USA Inc, which is included within your Board package. The Division recommends approval without conditions.

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

(2) Recommendation for Approval with Conditions

(a) Trust Transfer Request(s)

1. Mount Sinai Cemetery Association Inc (F039379) (Ormond Beach)

Ms. Simon – Mount Sinai seeks approval of the below proposed trust asset transfer as more specifically set forth in correspondence from Ashley Pyne, representative, dated April 19, 2023. Mount Sinai now seeks approval of the transfer of the following: Mount Sinai Cemetery Association Care and Maintenance Trust Agreement (dated 11/6/61) under Bank of America to the Clearpoint Cemetery Endowment Care Master Trust Agreement (amended and restated July 1, 2016) under Clearpoint Federal Bank and Trust (Clearpoint). If approved, Clearpoint is or will be the trustee, all as more specifically set out in attached correspondence from representative. The Division recommends approval subject to the following conditions:

- 1) That the representations of Mount Sinai, as set forth in the representative's correspondence dated April 19, 2023, be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Argent provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trust to be transferred pursuant to the representative's correspondence, dated April 19, 2023.
 - A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in the representative's attached correspondence, dated April 19, 2023.
 - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in the representative's attached correspondence, dated April 19, 2023.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional ninety (90) days.

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

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

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

Ms. Schwantes – Madam Chair, may I?

Chair Peeples – Yes ma'am.

Ms. Schwantes – Thank you. Thank you, Madam Chair, and thank you Board members. It has been a long meeting. This is generally our longest of the year. We appreciate your time. Just a couple of things. I want to remind all on the Board that Board members are required to file an annual financial disclosure with the Commission on Ethics. The deadline for filing is July 1st, according to their website. If you've not already done so, please file your financial disclosure form ASAP, particularly to avoid fines for late filing.

For those interested in applying to be a Board member, this is primarily for those attending the meeting today, the deadline for submitting your application is tomorrow June 30th. Information on the Board appointment process, including application forms is available on our website.

The Rules Committee met in person in Tallahassee on June 8, 2023. I want to thank the Committee members, Board members, and all others who attended the meeting. We're in the process of preparing the minutes and summary report of that meeting, and the Committee Report will be presented to the Board at the first Board meeting after these items are completed, probably August.

I want to give you some staffing information. First of all, as you all know, during the renewal season, there's a lot of extra work that needs to be done. Kudos in particular to our licensing team for all of their hard work and preparation in getting ready for this meeting. I also want to give a huge shout out, thank you and congratulations to Jasmin Richardson. Jasmin will be leaving the Division at the end of July. Due to scheduling issues this is going to be the last Board meeting she'll be attending. Jasmin has been with the Division and its predecessor for about eighteen (18) years. She's going to be tremendously, hugely missed by our Division team and I know by our licensees as well. So, we just want to thank her for her many years of exceptional, dedicated service to the licensees and the public, and wish her the very best as she takes on new challenges at the Department of Education. So, thank you very much, Jasmin.

And with that, our next Board meeting will be held in person at the FCCFA conference in Tampa on Thursday, July 13th, beginning at 1:00 PM. Details are posted on our website, and we look forward to seeing everybody there. That ends the Operational Report. Thank you, Madam Chair.

(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: June 29, 2023
 Date report was prepared: June 19, 2023

Licenses	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
SCI Funeral Services of Florida, LLC Dade North d/b/a Caballero Rivero Dade North	4-May-23	297779-22	\$2,250	16-Jun-23	Paid in Full	
Combs Funeral Home	4-May-23	274981-21-FC and 280024-21-FC	\$5,250	16-Jun-23	Paid in Full	
Turner, Marquis R	4-May-23	274982-21-FC	\$5,000	16-Jun-23	Paid in Full	
Swilley Funeral Home & Cremation Service, Inc.	4-May-23	300747-22-FC	\$1,250	16-Jun-23	Paid in Full	
David Rickner	4-May-23	300763-22-FC	\$1,250	16-Jun-23	Paid in Full	
Melinda Mezeline Jackson	4-May-23	298708-21-FC	\$3,000	17-July-23		
Harry Oldham III	4-May-23	282704-21-FC	\$3,000	17-July-23		
James Edward Simmons	4-May-23	285319-21-FC	\$1,500	17-July-23		
Kathryn Rickner	4-May-23	300760-22-FC	\$1,500		Paid in Full	
Charles Hancock	4-May-23	301848-22-FC & 304154-22-FC	\$5,000	17-July-23		
Hancock Funeral Home, Inc.	4-May-23	301848-22-FC & 304151-22-FC	\$5,000	17-July-23		
Lawrence J. Epps, Jr. D/B/A Epps Memorial Funerals	Mar-23	282706-21-FC	\$1,500	4/17/2023	Paid in Full	
Lawrence J. Epps, Jr.	Mar-23	282708-21-FC	\$1,000	4/17/2023	Paid in Full	
David Engh	Mar-23	300621-22-FC	\$1,000	4/17/2023	Paid in Full	
Gallaher American Family Funeral Home, LLC	Mar-23	300620-22-FC & 301222-22-FC	\$2,000	4/17/2023	Paid in full	
D&L Removal and Transport, Inc.	Feb-23	300633-22-FC	\$500	4/3/2023	Paid in Full	

ES 6-20-23

W. Chairman's Report (Verbal)

Chair Peeples – Nothing major to report, but I just want to thank people. I want to thank Ms. Schwantes and Ms. Simon for what they do at the helm. I want to thank the Board team at the office, the investigative team throughout the state. Ms. Munson, we appreciate you. Thank you for everything that you do. Mr. Griffin and Ms. Marshall on your behalf, thank you for everything you do. And Jasmin, we appreciate you. We're going to miss you, but we hope the best for you in your future endeavors. Thank you. Ms. Simon?

Ms. Simon – Thank you, Madam Chair.

X. Office of Attorney General's Report

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

Ms. Munson – This is provided for informational purposes only. Thank you so much.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
JUNE 2023**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective

There are currently no rules in the rulemaking process.

Ms. Simon – Thank you.

Y. Public Comments (Verbal)

Ms. Simon – Are there any public comments to be tendered today? Hearing no response, Madam Chair?

Z. Administrative Report

The information was provided on the agenda.

AA. Disciplinary Report

The information was provided on the agenda.

BB. Upcoming Meeting(s)

- (1) July 13th (Tampa FL - FCCFA Annual Conference, Tampa Marriott Water Street, 505 Water Street)
- (2) August 3rd (Videoconference)
- (3) September 7th (Videoconference)
- (4) October 12th (In-Person - Location: TBD)
- (5) November 2nd (Videoconference)
- (6) December 7th (Videoconference)

CC. Adjournment

Chair Peoples – Thank you, ma'am. It is 4:07. Thank you all for all of your efforts, all of your hard work. It's been a long meeting, it's been a good meeting, and we are going to adjourn at 4:07 on Thursday. You all have a great weekend and holiday. Thank you.

The meeting was adjourned at 4:07.