

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
BOARD MEETING
FEBRUARY 1, 2024 - 10:00 A.M.

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

Ms. Jill Peeples – Good morning. I'm Jill Peeples, Chair of the Board of Funeral, Cemetery, and Consumer Services. This is February 1, 2024. It's a Thursday. We're in Tallahassee and I will call the meeting to order and turn it over to Ms. Simon.

Ms. Ellen Simon – Thank you, ma'am. Good morning. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is February 1, 2024, and it is approximately 10 AM. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held in person at the Department of Revenue Capital Circle Office Center located in Tallahassee, Florida. 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. Information concerning this Board meeting has been made available on the Division's website. Ms. Bryant is recording the meeting and minutes will be prepared. Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board's chair, Ms. Peeples, runs this 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 in your Board packages and instead base your decision solely on the information in your Board agendas, 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 S 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 made aware that a public comment is used as an attempt to relitigate a matter that is being heard on this agenda, the Board will be instructed that the comment is not appropriate for the Public Comment item and should not be considered for further discussion. At this point I will take the roll:

Jill Peeples, Chair
Andrew Clark, Vice Chair
Joseph "Jody" Brandenburg (EXCUSED)
Sanjena Clay
Vincent "Todd" Ferreira
Christian "Chris" Jensen
Kenneth "Ken" Jones
Janis Liotta
Jay Lyons (EXCUSED)
Darrin Williams

Also noted as present:

Mary Schwantes, Executive Director
Rachelle Munson, Board Legal Advisor
LaTonya Bryant, Department Staff
Crystal Grant, Department Staff
Jared Woliver, Department Legal Counsel

Ms. Simon – Madam Chair, both Mr. Brandenburg and Rabbi Lyons are excused from today's meeting, and we have a quorum for the business of the Board.

Chair Peeples – Thank you, ma'am.

B. Action on the Minutes
(1) December 7, 2023

Chair Peeples – What is the Board's pleasure?

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

Chair Peeples – Ms. Simon?

C. Old Business

- (1) *Recommended for Approval with Conditions*
 - (a) *Application to Organize a New Cemetery Company*
 - 1. *Hope Eternal Gardens LLC (Punta Gorda)*

Ms. Simon – This applicant is being represented by Ms. Wiener, who's here at the meeting. This application for a cemetery license (Phase 1) below was presented at the April 1, 2021, Board meeting and was approved subject to the conditions as set forth in the Board minutes included within your Board package. In response to the stated conditions by the Board, the Applicant has met all the requested conditions and provided documentation indicating that it is in compliance with the requested items. As a result, the Division recommends approval of Phase 2 to organize a new cemetery company, subject to the conditions as follows:

- 1) That applicant establishes a Care and Maintenance Trust Fund containing not less than \$50,000, certified by a trust company operating pursuant to Chapter 660, F.S., a state or national bank holding trust powers, or a savings and loan association holding trust powers, pursuant to a Board approved trust agreement. *(Please see Exhibit A of Attachment 1)*
- 2) Receipt by the Division an opinion or certification from a Florida title company or a letter signed by applicant's attorney, certifying that the Applicant holds unencumbered fee simple title to all land as described to the Board in the materials provided to the Board herewith. *(Please see Exhibit B of Attachment 2)*
- 3) Receipt by the Division from Applicant or Applicant's attorney of evidence of approval of local zoning authorities if approval is required. If no approval is required, Applicant may provide evidence of approval from residents adjacent to the proposed cemetery location. *(Please see Exhibit C of Attachment 3)*
- 4) That Applicant provides notification to the Division of the designated general manager of the cemetery who has 3 years of cemetery management experience, and the ability to operate a cemetery. *(Please see Exhibit D of Attachment 4).*
- 5) That Applicant provides to the Division satisfactory evidence that it has fully developed at least 2 acres for use as burial space, and such development includes a roadway(s) to the developed section(s) within the first 12 months of operation. *(Please see Exhibit E of Attachment 5)*
- 6) Receipt by the Division from Applicant's attorney, a written and signed attestation that the cemetery land identified in the application has been recorded in the public records of real estate in the county in which the cemetery land is located. Such notice must be clearly printed in at least 10-point type on the face of the deed or in a separate document containing a description of the property, the following language: *"The property described herein shall not be sold, conveyed, leased, mortgaged, or encumbered without the prior written approval of the Department of Financial Services, as provided in Chapter 497, Florida Statutes."* *(Please see attached letter from Attorney, dated 12-15-23)*

Chair Peeples – Good morning, Ms. Wiener.

Ms. Wendy Wiener – Good morning.

Chair Peeples – Would you like to address the Board?

Ms. Wiener – I am here to answer any questions. This applicant is ready to get going.

Chair Peeples – Thank you, ma'am.

Ms. Wiener – Thank you.

Chair Peeples – Board members, your pleasure?

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

Chair Peeples – Thank you, ma'am.

(2) Recommended for Consideration

(a) Request to Relinquish Cemetery Care & Maintenance Trust Fund

1. Jewish Burial Society of Pinellas County Inc d/b/a Chapel Hill Memorial Park (Largo)

Ms. Simon – This applicant is also represented by Ms. Wiener who is available today for questions. In Ms. Wiener's correspondence to the Division, she explains that at the February 3, 2011, Board meeting, the Board approved the surrender of the cemetery license for Chapel Hill Memorial Park formerly owned by SCI, to become an exempt cemetery under the Jewish Burial Society of Pinellas County Inc (JBSPC) subject to JBSPC continuing to maintain the existing funds dedicated solely for the perpetual care and maintenance of the cemetery and is now requesting to relinquish the existing cemetery Care and Maintenance Trust Fund and to transfer the trust assets to the two (2) newly established endowment trusts set up by JBSPC and referred to in Ms. Wiener's correspondence within your Board package. All documentation has been included for the Board's review and consideration.

Chair Peebles – Thank you. Ms. Wiener, questions only, or would you like to address the Board?

Ms. Wiener – Just very briefly to address the Board, Madam Chair. Thank you. So, as you've read in my letter, in 2011, this cemetery went from being a regulated cemetery to being an exempt cemetery. Exempt cemeteries don't have to maintain any Care and Maintenance Trust Funds pursuant to law. Many do, but it's not required. This, as a condition of taking the cemetery back private from being a licensed cemetery, one of the conditions in the stipulation was that they continue to maintain this rather small trust fund that was at FSI. There is a small amount of money in that trust, comparatively speaking, to the amount of money that the cemetery has pledged for and has already raised. And they are simply asking that this Board permit them to withdraw funds from the FSI care and maintenance master trust and they will deposit those funds in the two (2) trusts that have already been established. One (1) of those trusts, which I think is significant for the Board's information, is a restricted trust, which by its terms can be only used for the care and maintenance of the cemetery. There's already \$1.4 million of the \$2 million worth of pledges in that trust. And so, this cemetery, as you can see from the pictures that were included in your Board packet, is really, really well taken care of now, and the \$800 that they get from the FSI Care and Maintenance Trust is not what's getting that done. They're doing that from their other funds. And so, they're asking for your permission to withdraw those funds. And the only reason we're before you today is because that was a stipulation that was made with the Board. And so, we certainly wouldn't break that stipulation without getting your approval. Thank you.

Chair Peebles – Thank you, ma'am. Board members, any questions for Ms. Wiener or your pleasure, please?

Mr. Chris Jensen – Question?

Chair Peebles – Yes, sir, Mr. Jensen.

Mr. Jensen – Ms. Wiener. A two-part question here. One, in reading the whole shebang here, I mean, they agreed to maintain the trust fund, the Care and Maintenance Trust.

Ms. Wiener – They did.

Mr. Jensen – That was one of the stipulations.

Ms. Wiener – That's correct.

Mr. Jensen – When you say not a lot of money, I think I remember it was \$500,000?

Ms. Wiener – No, there's \$238,000 in that trust.

Mr. Jensen – \$238,000?

Ms. Wiener – Mm-hmm.

Mr. Jensen – So what reason now do they want to go back on what they agreed to? That's where I'm having my issue.

Ms. Wiener – To consolidate their trust funds. They have established, separate and apart from the FSI Care and Maintenance Fund, a restricted Care and Maintenance Trust Fund of their own that has \$1.4 million in it, raised from pledges, from lot owners and also from primarily the Jewish community and their community, and they really just want to consolidate those funds together. Maintaining the FSI Care and Maintenance Trust Fund, not only does it throw off very little money, but there's an expense associated with keeping that. And because it's such a small amount in comparison to the Care and Maintenance Funds that they have separate and apart, they're trying to consolidate those.

Mr. Jensen – All right. May I follow up?

Chair Peeples – Yes, sir.

Mr. Jensen – One other point that I'm a little concerned with, what about the people that own lots in here that bought those lots, knowing that there's a Care and Maintenance Trust Fund established to take care of that, now they're not going to have that anymore. What reassurance does the public have that has those lots?

Ms. Wiener – Well, let me answer your question a couple of ways. \$895 a month is not going to care for that cemetery, so it's not providing-- actually that Care and Maintenance Trust Fund is not providing any actual assurance. I know you know that it takes a lot to care for a cemetery. So, \$895 a month that it's throwing off is not sufficient to care for that cemetery. That cemetery is cared for above and beyond and using the various funds that are raised by JBSPC. If it would make the Board members feel more comfortable, we could certainly, I don't think that the cemetery would have any concern whatsoever with notifying all of the lot owners that this change is occurring. This is a pretty close-knit community. The Jewish community there really rallies around this cemetery, and I don't think anyone would have a concern about it because clearly this cemetery is very well taken care of and has been since 2011. I mean, they've got a long track record and, number one, it's not enough. Number two, it's administrative hassle. It's costing them money that they don't otherwise need to spend, and they'd like to merge it together. But if you would feel more comfortable supporting the withdrawal if they notified all of the customers and addressed it in concerns, then I would be happy to ask them to do that. I'm sure they wouldn't have a concern about that.

Mr. Jensen – May I?

Chair Peeples – Yes, sir.

Mr. Jensen – Just to expand on that, in reading all the transcripts, there's not only the Jewish community in that cemetery.

Ms. Wiener – Correct.

Mr. Jensen – There's other people. And a lot of other people bought lots prior to 2011. So, I'm just worried about consumers and what their protection is, you know, in relation to what they think they bought. So, I know it's only \$230,000. That's not enough to keep up the whole cemetery. But that's a start if we start getting claims.

Ms. Wiener – Well, even if there were any kind of claims, it could never go against the Care and Maintenance Trust Fund pursuant to Florida law, but I will say this. So, everyone knows now, because it's been thirteen (13) years, that this is not a licensed cemetery. So, any consumer who purchased a space when it was a licensed cemetery and has a contract that says it will have to be maintained, that the Care and Maintenance Trust Fund will have to be maintained, those people are on notice and have been on notice for the last thirteen (13) years that the cemetery is no longer regulated. But for that stipulation, because it's not built into the law, it was just built into the stipulation, but for that stipulation, they wouldn't have had to maintain that at all, nor would they actually have to have created for themselves a restricted endowment care fund, the one that now has \$1.4 million in it, so.

Mr. Jensen – But back then, the Board put in place that this care and maintenance would be taken care of to protect the consumer.

Ms. Wiener – I absolutely understand and that is why I'm before you today asking that they be excused from that condition of the stipulation. All of the other conditions of the stipulation have long since been met or continue to be met with regard to any

preneed that's fulfilled. And that money does remain in trust as it should be. And literally just consolidate these trust funds, put them all together, put them to work as best they can, and without additional administrative expense.

Mr. Jensen – And-- I'm sorry, Madam Chair.

Chair Peeples – Continue, please, sir.

Mr. Jensen – But the owners of the cemetery are willing to notify all owners of the cemetery...

Ms. Wiener – I think they might. Yes.

Mr. Jensen – ...to let them know that they don't have a Care and Maintenance Fund anymore, but we're going to—

Ms. Wiener – Well, they would notify all of the lot owners that they do not maintain the Care and Maintenance Trust at FSI anymore, but that they will maintain these other two (2) trusts, which are described in detail in your package. The one (1) restricted, and then they have another additional fund as well that they've set up. So, sure, I don't know any reason that they would be opposed to doing that, or sending notices to those that they can, or putting that on their websites for anyone, you know, I don't think they would have any concern about that. They're not trying to-- nobody's trying to like to do anything sneaky here. They have this stipulation, and they came to me and they said, you know, it's costing us money every year to have this money at FSI and it's such a small amount and we would love to combine it because we've been through this capital campaign. We've raised this money. We have these additional pledges. We'd like to combine it. Do you think that the Board might excuse it? And I said, well, there's only one way to find out. Let's ask them. So here we are.

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

Mr. Jensen – Pretty much. May I say one more?

Chair Peeples – Yes, sir.

Mr. Jensen – So my biggest thing up here is reading all the transcripts. There were some pretty smart cemetery people on the Board then. And one of their biggest concerns was to have this in place and that would be maintained. So, a decision has already been made. And I'm probably overthinking why they want to change it then. I mean, I understand it's only \$230,000, but, you know, that does protect the existing consumers that were there before 2011. So, if it's such a small amount, why do they even want to worry about it? You know, you keep saying a small amount, so why are they even trying to get it out?

Ms. Wiener – For the same reason that people try to consolidate their accounts all the time. I mean, their goal was to amass as much money in the trust that they have that has \$1.4 million in it and their other trust, which I don't know exactly the balances of that one, so that they can combine all of their investments. And, I mean, for the same reason that if you have an account with \$20, an account with \$40, an account with \$60, you might combine them all and have one account with \$100. I'm a lawyer. That was not good math probably. That was not some bad girl math even, like, that was not even good.

Mr. Todd Ferreira – Just about right.

Ms. Wiener – So, anyway, for that same reason, for no nefarious reason whatsoever, they are fully committed to maintaining that. The \$1.4 million trust is a restricted trust, just like the FSI Care and Maintenance Master Trust. It is a restricted trust. It's not like a bank account, like an operating account. They can't just go to it and pull money out of it. It's a restricted trust by its terms. So, it's literally just taking it out of the FSI trust and transferring those monies into these other two (2) trusts, but it would no longer be within the FSI Care and Maintenance Master Trust.

Mr. Jensen – I guess I'm not seeing where the consumer is protected. Cemeteries change hands all the time. So do groups that run cemeteries. So, what's going to happen, you know, if another group takes this over another? What's going to happen to protect consumers down the road is what I would like you to answer.

Ms. Wiener – The \$1.4 million, that trust, runs with the land. So that trust is attached to this cemetery. So, if someone were to buy the cemetery from JBSPC and make it a licensed cemetery, again, or a different exempt cemetery company, a different organization, whatever came to make that, the trust that is the Care and Maintenance Trust, whether it is for purposes of licensing or otherwise, runs with the land, which, in legal terms, means it would stay with the cemetery.

Mr. Jensen – Ok. Thank you, ma'am.

Chair Peeples – Any other questions for Ms. Wiener from the Board? Ms. Munson?

Ms. Rachelle Munson – Just a point of clarification, in listening to Mr. Jensen's comment. Are you suggesting, sir, perhaps as a condition of precedent that they provide proof of the notification to consumers or before a vote is taken? I wasn't sure.

Mr. Jensen – May I?

Chair Peeples – Yes sir.

Mr. Jensen – I would certainly, if I went that direction, make that a stipulation. I think this is about, you know, we're the Division of Funeral, Cemetery, and Consumer Services, you know. Consumer is in our name. We've got to protect the consumer.

Ms. Wiener – Sure.

Mr. Jensen – And the ones that came before 2011, that's really the only concern. It's not that I care that they get it. But I do know, you know, just like they made the deal, they agreed to it, I mean, on page 3 here, you yourself agreed to it.

Ms. Wiener – Absolutely.

Mr. Jensen – And, you know, it puzzles me why they don't want to do it anymore. I understand combining accounts, but this is not the same thing. This was there and the previous Board, they definitely had a problem with it. So, they wanted that there to protect the consumers, I assume, and that's kind of where I'm at now. So that's what I'm looking at.

Ms. Wiener – I think that the previous Board wanted that there because that's what it would be. There was no further obligation to put any money into a Care and Maintenance Trust, so that trust has never grown. So, they wanted to make sure that that \$238,000 or whatever it was at the time was there. There's a \$1.4 million in a restricted trust now. So, the consumers are way better off now in terms of their long-term caring for the cemetery in perpetuity than they were in 2011 when this changed hands. Also, I don't know if any of you were on the Board, maybe Mr. Clark. No. This was coming on not necessarily the direct heels, but on the heels of a situation that happened in Jacksonville where a gentleman that ran a church took a cemetery, Restlawn, and bought it and it became an exempt cemetery. And then he literally raided all the trust funds as he was able to do because all of a sudden, those funds were no longer regulated. And then that cemetery fell into huge disrepair and became like a blight on the, you know, cemetery community in Jacksonville and then it was ultimately purchased by someone and its private now. So that was kind of on the back end of that. That was probably fresh in the Board's mind at the time. But they wanted to make sure that that 200, whatever, 270-- well, I don't remember what the value of that trust was at the time, but it couldn't have been a lot different because we wouldn't have lost corpus. They wanted to make sure that that was there. But now there's a lot more than that there. And this is not an adversarial request. If the request is granted, which I think there is adequate reason for this request to be granted, then they will go in that direction and follow whatever conditions are established by the Board. And, you know, this isn't the hill anybody's going to die on and they're not going to stop caring for the cemetery because they don't have that.

Chair Peeples – Thank you, Ms. Wiener. Mr. Jensen, would you like to proceed with a motion?

Mr. Jensen – I do like the idea of everyone, you know, getting a notification. I would probably support it if there were an individual notification to each individual lot owner that, hey, you're still going to be taken care of and then I would make the motion with that stipulation that it go forward.

MOTION: Mr. Jensen moved to approve the request with the stipulation that each individual lot owner be notified that the cemetery does not maintain the Care and Maintenance Trust at FSI anymore, but that they will maintain these other two (2) trusts. Mr. Jones seconded the motion, which passed unanimously.

Ms. Wiener – Thank you, ma'am.

Chair Peeples – Thank you, Ms. Wiener.

Ms. Simon – If I could have one moment, please.

Chair Peeples – Yes, ma'am.

- (3) *Recommended for Denial (Criminal History)*
- (a) *Application for Florida Laws and Rules Exam*
- 1. *Funeral Director (Endorsement)*
- a. *Biffany, Tara J*

Ms. Simon – Ms. Biffany is present today with her counsel. Ms. Biffany's application for funeral director licensure was previously submitted to the Board for consideration on December 7, 2023, was tabled for more information. With regards to additional historical information, Ms. Biffany previously submitted an application for a funeral director licensure on April 20, 2023, which was presented at the July 13, 2023, Board meeting. The application was withdrawn by counsel at this meeting. Ms. Biffany then submitted a second application for funeral director licensure on October 27, 2023, at which time the application was deemed incomplete. A deficiency letter was issued November 20, 2023. Ms. Biffany's fingerprints returned with no criminal history. Section 497.374(1)(b)1., Florida Statutes, provides that the licensing authority shall issue a license by endorsement to an applicant who:

- 1) Holds a valid license in good standing to practice funeral directing in another state of the United States and has engaged in the full-time, licensed practice of funeral directing in that state for at least five (5) years; or
- 2) Meets the qualifications for licensure in s. 497.373, except that the applicant need not hold an associate degree or higher if the applicant holds a diploma or certificate from an accredited program of mortuary science, and has successfully completed a state, regional, or national examination in mortuary science or funeral service arts which, as determined by rule of the licensing authority, is substantially equivalent to or more stringent than the examination" ..

Ms. Biffany holds two (2) valid funeral director licenses from Louisiana and Mississippi and, within the last year, has passed the Arts section of the National Board Exam. However, because Mr. Biffany has not met the statutorily required educational experience, she would need to have engaged in the full-time practice as a funeral director for five (5) years; and she has not. Her license has been valid in Mississippi since August 11, 2020, and in Louisiana since February 3, 2023. While Ms. Biffany was registered as a Mississippi registered resident trainee from 2018 to 2020, I believe, this experience does not count towards the statutory requirement of Section 497.374(1)(b)1., F.S. As a result, the Division is recommending denial.

Chair Peeples – Thank you, Ms. Simon. And before we have Ms. Wiener or Ms. Biffany speak to the Board, this case has come before us a couple of times and I just want to kind of let the Board know the two (2) words here that we need to consider. One (1) is registered and one (1) is licensed. The definition of registered - officially or legally certified by a government officer or Board. The definition of licensed - formal permission from a government or other constituted authority to do something as to carry out some business or profession. I have made it my statement when the cases come up before that, and I commend Ms. Biffany for taking the national Board and passing it, but her registration as an apprentice trainee does not count as licensee experience. So, because of that, I wanted it to be made known for the Board and for the record and we'll go with Ms. Wiener and then if Ms. Biffany would like to speak, we'll swear her in.

Ms. Wiener – Thank you. Good morning, again, Board. Thank you for considering Ms. Biffany's application. Again, we appreciate the time and the attention that has been given to her application. So, reduced to essentials, what Ms. Biffany is asking, what we're asking this Board to do, is to treat her no better or no worse than it has treated all the other applicants for endorsement who failed to meet the letter of the statute that came before you until July of 2023. Hers was the first application from any endorsement applicant that I represented where we showed the Board a comparison of their qualifications, though they did not meet the statutory definition at that time, that was ever even suggested to be denied. This Board has licensed

multiple applicants from Ohio, Washington, and Louisiana, one of Ms. Biffany's states, which are states that do not require a formal mortuary education, and this was way before there was a five-year path. Those states, Ohio, Washington, Louisiana, the other states for which I have brought applicants to you, which have been approved, require, like Ms. Biffany underwent, an on-the-job apprenticeship training program. Every one of those applicants was licensed, including applicants who did not meet the statutory definition from New York, Illinois, Georgia, Indiana, Kentucky, Missouri, and Texas. I believe over the course of the eight (8) to ten (10) years before the law changed, there was probably something in the neighborhood of thirty (30) applications that came before you. Many of you on this Board were on those Boards at that time. And to my knowledge, not one of you ever voted against one of those applicants after you were assured that their education, albeit outside of an associate degree, which was what was required back then, or that their education was sufficient for them to serve the funeral buying public. And so, we're asking that you treat Ms. Biffany the same as those applicants. They were no different than she. And many of those applicants had practiced for less than five (5) years.

As I believe some of the funeral directors on the Board may admit, the purpose of the mortuary science educational programs is to train you to be a funeral director and in large part, as is often complained about, to train you to pass the National Board Exam. Ms. Biffany has taken and has passed the National Board Exam. Now, at the December Board meeting, Board member Williams asked whether the duties of a Mississippi resident trainee apprentice equal those of a funeral director. And I think you hit the nail on the head there. Because when we look at pages, and there's no dispute that a trainee apprenticeship registration, though on their website, despite what the Board packet says, they do call that a renewal of a license, that the registration for an applicant trainee is different than the license of a funeral director. There is no question about that. But the question that Mr. Williams asked when he moved to table Ms. Biffany's application during the December meeting was whether the duties of each are the same. And the answer is yes. I call your attention to Pages 6 and 7 of your packets, and they describe the actual duties of a trainee apprentice. They must assist in planning fifty (50) funerals or dispositions, during which the trainee apprentice must engage in taking first calls, arranging or performing removals, counseling families on types of services and merchandise selected, preparing death certificates and other necessary documents, preparing applications for Social Security, Veterans Administration, and insurance benefits. They must actually conduct visitations and memorial services. They must actually direct funerals and graveside services. They have to keep up communications with families during and after arrangements and after funerals. They have to learn to keep appropriate records. They have to purchase the necessary supplies. They have to learn how to care for the equipment and the premises. And finally, they have to learn how to do all of those things in a professional manner.

And now I want to contrast those with the activities described in Florida law that a licensed funeral director only can do. Licensed funeral directors in Florida have to do these things. Selling funeral services and all types of disposition arrangements. Planning or arranging at-need funeral services of all types. Completing the financial arrangements regarding funeral services. Directing visitations or viewings. Directing funeral services and directing memorial services. The duties of a resident trainee in Mississippi line up directly with the duties of a Florida licensed funeral director. Ms. Biffany has engaged in all of those things for a period of over five (5) years. When she approached me initially years ago, she asked, is there a path to licensure? And I said, this Board is reasonable. They look at what you have gone through, and to date, every applicant that has come before them and has shown that they are qualified, though they did not meet the letter of the statute, they did not have an associate degree, every one of those applicants was approved. She sold her home. She took a job in Florida with the idea that she would be treated no better or no worse than the thirty (30) applicants in her exact same situation that came before you. She has shown you that she desperately wants and is qualified for the same chance that you gave each and every one of those applicants, and we would ask that you approve her application.

Chair Peeples – Thank you, Ms. Wiener. If I may, really quick, Ms. Schwantes needs to depart. So, she's going to unplug her computer.

Ms. Mary Schwantes – Thank you.

Chair Peeples – Thank you, ma'am. Board members, look in your packet on page 5, number 7, that's highlighted in red. It says a resident trainee shall not advertise or hold himself out as a funeral director, funeral service practitioner, embalmer, or use any other title or abbreviation indicating that the trainee is a funeral director, funeral service practitioner, or embalmer. A resident trainee does not have the rights and duties of a funeral director or funeral service licensee and is only authorized to act under the direct supervision of the approved preceptor. I greatly appreciate Ms. Wiener's comments, but the registration as

an internship apprentice does not count as licensee, what the state of Florida in my opinion as a Board member. So, I just want the Board to kind of take that into consideration. Are there any questions for Ms. Wiener?

Ms. Wiener – Madam Chair, just to address that very briefly. I understand that. I absolutely understand that. And I am asking, when all of these other applicants came before you, there was no five-year path. Now we have a five-year path. The five-year path was not meant to be a substitution for this Board's reasoned assessment of every applicant that comes before it. If this was so simple, we wouldn't need a Board. It would be yes or no, done and done. Instead, we have this Board that makes reasoned assessments of whether an applicant has the educational chops and the qualifications to sell and serve a funeral on the funeral buying public on families in the State of Florida. So, I'm not submitting to this Board that her training makes her absolutely qualified under the five-year path because I do recognize the distinction. The argument that I'm making is that, like all of those other applicants, the one (1) from Louisiana, the one (1) from Washington, the one (1) or two (2) from Ohio, that like all of those applicants, Ms. Biffany is qualified because she has been engaging in those activities. Her duties as a trainee are the duties of a funeral director. She's been engaging in those for well over five (5) years, though not as a licensed funeral director. And her qualifications and her capacity to off-handedly take and pass the National Board Exam shows you that she is a qualified applicant like all of the others that came before you. Ms. Biffany, we're asking for, on her behalf, the exact same chance that you have given all of those other applicants, not one of which has ever been back before you with a family complaint or a single disciplinary action.

Chair Peebles – Thank you, Ms. Wiener. Ms. Biffany, if we can swear you in.

Ms. Wiener – Do you have questions for her?

Chair Peebles – I do have a question for her, please.

Ms. Wiener – Oh, I'm sorry. Go ahead.

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

Ms. Tara Biffany – I do.

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

Ms. Biffany – My name is Tara Biffany. The spelling of my last name is B-I-F-F-A-N-Y.

Ms. Simon – Thank you, ma'am.

Ms. Biffany – Thank you.

Chair Peebles – Thank you, Ms. Biffany. A couple of questions I have, in our Board packet, our cover sheet, it states that you have been licensed in Mississippi since August 11, 2020, in Louisiana since February 3, 2023. How long have you lived in Florida? When did you depart these states?

Ms. Biffany – I moved here the end of April of 2023. I moved to Florida, the end of April of 2023. I am still practicing in Mississippi and Louisiana, because I have families that call on me personally to take care of them.

Chair Peebles – Ok. So, you're living in Florida, but how can you practice in Mississippi?

Ms. Biffany – It is two (2) hours away from my hometown. And so, whenever the family calls and they have actually worked around my schedule to do their funerals.

Chair Peebles – Ok. Wanted clarification of that for the Board for consideration. Thank you, ma'am.

Ms. Biffany – Yes, ma'am.

Chair Peeples – Ms. Simon?

Ms. Simon – I contemplated when I created the cover sheet for your Board packages whether to bring up statutory interpretation because I anticipated Ms. Wiener would talk about that and that hasn't happened. And I had contemplated putting down that statutory interpretation is irrelevant when the statute is clear. It doesn't matter at all. When the statute is clear, you take the statute for what it is. Now, Ms. Wiener is an excellent attorney, as we all know, and she can talk this as much as she wants to. And she has put on a great defense of this application. However, the duties of an intern in Louisiana or any other state are irrelevant for these purposes. For these purposes, the statute says that an individual must be licensed for five (5) years of funeral directing. The last time Ms. Wiener was here, her whole argument was, or not argument, that's not the right term, this isn't an argument, was that a licensed apprentice is essentially, excuse me, a licensed funeral director intern is essentially the same thing as a licensed funeral director for the purposes of the statute. When we came here today, the Division, we have stated that Ms. Biffany's experience in Louisiana before 2020 was not that of a licensed funeral director. Instead, it was that of a registered training –

Ms. Wiener – Trainee apprentice.

Ms. Simon – Thank you. Resident trainee apprentice. Another point is that the purposes of an internship or the experiences one has as an internship, and this may be my same point as the one I just reflected, are irrelevant. The statute states what those are. That statute states what matters for these purposes. Now, I know what the Board has decided before and I know what the Board has decided when it comes to licensure. And there may be no other people that have been licensed by endorsement that have come before the Board for any reason with discipline. I don't know. I don't remember. I can't recollect. If Ms. Wiener says they haven't, then they haven't. I mean, I don't think that she would misrepresent something to the Board. However, just because these decisions have been made by the Board before does not mean these decisions should continue to be made. The Board needs to follow the law. It isn't discretionary. It might be nice. The Board does have discretion in certain instances, but the Board is required to follow the law and the law says what experience is necessary and that experience is not met here. So, if the Board approves this license, the Board will not be following the law. Thank you.

Ms. Wiener – Madam Chair?

Chair Peeples – Ms. Weiner?

Ms. Wiener – Yes, thank you. So, Ms. Simon, why didn't you object to the 30-odd other applicants that came before this Board that did not meet the statutory criteria? Is it your position that at every one of those other instances that you allowed this Board to violate the law when it approved those other applicants?

Ms. Rachelle Munson – If Ms. Simon would allow me to respond.

Chair Peeples – Ms. Munson?

Munson – I just wanted to interject to note that the proper forum for this type of discussion is probably not this Board meeting.

Audience – Could you speak in the microphone?

Ms. Munson – I'll share this microphone. The proper forum for a discussion of that nature is probably not this particular Board meeting. This is not a question-answer type of thing. As you well know, Ms. Wiener, an opportunity to present the information and the facts as you see them. If you have any additional comments, feel free to make them. I will also note that Ms. Simon is probably not going to interject the questions to you about any prior conduct or anything of that nature, because that's just not the appropriate nature of what this Board meeting is. It's to present the application, present the facts. No one is on a stand here having to necessarily, the Division per se to defend. I have some comments I would like to make before any vote is given. But I just wanted to interject before we go into a back and forth, maybe type of banter. We can appreciate the integrity of this forum.

Ms. Wiener – Ms. Munson does the Board's longstanding precedent mean nothing?

Ms. Munson – If now is an opportunity for me to speak. I'll be happy to do so.

Chair Peeples – Please, ma'am.

Ms. Munson – So the Board's longstanding precedent, of course, is relevant for the situations that they individually reflect. I'd like to make a few comments regarding everything that's being said and then maybe [inaudible] that statement would make probably the most sense. I believe when, and I'll just open, at the December meeting, I think Board member Williams asked that the Division and I do some research, which the Board packet reflects. The Department did the lion's share of the two (2) jurisdictional comparisons because they had better access to the other jurisdiction. So that's the basis for the information in your materials to be clear. In addition to my review and research, I'd like to just piggyback on some of the comments that were made in this meeting. I believe the question was posed whether the duties are equal between that of the director, licensed director, and that of the apprentice trainee or trainee apprentice, whatever the terminology may correctly state. And again, I'd like to speak to the relevance of that question. I mean, that's a basis. That's a cornerstone of an argument. Whether the duties are similar are definitely not dispositive. You can have, and I'll just be very [inaudible] in my comments, whether you have a teacher-assist who mimics the exact duties of a teacher, they are not the same individuals by licensure. I just want to clarify. Duties don't necessarily determine whether there is equity in whatever premise that one may be seeking. I'd also like to note that, as the Chair has indicated, there is a huge legal difference between licensure and registration. To merge the two (2) would be an argument with the bridge that cannot probably ever be, ever, ever be merged. And I think that can be stated without any type of additional specificity. I think it's just understandable, like, in and of itself.

I think that, specifically to the point of the previous action of the Board, I think everyone understands that every Board consists of members. Every Board member's vote is sacred to that individual. And if you had nine (9) members that voted a certain way, four (4) or five (5) split. If you can find individuals on one Board that may have existed on the Board five (5) years prior, we still don't know what that individual's vote was. So, to merge those concepts would kind of be misrepresentative to some extent. If Ms. Clay, for example, sat on this Board five (5) years ago, voted against it, but the majority of the Board didn't, you might be able to say Ms. Clay was on the Board when the Board voted against it. Her individual vote would have not reflected that. So, I just wanted to use that as an example. Any prior Board vote as a collective is not indicative of what the individual vote may have represented. Prior Board votes as a collective per se, reflect the prior Board votes as a collective. Every time there is a Board, and perspectives change, rationales change, anything changes, then any subsequent Board vote could be completely different from what a prior Board vote. So, to cast history on what a current Board has the opportunity and authority to do, I also believe to that respect, it's misrepresented.

I would finally like to note that the basis of a statement that because a Board voted in a certain way previously should dictate how they vote in the future, not just with this applicant, but then every applicant that would follow. So, if the Board continues to vote in a manner that the statute does not support, then it states the Board should always vote in a manner that that particular statute does not support. So, continuing what is described as a precedent may also be a derelict of duty or an abuse of, I guess I would say duty as well. So, I would caution the Board with that type of understanding as well. My comments are not to confuse concepts or legal principles. I'm just here to advise the Board of what their authorities and the realm and extent of what their duties are. And I'm not opining in one way or the other, but I needed to make legal distinctions extremely clear because certain statements are being made that I think could probably present confusion. And actually, it's my opportunity and duty to clarify any of those matters.

I probably would just close with just a few comments and indicating, there are certain avenues that individuals and I'm going to clearly state, and Ms. Simon stated, if a statute is clear in what it says, that's the direct letter of the statute. If any individual, party, organization wants to have a Board act outside, we can do petitions for rules. We can't do them for statutes, but there are declaratory statements, which are specifically designed for that particular situation, how it would be absolutely necessary. It is noted that the applicant moved to Florida on the advice of counsel on the assumption that because previous Boards have voted a certain way, they would likely vote this way. I can't comment about that on Ms. Biffany's benefit. But I will say the statute, if it is clear, the letter of the law appears to be clear, I can only advise the Board that I serve as counsel for to follow the statute. You can't look to the back, you can't look to the front, they have to look at what the legal requirements are that are set before them at that moment. And sort of anything else to say. And again, totally here to provide just the legal counsel, not opining in any particular way. But the information was provided as requested. The letter of the law has not changed since any of these discussions have occurred and the applicant, representative, and the Division have an opportunity to present each of

their cases respectively. I just wanted to make sure that I was secure in the role that I needed to guide and provide the particular Board with. And those are my comments.

Ms. Wiener – So just a follow-up question if I may.

Chair Peebles – Yes, ma'am.

Ms. Wiener – So all of the prior Board votes, is this assertion that the Board broke the law in all of those votes?

Ms. Munson – I cannot make that type of assertion, only because I have not reviewed every particular case that you're referring to. I would have to look at every single situation and which you probably have firsthand knowledge of, because you're speaking to the point where you were the representative. And if that was, in fact, the reason that they did, the only thing that I can say if that was the situation, I'm sure that any person of legal understanding would not want the Board to continue to violate the law. That's my only comment to say.

Ms. Wiener – So your position is that if the Board, in the past, approved any applicants that did not meet those qualifications, that they did violate the statute? And with no contrary guidance given to them at any point with those thirty (30) applicants coming in front of them. Just this time, just this time. It is mystifying, but I appreciate your comments.

Ms. Munson – Thank you for that.

Chair Peebles – If I may, Ms. Munson? Ms. Wiener, to your comment, I feel that all of us that are currently Board members, we take each case individually. We don't collectively take cases, as you kind of mentioned. I appreciate your remarks about previous individuals that have come to us for endorsement, but we take it individually. That's why we're with Ms. Biffany right now on this. So, Board members?

Ms. Wiener – Well, Madam Chair, forgive me, but what is it about Ms. Biffany's qualifications that would then disqualify her compared to the applicant from Ohio who had practiced for one (1) year and had gotten his training on the job that was approved without an objection? What would differentiate her from the other applicant from Louisiana, from an applicant from Washington? What would differentiate her from those applicants?

Ms. Munson – I would advise Madam Chair, there is absolutely no way, Ms. Wiener, that the Chair can respond to a question like that without looking at an application and looking at another application. The synopsis of what happened in a prior application is totally insufficient for the Chair to make this type of analysis. So, if you want to compare the two and that would be something that, again, that forums such as this nature would not be appropriate to do, correct? So, the only thing that I think that the statements are being made from, and I can't speak for the Department because I am not the Department's representative. I am here as a representative for the Board and its members. So, the only legal statement that I can make with regard to, and again, it's not a personal reflection to the applicant, it's just on the basis of what the merits of the application reflect and what the merits of the statute reflect. Everything else to any fair and legal review is blind, if I may say so. And I feel like I can be bold enough to make that statement. It's just looking at the merits, looking at the law, and I would advise the Board to do that which falls within the authority outside of, perhaps, a declaratory statement or petition that would say this particular situation is so special and created such a hardship, albeit the move was made on the advice of counsel without knowing the outcome. That would be a consideration that that particular situation would necessitate a deviation from statute.

Ms. Simon – May I?

Chair Peebles – Yes.

Ms. Simon – I just have a question for Ms. Munson.

Chair Peebles – Ms. Simon?

Ms. Simon – Thank you. I'm sorry for speaking out of term. Ms. Munson, that would only be in the situation of a request for a declaratory statement. It wouldn't be for something that happens before the Board, would it?

Ms. Munson – If a petition for, and Ms. Wiener would know this...

Ms. Wiener – We're not likely to file a petition for declaratory statements, so I don't think any further clarification on that point is necessary. If precedent means nothing and if Mr. Williams' question meant nothing, which he was the one who asked, that's why I addressed the duties of a funeral director versus the duties of a trainee. I'm not saying a trainee is a funeral director. I'm saying her duties while she was a trainee were identical to the duties of a Florida funeral director. That was his question. That was what I addressed. I did not cook up that question. He asked the question. I thought it best to address the question.

Ms. Munson – It was a great question.

Ms. Wiener – It is a great question because it's illustrative here. Obviously, she has training and enough education so that she can pass the test that is the bellwether for whether or not you're qualified to be a funeral director. Just like all of those other applicants, she just wants to be given the same opportunity.

Chair Peeples – Board members? Mr. Williams?

Mr. Williams – Thank you, Madam Chair. Thank you, Ms. Wiener, for your explanation. And thank you to the Division for providing the information, feedback on the comparison. However, at this time, I would like to make a motion for denial, based on statutory requirements not being met. And let the motion go forward and then we can have further discussion if the motion goes forward.

Ms. Sanjena Clay – Madam Chair?

Chair Peeples – Yes, Ms. Clay?

Ms. Clay – I'll second the motion.

Chair Peeples – We have a motion by Mr. Williams. We have a second by Ms. Clay. Is there any discussion on the motion before we take a vote? All in favor of the motion say yes.

Ms. Wiener – Madam Chair?

Chair Peeples – Yes, ma'am?

Ms. Wiener – At the risk of having to bring this back to you again at any point in time, rather than receive a denial on her record, she would withdraw her application.

Chair Peeples – Yes, ma'am. So moved. Thank you.

Ms. Wiener – No motion is necessary.

Chair Peeples – Thank you, ma'am. The motion fails. Thank you.

Ms. Wiener – It doesn't fail either.

Chair Peeples – Well, it fails if we don't take a vote. Going on to agenda item D(1)(a).

Ms. Simon – Thank you, Madam Chair.

D. Disciplinary Proceedings

(1) Settlement Stipulation (Probable Cause Panel B)

(a) Broadus-Raines Family Funeral Home: DFS Case No. 306791-23-FC; Division No. ATN-39368 (F038791)

Ms. Simon – Is there a representative of that entity here today? Hearing no response. Mr. Woliver for the Department.

Mr. Williams – Madam Chair?

Chair Peeples – Yes, sir, Mr. Williams?

Mr. Williams – Madam Chair, I am recusing myself from agenda item D (1), as I served on Probable Cause Panel B.

Chair Peeples – Thank you. Mr. Woliver?

Mr. Jared Woliver – Thank you, Madam Chair. Broadus-Raines Family Funeral Home (“Respondent”) is a preneed main establishment holding license number F038701. The Department conducted an investigation of Respondent and found as follows: During the period of June 17, 2019, to August 6, 2021, Respondent failed to provide one (1) or more customers with a general price list wherein crematory fees were marked with prices. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$750.00. Additionally, Respondent’s license shall be placed on probation for 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 that you have.

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

MOTION: Mr. Jones moved that Respondent shall pay a fine of \$750 and have its license placed on probation for six (6) months. Ms. Janis Liotta seconded the motion, which passed unanimously.

(b) Related Items – Division No. 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)*

Ms. Simon – There is a representative of this entity here today. Yes, Ms. Pettine?

Ms. Lauren Pettine – Yes. Just here to answer any questions.

Ms. Simon – Thank you. And Mr. Woliver for the Department.

Mr. Williams – Madam Chair?

Chair Peeples – Yes, sir, Mr. Williams?

Mr. Williams – I am recusing myself from agenda item D (2), as I served on Probable Cause Panel B.

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

Mr. Woliver – Dignity Funeral Services, Inc. d/b/a Michels & Lundquist Funeral Home & Cremation Service (“Respondent”) is a funeral establishment and apprentice/intern training agency holding license number F076904. The Division alleges Respondent violated Florida Statutes in one or more of the following ways: by failing to resolve by a court of competent jurisdiction the dispute between two (2) sisters regarding the division of their father’s cremated remains and/or by releasing the father’s remains to one (1) daughter, who was not the legally authorized person at the time of release. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,250.00. Additionally, Respondent’s license shall be placed on probation for one (1) year, and I’m available to answer any questions that you may have.

Chair Peeples – Thank you, sir. Ms. Pettine, would you like to address or are you here for questions?

Ms. Pettine – I’m only here for questions. Thank you, Chair.

Chair Peeples – Yes. Board members?

MOTION: Ms. Liotta moved that Respondent shall pay a fine of \$1250 and have its license placed on probation for one (1) year. Mr. Clark seconded the motion, which passed unanimously.

2. Johnson, Drew: DFS Case No. 305168-23-FC; Division No. ATN-40030 (F155242)

Ms. Simon – This is the companion case. This individual is also represented by Ms. Pettine. Mr. Woliver for the Department.

Mr. Woliver – Drew Johnson (“Respondent”) is a funeral director and embalmer holding license number F155242. At all times material to these cases, Respondent was the funeral director in charge of Dignity Funeral Services d/b/a Michels and Lundquist Funeral Home (“MLFH”), a funeral establishment holding license number F076904. The Division alleges Respondent, as FDIC of MLFH, violated Florida Statutes in one or more of the following ways: by failing to resolve by a court of competent jurisdiction the dispute between two (2) sisters regarding the division of their father’s cremated remains and/or by releasing the father’s remains to one (1) daughter, who was not the legally authorized person at the time of release. As FDIC, Respondent is subject to discipline for these violations. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,250. Additionally, Respondent’s license shall be placed on probation for one (1) year.

Chair Peeples – Board Members?

MOTION: Mr. Jensen moved that Respondent shall pay a fine of \$1250 and have its license placed on probation for one (1) year. Ms. Clay seconded the motion, which passed unanimously.

Chair Peeples – Thank you.

Mr. Woliver – Thank you.

Chair Peeples – Ms. Simon?

Ms. Simon – Thank you, Madam Chair.

E. Application(s) for Preneed Sales Agent

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

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

(2) Recommended for Approval without Conditions (Adverse License History)
(a) Rhodes, Jeffrey L (Appointing Entity: Ray Williams Funeral Home Inc)

Ms. Simon – Is Mr. Rhodes or a representative of Mr. Rhodes here today?

Ms. Pettine – Yes. I’m afraid Wendy Wiener, who has stepped out for a moment, does represent. We will grab her if you can just give us thirty (30) seconds.

Chair Peeples – Yes, ma’am.

Ms. Pettine – Thank you.

Ms. Wiener – So sorry. My apologies.

Ms. Simon – Ms. Wiener is representing the applicant.

Ms. Wiener – I’m just here to answer questions, so hopefully there are none.

Ms. Simon – On December 4, 2023, an application was received for Mr. Rhodes for licensure as a preneed sales agent and appointment under Ray Williams Funeral Home, Inc. Applicant answered “Yes” to the background question regarding adverse licensing history on the application due to reportable disciplinary history that required disclosure. Applicant provided the Division with a written explanation of the relevant adverse license history and completed Adverse Licensing Action History Form. That history is that in December 2022, a Consent Order and Stipulation Agreement was entered involving Mr. Rhodes. As a result, Mr. Rhodes had to pay a fine of \$1,250.00. Mr. Rhodes paid the fine as of March 1, 2023 and has met all conditions of the Order. There are no other disciplinary issues in relation to this applicant. The Division recommends approval.

Chair Peeples – Board members?

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

Ms. Wiener – Thank you. Sorry about the delay.

Chair Peeples – That’s ok. Thank you. Ms. Simon?

F. Application(s) for Continuing Education

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

- (a) Cremation Association of North America (16008)**
- (b) Foundation Partners of Florida, LLC (50408)**
- (c) National Funeral Directors and Morticians Association, Inc. (15608)**
- (d) National Funeral Directors Association (49609)**
- (e) New Jersey Funeral Service Education Corp (7002)**
- (f) WebCE (43)**
- (g) Wilbert Funeral Services (39408)**

Ms. Simon – The course presented on Addendum B has been reviewed by the CE Committee, and the Committee as well as the Division recommends approval for the number of hours so indicated.

Mr. Clark – Madam Chair?

Chair Peeples – Yes, sir, Mr. Clark?

Mr. Clark – Just like to state for the record, my affiliation with Foundation Partners Group of Florida. That affiliation will not prevent me from rendering a fair and impartial decision.

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

Ms. Simon – Yes, it would be appropriate at this time for a Board member to motion to accept the applications for course approval with the number of hours indicated on your addendum.

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

G. Consumer Protection Trust Fund Claims

(1) Recommended for Approval without Conditions – Addendum C

Ms. Simon – Madam Chair, earlier this week, outside the seven-day timeframe, the Division submitted an amended addendum in this matter, and the Division is requesting the Board Chair to find good cause for that time deviation.

Chair Peeples – Yes, ma'am. So, moved.

Ms. Simon – Thank you. I'm going to request the Board take two (2) different votes on this matter. The CPTF claims presented on Addendum C, pages 1 and 2, have been reviewed by the Division, and the Division recommends approval for the monetary amounts indicated.

Chair Peeples – Board members?

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

Ms. Simon – Next, the CPTF claims presented on page 3 are of a different sort than typically before the Board. These claims are based upon consumers seeking refunds from an entity that is still validly licensed. The Division is currently pursuing administrative action against this entity, but as of now, the licensee is not issuing refunds to the claimants. As a result, the Division is asking that the two (2) CPTF claims on page 3 of the addendum be paid from the CPTF fund. The Board has authority to do this pursuant to section 497.456(7), Florida Statutes, which provides that the licensing authority may, in its discretion, use the trust fund for the purpose of providing restitution to any consumer, owner, or beneficiary of a preneed contract or a similar regulated arrangement. If the Board finds that the entity is a former preneed license or an establishment which has been regulated under this chapter and has sold a preneed contract and has failed to fulfill the arrangement, the Board has the authority to approve the claims and the Division is requesting, again, that the claims on page 3 be approved.

Chair Peeples – Board members?

Mr. Jensen – Clarification, please?

Chair Peeples – Yes, sir, Mr. Jensen?

Mr. Jensen – Yes. I don't see any claims on page 3. On page 2, I see three (3) claims. Is that what you're referring to, the Satterly and the two (2) from Jay Funeral Chapel?

Chair Peeples – Mr. Jensen, it was an addendum that was emailed.

Mr. Jensen – Oh, I remember. It did come. My apologies.

Chair Peeples – Yes, sir. So, it was the addendum that included page 3.

Mr. Jensen – I remember that now.

MOTION: Mr. Jones moved to approve the claim(s) on page 3, for the monetary amounts indicated. Ms. Liotta seconded the motion, which passed unanimously.

H. Application(s) for Embalmer Apprentice

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

- (a) Arnold, Willow J F731058**
- (b) Bravo Gutierrez, Serguey F733309**
- (c) Douglas, Megan J F735456**
- (d) Gatto, Heather M F738066**
- (e) Gurrola, Astrid A F**
- (f) Fuentes, Lauren E F737189**
- (g) Moore, Destiny P F132448**
- (h) Ortiz, Alexandra R F527263**
- (i) Ponce, Erica J F7329588**
- (j) Swain, Nathaniel J F735457**

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

Chair Peeples – Ms. Simon, if we can? It is 11:16, so let us take a quick restroom break here so that we can come back and possibly do a marathon completion. So, it is 11:16. Let's come back at 11:26. Thank you.

*****BREAK*****

Chair Peeples – We're going to call the meeting back to order. It is 11:29. I will turn the meeting over to Ms. Simon.

Ms. Simon – Thank you, Madam Chair.

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

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

- (a) Direct Disposer**
 - 1. Harper, Melissa D**
- (b) Funeral Director (Internship)**
 - 1. Rebello, Shannon M**
- (c) Funeral Director and Embalmer (Endorsement)**
 - 1. Bilger, Elizabeth**
 - 2. Dowers, Michaelene E**
- (d) Funeral Director and Embalmer (Internship and Exam)**
 - 1. Bush, Brandon L**
 - 2. Chamberlin, Dana V**

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

(2) Recommended for Denial (Criminal History)

- (a) Funeral Director and Embalmer (Endorsement)**
 - 1. Trimbach, Kenneth R**

Ms. Simon – An application for combination funeral director & embalmer license by endorsement was received by the Division on December 19, 2023. The application was incomplete when submitted and a deficiency letter was issued on January 16, 2024. All deficient information has been received and the applicant was notified that his application would go before the Board for final consideration due to having reportable criminal history. The applicant answered “Yes” to the criminal history question. To wit, on December 23, 2020, Mr. Trimbach plead guilty and was convicted of Menacing by Stalking and Violation of a Protective Order. Both offenses are misdemeanors in the first degree. Mr. Trimbach was sentenced to 180 days jail term with 180 days suspended, five (5) years unsupervised probation, and fines and cost which has been paid. Mr. Trimbach’s probation ends September 9, 2025. The Division recommends denial, and I see Mr. Trimbach here along with his attorney, Ms. Wiener.

Chair Peeples – Thank you, ma'am. Ms. Wiener, would you like to address us?

Ms. Wiener – Just very briefly. Thank you, Board. Mr. Trimbach is here to address the underlying matter of his criminal history.

Chair Peeples – May we swear you in, please, sir?

Mr. Kenneth Trimbach – Yes, ma'am.

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

Mr. Trimbach – Yes.

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

Mr. Trimbach – First name is Kenneth, and the last name is Trimbach, T-R-I-M-B-A-C-H.

Ms. Simon – Thank you, sir.

Mr. Trimbach – Yes.

Chair Peeples – Please, sir, would you like to address?

Mr. Trimbach – I would like to address the Board, please. First off, I just wanted to thank you guys for the opportunity for allowing me to drive down today. I drove eleven (11) hours yesterday to be here present in front of you all. As you know, in front of you, you do have the brief criminal history. I do want to ask the Board for contrition. And obviously, this does not reflect the person and the individual who I am today. Needless to say, this did result in a divorce. However, me and my wife have an amicable relationship. We co-parent our daughter. Actually, daughter is getting ready to graduate this May at Smith College in Northampton, Massachusetts. So, we're very, very proud of her. As you also know, I have been a licensed funeral director in Indiana and Kentucky. Practicing good standing for nearly twenty-five (25) years. And I'm asking you all as the Board for consideration to further on go my licensing in the State of Florida.

Chair Peeples – Thank you, sir.

Mr. Trimbach – Thank you.

Chair Peeples – Board members? Mr. Jones?

Mr. Jones – Yes, any licensing disciplinary actions? Disciplinary orders?

Mr. Trimbach – No, sir. This was, sad to say, the whole criminal history was a vendetta against me and the other party. Regardless of that, but no licensing issues whatsoever, no licensing crimes, violations, anything of that when it comes to funeral directing.

Mr. Jones – Thank you.

Chair Peeples – Board members, any other questions for Ms. Wiener and Mr. Trimbach?

Mr. Jensen – Question.

Chair Peeples – Mr. Jensen?

Mr. Jensen – This is for the Department. Mr. Trimbach meets all the qualifications except for the criminal history, is that correct?

Ms. Simon – Yes, sir.

Mr. Jensen – Ok. Thank you.

Ms. Simon – You're welcome.

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

Chair Peeples – One quick second.

Mr. Ferreira – Sorry.

Chair Peeples – Let me ask one quick question. We have a motion to approve the application request by Mr. Jones, a second by Mr. Ferreira. Is there any discussion on the motion? Mr. Williams?

Mr. Williams – I have a question. I know his probation ends on September 9, 2025. Does that impact anything in reference to us granting licensure, Ms. Simon?

Ms. Simon – Mr. Williams, there's no prohibition in the law for granting licensure to someone who is currently on probation, criminal probation.

Mr. Williams – Just wanted to check. Thank you.

Chair Peeples – Any other questions or discussion on the motion? Hearing none. All in favor of the motion say yes.

Board members – Yes.

Chair Peeples – All opposed say no. Chair says no. Motion carries. Good luck, sir.

Ms. Wiener – Thank you.

Mr. Trimbach – Appreciate it. Thank you much.

(3) Funeral Director (Endorsement)
(a) Marashio, Mark J

Ms. Simon – Mr. Marashio is here along with his attorney, Ms. Pettine. Mr. Marashio submitted an application for funeral director licensure on December 13, 2023, at which time the application was incomplete. Mr. Marashio was advised his application would go before the Board for final consideration today. The applicant's fingerprints returned with no criminal history. *Note: A previous application was presented to the Board on October 12, 2023, but was withdrawn.* Florida Statutes provide that the licensing authority shall issue a funeral director license by endorsement to an applicant who meets the qualifications for licensure pursuant to the following statutes and rules. Subsequent to the time that the Board package was provided, the Division received documentation indicating that Mr. Marashio has over five (5) years full-time employment history. Additionally, Mr. Marashio has not passed the National Board Examination. However, the Division has no recommendation in this matter. Madam Chair?

Chair Peeples – Thank you, Ms. Simon. If I may, can we swear in Mr. Marashio?

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

Mr. Marashio – I do.

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

Mr. Marashio – Mark Marashio. M-A-R-A-S-H-I-O.

Chair Peeples – Thank you, sir. Thank you for being here. Ms. Pettine, thank you for being here. I have a quick question. In our packet, it showed a photo or a picture of your license with the Commonwealth of Massachusetts. It states it expired on 10-31-23. Did you renew that license?

Mr. Marashio – Yes, it is renewed.

Chair Peeples – Thank you, sir. Board members, do you have any questions for Ms. Pettine or Mr. Marashio?

Mr. Clark – Madam Chair?

Chair Peeples – Mr. Clark?

Mr. Clark – I have a question both for the Division and Mr. Marashio.

Chair Peeples – Yes, sir?

Mr. Clark – Is the reason that you don't have a recommendation is because his employment from May 2017 to June 2019, it doesn't state that it was full-time?

Mr. Marashio – Correct.

Mr. Clark – Mr. Marashio, were you working full-time from 2017 to 2019?

Mr. Marashio – Yes. And I had my employer put the full-time. Yes.

Ms. Pettine – And just as a note, an updated letter was provided to Ellie on Monday of this week.

Ms. Simon – I have received it subsequent. However, again, the Division has no recommendation. I'm not sure. It's based on a totality of factors.

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

Chair Peeples – Is there any discussion on the motion?

Mr. Jensen – Question?

Chair Peeples – Yes, Mr. Jensen?

Mr. Jensen – I do enjoy saying this, so Mr. Marashio, is that correct?

Mr. Marashio – Yes.

Mr. Jensen – So, now I'm a little familiar with that. Why didn't you take the national Board?

Mr. Marashio – The State of Massachusetts didn't require it.

Mr. Jensen – Very good. Thank you.

Chair Peeples – Thank you. Any other questions? Any other discussion on the motion? Hearing none, all in favor of the motion say yes.

Board members – Yes.

Chair Peeples – All opposed, say no.

Mr. Williams – No.

Chair Peeples – Mr. Williams is a no, for the record. Motion carries. Good luck, sir.

Mr. Marashio – Thank you.

J. Application(s) for Internship

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

(a) Funeral Director

- 1. Green, Tierra A F739096**
- 2. LaMontagne, Julie A F051840**
- 3. Woods, Christie J F735383**

(b) Funeral Director & Embalmer (Concurrent)

1. *Pardee, Lisa Ann F738851*
2. *Phillips, Richard J F731923*
3. *Sloan, Brandon C F737762*
4. *Thompson, Jessica C F734698*

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) *Request(s) to Renew Internship*
 - (a) *Recommended for Approval without Conditions*
 1. *Funeral Director*
 - a. *Pearson, Larry E F533878*

Ms. Simon – Mr. Pearson is here today.

Mr. Larry Pearson – Yes, ma'am.

Ms. Simon – An application to renew the funeral director internship license was received on December 19, 2023. The application was complete when received. The applicant is licensed as a funeral director intern and 69K-18.002, Florida Administrative Code, only permits one (1) internship in a lifetime. The current license expired on January 19, 2024. The Division is recommending approval.

Chair Peeples – Would you like to address the Board, sir, or are you just here for a question?

Mr. Pearson – Just let me quickly –

Chair Peeples – Sir, let us swear you in, please, sir.

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

Mr. Pearson – I do.

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

Mr. Pearson – Larry Pearson. Spelling P-E-A-R-S-O-N. Just want to apologize for running out with a calendar. Since I've turned my application to the 19th, I've completed my two-year degree in mortuary science. I have passed the arts and the science in the National Board. So, it's just a matter of the calendar run out on us and I'm just trying to ask this Board to let me stay employed until I get my next application completed.

Chair Peeples – Thank you, sir. Board members, what's your pleasure?

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

Chair Peeples – Good luck, sir.

Mr. Pearson – Thank you.

2. *Funeral Director and Embalmer (Concurrent)*
 - a. *Mallozzi, Gina F638697*

Ms. Simon – Is this applicant here today or a representative of the applicant? Hearing no response. An application to renew the funeral director and embalmer concurrent internship license was received on December 13, 2023, and the application was deemed complete when received. The applicant was previously licensed as a funeral director and embalmer concurrent intern

and 69K-18.002, Florida Administrative Code, only permits one internship in a lifetime. The Applicant took the national examination on January 11, 2024. The current license expired on December 14, 2023. The Division is recommending approval.

Chair Peeples – Board members?

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

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

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

(a) *NorthStar Funeral Services of Florida dba Levitt-Weinstein Blasberg Rubin-Zilbert Memorial Chapels (F047571)*

(b) *NorthStar Funeral Services of Florida dba Alexander-Levitt Funeral and Cremations (F047574)*

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

L. Notification(s) of Change in Location

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

(a) *Neptune Management Corp dba Neptune Society Management Corporation F064808*

(b) *SCI Funeral Services of Florida dba National Cremation Society F058288*

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

M. Application(s) for Funeral Establishment

(1) *Recommended for Approval with Conditions*

(a) *Allen-Williams Funeral and Cremation Services, LLC d/b/a Allen-Williams Mortuary (Tallahassee)*

Ms. Simon – An application for funeral establishment licensure was received on December 21, 2023. The application was incomplete when submitted. A completed application was received on January 10, 2024. A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the funeral establishment passes an inspection conducted by a member of Division staff. Is there a representative of this establishment present today? A representative is coming forward to the podium.

Chair Peeples – Good morning.

Ms. Ebony Allen-Williams – Good morning.

Chair Peeples – Are you here to answer any questions, make any comments? If so, we need to swear you in.

Ms. Allen-Williams – OK. I don't have any questions. I'm just here.

Chair Peeples – And your name, please?

Ms. Allen-Williams – I'm sorry. My name is Ebony Allen-Williams.

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

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

Chair Peeples – Good luck.

Ms. Allen-Williams – Thank you.

Chair Peeples – Thank you for coming.

(b) Brunetti Funeral & Cremation Services, LLC (Palmetto Bay)

Ms. Simon – Is there a representative of this entity here today? Hearing no response. If we can pass this application for a moment.

Chair Peeples – Yes, ma'am.

(c) Phillip & Sons, The Funeral Directors Inc d/b/a Phillip & Sons, The Funeral Directors Inc West at Alachua (Alachua)

Ms. Simon – Is a representative of this entity here today?

Mr. Bernard Phillip – Yes.

Ms. Simon – Please step forward, sir. An application for funeral establishment licensure was received on October 26, 2023. The application was incomplete when submitted. A completed application was received on January 4, 2024. A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the funeral establishment passes an inspection conducted by a member of Division staff.

Chair Peeples – Thank you, Ms. Simon. If you'll please state your name and say your last name for the record so we have that you are present today.

Mr. Phillip – Yes. Bernard Phillip. Last name, P-H-I-L-L-I-P.

Chair Peeples – And ma'am, you are?

Ms. Donna Smith – Donna Smith, S-M-I-T-H.

Chair Peeples – Thank you. If you would like to address the Board, we will need to swear you in. If not, we will just continue with the Board business. Is that OK?

Mr. Phillip – Yes, that's fine.

Chair Peeples – Thank you. Board members?

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

Chair Peeples – Good luck. Thank you for coming.

Mr. Phillip – Thank you.

Ms. Smith – Thank you.

Ms. Simon – If I may go back to Brunetti Funeral and Cremation Services, LLC? There is not a representative here.

(b) Brunetti Funeral & Cremation Services, LLC (Palmetto Bay)

An application for direct disposal establishment licensure was received on January 3, 2024. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the direct disposal establishment passes an inspection conducted by a member of Division staff.

Chair Peeples – Board members?

Mr. Clark – Madam Chair?

Chair Peeples – Yes, sir, Mr. Clark?

Mr. Clark – I'm just curious. I believe they have a licensed funeral home under the same name. Is that accurate?

Ms. Simon – May I have a moment?

Chair Peeples – Yes, ma'am.

Ms. Simon – Can somebody from the Division help me out here? I don't have access to the system.

Ms. Crystal Grant – Just a second.

Mr. Clark – Madam Chair?

Chair Peeples – Yes, sir, Mr. Clark?

Mr. Clark – One page 8, it says they have a licensed removal facility. And I guess the only thing I'm calling out is the name of the entity is "Funeral and Cremation Services," and it's a direct disposal. So, I am a little concerned.

Ms. Simon – Yes, sir.

Chair Peeples – Ms. Grant, are you still looking?

Ms. Grant – It's a direct disposal establishment only.

Ms. Simon – They already have a license? Or they are only licensed as a removal establishment?

Ms. Grant – They're applying for this direct disposal license.

Ms. Simon – Thank you.

Mr. Clark – I didn't hear. I couldn't hear her.

Ms. Simon – They have a license as a removal facility. That is their current licensure.

Ms. Grant – No. Direct disposal establishment.

Ms. Simon – They also have a license as a –

Ms. Grant – The only license they have is the one they're applying for today as a direct disposal establishment.

Ms. Simon – Ok.

Chair Peeples – Mr. Clark, would you like to follow-up?

Mr. Clark – I'm not comfortable with the name of the entity, so that is a concern. And they're not present, correct?

Ms. Simon – Correct, sir.

Chair Peeples – Thank you, Ms. Simon. So, Mr. Clark, would you like to a motion?

MOTION: Mr. Clark moved to deny the application based on the name of the entity. Mr. Jensen seconded the motion, which passed unanimously.

N. Application(s) for Removal Service

(1) Recommended for Approval with Conditions

(a) A Plus Concierge Services LLC (West Palm Beach)

Ms. Simon – An application for removal service licensure was received on December 5, 2023. The application was incomplete when submitted. A completed application was received on January 5, 2024. A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the removal service passes an inspection conducted by a member of Division staff.

Chair Peeples – Board, what is your pleasure?

MOTION: Ms. Liotta 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, which passed unanimously.

(b) D & L Removal and Transport Inc (Port Charlotte)

Ms. Simon – An application for removal service licensure was received on October 23, 2023. The application was incomplete when submitted. A completed application was received on January 4, 2024. A background check of the principals revealed no relevant criminal history. In May 2021, during a routine annual inspection, Division inspectors discovered that D & L Removal and Transport Inc (D & L) moved to a new location without submitting a new application the Division. Subsequently, D & L applied for a new license in June 2022. In October 2022, the Division filed an Administrative Complaint against D & L. At the February 2, 2023, Board meeting, the Board approved the removal service license application for D & L with conditions of a \$500 fine and one (1) year probation. The Division issued the license on July 26, 2023. The probationary period ends on July 25, 2024. Is there a representative of this entity here today? Hearing no response. The Division recommends approval subject to the condition that the removal service passes an inspection conducted by a member of Division staff.

Chair Peeples – Board members?

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) Fedco Mortuary Services LLC (Naples)

Ms. Simon – An application for removal service licensure was received on December 28, 2023. The application was incomplete when submitted. A completed application was received on January 12, 2024. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the removal service passes an inspection conducted by a member of Division staff.

Chair Peeples – Board members?

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

(d) Richard Wesley Transport LLC (Lauderhill)

Ms. Simon – An application for removal service licensure was received on July 28, 2023. The application was incomplete when submitted. A completed application was received on January 11, 2024. A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the removal service passes an inspection conducted by a member of Division staff.

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

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

(1) Recommended for Approval without Conditions

(a) Preconstruction Performance Bond

1. Osiris Holding of Florida, Inc. d/b/a Fairway Memorial Gardens (Deerfield Beach)

Ms. Simon – Is there a representative of this entity here today? Hearing no response. SCI Funeral Services of Florida, LLC d/b/a Palms Memorial Park intends to build a new mausoleum consisting of 432 casket spaces and 144 niches. Pursuant to s. 497.272, Florida Statutes, typically, a pre-construction trust must be put in place if sales are going to occur prior to completion. However, s. 497.272(8), Florida Statutes, provides that in lieu of the pre-construction trust fund, the cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator. The licensee has submitted for approval a performance bond in lieu of the pre-construction trust, and the cemetery agrees to complete the construction in accordance with the construction agreement included within your Board packages. The Division recommends approval of the aforementioned preconstruction bond without conditions.

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

2. SCI Funeral Services of Florida, LLC d/b/a Palms Memorial Park (SUR0076641) (Sarasota)

Ms. Simon – SCI Funeral Services of Florida, LLC d/b/a Palms Memorial Park intends to construct 206 glass niches as part of their new water view mausoleum. The licensee has submitted for approval a performance bond in lieu of a preconstruction trust. The mausoleum project and the bond are summarized within your Board package. The cemetery agrees to complete said construction in accordance with the terms of the construction agreement included within your Board packages. The Division recommends approval of the aforementioned preconstruction performance bond without conditions.

MOTION: Ms. Clay moved to approve the performance bond. Mr. Clark seconded the motion, which passed unanimously.

3. SCI Funeral Services of Florida, LLC d/b/a Palms Memorial Park (SUR0076642) (Sarasota)

Ms. Simon – Is there a representative of this entity here today? Hearing no response. This entity intends to construct a new mausoleum consisting of 448 casket spaces. The licensee has submitted for approval a performance bond in lieu of a preconstruction trust. The mausoleum project and the bond are summarized within your Board package. The cemetery agrees to complete the construction in accordance with the terms of the construction agreement included within your Board package. The Division recommends approval of the aforementioned preconstruction performance bond without conditions.

MOTION: Mr. Williams moved to approve the performance bond. Ms. Clay seconded the motion, which passed unanimously.

Ms. Simon – Can I just have one moment?

Chair Peoples – Yes, ma'am.

(b) Trust Agreement(s)

1. SCI Funeral Services of Florida LLC d/b/a Fairway Memorial Gardens (Deerfield Beach)

Ms. Simon – I believe there may have been a mistake within the Board packet. Item (b) 1 is an application submitted by SCI Funeral Services of Florida LLC, d/b/a Fairway Memorial Gardens. I'm not certain. Is that the same entity as listed within your Board packages? Is anybody aware? It says SCI Funeral Services of Florida without the d/b/a.

Chair Peeples – Is Ms. Coney here? Would you like to come and answer this question, please, ma'am?

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

Ms. Lisa Coney – I do.

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

Ms. Coney – Lisa Coney, C-O-N-E-Y.

Ms. Simon – Thank you, ma'am.

Ms. Coney – I promise to tell the truth, but I don't know what I can tell you about this because it was submitted to you directly from my Trust Division. So, I don't have the records that you were provided from our corporate office.

Chair Peeples – Are you aware if this? On our agenda, we had SCI Funeral Services of Florida LLC.

Ms. Coney – Fairway Memorial Gardens?

Chair Peeples – I went to the wrong. Excuse me one second. Ok. We have two (2) of them right in a row that were Palms Memorial.

Ms. Coney – Yes.

Chair Peeples – And then we have SCI Funeral Services of Florida, LLC (Altamonte Springs)).

Ms. Coney – All of our locations have a business mailing address at Altamonte Springs because that's my office.

Chair Peeples – Ok. So Ms. Simon, can you get clarification?

Ms. Coney – The three (3) before this were preconstruction bonds. Completely separate. The trust agreement came to you directly from corporate, so I don't have that to provide you, but I do not see it in the attachments in there.

Chair Peeples – Ms. Coney, is it possible you could check to see if the package that we have for SCI, which doesn't include a d/b/a of Fairway Memorial Gardens, is the same? Is it possible we can come back to it?

Ms. Coney – We can come back to it, but I don't know what you're asking. The trust agreement is completely separate from the bond. It would have come from a completely separate person contact in our Trust Division in the corporate offices. So, it should have come wholly to you prepared for approval directly from the Trust Division and somehow didn't get attached to your Board agenda materials.

Chair Peeples – Ms. Wiener?

Ms. Wiener – Is the issue that the bond identifies SCI Funeral Services of Florida and not Osiris Holdings?

Chair Peeples – Well, it doesn't have any kind of d/b/as. It just says SCI Funeral Services of Florida LLC.

Ms. Wiener – Fairway is owned by Osiris. So, the bond should identify Osiris d/b/a Fairway. There wouldn't be a d/b/a for Fairway under SCI Funeral Services of Florida because it's held in a separate legal entity.

Ms. Simon – OK.

Ms. Coney – And Osiris is identified on the bond.

Ms. Wiener – Can we see the Board packet? Do you have it? Oh, it's identified on that bond.

Ms. Coney – That is identified on the bond. The question is the trust agreement transfer in the next section because those materials are not part of the package here. So, I can reach out to somebody in trust, but all of that came to you from them.

Ms. Wiener – Yes, that would appear to be a typo.

Ms. Simon – The Fairway Memorial Gardens?

Ms. Wiener – No. I suspect that's supposed to be Osiris Holdings of Florida Inc. d/b/a Fairway Memorial Gardens.

Chair Peebles – So, Ms. Wiener, you're stating the first line should be omitted? The SCI Funeral Services of Florida?

Ms. Wiener – Correct.

Ms. Coney – That you would just use Osiris Holdings instead of SCI.

Ms. Wiener – It would be, like the part that is the performance bond, that's the right ownership structure for Fairway.

Ms. Coney – Ultimately, it all rolls up to SCI regardless. But the way that it is presented on the Board material is the way that the entity is licensed.

Ms. Wiener – This one is the way the entity is licensed.

Ms. Coney – Yes.

Ms. Wiener – Osiris Holdings of Florida.

Ms. Simon – We'd like to table this and call it back.

Ms. Wiener – OK.

Ms. Coney – OK.

Ms. Wiener – We'll go look at the Board packet.

Ms. Simon – OK, thank you.

Chair Peebles – Thank you, ladies. We are now on O (2) (a) 1.

- (2) Recommended for Approval with Conditions*
- (a) Request(s) for Transfer of Trust*
- 1. Maspons Funeral Home Inc (F019475) (Miami)*

Ms. Simon – Maspons seeks approval of the below proposed trust asset transfer as more specifically set forth in correspondence from Luke Grabowski, representative, dated January 19, 2024. Maspons now seeks approval of the transfer of the following: the First Florida Trust (90/10 trust) under Argent Trust Company (Argent) to the IFDF Master Trust Fund A Agreement (dated 2/1/19) (90/10 trust); and the 1993 FSI Master Trust Agreement (70/30 trust) to the IFDF Master Trust Fund (70/30 trust). If approved, Argent will continue to be the trustee, all as more specifically set out in the correspondence within your Board packages. The Division recommends approval of the proposed trust transfers as identified above; and

- 1) That the representations of Maspons, as set forth in the representative's correspondence dated January 19, 2024, be deemed material to the Board's decisions herein.
- 2) That within ninety (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 January 19, 2024.
 - ⊙ 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 January 19, 2024.
 - ⊙ 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 January 19, 2024.
- 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: Ms. Liotta moved to approve the request subject to the conditions recommended by the Division. Mr. Jones seconded the motion, which passed unanimously.

Chair Peebles – Ms. Simon, the O (2) (a) 2 is kind of similar. May we table that also?

Ms. Simon – Yes, ma'am.

Chair Peebles – Yes, ma'am?

Ms. Simon – Maybe now, if we may take another break.

Chair Peebles – Sure.

Ms. Simon – We are not going to present an Executive Director's Report today and this may well be one of the last items on the agenda.

Chair Peebles – It is 12:08. Let's take a 10-minute break and see if the ladies can get information. Thank you.

*****BREAK*****

Chair Peebles – We're going to call the meeting back to order. It's 12:19 and we were on agenda items O (1) (b) 1 and O (2) (a) 2. Ms. Simon?

(b) Trust Agreement(s)

1. SCI Funeral Services of Florida LLC d/b/a Fairway Memorial Gardens (Deerfield Beach)

Ms. Simon – OK. This matter was submitted by SCI Funeral Services of Florida LLC and Osiris Holding of Florida LLC, d/b/a, Fairway Memorial Gardens. This is a request for a preconstruction trust to be established for the trusting of funds as required for the sale of internment rights, entombment rights, and inurnment rights on a preconstruction basis under preneed cemetery contracts. In accordance with Section 497.272, Florida Statutes, this applicant submits a request for approval of a master pre-construction trust agreement to be utilized in conjunction with various construction projects at SCI's cemetery locations. Contrary to the information presented on the agenda, the full name of this entity, again, is SCI Funeral Services of Florida, LLC and Osiris Holding of Florida LLC, d/b/a Fairway Memorial Gardens and the Division recommends approval without conditions.

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

Chair Peebles – Now we'll go to O (2) (a) 2.

Ms. Simon – Thank you, ma'am.

2. *SCI Funeral Services of Florida LLC and Osiris Holding of Florida LLC d/b/a Fairway Memorial Gardens (Deerfield Beach) (F019227 and F705639)*

Ms. Simon – SCI seeks approval of the following proposed trust transfers as more specifically set out in correspondence from Mark Hall, which is included in your Board package. For background, on August 3, 2023, the Board approved an acquisition by SCI to acquire control of the cemetery location Fairway Memorial Gardens, and licensure as a preneed branch under SCI's preneed main license (F019227). SCI acquired all the assets and liabilities for the cemetery and preneed for this location. SCI now seeks approval of the transfer of the existing FSI trusts held under Argent Trust Company and Cadence Bank, N.A. Trust and Wealth Management (co-trustees); to the following SCI trusts currently held under Truist Bank, N.A. (Truist) : the FSI Master Care and Maintenance Trust Agreement to the SCI Master Cemetery Care and Maintenance Trust Agreement (dated 10-19-18); the FSI 1993 Master Trust Agreement (70/30 trust), to the SCI Master Cemetery Merchandise Trust Agreement (dated 10-19-18); and the FSI Master Pre-Construction Trust Agreement (Re-stated 2015) to the SCI Master Pre-Construction Cemetery Trust Agreement which is being presented for approval at this meeting. If approved, Truist is or will be trustee, all as more specifically set out in Mr. Hall' s correspondence dated January 10, 2024. The Division recommends approval of the proposed trust transfers as identified above; and

- 1) That the representations of SCI, as set forth in Representative's correspondence dated January 10, 2024, be deemed material to the Board's decisions herein.
- 2) That within ninety (90) days of this Board Meeting Regions provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - ⦿ A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trust to be transferred pursuant to Representative's correspondence, dated January 10, 2024.
 - ⦿ A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in Representative's attached correspondence, dated January 10, 2024.
 - ⦿ Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Representative's attached correspondence, dated January 10, 2024.
- 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.

Chair Peoples – Board members?

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

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

Ms. Simon – No report.

(2) Report on 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: February 1, 2024
 Date report was prepared: January 22, 2023

	Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
	Foundation Partners of Florida LLC d/b/a Anderson-McQueen Funeral Home	1/4/2024	307455-23-FC	\$2,500			
	Cannon Funeral Home LLC	1/4/2024	277444-21-FC & 278057-21-FC	\$4,000			
	Karla Funkhouser	1/4/2024	292044-22-FC & 297727-22-FC	\$19,000			
	Deliria Holmes	1/4/2024	307467-23-FC	\$8,250			
	Homes Funeral Directors	1/4/2024	307465-23-FC	\$8,250			
	Alberta Leonardo	11/2/2023	27345-20-FC	\$3,500			
	Lisa Michelle Norwood	11/2/2023	277447-21-FC & 278059-21-FC	3,500	12/28/2023		
	Samuel's Funeral Home	12-Oct-23	305186-23-FC	\$1,500	12/11/2023	Paid in Full	
	Guerry Funeral Home	12-Oct-23	306763-23-FC	\$1,500	12/11/2023	Paid in Full	
	Brittnee Milton	12-Oct-23	306765-23-FC	\$1,500	12/11/2023	Paid in Full	
	Guerry Funeral Home	12-Oct-23	304779-23-FC & 308191-23-FC	\$5,000	12/11/2023	Paid in Full	
	Sandra Brown	12-Oct-23	307399-23-FC	\$1,250	12/17/2023	Paid in Full	
	J Brown Funeral & Cremation Services	12-Oct-23	307398-23-FC	\$1,750	12/17/2023	Paid in Full	
	William Lee Guerry	12-Oct-23	304782-23-FC & 308192-23-FC	\$5,000	12/11/2023	Paid in Full	
	Justin Lee	10/12/2023 & 1/4/2024	279222-21-FC	\$500			
	Geronimo Mena	12-Oct-23	306755-23-FC	\$1,500	12/11/2023	Paid in Full	
	Ruben Rojas	13-Jul-23	292034-22-FC	\$6,000	11-Sep-23		Referred to the OGC for administrative action
	Mary Lou Boyd	13-Jul-23	292035-22-FC	\$500	11-Sep-23		Referred to the OGC for administrative action
	Nelson's Elite Care	13-Jul-23	301514-22-FC	\$500	11-Sep-23		Referred to the OGC for administrative action
	Brian James Bonar	6/29/2023	293064-22-FC	\$11,000	4-Sep-23		Referred to the OGC for administrative action

ES 1-22-2024

Q. Chair's Report (Verbal)

Ms. Simon – Madam Chair?

Chair Peeples – Thank you, Ms. Simon. At all the meetings, I just want to say how much I appreciate what the staff does at the office in preparing for the meetings and the information they give to us and I kind of want to recognize Ms. Simon for all she does as our Assistant Director. She is the brawn behind the brains. So, thank you for all you do. And then Mr. Jones, I want to recognize you. You've been on for a long time, but we appreciate what you do at the Department of Health and for what you do on this Board. Thank you, sir.

Mr. Jones – Thank you.

Chair Peeples – Appreciate it. So that is the end of the Chair's Report.

Ms. Simon – Thank you, Madam Chair.

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

Ms. Simon – Ms. Munson?

Ms. Munson – This is provided for information on purposes. You'll see that your latest rule rendering has been adopted.

Ms. Simon – Thank you, Ms. Munson.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
FEBRUARY 2024**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-18.004	Intern Training Agencies	09/20/2023	09/28/2023	10/09/2023	10/25/2023	12/01/2023	12/21/2023
69K- 8.006	Description of Merchandise on Preneed Contracts	10/12/2023	11/16/2023	11/28/2023	12/13/2023	01/19/2024	02/08/2024

S. Public Comments (Verbal)

Ms. Simon – Are there any public comments to be made at this time? Hearing no response. Madam Chair?

Chair Peebles – Thank you, ma’am.

T. Administrative Report

The information was provided on the agenda.

U. Disciplinary Report

The information was provided on the agenda.

V. Upcoming Meeting(s)

- (1) *March 7th (Videoconference)*
- (2) *April 4th (Videoconference)*
- (3) *May 2nd (Videoconference)*
- (4) *June (In-Person - TBD)*
- (5) *June 27th (Videoconference)*

W. Adjournment

Chair Peebles – Thank you for everybody that attended today, participated. It's 12:25 and we'll adjourn this meeting. Thank you.

The meeting was adjourned at 12:25.