

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES**  
**VIDEOCONFERENCE MEETING**  
**MARCH 7, 2024 - 10:00 A.M.**

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

Ms. Jill Peeples – Good morning, this is Chair Jill Peeples, Chair of the Board of Funeral, Cemetery, and Consumer Services. It is 10:00 A.M. It's Thursday, March 7, 2024, and we will call this meeting to order. I would like to turn it over to Ms. Simon for preliminary remarks and roll call.

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 March 7, 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 by videoconference. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to interested persons. Both the link and call-in number are on the agenda, which has been made available to the public. The link and call-in number and other information relating to this Board meeting has also been published on the Division's website. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared.

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

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

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

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

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

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

**Also noted as present:**

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

Ms. Simon – Madam Chair, there is a quorum today for the business of the Board.

Chair Peeples – Thank you, Ms. Simon.

**B. Action on Minutes**  
*(1) January 4, 2024*

Chair Peeples – Board members?

**MOTION:** Mr. Ken Jones moved to adopt the minutes of the meeting. Mr. Andrew Clark seconded the motion, which passed unanimously.

Chair Peeples – Ms. Simon, if I may? Just before we get to letter C on the agenda, I would first like to turn it over to Ms. Mary Schwantes, the Executive Director of the Board, for an introduction and presentation.

Ms. Mary Schwantes – Thank you, Madam Chair. We had asked if part of our Executive Director’s Report could be taken out of order as we have a very special guest who would like to say a few words to the Board. It is my great pleasure to introduce our Chief Finance Officer, Jimmy Patronis. Sir?

CFO Jimmy Patronis – Thank you Mary, Ellen, and Chair Peeples for allowing me to chime in today on your meeting. It's Day 59 in Tallahassee. The legislative session is wrapping up. And I know a lot of you all have followed a lot of what's taken place in Tallahassee closely over the years. So, it's a little crazy right now. But I just wanted to, and I think it's long overdue, I just wanted to kind of come in and just say thank you for what you're doing. You all make sure that this industry is held to the highest standards, and that's not easy. Being in a role that you've had, we've had some events over this past year that have fallen in your lap. Some of them are complex. Some of them have been a challenge, but I appreciate your service to the State. The care of a loved one’s afterlife is so important, and they deserve the same dignity and respect as they do during life. Each of you has a difficult job of making sure that the decision dealing with somebody's license and rendering disciplinary actions based on their conduct, and it's not easy. You literally have the jurisdiction over the ability to allow somebody to continue practicing, but the good outweighs the bad. There are so many good funeral directors out there in our state, and I really appreciate what you do to ensure that the very few bad that we have don't {inaudible} all the good that is accomplished by so many. If you see a funeral home and your knowledge of one that is lacking in resources, let our office know.

Communication is absolutely the best thing that we do. And look, and I probably need to be more communicative to you all directly. Me coming to talk to you once a year is not adequate enough, but I feel like we've got good people in place. I’m going to make sure you all have my cell phone. I’m pretty good about giving it back to you, give you my number when we're together face-to-face, at some of the conferences. But, you know, I just want to make sure you get the tools to do your job.

We've got some language in play this year with our legislative agency bill, and some of it is to tighten up some of the things that we experienced this past year. And we want to make sure that we help your profession to keep the integrity and respect that it's got. And sometimes we may discover that we may need some extra tools in order to do our job. But the documents and the process are very fluid. It's a living document, the Florida Statutes. And a lot of times when we do something, if we need to revisit it next year, we need to be more thoughtful about it next year, then that's why I want to make sure you've got my phone number to call me, so, feel free. (850) 890-8953, that's my cell phone number. All of you already understand what public records are. So, understand that whatever you send me could be subject to Sunshine inquiry. So, there's people that

send things on text, they won't send to their own mama, so please be sensitive about what you send. But I really prefer you just pick up the phone and call. Mary and Tanya are used to me calling them on Friday and Saturday nights if we've got something that we need to respond to. I didn't take this job in order to work Monday through Friday. I took this job to work seven (7) days a week, just like every single one of you have.

So, I just wanted to thank you for what you're doing. Thank you for understanding some of the challenges we had this year, and just appreciate what you do to make sure this industry's the absolute best it can be, for the citizens that we all serve. Call me if you need me, and I appreciate, again, having a little bit of time to visit with you. Chair Peeples, thank you for letting me take you all out of order. And Mary, thank you for allowing me to join you all today.

Ms. Schwantes – Thank you, sir. Thank you for your comments. Very much appreciated.

CFO Patronis – Yes, ma'am.

Ms. Schwantes – Madam Chair, I'll have some other issues to bring before the Board's attention during the remainder of the Executive Director's Report at the end of this meeting, but, however, I believe we can move on to the next item on the agenda.

Chair Peeples – Yes, ma'am. Ms. Mary and thank you, Mr. Patronis, for participating today. I know he's already gotten his camera off. We'll go to a letter, C, Rules Committee. Ms. Mary, will this be your area that you'll bring up now?

Ms. Schwantes – I'm happy to do that.

## C. Rules Committee

### (1) Summary Report (Informational)

Ms. Schwantes – On November 14, 2023, the Rules Committee (the "Committee") of the Board of Funeral, Cemetery, and Consumer Services (the "Board") met in Tallahassee, Florida. The meeting began at 1:00 p.m. Committee members present were Andrew Clark (Committee Chair), Christian "Chris" Jensen, and Sanjena Clay. The following issues were discussed. The issues are listed in the order in which they appeared on the Committee Meeting agenda. Minutes from the meeting have been made available with this report. For each issue in which the Committee made a recommendation, the issue may be placed on the agenda for a future Board meeting and appropriately noticed for discussion by the Board at that meeting.

*Inspection Fees: Proposed Rule Changes for Discussion - Centralized Embalming Facilities (Rule 69K-24.040, Florida Administrative Code)* The Department initially proposed that the inspection fees for all eight types of licenses, including the Centralized Embalming Facilities licenses, be increased from \$225, which is the current amount allowed by rule, to the statutory maximum of \$300. After much debate, the Committee recommended an increase of \$25 on the annual inspection fees for the centralized embalming facilities, with a resulting increase in the annual inspection fee from the current \$225 to \$250.

*Inspection Fees: Proposed Rule Changes for Discussion - Cinerator Facilities (Rule 69K-22.003, Florida Administrative Code)* The Committee recommended an increase of \$25 on the annual inspection fees for the cinerator facilities, with a resulting increase in the annual inspection fee from the current \$225 to \$250.

*Inspection Fees: Proposed Rule Changes for Discussion - Direct Disposal Establishments (Rule 69K-23.004, Florida Administrative Code)* The Committee recommended an increase of \$25 on the annual inspection fees for the direct disposal establishments, with a resulting increase in the annual inspection fee from the current \$225 to \$250.

*Inspection Fees: Proposed Rule Changes for Discussion - Funeral Establishments (Rule 69K-21.004, Florida Administrative Code)* The Committee recommended an increase of \$25 on the annual inspection fees for the funeral establishments, with a resulting increase in the annual inspection fee from the current \$225 to \$250.

*Inspection Fees: Proposed Rule Changes for Discussion - Monument Establishments – Builders and Retailers (Rule 69K-12.011, Florida Administrative Code)* The Committee recommended an increase of \$25 on the annual inspection fees for the monument establishments – builders and retailers, with a resulting increase in the annual inspection fee from the current \$225 to \$250.

*Inspection Fees: Proposed Rule Changes for Discussion - Refrigeration Facilities (Rule 69K-24.030, Florida Administrative Code)* The Committee recommended an increase of \$25 on the annual inspection fees for the refrigeration facilities, with a resulting increase in the annual inspection fee from the current \$225 to \$250.

*Inspection Fees: Proposed Rule Changes for Discussion - Removal Services (Rule 69K-24.020, Florida Administrative Code)* The Committee recommended an increase of \$25 on the annual inspection fees for the removal services, with a resulting increase in the annual inspection fee from the current \$225 to \$250.

*Preneed Contract Fees Paid to Regulatory Trust Fund (Rule 69K-5.0024, Florida Administrative Code)* The Committee did not recommend any increase in these fees at this time.

Ms. Schwantes – No action by the Board is needed at this time.

**(2) Action on Minutes**  
**(a) November 14, 2023**

Ms. Schwantes – We will need action on the minutes. I believe, Ms. Munson, that the entire Board votes on those minutes, correct?

Ms. Rachelle Munson – That is correct. All Committee minutes should be voted on by the Board.

Ms. Schwantes – Thank you, ma'am. So, if we could have a motion and a second and a vote.

Chair Peeples – Thank you, Ms. Schwantes. Board members, as you just heard from Ms. Schwantes, we need action on the minutes from the Rules Committee. What's your pleasure?

**MOTION:** Mr. Chris Jensen moved to adopt the minutes of the meeting. Mr. Clark seconded the motion, which passed unanimously.

Ms. Simon – Before we hear these matters, I would request that you find good cause for the delay of supplemental material delivered on this matter, consisting of a printout of the Duval County, Clerk of Courts website delivered to the Board on Monday, March 4<sup>th</sup>.

Chair Peeples – Yes, ma'am. So moved. Good cause granted.

Ms. Simon – Thank you, ma'am.

**D. Disciplinary Proceedings**

**(1) Hearings Not Involving Issues of Material Fact (Probable Cause Panel A)**

**(a) Graham, Elliott Maurice: DFS Case Nos. 305836-23-FC, 307427-23-FC, and 318265-23-FC; Division Nos. ATN-39486, ATN-40281, and ATN-42121**

Chair Peeples – I would like it known for the record that I have a personal affiliation, and I've known for many years, the Graham Family, here in Jacksonville as fellow colleague funeral directors. And I feel that I can be fair and impartial, as these two (2) cases come before the Board. But I just wanted that knowledge to be mentioned today. Mr. Jones, I see your hand, then Mr. Ferreira, then Mr. Williams.

Mr. Jones – I am going to recuse myself as I was on Probable Cause Panel A, for items D (1) (a) and (b).

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

Mr. Todd Ferreira – Oh yes, ma'am. I just wanted to let you know that I grew up in the same neighborhood as Marion Graham's family. And I was called, when Ms. Graham passed away years ago, to handle things personally. And this will not

affect my judgement in any way.

Chair Peeples – Thank you, Mr. Ferreira. Mr. Williams? We do not hear you, Mr. Williams. We still don't hear you. If we can wait just a second. I noticed Mr. Williams has departed, and we'll see if he can connect back in. We'll see if Mr. Williams is able to join the meeting back. Ms. Simon, as we're waiting for Mr. Williams to join back, will you go ahead with your information, please, ma'am?

Ms. Simon – Thank you. Madam Chair. Is Eliot Maurice Graham or a representative attending the call today? Hearing no response. Mr. Woliver?

Mr. Jared Woliver – Jared Woliver for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Elliott Maurice Graham (Respondent). At all times material to the complaints filed in this matter Respondent was the funeral director in charge (“FDIC”) of Marion Graham Mortuary, a funeral establishment licensed under Chapter 497, Florida Statutes, license number F040391. The Division alleges Marion Graham Mortuary engaged in the following:

- Advertised preneed services without the benefit of licensure;
- Failed to timely provide a refund;
- Failed to provide a detailed description of items purchased in a contract;
- Failed to feature an itemized embalming fee;
- Failed to obtain written authorization to perform an embalming;
- Marion Graham, by and through Respondent, submitted fraudulent FSI transmittal forms for eight (8) preneed contracts and made willful and unlawful withdrawals of the preneed trust funds on eight (8) contracts.

Respondent, as FDIC of Marion Graham Mortuary, is subject to discipline. The Motion demonstrates Respondent has failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Chair Peeples – Thank you, Mr. Woliver. Board members, we need to have a motion that we are granting an informal hearing to Mr. Maurice Graham. Board members, what is your pleasure on the first motion?

**MOTION:** Mr. Ferreira moved to proceed as an informal hearing. Ms. Sanjena Clay seconded the motion, which passed unanimously.

Chair Peeples – Our next item is that there are no material facts in dispute.

Mr. Woliver – And the Department asks that the Chair Entertain a motion determining that there are no material facts in dispute.

Chair Peeples – Yes, sir. Board members?

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

Chair Peeples – Our next motion would be to adopt the allegation of the facts.

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

Chair Peeples – Our next motion would be to accept the conclusions of law.

**MOTION:** Mr. Ferreira moved to accept the conclusions of law. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Simon – Madam Chair, before we continue?

Chair Peeples – Yes, ma'am?

Ms. Simon – I notice that there is somebody, a camera, a video camera that has logged on, and I just wanted to make sure. Again, is the Respondent, Eliot Maurice Graham here today, or a representative of Elliot Maurice Graham here? Hearing no response. If you are not associated with this matter, please turn your video camera option off and only turn it on when you hear your matter called. Thank you, Madam Chair.

Mr. Darrin Williams – Madam Chair?

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

Mr. Williams – I wanted to disclose that I served on the Probable Cause Panel for this case, and I wanted that clear on the record.

Chair Peeples – Mr. Williams, on our information, we only have that Mr. Jones was a Board member on these two (2) cases. Is that correct? Because he has declared his affiliation, you would be able to participate if you were not on Probable Cause.

Mr. Williams – I guess maybe it's a question for Ms. Munson. There was a Probable Cause case related to this as well, that's why I wanted to make sure.

Chair Peeples – Would you like to recuse yourself, sir?

Mr. Williams – Yes, ma'am.

Chair Peeples – Thank you. Thank you, sir. Board members, we're back on our last motion for this case on the penalty phase. Mr. Woliver, would you like to address what the guidelines are, please?

Mr. Woliver – Yes, Chair Peeples. Give me just one moment.

Chair Peeples – Yes, sir.

Mr. Woliver – The penalty guidelines for these charges include up to permanent revocation of license and restitution. I can go through the full guidelines if that's requested, but the Department's recommendation for these cases would be permanent revocation of the license and restitution.

Chair Peeples – Thank you, Mr. Woliver. Board members?

**MOTION:** Mr. Ferreira moved for permanent revocation of Respondent's license and restitution. Ms. Sanjena Clay seconded the motion.

Chair Peeples – Is there any discussion on the motion? Mr. Jensen?

Mr. Jensen – Yes, quick question. When I was looking at Mr. Woliver, he mentioned revocation and restitution. So, my question is, what type of restitution does he have in mind? What is the Department asking for?

Mr. Woliver – In case number 305836, this is regarding consumers, JC and WC. It appears there was a remaining balance owed by Marion Graham Mortuary for \$17,047.96. In this case, and only this case, I do believe that these consumers submitted a Consumer Protection Trust Fund claim that was approved by the Board in September of 2022. I can get more details on that, if necessary, but I would be requesting that Eliot Maurice Graham be responsible to pay back to the CPTF. And then in case number 318265, and forgive me, this will be a little bit lengthy, we have consumer EH, \$5,175.11 was stolen by Elliot Maurice Graham. We have consumer SD, contract amount plus interest was stolen, \$13,133.49. Consumer CB, contract amount plus interest, \$12,317.03. Consumer JJ, contract amount plus additional accruals stolen is \$12,513.79. Consumer MY, contract

amount plus interest stolen, is \$12,772.09. Consumer JC, contract amount plus interest stolen is \$7,393.66. Consumer CC, contract amount plus additional proceeds, \$8,218.19. And finally, consumer HY, contract amount plus interest stolen, \$15,653.50. And that restitution would be made payable to the consumers.

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

Mr. Jensen – May I ask another question? Would Mr. Ferreira change his motion to revocation plus restitution of all the money Mr. Woliver just mentioned, just in case Mr. Graham comes back at a later date and wants to be re-instated. I don't believe there's anything that would prevent him or is it permanent? So, it is permanent? Ok. But I think the restitution should be added for the consumers.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – Certainly we can add that. Did you guys add those numbers up? I think it's in our Board packet. It's over \$100,000, I believe.

Mr. Jensen – Yes.

Chair Peeples – Mr. Ferreira, you'll make that addendum to your motion, sir?

Mr. Ferreira – Yes, ma'am, I will.

Chair Peeples – Thank you. Ms. Clay, will you accept that amended motion?

Ms. Clay – Yes.

Chair Peeples – Thank you. Rabbi Lyons, did you have a question, sir?

Rabbi Lyons – Yes, thanks. Good morning, everyone. Not sure who the question is for. Maybe Ms. Munson. Do we have any recourse? Can the Department lien the assets of the funeral home or of the FDIC in order to make sure that the Consumer Trust Fund gets paid back, or that the consumers themselves get paid back?

Ms. Munson – They can pursue criminal action, but I don't want to speak on behalf of the Office of General Counsel. They are presenting this case. And also, with the last motion that was made, since I have the mic for a moment, if you want restitution to be paid, are you stating a timeframe to be attached, on which it should be paid, so that we can add that to the motion? But I'll turn it over to Mr. Woliver to see if the Department has any other recourse that would be available for their disposal that they would entertain.

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

Mr. Woliver – As to specifically putting a lien on the property, I'm not familiar with our authority there. I would have to look further into that to see if we have an option like that. Though, I can say, in specific case, that would probably be an unlikely route for recovery due to the fact that, I believe, the Marion Graham Mortuary has been tied up in a probate case for several years now, already. But I do hear the thrust of your question, which is, {inaudible}. I'm not certain {inaudible} would be my answer to that question.

Chair Peeples – Thank you. Rabbi Lyons, does that complete your question, sir, or do you have a follow up?

Rabbi Lyons – Follow up. Just to understand what Ms. Munson said, if we were to put a timeframe on the restitution would that put the Departments in a stronger position? I didn't understand where that fits in.

Ms. Munson – And again, I'm going to just intercede and then I'll turn it back to Mr. Woliver. Not necessarily. It's just usually if you put any type of condition, some type of timeframe is attached to it. You're suggesting that the license is revoked. So, you literally can have an indefinite period of time to pay this money, unless you so choose to memorialize that you can identify a

timeframe which the individual may not stick to and could give the Department another opportunity. But if he's revoked, there's not much other authority that holds over that particular Respondent without a license. But, again, I'm not speaking on behalf of the Department. I will turn it over to Mr. Woliver.

Mr. Woliver – No, absolutely. I want to be crystal clear about that as well, that there realistically is not an enforcement mechanism for paying back the restitution through this avenue. If we are permanently revoking the license, there would not necessarily be a way that we can enforce the payment of that restitution if the license {inaudible}.

Chair Peeples – Thank you, Mr. Woliver. Rabbi Lyons, does that complete your question, sir?

Rabbi Lyons – Yes. Thank you.

Chair Peeples – Thank you. Mr. Jensen, you had your hand up?

Mr. Jensen – Just for the record, it's \$104,224.82. And I do realize it is somewhat symbolic, but, you know, I think it's important that it's added to that.

Chair Peeples – Mr. Jensen, are you speaking of the total amount of the cases?

Mr. Jensen – Yes, ma'am.

Chair Peeples – Mr. Ferreira, will you add that to your motion, sir?

Mr. Ferreira – Yes, I will. Yes, ma'am.

Chair Peeples – Ms. Clay, will you accept the amended motion?

Ms. Clay – Yes, ma'am.

Chair Peeples – Thank you. Ms. Munson, coming back from the conversation we've had with Mr. Woliver regarding a timeframe, do you have any further comment on that, because we are having a permanent revocation?

Ms. Munson – I'll just note that if the Board so chooses to vote on that motion in the affirmative, the Order will reflect that the license is permanently revoked, and that the Respondent is required to pay \$104,000 plus, as stated in the motion. {inaudible}

Chair Peeples – Ok. Thank you, ma'am. Board members, is there any other discussion before we take a vote on this motion of the penalty phase? Seeing none. All in favor of the motion say yes.

Board Members – Yes.

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

Ms. Simon – May I continue with the agenda, Madam Chair?

Chair Peeples – Yes, ma'am.

Ms. Simon – This is the companion case. Madam Chair, would your good cause finding of good cause go for this matter as well?

Chair Peeples – Yes, I am so moved.

*(b) Marion Graham Mortuary: DFS Case Nos. 305834-23-FC, 307423-23-FC, and 318264-23-FC; Division Nos. ATN-39486, ATN-40281, and ATN-42121*



Ms. Simon – Is there a representative of Marion Graham Mortuary on the call today? Hearing no response, Mr. Woliver?

Mr. Woliver – The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Marion Graham Mortuary (Respondent). The Division alleges Respondent advertised preneed goods and services without the required licensure, failed to provide a refund after a written request was received after thirty (30) days, failed to provide a refund after issuance of a Final Judgment, failed to provide a detailed description of the casket in its written agreement, failed to feature an itemized embalming fee, and failed to obtain written permission to perform an embalming. Additionally, the Division alleges Respondent produced fraudulent FSI transmittal forms for eight (8) preneed contracts and made willful and unlawful withdrawals of eight (8) preneed contract trust funds.

The Motion demonstrates Respondent has failed to make an election of proceeding, and, as such, no material facts are in dispute, for this matter to proceed as an informal hearing before the Board, and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Chair Peeples – Thank you, Mr. Woliver. Board members, we need to have a motion for the informal hearing.

**MOTION:** Mr. Ferreira moved to proceed as an informal hearing. Rabbi Lyons seconded the motion, which passed unanimously.

Chair Peeples – Our next item of motion is that there are no material facts in dispute.

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

Chair Peeples – Our next item is a motion to accept the factual allegations.

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

Chair Peeples – Our next item is to accept the conclusions of law.

**MOTION:** Mr. Ferreira moved to accept the conclusions of law. Mr. Jensen seconded the motion, which passed unanimously.

Chair Peeples – Our next item is the penalty phase. Mr. Woliver, would you like to update the Board members, please?

Mr. Woliver – The Department would, again, recommend permanent revocation of license. This license is, of course, already been suspended in the previous manner. And we also asked for restitution to be imposed. I didn't hear the exact number that Mr. Jensen totaled up, but it sounded like \$104,000 in restitution either to consumers or to the CPTF.

Chair Peeples – Thank you, Mr. Woliver. The exact amount is \$104,224.82. Board members, your pleasure?

**MOTION:** Mr. Ferreira moved for permanent revocation of Respondent's license and restitution in the amount of \$104,224.82. Ms. Clay seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Mr. Woliver, and thank you, Ms. Munson for your involvement in these two (2) cases. 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.

**F. Application(s) for Continuing Education**

- (1) *Course Approval - Recommended for Approval without Conditions – Addendum B*
  - (a) *Academy Of Graduate Embalmers Of GA, Inc. (41609)*
  - (b) *Florida Morticians Association (23208)*
  - (c) *Frigid Fluid Company (44808)*
  - (d) *Independent Education Institute (135)*
  - (e) *International Order Of The Golden Rule (2201)*
  - (f) *National Funeral Directors Association (49609)*
  - (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.

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

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

**G. Consumer Protection Trust Fund Claims**

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

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

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

**H. Application(s) for Embalmer Apprentice**

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum D*
  - (a) *Brown, Dylan J F739297*
  - (b) *Bryant, Gary A F741254*
  - (c) *Clauss, Leigha A F739401*
  - (d) *Glenn, Derek T F739744*
  - (e) *Harding, Chloe J F739152*
  - (f) *Snyder, Timothy C F739296*
  - (g) *Vann, Amanda J F166137*

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.

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

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum E*
  - (a) *Funeral Director (Endorsement)*
    - 1. *Walker, Gregg S*
  - (b) *Funeral Director (Internship)*
    - 1. *Williams, Justin T*
  - (c) *Funeral Director and Embalmer (Endorsement)*
    - 1. *Mythen, Miranda D*
    - 2. *Ross, Morgan C*
  - (d) *Funeral Director and Embalmer (Internship and Exam)*
    - 1. *Geise, Jordan M*
    - 2. *Wilcox, Mildred 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 (Adverse Licensing History)*  
*(a) Funeral Director and Embalmer (Internship)*  
*1. White, Kimberly B*

Ms. Simon – Is Ms. White or a representative for Ms. White on the call today?

Ms. Kimberly White – Yes, ma'am. I am here.

Ms. Simon – Thank you, ma'am. And thank you. If I may have one moment, Madam Chair.

Chair Peeples – Yes, ma'am.

Ms. Simon – An application for combination funeral director & embalmer license by internship was received by the Division on November 29, 2023. All deficient information has been received by February 5, 2024, and the applicant was notified that her application would go before the Board today for final consideration due to having adverse licensing history. The applicant answered "Yes" to the adverse licensing history question. Ms. White's funeral director and embalmer license was revoked in 2013. Ms. White has had numerous Consent Orders entered against her since 2011, all of which are included in this Board package. The following is a synopsis of the timeline and disciplinary penalties:

On April 21, 2011, a Consent Order was issued imposing the following discipline:

- Four (4) years of probation during which time Ms. White was not to be a FDIC for any establishment regulated under Chapter 497, F.S.
- \$7,000 administrative fine
- A 3-hour Ethics course and a Florida Law & Rules course from a Board approved provider within six (6) months from the issuance of the Consent Order.

On April 20, 2012, a Consent Order was issued imposing the following discipline:

- \$2,500 administrative fine and \$250 costs
- Two (2) years of probation with the requirement that Ms. White take four (4) hours of continuing education in Ethics and take and pass the Florida Laws and Rules Exam with ninety (90) days of the issuance of the Consent Order.

On July 19, 2012, a Consent Order was issued imposing the following discipline:

- \$5,000 fine and \$250 in costs.
- Six (6) months suspension of Ms. White's funeral director and embalmer license.
- Two (2) years of probation following the six (6) month suspension period during which time Ms. White was not to be FDIC of any establishment regulated under Chapter 497, F.S., and not fulfill any contracts other than those insurance funded. Additionally, Ms. White was not to charge prices that were not represented on a current general price list for the licensed establishment.

On September 3, 2013, a Final Order was issued imposing the following discipline:

- Revocation of her funeral director and embalmer license.

All fines and costs have been paid, with some only being paid in 2024. Ms. White failed to take and pass the Florida Laws and Rules Examination within ninety (90) days as required by the April 2012 Consent Order. If the Board chooses to disregard the Division's recommendation, Ms. White should be required to pass the Florida Laws and Rules Examination before licensure. The Division is recommending denial. Madam Chair?

Chair Peeples – Thank you, Ms. Simon. Ms. White, if you will let Ms. Simon swear you in, in case the Board members have questions for you, please, ma'am.

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. White – Yes.

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

Ms. White – Kimberly Bernice White, W-H-I-T-E.

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

Chair Peeples – Thank you, Ms. Simon. Ms. White, would you like to address the Board, or would you just like to be available for questions?

Ms. White – I would like to be available for questions, and then once I have heard everything, I will be able to address the Board in a proper manner.

Chair Peeples – Thank you, ma'am. Board members, do you have any questions for Ms. White, following the cover sheet explanation by Ms. Simon? Mr. Jones?

Mr. Jones – Ms. White, what have you been doing since 2013?

Ms. White – Since 2013, I completely separated from the funeral industry. Completely and totally. I've been employed in the private sector since then. I've been working at American Airlines as a fleet service clerk.

Mr. Jones – Ok, thank you.

Ms. White – And I'm also pursuing my degree in Project Management.

Chair Peeples – Thank you. Mr. Jones, does that complete your question, sir?

Mr. Jones – Yes, ma'am.

Chair Peeples – Thank you. Mr. Jensen?

Mr. Jensen – Question, Ms. White? So, you're pursuing a degree in Project Management. So, you don't intend to stay in the funeral industry?

Ms. White – I do plan to stay in the funeral industry, but in a limited capacity. I'm not ready for the funeral establishment, as far as, on that level., as far as being a full-time funeral director or being a funeral director in charge. Those incidents that Ms. Simon mentioned have left me completely and really jaded. So, I'm really not comfortable with the faith. I don't have faith in funeral establishments or owners of funeral homes because people like me, who have the license, who put their license on the building and work, and do the good job. And the owners do what they want to do behind our backs, someone like my back, and this is how I got in this situation that I was in. None of those things I did myself. The owner of the establishment did those things, and because I was the funeral director in charge, I was severely penalized for it. So, in 2013, that was the last straw for me. I got off the hamster wheel, and I've never looked back ever since. But because I did work hard for my license and I refused to let that establishment win over me, I decided to pay the funds myself, represent myself, and get my license back. Even if I don't do anything with them, I have them.

Chair Peeples – Mr. Jensen, follow up?

Mr. Jensen – Yes, ma'am. Thank you. Ms. White, if you were revoked, why did it take you so long to pay the fines, and try to pursue this?

Ms. White – Because I had to sustain myself. I did not have the available \$5200 plus the \$700+ to get my license back at the time. I didn't have it, and at the time, it wasn't a priority for me, to be honest. It wasn't a priority. I did not see the urgency in it years ago.

Mr. Jensen – Ok. Question, Madam Chair?

Chair Peeples – Yes, sir, Mr. Jensen.

Mr. Jensen – So, you have kind of just burnt the bridge, then, and, you know, that's my biggest concern. Plus, you don't really want to stay it. And I just have a little concern for that, you know. I just wonder if it's for the right reasons, and some Board back then felt the need to revoke your license. I'm trying to hang my hat on something here as to, you know, what would be the good of you being licensed, again, or giving you a chance to earn it back other than you just have it? Can you explain that?

Ms. White – Well, Mr. Jensen, to be honest with you, I now have trust with issues with funeral establishments and their owners. And I think it will be in good faith for me to take it slow, to get back into the industry, to build a rapport with funeral establishments and funeral owners, because there has to be a mutual trust. And going through what I went through, I'm not as trustworthy, or shall I say I'm not as trusting and naive as I used to be. Having my license is a major responsibility and now I know I'm no longer job-fearing. So, the thought of me losing my job and not having income from the funeral establishment is no longer motivation for me to stay. I have no problem with walking away. But I do want to take a slow, build an honest rapport with funeral establishments and their owners. And I think that is fair considering what I've went through. I don't own a funeral home, so I can't make the business decisions and decisions that an owner of establishment can make. I don't have that authority. So, I think it's fair that I take it slow, build relationships, build rapps, and when I do feel comfortable with the funeral establishment that respects my position, which respects their position, and there is a mutual line of trust, knowing that you will do right to follow the rules and regulations to protect your establishment, and in turn protect my license. I love helping people especially during their time of bereavement. I'm very good at it, that is my gift, and I want to get back into the field, but I want to do it slowly, if that makes sense.

Mr. Jensen – Thank you, Ms. White.

Chair Peeples – Ms. White, I have a question for you. You mentioned that you want to do it slow and I commend you for wanting to try to put your feet back in the water, so to speak. But it's been recommended by the Division that we deny your license application request that's before us today. Would you not want to maybe start with a firm to kind of be a general helper, or assistant, or work on services to try to build that rapport with a firm owner before you try to come back for this? Because the Division recommends denial of your license.

Ms. White – And may I ask why it is recommended for denial?

Chair Peeples – Well, as Ms. Simon mentioned, the different items that you have of the Consent Orders from April 2011, April 2012, July 2012, as well as September 2013. That's a lot of items that have come on your license, as a licensed funeral director in charge. Because of that, and the way that things were not handled in a timely manner, that's why the Division is recommending denial. So, anytime that we have a situation or an application that comes before the Board, and I appreciate you being a part of the discussion today and participating so we can talk with you, and kind of get your side of the story, so to speak. If we have a vote today, and it's a denial, that's going to follow you also. So, that's going to be another item that follows you from that perspective. So, have you thought about just making an employment open-door request with a firm to see how it's going to be before you come back, or as you would have approached the Board for your license request?

Ms. White – I will entertain that thought. I haven't given that much consideration, as far as being an employee to that magnitude. But may I also ask the Board? This was over eleven (11) years ago. I haven't had any affiliations with any funeral homes. Have not done anything outside of those consent orders that you had. Why is it still a need to punish me for something eleven (11) years ago? And I understand my naivety in the matter back then is not your concern, but that's also a factor there has to be considered, because you guys get a lot of cases like me.

Chair Peeples – Yes, ma'am. And I see Mr. Clark has a hand up, and a couple of other Board members have questions. When you take the position as a licensed funeral director and embalmer, and I'll just speak for myself, I'm also a licensed funeral director and embalmer. I am an FDIC at our location. It is a lot of responsibility, as you have so stated that you understand. I am in a family firm where my father owns the firm. I'm second generation, but I relay to our team all the time that I have four (4) letters after my name, FDIC, and whatever they do is reflected in my license. It comes against me. So, I want to make sure that we handle things to 100% or more. So, when these things happen, like you've had these multiple consent orders, it's going to follow you for the rest of your career. So, it is just a part of the package that is presented to us for consideration for us to make an informed decision. Most of us, maybe Mr. Brandenburg may have been on the Board back when these consent orders

came through, but it's going to follow you the rest of your career with the State of Florida. Mr. Clark, did you have your hand up, sir?

Mr. Clark – Yes. I just wanted to respond to Ms. White's last comment that she hasn't had any involvement with the industry. Mr. Brandenburg was on the Board, I know Mr. Jones was on the Board, and I was on the Board when this case came before us. My concern is while you may not have been in the industry since this matter, your last involvement with this Board and the industry was not replying to a consent order, you had representation, Mr. Rudolph. You had an attorney, but your last interaction with this industry and this Board was not even acknowledging a consent order, and that's a concern.

Ms. White – The reason that was is because the funeral home that where my license was refused to pay the fines. I had to pay the fines myself out of pocket. So, when all of that was consented, the six (6) month suspension was established, the funeral home did not take care of my fines, and then I was unemployed. So now I'm unemployed, so I do not have the \$5200 plus the \$772, and everything else. I didn't have it at the time because I still have to maintain my livelihood. I understand as far as what you're saying, but I really don't think it's fair to still penalize someone for something eleven (11) years ago when, as you can see, I'm a lot wiser, more knowing and I'm a lot more cautious.

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

Mr. Clark – It does. Thank you.

Chair Peebles – Thank you. Mr. Ferreira?

Mr. Ferreira – Can I make a motion?

Chair Peebles – Yes, sir.

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

Chair Peebles – Is there any discussion on the motion?

Ms. Munson – Just one quick question. It's just for clarity for the applicant. I know that she said that she would give consideration, and Chair Peebles gave a very clear explanation as to what would happen if the denial vote were to pass. The only other information that was not stated just for clarity for the record, if you do not want to have a denial on the record, and it's not yet been determined whether a denial will be the vote of this Board, just a motion and a second to do so, but it will be a discipline that will follow your licensure history. You also have an option to withdraw your application. So, that statement has not yet been made and I wanted to make clear for the record that it is something that could be available. It's prior to the Board taking a vote, and I didn't want this to close without you having the full spill that we give to everyone, and I wanted to make sure you also had that opportunity.

Ms. White – Ok. With that being stated, when can I reapply? Let me state that. What would I need to do to satisfy the Board and when to reapply for you guys to consider giving me my licensure back? Because from my understanding, you're denying it because I did not comply with all of the fines and everything I needed to do within the timeframe. So, how do we go forward from here for me to get my license in the future?

Ms. Munson – So, let me just say that there is no guarantee, ma'am, that you will get your license in the future. There is no timeframe as to when you should reapply. It is definitely incumbent upon the vote of this Board by majority vote to determine whether an application set before them at the time of review, is worthy of approval or denial. So, there's no information that can be given to you today, as to how long you should wait before you reapply, if that is, in fact, your choice of decision making. I was just making it known to you so that it cannot be stated for the record that you did not know that you had an opportunity to withdraw. So, what you do after this, and it's absolutely a courtesy, to be quite honest with you.

Ms. White – I truly appreciate it. That's why I'm asking the Board, because I don't know. So, if there's any advice or any steps that I can take to move me in a better direction to get my license back, I would like to know that. If not, if, if denial is going to be my fate, then there is no need for me to reapply, because what I'm getting is there's nothing I can do from here on out to get

my license back, since I'm still going to be judged on the judgement from eleven (11) years ago.

Ms. Munson – I'm going to say this, and I don't want to interrupt, but I'm going to say this, in all fairness to your position, but also in deference to the purpose of this body, and I'll turn it back over to the Chair with complete respect. The only other information that I can add to you is, again, whatever application is before the Board, the Board may consist of different people. I don't know. In 2013, I believe, Member Clark indicated that there was a different Board. Many of these members present, some of them were members of the Board at that particular time. So, again, you can contact members of the staff in an offering of any type of information that they can possibly share. Staff can speak {inaudible} Board. Chair Peeples has indicated, in the form of a question, would you consider working without a license shadowing or some type of employment. That was something that was presented, again not as a direct avenue to licensure, but these are just things that have been stated. The bottom line tier that's under consideration is, do you want your application to remain in consideration before this body today, or an opportunity to withdraw, which is normally made available in situations like this?

Chair Peeples – What was that Ms. White?

Ms. White – I will withdraw.

Chair Peeples – Thank you, ma'am. And Mr. Ferreira and Mr. Clark, this motion is going to be withdrawn. Do you agree?

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Thank you. Ms. White, one comment for you. You made in your remarks that you stated that you were not involved with this industry. It would probably be more positive for you, for consideration, if you happen to come before the Board, in the future, to have some practicing of, or positioning yourself with a firm, getting some more knowledge, things of that nature, as we kind of spoke about before Ms. Munson so eloquently relayed to you. Because you stated to us that you're following kind of a project management degree and occupation. So that would be outside of our realm, so it might be more positive for you to kind of have some more experience prior to you submitting an application in the future.

Ms. White – Ok. Thank you for your time.

Chair Peeples – Thank you, ma'am. We appreciate you participating today. Ms. Simon?

Ms. Simon – Yes, ma'am.

*(3) Recommended for Denial (Criminal History)*  
*(a) Funeral Director and Embalmer (Internship)*  
*1. Adler, Samuel*

Ms. Simon – An application for a combination funeral director and embalmer licensure was received by the Division on December 15, 2023. The application was complete when received. The applicant answered "Yes" to the criminal history question and submitted the criminal history form and court documentation along with the application. Mr. Adler's previous application for a concurrent internship licensure was approved with conditions at the March 2, 2023, Board meeting. Mr. Adler's criminal history is included in your Board package. The Division recommends denial. Is Mr. Adler or a representative of Mr. Adler on the call today?

Mr. Samuel Adler – Yes, ma'am. I am.

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

Chair Peeples – Thank you, Ms. Simon. Mr. Adler, would you allow Ms. Simon to swear you in in case there are any questions, or you'd like to address the Board, sir?

Mr. Adler – Absolutely, ma'am.

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

Mr. Adler – I do.

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

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

Ms. Simon – Thank you, sir.

Chair Peeples – Thank you, Mr. Adler. Would you like to address the Board, or would you like me to proceed and find out what the Board's pleasure is?

Mr. Adler – I would like you to proceed, and I'm here at the Board's pleasure to answer any questions that they may have.

Chair Peeples – Thank you, sir. Board members, what is your pleasure regarding this case before us? Board members?

Mr. Jensen – Madam Chair, I guess he was approved to be an embalmer intern, so, I'm curious. The drug things look as they were as recent as 2017. There was a judgement. Has he paid all those judgements? Yes, everything's paid. So, is he out of the drug game? What's going on? I'd like to hear from Mr. Adler, if I could.

Chair Peeples – Mr. Adler, would you be kind enough to address Mr. Jensen's questions?

Mr. Adler – Yes, ma'am. Mr. Jensen, so, you're referring to the arrest. Actually, the judgement that was passed in 2017 wasn't related to drugs. It was actually, 2015 was the arrest and the sentencing was 2016. Since my release in 2019, the only thing that I have been involved in is getting my degree for funeral service, as well as a dual degree, in associate science, as well as completing basically, everything that was involved prior to my judgements that were required from probation to restitution, which we have discussed previously in other agendas. But, as far as your question, if I'm still in the drug game. No, sir. I have been only working at the same funeral establishment that I have been since January 2021, and I have been continuing to work there, as well.

Mr. Jensen – Follow up, Madam Chair?

Chair Peeples – Yes, sir.

Mr. Jensen – From the 2015, it says you were sentenced seventy-eight (78) months post release. I will assume that's a probation. That's 6.5 years. Are you still on that?

Mr. Adler – No, sir. So, the full sentence is 6.5 years, but I was released in 2019 for good behavior. So, as of 2019, I only had two (2) years of what you would consider probation, whereas, after one (1) year, that was terminated.

Mr. Jensen – Very good. Thanks.

Chair Peeples – You're welcome, sir. Are there any more questions for Mr. Adler? Any Board members? Mr. Clark?

Mr. Clark – Mr. Allen, I just wanted to actually thank you. One of my comments the last time we met was to provide updated letters from your employer. I'm satisfied, so. I'm going to make a motion.

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

Chair Peeples – Good luck, Mr. Adler.



Mr. Adler – Thank you, ma'am. Thank you, Board.

Chair Peeples – Thank you. It's 11:07. I'd like us to take a 10-minute break for restroom visits. And let's come back so we can complete the remaining agenda of the Board. Thank you.

\*\*\*\*\*BREAK\*\*\*\*\*

Chair Peeples – Is Ms. Bryant back on the meeting and recording?

Ms. LaTonya Bryant – Yes, ma'am.

Chair Peeples – Thank you, Ms. Bryant. We will call the meeting back to order. It is 11:18, on March 7, 2024. Ms. Simon?

**J. Application(s) for Internship**

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

**(a) Funeral Director**

1. **McClairn, Valarie Y F745306**

**(b) Funeral Director & Embalmer (Concurrent)**

1. **Guild, Brittany D F426854**

2. **Lauer, Dominic F739400**

3. **Llaguno, Gina M F742585**

4. **Mace, Brandy R F702420**

5. **Moore, Thomas L F745318**

6. **O'Keefe, Samantha K F741761**

7. **Prado, Anelice S F742611**

8. **Ravenelle, Emily A F745319**

9. **Scheider, Alexis M F667985**

10. **Tosto, Kristina M F741647**

11. **Uhal, Monica P F741811**

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

**(2) Recommended for Denial (Criminal History)**

**(a) Davis Lateisha C**

Ms. Simon – An application for a concurrent intern licensure was received by the Division on January 17, 2024. The application was incomplete when submitted and a deficiency letter was issued on January 29, 2024. All deficiencies were corrected, and the application was deemed completed on February 16, 2024. The applicant answered “Yes” to the criminal history question.

- On October 24, 2007, Ms. Davis was charged with battery, a 2nd degree felony, aggravated assault with a weapon, a 3rd degree felony, and two (2) counts of driving while license revoked, both 3rd degree felonies, and was convicted for all four (4) offenses on October 24, 2007. Ms. Davis was sentenced to imprisonment for thirteen (13) months. The sentences imposed for all above charges ran concurrently.
- On November 21, 2011, Ms. Davis was charged with Fleeing or Attempting to Elude Lights and Siren Active, a 3rd degree felony, driving while license revoked (habitual), a 3rd degree felony, and leaving scene of a crash involving injury, a 3rd degree felony, and was convicted on for all three offenses on November 21, 2011. Ms. Davis was sentenced to eighteen (18) months imprisonment.

Ms. Simon – As you have heard, Ms. Davis is on the call today, and the Division's recommendation is denial. Madam Chair?

Chair Peeples – Thank you, Ms. Simon. Ms. Davis, would you allow my Simon to swear you in please?

Ms. Lateisha Davis – Yes.

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

Ms. Lateisha Davis – I do.

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

Ms. Davis – Lateisha Davis, D-A-V-I-S.

Ms. Simon – Thank you, ma'am.

Chair Peeples – Thank you, Ms. Davis. Would you like to address the Board first, or are you available for just questions?

Ms. Davis – I can address the Board as well.

Chair Peeples – Thank you, ma'am. Please proceed.

Ms. Davis – So, basically, back in my youth, I committed some irresponsible acts, living a lifestyle that I know I shouldn't have been a part of, and making mistakes. I'm very remorseful for my mistakes. Once I received my last concentration, I have recaptured my life, and have not had any issues with law enforcement, not even a speeding ticket. So, I definitely have rehabilitated myself. I believe I've been released from incarceration roughly eleven (11) years. I completed my course with the funeral director program. I also passed my National Board Exams. So, I'm just trying to process to society to be a good citizen.

Chair Peeples – Thank you, Ms. Davis. We appreciate you being here today to address the Board. Thank you. Board members, do you have any questions for Ms. Davis? And, if none, what would be your pleasure? Mr. Jones?

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

Chair Peeples – Mr. Jensen, I noticed your hand was up. Did you have any questions for Ms. Davis or comments to the Board?

Mr. Jensen – No, ma'am, Madam Chair. Mr. Jones beat me to it.

Chair Peeples – Thank you, sir. Any other discussion before we take a vote on the motion? Mr. Ferreira?

Mr. Ferreira – Yes, ma'am. Should we add a probationary period to the motion? What do you guys think?

Mr. Jensen – I'd like a probationary period, just because I think we're sticking our neck out to, you know, give her a chance. But I do think that she deserves a chance and probably should have some sort of probationary period there just to make sure everything's going along well.

Mr. Jones – You're talking about during the internship?

Mr. Jensen – Yes, during the internship, and she's also going to be taking the Florida Laws and Rules. So, once she gets that, I think there should be some sort of probationary period possibly. I'm going along with Mr. Ferreira there, but whatever you think, it's fine with me.

Chair Peeples – Mr. Jones, would you like to amend your motion?

Mr. Jones – I would be glad to. I guess if we're talking probation, is the probation during the internship?

Chair Peeples – Rabbi Lyons?

Rabbi Lyons – I would second that. Probation for the entirety of the internship.

Chair Peeples – So we have an amended motion by Mr. Jones to add probation during the concurrent internship application, once it's approved, and it's been seconded by Rabbi Lyons. Is there any other discussion for this motion before we vote? Hearing none. All in favor of the motion, say yes.

Board members – Yes.

Chair Peeples – All opposed, say no. Motion carries. Good luck, Ms. Davis.

Ms. Davis – Thank you. Thank you. Ms. Simon?

*(b) McWilliams, Morgan A*

Ms. Simon – Is Mr. McWilliams here today present or a representative?

Mr. Henry Thompson – Henry Thompson with WRW Legal. I'm here to represent Mr. McWilliams and he is also in attendance.

Ms. Simon – Thank you sir. This application for concurrent internship licensure was received by the Division on January 17, 2024. The application was incomplete when submitted. A deficiency letter was issued on January 31, 2024, and the application was deemed completed on February 14, 2024. The applicant answered "YES" to the criminal history question and submitted two (2) criminal history forms along with the application. Mr. McWilliams' application for embalmer apprentice licensure was withdrawn at the November 2022 Board meeting (minutes attached). Mr. McWilliams' application for embalmer apprentice licensure was approved at the November 2023 Board meeting, and minutes are attached for each of those in your Board packages. Mr. McWilliams' criminal history is as follows:

In Collier County, on August 10, 2022:

- Reckless Driving with property damage, a first-degree misdemeanor, adjudicated guilty.
- No Valid Driver's license, a second-degree misdemeanor, adjudicated guilty.
  - Penalty: ten (10) days jail, one (1) year probation, fines and court costs, and normal court requirements for a DUI-DUI School, substance abuse evaluation, random breathalyzer, alcohol restrictions, restitution to CVS

In Collier County, on August 24, 2021:

- Possession of a Controlled Substance, a third-degree felony, adjudication withheld.
- Possession of Narcotic paraphernalia, a first-degree misdemeanor
  - Penalty: time-served, eighteen (18) months-probation, substance abuse evaluation, random breathalyzer

In Collier County, on August 24, 2021:

- Possession Narcotic Paraphernalia, a first-degree misdemeanor, time served.

In Lee County, on October 19, 2021:

- Driving while license suspended, a second-degree misdemeanor, adjudicated guilty.
  - Penalty: fine and court costs

Ms. Simon – The Division recommended denial on this matter.

Chair Peeples – Thank you, Ms. Simon. Mr. Thompson, thank you for being here today. Mr. McWilliams, thank you for being here. Mr. Thompson, will you be speaking on behalf of Mr. McWilliams? If not, we would need to swear him in.

Mr. Thompson – I will be. I believe Morgen will also free to answer some questions if he wants too as well.

Chair Peeples – Perfect. Mr. McWilliams, may Ms. Simon swear you in, please?

Mr. Morgan McWilliams – Yes.

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

Mr. McWilliams – I do.

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

Mr. McWilliams – Morgan Andrew McWilliams, M-C-W-I-L-L-I-A-M-S.

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

Chair Peeples – Thank you, Ms. Simon, and thank you, Mr. McWilliams. Board members, do you have any questions for Mr. Thompson or Mr. McWilliams? Mr. Thompson, would you like to address us first?

Mr. Thompson – Yes, ma'am. My apologies. I do have a short opening statement.

Chair Peeples – Please, sir.

Mr. Thompson – Thank you very much. Good morning. Board members. I hope y'all didn't miss us too much. I'd like to keep it short as this is Morgan's third time before this Board regarding his past mistakes. The facts, as you can see your packets, have been discussed in great detail on both his 2022 and 2023 appearances. At present, Morgan has completed his probationary term. He's had even more time pass without criminal incidents and is still actively involved in his recovery programs and community outreach such as being a worship leader at his church. He continues to excel in his managerial position with Legacy Options and plans to graduate with an associate degree in May. Morgan is a shining example of not letting one's past mistakes hold you down, and all we ask of you today is to let him continue to be that shining example. With all that being said, I'm here if you have any questions, and please approve Morgan's application.

Chair Peeples – Thank you, Mr. Thompson. Board members, do you have any questions for Mr. Thompson or Mr. McWilliams? If not, what is the Board's pleasure?

**MOTION:** Mr. Jensen moved to approve the application. Rabbi Lyons seconded the motion, which passed with one (2) dissenting votes.

Chair Peeples – Good luck, Mr. McWilliams.

- (3) *Request(s) to Renew Internship*
- (a) *Recommended for Approval without Conditions*
- 1. *Funeral Director and Embalmer (Concurrent)*
- a. *Bialkoski, Kaitlyn A F560466*

Ms. Simon – An application to renew the funeral director and embalmer concurrent internship licensure for Ms. Bialkoski was received on January 26, 2024, and the application was deemed complete when received. The applicant was previously licensed as a funeral director and embalmer concurrent intern and 69K-18.003(6), Florida Administrative Code, only permits one (1) internship in a lifetime. The current license expired on February 7, 2024. Is this applicant present today, or a representative of the applicant? Hearing no response. Madam Chair?

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

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

- b. *Meyer, Alexis A F606359*

Ms. Simon – An application to renew the funeral director and embalmer concurrent internship license was received on January 17, 2024, and the application was deemed complete when received. The applicant was previously licensed as a funeral director and embalmer concurrent intern and 69K-18.003(6), Florida Administrative Code, only permits one (1) internship in a lifetime. The current license expires on February 23, 2024. Is Ms. Meyer or a representative of Ms. Meyer here today?

Ms. Alexis Meyer – Yes, ma’am.

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

Chair Peeples – Thank you, Ms. Simon. Thank you, Ms. Meyer for being a part of the Board meeting today. Board members, what is your pleasure on this application request?

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

Chair Peeples – Good luck, Ms. Meyer.

Ms. Meyer – Thank you.

Chair Peeples – You’re welcome.

- (b) *Recommended for Denial*
  - 1. *Funeral Director and Embalmer (Concurrent)*
    - a. *Brown, Tammy E F629131*

Ms. Simon – An application for concurrent licensure and a petition for waiver of Rule 69K-18.003, Florida Administrative Code, were received on January 17, 2024. The applicant previously held funeral director and embalmer (concurrent) internship licensure which expired November 14, 2023, and Rule 69K-18.003(6), F.A.C., only permits one (1) internship in a lifetime. The applicant was outside of the timeframe to submit a request to renew internship. The applicant has does not have any reportable criminal history. The applicant did not complete the one-year internship that previously expired and did not request to renew the internship timely. As a result the applicant is petitioning the Board for waiver of Rule 69K-18.003(6), F.A.C. to obtain licensure as a concurrent intern. If the Board approves the petition for waiver of Rule 69K-18.003, F.A.C. the Department recommends licensure. However, if the Board does not approve the petition for waiver, the Department recommends denial. If the Board chooses to approve the petition for waiver, the Department recommends ruling on that matter before ruling on the application for licensure. Is Ms. Brown or a representative of Ms. Brown present today?

Ms. Wendy Wiener – Yes, Wendy Wiener representing Ms. Brown, and Ms. Brown is here as well.

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

Chair Peeples – Thank you, Ms. Simon. Thank you, Ms. Wiener, for participating today. Ms. Brown, thank you for being a part of the meeting. Ms. Wiener, would you like to address the Board?

Ms. Wiener – I would. Thank you. Good morning, Board members and thank you, Chair Peeples. Ms. Brown is before you on her petition for waiver of Rule 18.003. You have seen a number of these in the past. The reason for the petition is because she was unable to timely request an extension of her internship. Her internship was set to expire on November 14, 2023, so not that long ago. But about six (6) weeks prior to that, Ms. Brown had a cancer scare and had to undergo surgery. Everything went well, and everything is great. When she went to come back to her internship, there was not a place available for her to restart her internship during which time she might have been able to sneak under the wire and petition or request an extension, but she missed that deadline. She only has six (6) weeks left to go on her internship. And so, her petition is for her to be able to resume her internship. There is a space available for her now, for her to be able to resume her internship and complete the last six (6) weeks thereof, now that she does not have the worry of the cancer, and she has recovered from her surgical procedure. We're available for questions, if you have any.

Chair Peeples – Thank you, Ms. Wiener. Board members, there's going to be two (2) motions that we need on this particular request. First, we'll need a motion to accept the petition of waiver, then if the petition for waiver is accepted, we will go into another motion to either approve or deny the application. Mr. Brandenburg? You're connected, sir. I saw your hand.

Mr. Jody Brandenburg – One moment, please?

Chair Peeples – Yes, sir. Mr. Brandenburg, I see that we have a green mic connected to you on the camera, but we cannot hear you coming through. Could you possibly restate, maybe come up a little closer to the computer, and restate your comment, please?

Ms. Wiener – Now, I'm no official lip reader, but I believe he made a motion to approve the petition for waiver.

Chair Peeples – Yes, ma'am. Ms. Weiner, and I'm not a lip reader, either thank the Lord, but I want to see if we could get his words on the record. Mr. Brandenburg, did you make a motion to accept the petition for waiver? Ok, I saw some lips say yes, so we have a motion by Mr. Brandenburg. Thank you,

**MOTION:** Mr. Brandenburg moved to approve the petition for waiver. Rabbi Lyons seconded the motion, which passed unanimously.

Chair Peeples – Our next item...

Ms. Wiener – What is this one for?

Chair Peeples – Well, we need two (2) motions, Ms. Wiener. We have to accept the petition for waiver and now we have to regard the application.

Ms. Wiener – You are correct.

Chair Peeples – One quick second. You've trained us well. Board members, what is your pleasure regarding the application request by Ms. Brown?

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

Chair Peeples – Good luck, Ms. Brown. Thank you, Ms. Wiener for participating. Ms. Simon?

Ms. Simon – Yes, ma'am.

**K. Application(s) for Registration as a Training Agency**

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

**(a) Charlow Funeral Home (Plant City)**

**(b) New Horizon Funeral Chapel and Cremation Inc (St. Cloud)**

**(c) Serene Oasis Funeral & Cremation Services d/b/a Aden Funeral Home (Tampa)**

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

**L. Notification(s) of Change in Location**

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

**(a) Neptune Management Corp d/b/a Neptune Society Management Corporation (F064807)**

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 Broker of Burial Rights**

**(1) Recommended for Approval without Conditions**

**(a) Kenneth McLymont (Coral Springs)**

Ms. Simon – An application for broker of burial rights licensure was received on February 7, 2024. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The Division recommends approval without conditions. Is Mr. McLymont or a representative here on the call today?

Mr. Kenneth McLymont – Yes, I am.

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

Chair Peeples – Thank you, Ms. Simon. Mr. McLymont, are you on the call? Would you like to address the Board? If so, we would need to swear you in, sir.

Mr. McLymont – Yes.

Chair Peeples – Ms. Simon, would you swear him in, please?

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

Mr. McLymont – Yes.

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

Mr. McLymont – Kenneth McLymont, M-C-L-Y-M-O-N-T.

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

Chair Peeples – Thank you, Ms. Simon. Thank you, Mr. McLymont for participating today. Board members, do you have any questions for Mr. McLymont? Or what is your pleasure regarding this application request?

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

Chair Peeples – Thank you, Mr. McLymont for being a part of the meeting today.

Mr. McLymont – Thank you.

**N. Application(s) for Cinerator Facility**

**(1) Recommended for Denial**

**(a) Guerry Funeral Home of Lake City LLC dba Guerry Funeral Home (Lake City)**

Ms. Simon – The applicant submitted a completed application for cinerator licensure on January 27, 2023. The application was denied by the Board at the March 2, 2023, meeting. A second application for cinerator facility licensure was received on January 10, 2024. The application was incomplete when submitted. A completed application was received on February 13, 2024. The funeral director in charge will be William Lee Guerry (F044044). A background check of the principals revealed no relevant criminal history. The applicant’s principal William Lee Guerry is a principal of a funeral establishment, Guerry Funeral Home, license F040535. That license was disciplined by Consent Order dated October 20, 2011, which resulted in a \$2500 fine and \$500 costs. The license was next disciplined by Consent Order dated November 8, 2023, which resulted in a \$1500 fine and one (1) year probation. The applicant’s principal William Lee Guerry is a principal of a preneed main license, Guerry Funeral Home of Macclenny d/b/a Guerry Funeral Home, license F019322. The license was disciplined by Consent Order dated July 21, 2014, which resulted in a \$1500 fine and one (1) year probation. The applicant’s principal William Lee Guerry is a principal of a funeral establishment, Guerry Funeral Home, license F040974. That license was disciplined by Consent Order dated November 8, 2023, which resulted in a \$5000 fine and one year probation. The applicant’s principal William Lee Guerry is licensed as a funeral director and embalmer F044044. That license was disciplined as follows:

- by Consent Order dated October 20, 2011, which resulted in a \$2500 fine.
- by Final Order dated July 21, 2014, which resulted in a \$500 fine.

- by Consent Order dated November 8, 2023, which resulted in a \$5000 fine and two (2) years' probation.

The Division recommends denial based upon the denial issued in January of 2023, as well as all other discipline issues regarding Mr. Guerry's licenses, and based on the reasons leading to that denial. I believe that Mr. Guerry and a representative of Mr. Guerry is on the call today.

Mr. Luke Grabowski – Yes, Madam Chair. Luke Grabowski, on behalf of Mr. Guerry.

Chair Peebles – Thank you, Mr. Grabowski. Is Mr. Guerry a part of the call today?

Mr. Grabowski – I believe he is, Madam Chair.

Mr. William Guerry – Yes.

Chair Peebles – Thank you, Mr. Guerry. Will you be addressing the Board or be available for questions? If so, we would need to swear you in, sir.

Mr. Guerry – I'll be available for questions, yes.

Chair Peebles – Thank you. Ms. Simon, will you swear him in, please?

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

Mr. Guerry – Yes, I do.

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

Mr. Guerry – William L. Guerry, G-U-E-R-R-Y.

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

Chair Peebles – Thank you, Ms. Simon. Mr. Grabowski, would you like to address the Board, sir on behalf of your client?

Mr. Grabowski – Yes. Thank you, Madam Chair, members of the Board. Again, Luke Grabowski on behalf of Mr. Guerry and Guerry Funeral Home of Lake City. I just want to briefly address the Board today to provide some background information on this applicant, the history that's been discussed and some of the factors that we think are relevant to the Division's recommendation for denial. Just by way of background, Mr. Guerry is a licensed funeral director in Florida for nearly sixty (60) years. He's operated two (2) funeral establishments in Florida for more than twenty (20) years, one (1) in Macclenny, one (1) in Lake City. Suffice to say, Mr. Guerry has dedicated his life to this profession, to serving his community and families in this community. That's what he loves to do and is what he wants to continue to do.

In 2020, Mr. Guerry decided that he wanted to expand his practice, and that he wanted to obtain the equipment necessary to perform cremations at his facility in Lake City. Unfortunately, Mr. Guerry was under the sincere, but mistaken belief, that his funeral establishment license allowed him to obtain this equipment and use it. He began the process of purchasing a retort, having it tailored to his facility, getting all necessary permitting, training, et cetera. This was in no way a clandestine operation. Mr. Guerry was not trying to hide what he was doing. Again, he was under the sincere, but mistaken belief that he was doing everything the right way. The equipment was installed, and it was utilized. At a subsequent inspection, Mr. Guerry learned that he did not have the appropriate license for that equipment, and that he needed to apply for that. That application, I believe, came in front of the Board in March of last year. Unfortunately, Mr. Guerry could not be present at that meeting. There was a recommendation for approval for that application, but the Board had concerns regarding pending disciplinary action. That application was denied.



Since that time, we have worked with the Division to resolve those disciplinary actions. Mr. Guerry fully understands the gravity of his error and his mistake, and he wants to pay for it, and he has already paid dearly for it. This Board has approved settlement stipulations. He has paid significant fines. He will be under probation for a significant period of time. He's also currently under a restriction to practice as a funeral director as he is not able to arrange for any cremations at this facility until such time as the retort is removed or he obtains a license, and that is why we're here today. Mr. Guerry fully appreciates what he did. He is sorry for his mistake. He wants to make up for it, and more than anything, he wants to do what he loves. And so, we would request this Board, give Mr. Guerry that opportunity. We would request this application be approved, or if the Board it is not comfortable approving it, we would request that the Board come up with conditions that would allow it to be approved so that Mr. Guerry can do what he loves but do it the right way. And so, with that, I'd be happy to answer any questions the Board may have.

Chair Peeples – Thank you, Mr. Grabowski. Board Members, do you have any questions for Mr. Grabowski or for Mr. Guerry prior to us going to the motion phase? Mr. Jones?

Mr. Jones – One for the Division. On our paperwork remarks, it says the license was disciplined a \$5000 fine in one (1) year, but in the bullets below, it was a two (2) year probation. Is that one (1) or two (2) currently?

Ms. Simon – Mr. Jones, I'm sorry. I'm not certain at this point. I believe it was for two (2) years. I can do some research into your question, but I do not know right now.

Mr. Jones – Thank you.

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

Mr. Williams – Yes, ma'am. Thank you. Question for counsel. You stated that you're working with Division on coming up with a solution to this. So, what was the solution, because the Division recommended denial for their recommendation?

Mr. Grabowski – I'm sorry. Mr. Williams, let me clarify. We worked with the Division on Settlement Stipulations for the pending disciplinary action, not with regard to this application. So, we have resolved the disciplinary action other than the Order of restricting his license, which is currently in place.

Mr. Williams – Thank you.

Chair Peeples – Ms. Marshall, did you have a question or comment, ma'am?

Ms. Kimberly Marshall – Thank you, Madam Chair. Yes. I just wanted to clarify that the case that went to the Board back in October was a two-year term of probation.

Mr. Jones – Thank you, Ms. Marshall.

Chair Peeples – Are there any other questions for Mr. Grabowski, or for Mr. Guerry? Board members? Mr. Jensen?

Mr. Jensen – Thank you, Madam Chair. Ms. Simon, have all the funds been paid?

Ms. Simon – I am not certain at this point whether all the fines have been paid. I would assume that Mr. Grabowski wouldn't have brought this back if the fines had not been paid, but I am not certain. Mr. Grabowski?

Mr. Grabowski – Yes, I believe all fines have been paid and Mr. Guerry can clarify that, if need be.

Chair Peeples – If I may? Ms. Marshall?

Ms. Marshall – Yes. I can confirm I've seen, in our system, we have received the payments.

Chair Peeples – Thank you, Ms. Marshall. And thank you, Mr. Grabowski for your comment also. Mr. Jensen?

Mr. Jensen – Yes, just a quick follow up. So, Mr. Guerry is currently on probation. But one thing Mr. Grabowski said, and I would like for him to clarify. You had mentioned in your dealings with the Department that it was stated that Mr. Guerry must remove the retort. Is that correct?

Mr. Grabowski – Yes, Mr. Jensen. There is an Order. An Emergency Order was issued last year, basically saying that he is not authorized to arrange for cremations at his facility, until such time as the retort is removed, or he obtains the appropriate license. That obviously is a significant expense for Mr. Guerry, and not consistent with his plans for his funeral establishment, so, obviously, that's why we're here, to try to get that license, so that he can be fully compliant with the law and not have that restriction in place.

Mr. Jensen – Madam Chair? I'm sorry.

Chair Peeples – Yes, sir.

Mr. Jensen – So why wouldn't he wait until he's off probation to just apply for the license, and make arrangements with another funeral home to do the cremations?

Mr. Grabowski – Well, he certainly would rather not wait two (2) years. Mr. Guerry is trying to right the ship, if you will, and take all the steps necessary, as quickly as possible, to get his establishment fully operational, the way he attended to, in full compliance with the law. So that's why we're here today, rather than waiting another year, or year and a half, until that probation expires.

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

Mr. Jensen – Yes, ma'am. Thank you.

Chair Peeples – Ms. Simon?

Ms. Simon – Yes. Thank you, Madam Chair. I would just like to remind the Board that when this matter was before the Board last time, we learned that Mr. Guerry had operated this cinerator facility or this cinerator for approximately two (2) years without being licensed. While I respect Mr. Grabowski and the things that were said, Mr. Guerry has been licensed in this industry for a long time, over ten (10) years, I believe, if not twenty (20). And, with that type of history, I believe that he was aware that he should have had his license issued before operating the cinerator. And if he wasn't aware he should have been aware. And that was the reason I believe that the license was denied before. I did not think anything has changed between then and now that would change the Board's opinion. But, of course, it is the Board's decision what to do. I just needed to remind the Board of that. Thank you, Madam Chair.

Chair Peeples – Thank you, Ms. Simon. Mr. Grabowski, and to Mr. Guerry, since he was not able to participate the previous time that this situation came before the Board, would Mr. Guerry like to address the Board, or have you completed that for him?

Mr. Grabowski – I kind of did that for him, but Mr. Guerry, it's completely up to you if you'd like to say anything to the Board at this point.

Chair Peeples – Mr. Guerry, would you like to say anything to the Board members?

Mr. Guerry – Well, in reality, going back in time, I think my mistake was getting the cart before the horse. I went ahead and bought the retort. I had it installed. I got a quality permit for it. I did all the legwork without even thinking that I needed a license for this piece of equipment. So, I got the cart before the horse, and I'm here to correct it, pay the fine, and get started back up. I would appreciate the Board's [inaudible] on this.

Chair Peeples – Thank you, Mr. Guerry. Board members, what is your pleasure regarding this application request?

Mr. Jensen – Madam Chair?

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes. Mr. Guerry, while I can appreciate your predicament, I mean, as long as you've been licensed you absolutely should have known that. I kind of think Mr. Grabowski, maybe you should have the option to withdraw until the probation is over with. It's hard to give a license to somebody who's on probation for that exact same issue. So, I don't want him to have to remove his retort. I think that's, you know, that's a little excessive, but, I mean, I can't see given him the okay, when he's already been disciplined and there's a two-year probation to serve. Good, bad or indifferent, it's our responsibility to know what the law says.

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

Mr. Grabowski – Thank you, Madam Chair. And just to follow up on Mr. Jensen's comments. If the Board is not inclined to approve this application, we would respectfully request the option to withdraw, if that is the Board's pleasure.

Chair Peeples – Thank you, Mr. Grabowski. Board members, what is your pleasure? What's your further discussion on this application request?

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

Chair Peeples – Mr. Grabowski, here we are in the discussion phase before we vote on the motion. What would be your pleasure, sir?

Mr. Grabowski – Madam Chair, we would like to withdraw the application at this time, and we can perhaps present it to the Board at a different time when probation is completed.

Chair Peeples – Thank you, Mr. Grabowski, please let the record reflect that this application will be withdrawn, and there will be no vote on the motion and the second. Thank you, Mr. Guerry. Thank you, Mr. Grabowski.

Mr. Guerry – Thank you.

Mr. Grabowski – Thank you, Board Members.

**O. Application(s) for Direct Disposal Establishment**  
*(1) Recommended for Approval with Conditions*  
*Eirene Cremations Inc (Boca Raton)*

Ms. Simon – An application for direct disposal establishment licensure was received on January 30, 2024. The application was incomplete when submitted. A completed application was received on February 5, 2024. The funeral director in charge will be Leonardo Stubbs (F045211). A background check of the principals revealed no relevant criminal history. The principals of the entity do not have US social security numbers. The background checks were completed using the principals' Canadian social insurance numbers. The Division recommends approval subject to the condition that the establishment must pass 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 establishment passes an inspection by a member of Division Staff. Ms. Clay seconded the motion, which passed unanimously.

Chair Peeples – If I may, I'm sorry. Let's go back to the withdrawal of the application on the Guerry Funeral Home, the cinerator facility. We need to withdrawal and resend that motion, since we have a motion and a second. Mr. Jones, do you

rescind, and Rabbi Lyons, do you agree?

Mr. Jones – Yes.

Rabbi Lyons – I’m sorry. I don’t understand the question. I’m sorry.

Chair Peeples – Mr. Jones had made a motion for denial of the cinerator facility application for the Guerry Funeral Home, and you seconded that. So, technically because we had a motion and a second, we need to resend it. So, Mr. Jones has approved recension, so do second that?

Rabbi Lyons – Yes.

Chair Peeples – Thank you. Thank you, Ms. Munson for keeping us straight. Ms. Simon?

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

Chair Peeples – Yes, ma'am.

**P. Application(s) for Funeral Establishment License**  
**(1) Recommended for Approval with Conditions**  
**(a) Guerry Funeral Home of Macclenny LLC (Macclenny)**

Ms. Simon – An application for funeral establishment licensure, based on change of ownership, was received on December 20, 2023. The application was incomplete when submitted. A completed application was received on January 24, 2024. A background check of the principals revealed no relevant criminal history. The principal of the applicant, Brittnee Nicole Milton, is licensed as a funeral director and embalmer F074152. This license was disciplined by Consent Order dated November 8, 2023, which resulted in a fine of \$1500 and one (1) year probation. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff. Is the applicant or counsel on the call today?

Mr. Grabowski – Yes, Madam Chair. Luke Grabowski, on behalf of Guerry Funeral Home.

Chair Peeples – Thank you, Mr. Grabowski. And is Mr. Guerry a part of the Board meeting call also?

Mr. Grabowski – Yes, he is, Madam Chair.

Chair Peeples – Thank you. Board members, what is your pleasure regarding this application request? Mr. Jensen?

Mr. Jensen – A quick question for Mr. Grabowski. I see here that he's made arrangements with ICS Cremations who have a suite number. Is that just a storefront, or is that where the retort actually is?

Mr. Grabowski – To be honest, Mr. Jensen, I'm not aware of their operations or their facility, so I can't really comment on that.

Mr. Jensen – Ok. So, I guess my question would be to Mr. Guerry. Where's he going to contract these cremations on this establishment license?

Chair Peeples – One second, Mr. Jensen. Ms. Simon, do we need to swear in Mr. Guerry again?

Ms. Simon – Before we get to that point, I just want to relate to the Board again, that this is an application submitted by Ms. Milton. This is not an application submitted by Mr. Guerry.

Mr. Jensen – Oh.

Chair Peeples – Thank you, Ms. Simon. Mr. Jensen, I'll just tag onto Ms. Simon's comment, and Mr. Grabowski, if you can confirm. Ms. Milton is a daughter of Mr. Guerry {inaudible}. Is that correct? I see Mr. Guerry shaking his head.

Mr. Grabowski – That is correct, Madam Chair.

Chair Peeples – Ok. Ms. Simon, do we need to swear in Mr. Guerry again since we're in another case?

Ms. Simon – Ma'am, I'm not sure if Mr. Jensen still has the same question, but if he does, yes, ma'am.

Mr. Jensen – I do, because it looks like a suite. It's all wrapped up in one thing here. So, I'm curious, where are the cremations? It says they're going to make arrangements for their cremation services. Where? Now, I see ICS, but is that a storefront or is that where the cinerator facility is?

Chair Peeples – Ok, Mr. Jensen, if we may? Ms. Simon, will you swear in Mr. Guerry, please, ma'am?

Ms. Simon – Yes, but before we do, I'm not sure it is appropriate to ask Mr. Guerry these questions, as this is an application submitted by Ms. Milton. Ms. Munson can speak to that. If I'm stepping into her lane, I apologize.

Ms. Munson – I was going to defer, actually, to the Attorney, Mr. Grabowski. Mr. Guerry can only speak on behalf as a witness, and I don't even know if that's where we are with this right now. So, Ms. Milton, I'm assuming, is not present.

Mr. Grabowski – That's correct. I'm appearing on her behalf. Mr. Guerry is the current owner of this establishment, but this application is for Ms. Milton.

Chair Peeples – Thank you, Mr. Grabowski, Thank you, Ms. Munson for clarification. So, we won't swear in Mr. Guerry. He's just participating today as a funeral director. Mr. Jensen, regarding your question, that is an item that probably should have been addressed to the Division staff prior to the meeting for the clarification of ICS Cremation regarding where their office is located, from that specificity. Do you have any questions for Mr. Grabowski, regarding the application request that's in front of us, sir?

Mr. Jensen – I mean, I don't really get what you are saying, because we have an application here that says, that ICS Cremation at Suite something is going to be there. Is that where the cinerator facility is? I mean, there's a big difference between a storefront and where the cinerator facility is, right?

Chair Peeples – Mr. Ferreira, you may be able to shed some light for Mr. Jensen, since you are familiar with this.

Mr. Ferreira – Ok. Mr. Jensen, the cinerator is in Lake City, Florida. So, it is certainly within the mileage.

Mr. Jensen – Ok.

Chair Peeples – And, Mr. Jensen, I understand your question, but I think it's an item that that's where their office is located, which I think is a suite. I'm not sure if the cinerator facility is behind the building or on the same property. I'm not sure.

Mr. Ferreira – I'm sorry, Madam Chairman. It is on the same property there in Lake City.

Ms. Munson – I'm just going to interject for a second, just to have clarity for the record. Mr. Ferreira is now testifying on behalf of this applicant or clarifying the application on behalf of the applicant. This type of information would need to come from the applicant, the representative or the Department, based on information they would have received from the applicant, just so there'll be no cross hairs. Thank you.

Chair Peeples – Thank you, Mr. Munson. Mr. Jensen, is that ok that we move on from your question?

Mr. Jensen – Yes, ma'am.

**MOTION:** Mr. Jensen moved to approve the application subject to condition that the funeral establishment passes an inspection by a member of Division Staff. Mr. Ferreira seconded the motion, which passed with one (1) dissenting vote.

Chair Peebles – Thank you, Mr. Guerry. Ms. Simon?

*(b) Roberson Funeral Service LLC d/b/a Shepard-Roberson Funeral Home-Callahan Chapel (Callahan)*

Ms. Simon – An application for funeral establishment licensure, based on a change of ownership, was received on January 22, 2024. The application was complete when submitted. The funeral director in charge will be Jeb Turner (F429001). A background check of the principals revealed no relevant criminal history. The applicant previously applied for change of ownership of the funeral establishment on June 8, 2023. The application was approved at the July 13, 2023, meeting of the Board of Funeral, Cemetery, and Consumer Services. However, the change of ownership did not occur within sixty (60) days of the meeting, which was a condition of licensure. The change of ownership occurred on December 29, 2023. The Division recommends approval subject to the condition(s) as follows:

1. The establishment must pass an inspection conducted by a member of Division staff.
2. The applicant shall assure receipt by the Division within seventy-five (75) days of the Board meeting of a letter signed by the applicant or the applicant's attorney, addressed to the Division, certifying that the closing has occurred and stating that the closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting.
3. All representations by the applicant in the application and related material provided to the Board of FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.

Chair Peebles – Thank you, Ms. Simon. Is there a representative today of this applicant?

Mr. Daryle Roberson – Yes, ma'am.

Chair Peebles – Please state your name.

Mr. Roberson – Daryle Roberson.

Chair Peebles – Thank you, sir. Are you here, in case there are questions for you, or would you like to address the Board?

Mr. Roberson – I'll address the Board and answer questions.

Chair Peebles – Ok, let us swear you in, please, sir. Ms. Simon?

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

Mr. Roberson – Yes, ma'am.

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

Mr. Roberson – Daryle Roberson, R-O-B-E-R-S-O-N.

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

Chair Peebles – Thank you, Mr. Roberson, for being a part of the meeting today. Board members, do you have any questions for Mr. Roberson? What is your pleasure, please, regarding this application request? Rabbi Lyons?

Rabbi Lyons – I just want to make sure that if there are any preneed contracts of the establishment currently, that they are going to be assumed by the new owners. Is that a condition somewhere?

Chair Peeples – Mr. Roberson, would you like to respond?

Mr. Roberson – Well, we'll honor all the preneed that are there.

**MOTION:** Rabbi Lyons moved to approve the application subject to the conditions recommended by the Division, as well as all preneed contracts are honored. Mr. Jones seconded the motion, which passed unanimously.

Chair Peeples – Good luck, sir.

Mr. Roberson – Thank you.

Chair Peeples – You're welcome.

**Q. Application(s) for Preneed Main**  
*(1) Recommended for Approval without Conditions*  
*(a) Hope Eternal Gardens LLC (Punta Gorda)*

Ms. Simon – The Department received an application for preneed main licensure on December 15, 2023, and no deficiencies were noted on the application. The members of the LLC are Manuel C. Alonso and Lauren J. Robie. A completed background check of all principals was returned to the Division without criminal history. The qualifying cemetery license (License # F745628) is located at the address reflected on your coversheet. If approved, Applicant will sell trust-funded preneed contracts through Funeral Services Inc (FS) (Argent Trust Company) and utilize their approved pre-arranged funeral agreement forms. The applicant's financial statements are reflected on the coversheet within your Board package. The Division recommends approval without conditions.

Chair Peeples – Thank you, ma'am. Ms. Wiener, are you here representing this client today?

Ms. Wiener – I am. I'm just here to answer questions.

Chair Peeples – Thank you, ma'am. Board members, your pleasure?

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

Chair Peeples – Thank you, Ms. Wiener.

**R. Application(s) for Removal Service**  
*(1) Recommended for Approval with Conditions*  
*(a) Frederick E Harris d//b/a Lastride (Miami)*

Ms. Simon – An application for removal service licensure was received on January 16, 2024. The application was complete when submitted. A background check of the applicant revealed no relevant criminal history. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff.

Chair Peeples – Board members, what is your pleasure on this application?

**MOTION:** Mr. Ferreira 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.

*(b) Mortuary Transport Pro LLC (Tarpon Springs)*

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

Mr. Joseph Venezia – I'm here. Hello?

Ms. Simon – Thank you, sir. An application for removal service licensure was received on January 30, 2024. The application was complete when submitted. A background check of the applicant revealed no relevant criminal history. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff.

Chair Peeples – Thank you, Ms. Simon. We have a representative here for Mortuary Transport Pro LLC. Who is present on the call today, please?

Mr. Venezia – Joseph Venezia.

Chair Peeples – Thank you, sir. Are you here to address the Board or for questions? Then we'd need to swear you in, sir.

Mr. Venezia – Questions, if you need to swear me in.

Chair Peeples – Thank you, sir. What is the Board's pleasure on this application request?

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

Chair Peeples – Thank you for being here today, sir.

Mr. Venezia – Thank you, Madam Chair and Board members. Have a good day.

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

**S. Application(s) to Renew License**

**(1) Recommended for Approval *without* Conditions**

**(a) Funeral Director and Embalmer (Criminal History)**

**1. LaDouceur, Sheree M**

Ms. Simon – Ms. Simon – Is this applicant on the call today?

Ms. Sheree LaDouceur – I'm here.

Ms. Simon – Thank you, ma'am, for announcing your presence. Ms. LaDouceur submitted a license renewal application and payment on October 5, 2023, and answered "yes" to the criminal history question. A deficiency letter was issued on October 9, 2023. Ms. LaDouceur submitted the criminal history form and court documents received by the Division on January 16, 2024. The criminal history is that on July 15, 2019, Ms. LaDouceur entered a plea of guilty to possession of paraphernalia-cultivate a misdemeanor in the 1st degree. Ms. LaDouceur was sentenced to \$450 in court costs. Ms. LaDouceur has satisfied all continuing education requirements and paid the license renewal late fee. The Division recommends approval.

Chair Peeples – Thank you, Ms. Simon. Please state your name. Who is here representing this entity today?

Ms. LaDouceur – Thank you, my name is Sheree LaDouceur.

Chair Peeples – Thank you, ma'am. Thank you for being a part of the call today. Board members, what is your pleasure?

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

Chair Peeples – Thank you, ma'am, for being a part and good luck.

Ms. LaDouceur – Thank you, Board members.

**T. Collective Coversheet(s)**



*(1) Recommended for Approval with Conditions*

*(a) CMJP Operations Inc d/b/a Memorial Gardens Cemetery (Big Pine Key)*

*1. Change of Ownership*

- Cemetery (1)*
- Cinerator (2)*
- Funeral Establishment (3)*
- Preneed Main (1)*

Ms. Simon – CMJP Operations Inc (CMJP), a corporation, has submitted the following: an application to acquire control of a cemetery company, three (3) applications for funeral establishment licensure, two (2) applications for cinerator facility licensure, an application for transfer of preneed licensure, and one (1) application for preneed branch licensure (which will be handled under a separate item) which will operate under CMJP’S preneed main license, if approved, at the below listed locations. More specifically, the entities that are being acquired is as follows:

- 1) Memorial Gardens Cemetery of the Florida Keys LLC, a licensed cemetery company, license #F397438, physical address: 31140 Overseas Hwy, Big Pine Key, FL 33043
- 2) Florida Keys Funeral Services LLC d/b/a Key West Mortuary, a licensed funeral establishment, license # F041784, physical address: 328 Truman Ave, Key West, FL 33040
- 3) Florida Keys Funeral Services LLC d/b/a Dean-Lopez Funeral Home, a licensed funeral establishment, license # F041783, physical address: 418 Simonton St, Key West, FL 33040
- 4) Florida Keys Funeral Services LLC d/b/a Dean-Lopez Funeral Home Big Pine, a licensed funeral establishment, license #F040144, physical address: 31140 Overseas Hwy, Big Pine Key, FL 33043
- 5) Florida Keys Funeral Services LLC d/b/a Florida Keys Crematory, a licensed cinerator facility, license #F041785, physical address: US Hwy 1, Mile Marker 10 ½, Big Coppitt Key, FL 33040
- 6) Florida Keys Funeral Services LLC d/b/a Dean-Lopez Crematory, a licensed cinerator facility, (license # pending), physical address: 31140 Overseas Hwy, Big Pine Key, FL 33043
- 7) Florida Keys Funeral Services LLC d/b/a Dean-Lopez Funeral Home, a licensed preneed main, license #F019195, physical address: 418 Simonton St, Key West, FL 33040
- 8) Memorial Gardens Cemetery of the Florida Keys LLC, a licensed preneed main, license #F039562, physical address: 31140 Overseas Hwy, Big Pine Key, FL 33043

Included in your Board package are the separate applications regarding the above-listed properties. The change of ownership is the result of a stock purchase where CMJP is acquiring the assets and liabilities as specified in the attached letter from attorney, Wendy Wiener, dated January 10, 2024. The officers of the corporation will be: CMJP Holdings Inc, Peter E. Batty, and Kenneth H. Compton. All fingerprints for the principals were returned without criminal history. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these locations, the obligation to fulfill those preneed contracts will be assumed by the new owner, CMJP. The Division recommends approval of the applications referenced above, subject to the following conditions:

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

7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities, (if any), of the location(s) being acquired.

Ms. Simon – And I believe Ms. Wiener is on the call today. Thank you, Madam Chair.

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

Ms. Wiener – Only with regard to one matter. I noted that Ms. Simon indicated that the branch will be approved later on Addendum I, but I'm looking at the agenda, and I don't see a separate line item for approval of preneed branches, for Addendum I, so I would request that...

Ms. Simon – Actually, there is one. I'm sorry, Madam Chair. I'm sorry for interrupting, but there is a separate line item.

Chair Peeples – Thank you, Ms. Simon. Ms. Wiener, on our agenda at letter T (1) (a) 1 is change of ownership for one (1) cemetery, two (2) cinerators, three (3) funeral establishments, and a preneed main. Then item T (1) (a) 2 is for preneed branch.

Ms. Wiener – I do see that. Usually, that's a whole separate category in and of itself that has others. So as long as that is clear, then we're good.

Chair Peeples – Yes, ma'am. We kind just put it under here as part of the collective applications, if that's ok with you and your client.

Ms. Wiener – Absolutely, sure.

Chair Peeples – Thank you. Board members, do you have any questions for Ms. Wiener or what is your pleasure?

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

Chair Peeples – Ms. Simon?

Ms. Simon – Yes, Thank you, Madam Chair.

## ***2. Preneed Branch (1) – Addendum I***

Ms. Simon – Pursuant to s. 497.453(7), Florida Statutes, CMJP Operations Inc. d/b/a Memorial Garden Cemetery has applied for preneed branch licensure. The application was complete without reportable criminal or disciplinary history and accompanied by the required fee. The record indicates that the applicant qualifies for branch licensure. It is recommended that they be approved for the branch licensure applied for. Madam Chair?

Chair Peeples – Thank you, Ms. Simon. Board members, what is your pleasure? And before we go to the vote, I just noticed that Mr. Brandenburg has left the meeting, so please let the record reflect that he has departed.

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

Chair Peeples – Thank you, Ma. Wiener.

Ms. Wiener – Thank you.

### ***(b) Lighthouse View LLC d/b/a Grace Funeral Chapels (Lauderhill)***

#### ***1. Change of Ownership***

- Funeral Establishment (1)***
- Preneed Main (1)***

Ms. Simon – Lighthouse View LLC, a limited liability company, has submitted the following: an application for funeral establishment licensure and a n application for preneed main licensure. If approved, both licenses will be for the following:

- 1) Lighthouse View LLC d/b/a Grace Funeral Chapels, license #F079768, physical address: 5980 West Oakland Park Boulevard, Lauderhill, Florida 33313.

The funeral director in charge will be Mandisa Tomlinson, F062314. Included in your Board package are the separate applications regarding the above listed properties. The change of ownership is the result of a change in principals of the LLC. The officers of the corporation will be Joseph F. Pedreira, Anabela L. Pedreira, Mandisa Tomlinson, and Jude R. Lherisson. A background check of the principals revealed no relevant criminal history. Applicant confirms that there are currently unfulfilled preneed contracts sold at these locations, and the obligation to fulfill those preneed contracts will be assumed by the new owner, Lighthouse View LLC. The Division recommends approval subject to the following conditions:

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

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

Chair Peeples – Thank you, Ms. Simon. What is the Board's pleasure? I see someone has their hand up. Yes, sir? Please state who you are. We cannot hear you, sir. We still can't hear you, sir.

Mr. Joe Pedreira – I'm sorry. My name is Joe Pedreira. I'm one (1) of the principals for Lighthouse View LLC.

Chair Peeples – Thank you, sir. Are you here to address the Board, or be available for questions?

Mr. Pedreira – Available for questions, but I just have one comment.

Chair Peeples – One second, sir. We need to swear you in, please.

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

Mr. Pedreira – I do.

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

Mr. Pedreira – Joe Pedreira, P-E-D-R-E-I-R-A.

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

Chair Peeples – Thank you, Ms. Simon. Yes, sir, if you would like to make your comment, please.

Mr. Pedreira – Yes, I believe the condition was subject to inspection. However, that inspection has occurred on the 20<sup>th</sup> of February, and I believe everything was passed.

Chair Peeples – Thank you, sir. What we'd like to do, if it's ok with you, because we can't confirm that, we'd like to continue and then if it has, then that will be an item that will just be checked off.

Mr. Pedreira – Ok, thank you.

Chair Peeples – But thank you for the information. We appreciate that. Board members, is there any discussion?

Rabbi Lyons – Madam Chair, just for the record, there were several conditions. Not just passing the inspection.

Chair Peeples – Thank you, Rabbi Lyons. It is kind of a collective, but I was just referring to the inspection, sir, Thank you.

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

Chair Peeples – Thank you for participating today, sir.

Mr. Pedreira – Thank you.

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

- (1) Recommended for Approval without Conditions*
- (a) Monument Establishment Sales Agreement(s)*
- 1. Florida Monument Co. Inc. (Lake City)*

Ms. Simon – This is an application for approval of a monument establishment sales agreement submitted by Florida Monument Company, Incorporated. The Division recommends approval of this agreement without conditions.

Chair Peeples – Board members?

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

Mr. Richard Thomas – Ma'am?

Chair Peeples – Yes, sir?

Mr. Thomas – My name is Richard Thomas. We're Florida Monument Company. I do have a question.

Chair Peeples – Well sir, one second. We've already voted on a motion and a second. So, if you'd like to make a comment, we need to swear you in, sir. Ms. Simon?

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

Mr. Thomas – Yes, ma'am.

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

Mr. Thomas – Richard Thomas, T-H-O-M-A-S.

Ms. Simon – Mr. Thomas, before you make any comment, your contract has been approved. But in light of that, Madam Chair?

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

Mr. Thomas – Yes, ma'am. So, we've had our inspection, and our sales license approved. I'm not sure what's on the agenda today, if there's anything else for us. But, with the sales license being approved, inspection being done, does that open the doors for us?

Chair Peeples – Sir, that is a question for the Division staff, and we don't answer that here on the Board meeting. So, if you would be kind enough to please contact the Division staff as soon as the meeting ends, and they can give you direction, guidance, and answer your question.

Mr. Thomas – Yes, ma'am. That's all I needed to know. Thank you.

Chair Peeples – Thank you, sir. Thank you for participating and good luck. Ms. Simon?

*(b) Preconstruction Performance Bond(s)*

*1. SCI Funeral Services of Florida, LLC d/b/a Forest Lawn Memorial Gardens (Fort Lauderdale)*

Ms. Simon – This is an application for a preconstruction performance bond submitted by SCI, Funeral Services, or Florida LLC, d/b/a Forest Lawn Memorial Gardens. This entity intends to build a mausoleum consisting of 484 single companion spaces and 361 true companion spaces. Pursuant to s. 497.272, Florida Statutes, typically, a preconstruction trust must be put in place, have sales, are going to occur prior to completion. However, this statute provides that in lieu of a preconstruction trust, the cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator. As a result, the licensee has submitted for approval a performance bond in lieu of the preconstruction trust. The mausoleum project and the bond are summarized on the coversheet of your Board package and the information is included within your Board package. Cemetery agrees to complete said construction in accordance with the terms of the attached construction agreement with Mausoleum USA. The Division recommends approval of the aforementioned preconstruction performance bond without conditions.

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

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

*(2) Recommended for Approval with Conditions*

*(a) Preneed Sales Agreement(s)*

*1. SCI Funeral Services of Florida LLC (F019227) (Altamonte Springs)*

Ms. Simon – Is there a representative of that entity on the call today? Hearing no response. SCI submits the revised preneed sales agreement for approval: Guaranteed Prearranged Funeral Retail Installment Contract. If approved, this agreement will be used for the sale of preneed by the above-named SCI preneed locations for Neptune Society, National Cremation Society, and National Cremation & Burial Society. Please make note of the correspondence included in your Board package. The Division recommends approval subject to the condition that two (2) full-sized print-ready copies of the revised preneed sales agreement are received by the Department within sixty (60) days of this Board meeting.

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

**MOTION:** Mr. Jensen moved to approve the agreement subject to the condition that two (2) full-sized print-ready copies of the revised preneed sales agreement are received by the Department within sixty (60) days of this Board meeting. Mr. Ferreira seconded the motion.

Chair Peeples – I see Ms. Coney is on the call. Ms. Coney, are you here to present to the Board or for questions, if needed?

Ms. Lisa Coney – Not a thing. I just wanted to say thank you in advance.

Chair Peeples – Thank you, ma'am. Rabbi Lyons? I see your hand up.

Rabbi Lyons – Clarification question. On the signature page, there's a requirement to disclose the cancellation rights. I see that they have the third business day, and all that, but the ability, the idea that services are cancellable for refund and non-deliverable merchandise, et cetera. I don't see that, anywhere. What is the statutory requirement?

Chair Peeples – Ok, let's refer this back to Ms. Simon, and the Division.

Ms. Simon – Rabbi Lyons, I'm afraid that at this moment, I cannot speak to that. I do not have that information in front of me as to what the actual requirement is. I can research that matter and come back to you at the next Board meeting.

Chair Peeples – Rabbi Lyons?

Rabbi Lyons – Ok.

Ms. Coney – I would say that the contract...

Chair Peeples – Ms. Coney, let us swear you in. Thank you.

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

Ms. 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.

Chair Peeples – Ms. Coney, will you address the question of Rabbi Lyons, please?

Ms. Coney – Yes, the contract that was submitted was essentially very few changes over what had already been previously approved by the Board. There were no changes to any of the mandatory disclosures that are in place. I didn't catch any discrepancies on this, but if there is anything that Division staff finds following this, we can certainly correct it before we provide the print-ready copies.

Chair Peeples – Rabbi Lyons, would you like to follow up, sir?

Rabbi Lyons – Nope, that's fine. One (1) point of clarification, I'm sorry. I thought that Ms. Coney was counsel for SCI?

Chair Peeples – No, sir. She is a representative of SCI and, I think, in the past, Ms. Wiener has been the counsel. But that doesn't come into the situation right now. Ms. Simon, I saw your hand up, ma'am?

Ms. Simon – Only to inform the Board that Ms. Coney is not an attorney, and therefore, not an attorney for this entity.

Rabbi Lyons – I apologize for thinking you were.

Ms. Coney – Thank you. Apology accepted.

Chair Peeples – So, we have a motion to approve with the condition on the coversheet that Mr. Jensen, and it was seconded by Mr. Ferreira. Mr. Jensen, would you like to add about the cancellation language that Rabbi Lyons brought up? Would you like to add that to your motion?

Mr. Jensen – That would be fine {inaudible}.

Chair Peeples – Would you like to add that to your motion?

Mr. Jensen – That would be fine. Thank you.

Chair Peeples – Perfect. Mr. Ferreira, do you accept that amended motion?

Mr. Ferreira – Yes, ma'am.

Chair Peeples – We have a motion to approve the form with the condition outlined on the cover page, as well as, to check the cancelation language on the form. We have a second. Any discussion on the motion? Hearing none. All in favor of the motion, say yes.

Board members – Yes.

Chair Peeples – Opposed, say no. Motion carries. Thank you, Ms. Coney. Ms. Simon?

Ms. Coney – Thank you, Board.

Ms. Simon – Yes. Thank you, Madam Chair.

## *2. Smart Cremation of Florida LLC (F459300) (Thonotosassa)*

Ms. Simon – Smart Cremation submits the revised preneed sales agreement include in your packets for approval: Trust Funded Pre-Agreement Funeral Service Contract. If approved, this agreement will be used for the sale of preneed by the above-named preneed main establishment and its related preneed. The Division recommends approval subject to the condition that two (2) full-sized print-ready copies of the revised preneed sales agreement are received by the Department within sixty (60) days of this Board meeting. Is representative of this entity on the call today?

Mr. Trey Gupton – Yes, ma'am.

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

Chair Peeples – Thank you. Who is on the call today representing this entity?

Mr. Gupton – Trey Gupton.

Chair Peeples – Thank you, Mr. Gupton. Are you wanting to address the Board or are you here in case we need to swear you in and ask questions?

Mr. Gupton – No, ma'am. I'm just here to answer any questions.

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

Mr. Jensen – I do have one question, Madam Chair.

Chair Peeples – Mr. Jensen?

Mr. Jensen – So, it's under Smart Cremation, but I see that address comes back to Sunset Funeral Home and Cemeteries. What is it?

Chair Peeples – What is your question, sir? What is what?

Mr. Jensen – The address here is Hwy 301, Thonotosassa Florida, which comes back to a Sunset Funeral Home, but they're applying under Smart Cremations. I was just curious if that is ok, Ms. Simon?

Chair Peeples – Ms. Simon?

Ms. Simon – Thank you, Madam Chair. The application is by Smart Cremations. If you would like to ask that question of the applicant, that may be the appropriate place, and, if so, I would like to swear the representative of the applicant in.

Chair Peeples – Mr. Gupton, would you please be sworn in?

Mr. Gupton – Yes, ma'am.

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

Mr. Gupton – I do.

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

Mr. Gupton – Trey Gupton, G-U-P-T-O-N.

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

Chair Peeples – Thank you. Mr. Gupton, would you be able to address the question by Mr. Jensen, sir, regarding your physical location and name?

Mr. Gupton – Yes, ma'am. Smart Cremation is a wholly owned subsidiary of Northstar Memorial Group, which owns the aforementioned funeral home that he referenced. However, our address is formerly separated as Smart Cremations physical address with the Board and is not the address of the actual funeral home. That establishment has a separate address, which we got approval from the Board long before we ever opened the business there. So, they are two (2) separate addresses. There is no funeral home business being conducted at the address of Smart Cremation. That is specifically just our brick and mortar location.

Chair Peeples – If you would, Mr. Gupton, what is the address of record for Smart Cremation?

Mr. Gupton – I believe it is the one that you just mentioned. I don't have it right in front of me, but give me one moment, and I will list it for you.

Chair Peeples – Yes, sir. We'd like that for the record, please.

Mr. Gupton – Yes, ma'am. No problem.

Mr. Gupton – That address is 11005-A US Highway 301, Thonotosassa, Florida, 33592.

Chair Peeples – Thank you, sir. Mr. Jensen, is that the clarification you needed, sir?

Mr. Jensen – Yes. That address just came back something different, but I assume the A in there is a little separate area where they're conducting the business, so I'm fine. Thank you.

Chair Peeples – Thank you. Thank you, Mr. Gupton. And are there any other questions for Mr. Gupton? Hearing none. What is the Board's pleasure?



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

Chair Peeples – Good luck, Mr. Gupton.

Mr. Gupton – Thank you so much.

Chair Peeples – You’re welcome. Ms. Simon?

Ms. Simon – Thank you.

*(b) Request(s) for Transfer of Trust*

*1. Marion Nelson Funeral Home Inc d/b/a Johnson-Nelson-Gill Funeral Home LLC (F019235) (Lake Wales)*

Ms. Simon – Marion Nelson seeks approval of the below proposed trust asset transfer as more specifically set forth in correspondence from Justin Wilson, representative, dated January 31, 2024. Marion Nelson seeks approval of the transfer of the following trust accounts: the FSI Master Trust Agreement (70/30 trust), the FSI 88 Trust (70/30 trust), the FSI 1993 Trust Agreement (70/30 trust), and Preneed Funeral Trust Agreement (70/30 trust) to the First Amended and Restated Agreement and Declaration of Trust of IFDF Master Trust Fund Agreement, under Argent Trust Company (Argent); and transfer of the First Florida Trust Agreement (90/10 trust), and Security Trust Master Trust Agreement (90/10 trust) to the First Amended and Restated Agreement and Declaration of Trust of IFDF Master Trust Fund A Agreement under Argent. If approved, Argent is or will continue to be the trustee, all as more specifically set out in the correspondence included within your Board package. The Division recommends approval subject to the conditions set forth below, the FCCS Division recommends: Approval of the proposed trust transfers as identified above; and

- 1) That the representations of Marion Nelson, as set forth in the representative's correspondence dated January 31, 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 31, 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 31, 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 31, 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.

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

Mr. Danny Gill – The two (2) principal owners, Danny Gill, and Barry Nelson are on the phone.

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

Chair Peeples – Thank you. Gentlemen, are you here to address the Board or to answer questions? And then we will swear you in, if needed.

Mr. Gill – Just simply here to answer questions, if needed.

Chair Peeples – Thank you, gentlemen. Board members, what is your pleasure? I just noticed Mr. Williams has departed the meeting. Please let the record reflect that he has departed.

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

Chair Peeples – Thank you gentlemen. Good luck.

**V. Executive Director's Report**  
*(1) Operational Report (Verbal)*

Ms. Simon – For this matter, I would call upon Mary Schwantes, the Executive Director.

Ms. Schwantes – Thank you. Madam Chair, may I?

Chair Peeples – Yes, ma'am.

Ms. Schwantes – Awesome. Thank you. Good afternoon, Board members. Thank you for letting us take a bit of the Executive Director's Report out of order earlier. It was good hearing from the CFO. As he mentioned, this is the final week of the 2024 Legislative Session, which concludes tomorrow on March 8<sup>th</sup>. There's one (1) bill that has passed so far that impacts 497, and that's the Cleanup Bill that we've talked about. This is SB74, and HB7029. This corrects a reference in section 497.260(1)(l), regarding another statute, which contains the definition of a state university. The bill passed and was actually signed by the governor in mid-February on February 15<sup>th</sup>.

Expected to pass is the Department's Agency Bill. This is currently going on right now. So, HB989 and SB1098, which are the Department's Agency Bills for 2024. As a reminder, there are a few provisions within that that would definitely impact 497. The first two (2) are proposed changes, which were recommended by our Counsel, and would impact the manner in which service of process is made, essentially making it permissible under certain conditions to serve licensees by email, delivery receipt required and sent to the most recent e-mail address on file with the Department. These changes will make it both easier and certainly more cost effective in serving legal papers to the licensees. The Department also proposed changes to Section 497.101, regarding the Board's constitution. The major change will be to make the CFO responsible for appointing Board members instead of the Governor. This change will also eliminate the need for Senate confirmation of Board members, and it also changes the requirements for one (1) of the Board members to eliminate the requirement that that member owns or operates a licensed cinerator facility. It provides that a member may not serve more than eight (8) consecutive years, and it sets out and clarifies the specific ethical requirements that Board members must follow. Other changes provide the Department with the authority in emergency situations to access and secure any facility licensed under Chapter 497, and to determine if a facility is abandoned, and if there is an emergency situation. It provides criminal penalties for violations of Section 497.306 and provides restrictions on how a preneed licensee may withdraw funds from the amount deposited in trust. These last measures were meant primarily to additionally protect consumers. The status on this bill, the House bill passed on March 1<sup>st</sup>, and was referred to the Senate for further action. In the Senate, it has been placed on the Special Order calendar, so it will be heard. It is expected to have been read, and I haven't had a chance to check today, but it was expected to have been read on the Senate floor late Wednesday, so late yesterday and amendments were expected to be filed on it in the floor, not pertaining to our chapter. Assuming the amendments are issued or accepted, it will return to the House for a final vote. It is still expected to pass this session perhaps today, but we have one (1) more additional day, if necessary.

Bills that did not pass include the following: the Animal Cremation bills, HB301, and SB22. These are filed almost every year, it seems like, for the last five (5) years and never made it past the first of their committee reviews this year.

There was a bill filed for the first time this year in the Senate which had to do with the Sale of Deceased Human Bodies Biometric Data. It was SB504. It essentially prohibited the sale of biometric data without first obtaining permission of the legally authorized person. There was no similar House Bill ever filed. It was filed in mid-November and assigned to the first of its review committees but never made it further in the process. So, it would be interesting to see if anything similar comes up next year or what fine-tuning is made to it if it does.

This is at least the second year that we saw a bill relating to the Disqualification from Licensing, Permitting or Certification Based on Criminal Conviction on the Employment of Ex-Offenders. These were HB751 and SB1012. We monitored these bills last year and this year due to concerns that they could become relevant to our licensing process, even though neither bill

specifically referred to Chapter 497. And while these bills appeared to move a good bit more quickly through the committee review process than similar bills did last year, the last action taken on the bills was in a Senate Committee in early February, so they did not make it further for votes.

And finally, the last bill that did not pass has to do with Suits Against the Government and Sovereign Immunity. This is HB569 and SB472. These are bills that concern the statutory limits for tort claims filed against the state, its agencies, and subdivisions. We see these bills come forward just about every year as well. The Senate Bill passed its committee reviews and made it to its second reading on the Senate Floor, but with three (3) postponements on that reading this week, it did not make it to its final reading. It's not likely to pass.

I'll report again, as the Governor signs the bills that are passed.

Otherwise, this is the end of this year's monthly legislative reports. I appreciate all feedback we have received on any of these issues.

*(2) Proposed Board Meeting Schedule FY2024-2025 (Action)*

**Board of Funeral, Cemetery, and Consumer Services  
Board Meeting Schedule FY 2024-2025**

**2024 Board Meeting Schedule (Tentative) (August - December)**

July	August	September
NO MEETING	Thursday, August 1, 2024 Videoconference	Thursday, September 5, 2024 Videoconference
October	November	December
Thursday, October 10, 2024 Videoconference	Thursday, November 7, 2024 Videoconference	Thursday, December 5, 2024 Videoconference

**2025 Board Meeting Schedule (Tentative) (January - June)**

January	February	March
Thursday, January 2, 2025 Videoconference	Thursday, February 6, 2025 Videoconference	Thursday, March 6, 2025 Tallahassee FL
April	May #1	May #2
Thursday, April 3, 2025 Videoconference	Thursday, May 1, 2025 Videoconference	Thursday, May 29, 2025 IFDF Annual Conference Palm Coast FL
June		
Thursday, June 26, 2025 Videoconference		

Ms. Schwantes – In your packets is the proposed Board meeting calendar for Fiscal year 24/25. The proposed schedule of the Board meetings during the next fiscal year, which begins on July 1, 2024, is provided in the Board packet. Generally, Board meetings occur the first Thursday of every month. Exceptions are made in the summer due to the preneered license renewal schedule and the July 4<sup>th</sup> holiday. As a reminder, there will be no Board meeting this July since there are two (2) Board meetings in June. Also, the meeting in October 2024, will be the second Thursday of the month which will fall on Thursday, October 10<sup>th</sup> in order to allow for religious observances and holidays. For this next fiscal year, we are planning two (2) in-person meetings. The first of the in-person meetings for FY24/25 would take place in Tallahassee on March 6<sup>th</sup>, to be held near the start of the 2025 Legislative Session. As previously approved, the Board will continue to hold one in-person meeting per

year, in conjunction with an association conference. These meetings are rotated among the three (3) larger associations, FMA, IFDF, and FCCFA. IFDF will be the association to host the May 2025 in-person Board meeting during its Annual Association Conference. That meeting is tentatively scheduled for Thursday, May 29<sup>th</sup>, but may need to be changed in coordination with the association, as we get closer to that date. Please note that this means there will be two (2) May 2025 meetings, kind of close together. The first will be by videoconference on Thursday, May 1<sup>st</sup>, and the second held in-person later that month, in conjunction with the IFDF Conference I just mentioned. The June 2025 Board meeting would be held by videoconference at the end of the month, on June 26<sup>th</sup>, to best address preneed renewal issues closer to the renewal date. If the proposed meeting schedule is approved, which does involve, as I mentioned, some back to back meetings, we're recommending that there be no Board meeting in July, returning to our normal schedule again in August 2025. Are there any questions regarding the schedule?

Mr. Jensen – I have one, Ms. Schwantes.

Chair Peebles – Mr. Jensen?

Mr. Jensen – {Inaudible} So, there's not going to be another in-person meeting for little over a year? Is that what I'm seeing here?

Ms. Schwantes – No, sir. There would be an in-person meeting this coming June in association with the FMA, which is here in Tallahassee. And then there will be another in-person meeting in March of 2025, which has to do with the start of the legislative session.

Mr. Jensen – Yes, ma'am.

Ms. Schwantes – And we're only recommending two (2) in-person meetings a year at this point.

Chair Peebles – Does that conclude your question, Mr. Jensen?

Mr. Jensen – Yes, ma'am, it does. Thank you.

Chair Peebles – Thank you. Rabbi Lyons?

Rabbi Lyons – What's the date of the in-person meeting in June?

Ms. Schwantes – This June it will be on June 18<sup>th</sup>, here in Tallahassee, in conjunction with the FMA Conference. That had already been approved as part of the current fiscal year calendar. That is the first of the two (2) June meetings for this fiscal year. The second of the two (2) June meetings will be taking place on June 27<sup>th</sup> by videoconference, and I can get into that a little bit, but those are the two (2) that have already been approved for this fiscal year. What we're looking at now for the calendar proposed here is for the next fiscal year, which, as you all know, is the only way the State plans activities really, and that starts on July first of 2024 and goes through June 30, 2025. So, when we're looking at next fiscal year, we're looking at there being two (2) meetings in May because one (1) of those meetings, an in-person meeting, would be held in conjunction with the IFDF Conference, which is in May. One (1) meeting at the end of June, and then we would recommend no meeting in July 2025, because of the nature of the back-to-back meetings. Plus, our staff attend all of these conferences. So, summers are extremely busy. That's kind of why we proposed these schedules.

Chair Peebles – Ms. Schwantes, do you need a vote on the calendar recommendation?

Ms. Schwantes – I do. Yes, ma'am, but I did see Mr. Ferreira's hand up.

Chair Peebles – Yes, sir?

Mr. Ferreira – Yes, ma'am. So, in June of this year, we have a meeting on the 18<sup>th</sup>, right, and the 27<sup>th</sup>?

Ms. Schwantes – Yes, sir. There are two (2) meetings in June this year. One (1) in-person in Tallahassee with the FMA Conference and one (1) by videoconference on June 27<sup>th</sup>. And then as we already recommended, we would not have a meeting in July of this year.

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

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Thank you. I think I saw Mr. Williams chime back in by phone. Mr. Williams, are you back on the meeting? He must have had some technical issues. Thank you, Ms. Schwantes.

Ms. Schwantes – My apologies for interrupting. If there are no other questions about the proposed calendar for the next fiscal year, which begins, again, July 1, 2024, Board action is needed on this suggestion.

Chair Peeples – Thank you, Ms. Schwantes. Board members, what is your pleasure?

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

Ms. Schwantes – Thank you very much, Board members. As always, all details regarding the Board meetings will be provided and will also be published on our website. Our next Board meeting will take place by videoconference on Thursday, April 4<sup>th</sup>. As always, instructions on how to attend the videoconference meetings are posted on our website. And finally, as we've just talked about, but we'll go over it again, I want to remind everyone, there's going to be two (2) Board meetings in June this year. First is an in-person meeting held in conjunction with the FMA Annual Conference, which will be held in Tallahassee on June 18<sup>th</sup>. The specific details regarding the location of that meeting are forthcoming. This is to clarify something we did not get into earlier. That Board meeting will involve disciplinary actions and all licensing matters except preneed renewals. We have another Board meeting at the very end of the month by videoconference, which will take place on June 27<sup>th</sup>. That meeting, and it's so close to the other one, is timed to deal with the preneed renewal issues and is expected to only involve preneed renewal issues. So, that is how we are planning the agenda items for those two (2) meetings. And, again, no meeting in July. Hope that that helps answer some other questions. Madam Chair, I see Mr. Jensen's hand up.

Chair Peeples – Yes, sir?

Mr. Jensen – I just had a question and this could be directed to Mr. Clark or yourself Ms. Schwantes. Are there any Rules Committee meetings on the horizon?

Ms. Schwantes – We do not have any scheduled at this point in time. No, sir.

Mr. Jensen – Thank you.

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

Ms. Schwantes – Yes, ma'am. That ends this portion of the Executive Director's Report, and I thank you all very much. And also, I want to give a special thank you to Ms. Simon today. She has actually been under the weather this week, and I just very much appreciate that she was able to pull things together and facilitate the Board meeting today. So, thank you, Ms. Simon, and thank you again, Board members.

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

***(3) 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: :March 7, 2024  
 Date report was prepared: February 22, 2024

Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
Broadue-Raines Family Funeral Home:	2/1/2024	306791-23-FC	\$750			
Dignity Funeral Services, Inc. d/b/a Michela & Lundquist Funeral Home & Cremation Service:	2/1/2024	305168-23-FC;	\$1,250	Paid in Full		
Drew Johnson	2/1/2024	305168-23-FC	\$1,250	Paid in Full		
Foundation Partners of Florida LLC d/b/a Anderson-McQueen Funeral Home	1/4/2024	307455-23-FC	\$2,500	8-Mar-24	Paid in Full	
Cannon Funeral Home LLC	1/4/2024	278057-21-FC	\$4,750	8-Mar-24	Paid in Full	
Karla Funkhouser	1/4/2024	292044-22-FC & 297727-22-FC	\$19,000	8-Mar-24		
Deliria Holmes	1/4/2024	307467-23-FC	\$8,250	8-Mar-24		
Homes Funeral Directors	1/4/2024	307465-23-FC	\$8,250	8-Mar-24		
Alberta Leonardo	11/2/2023	273845-20-FC	\$3,500	2-Jan-24		
Lisa Michelle Norwood	11/2/2023	277447-21-FC & 278059-21-FC	3,500	12/28/2023	Paid in Full	
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	
Saundra 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	8-Mar-24		
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 2/23/24

Ms. Simon – Thank you for your indulgence, Madam Chair.

Chair Peebles – Thank you, Ms. Simon.

**W. Chair's Report (Verbal)**

Chair Peebles – I just want to thank everybody for their diligence in preparing for the meetings and coming prepared with your questions and your comments. I was at an industry get together this week, and one of the attorneys that represents clients made the comment that this Board composite, that they're prepared for the meeting. So, it shows, so thank you for that. I'd like to do two (2) recognitions today. I'm going to recognize Ms. LaTonya Bryant, from the office staff, for all that she does. She wears many hats. And so, we appreciate her in getting us prepared with the information sent out to us. She records, and

she does the minutes. So, LaTonya, thank you for all you do.

And then also, I'd like to just bring up a thank you to Marshawn Griffin. Mr. Griffin, thank you for all you do. It is a lot that you oversee, and we appreciate your leadership. We appreciate your diligence, also.

So, not only to these two (2) that I've named personally, but Board members, thank you for your attendance as well as thank you for your participation. It means a lot. Ms. Simon?

Ms. Bryant – Thank you, Madam Chair.

Chair Peebles – You're welcome, Ms. Bryant.

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

Ms. Simon – Ms. Munson?

Ms. Munson – This is provided for informational purposes. Thank you.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT  
MARCH 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 Preeed Contracts	10/12/2023	11/16/2023	11/28/2023	12/13/2023	01/19/2024	02/08/2024

**Y. Public Comments (Verbal)**

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

**Z. Administrative Report as February 20, 2024**

The information was provided on the agenda.

**AA. Disciplinary Report**

The information was provided on the agenda.

- BB. Upcoming Meeting(s)**
- (1) *April 4<sup>th</sup> (Videoconference)*
  - (2) *May 2<sup>nd</sup> (Videoconference)*
  - (3) *June (In-Person - Tallahassee)*
  - (4) *June 27<sup>th</sup> (Videoconference)*

**CC. Adjournment**

Chair Peebles – Thank you, Ms. Simon. Thank you for participating today, even though you're under the weather. We appreciate your participation. It's 1:08. Let's go get lunch. We are adjourned. Thank you, all.

The meeting was adjourned at 1:08.