

MINUTES
BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
APRIL 4, 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, April 4, 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 April 4, 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 Ms. Bryant. 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
Jay Lyons
Darrin Williams

Also noted as present:

Mary Schwantes, Executive Director
Ed Tellechea, Board Legal Advisor
Jared Woliver, Department Legal Counsel
LaTonya Bryant, Department Staff

Ms. Simon – Madam Chair. I believe Mr. Brandenburg is still having problems with his audio, but other than that, a quorum is present for the business of the Board.

Chair Peeples – Thank you, Ms. Simon. And before we go to Agenda Item B, I'd like to introduce to the Board, and those participating on the meeting today, Mr. Ed Tellechea. Mr. Tellechea is in place of Ms. Munson and will serve as counsel for the Board today. Thank you for participating today, sir.

Mr. Ed Tellechea – It's a pleasure. Thank you very much for having me.

Chair Peeples – You're most welcome.

B. Action on Minutes
(1) February 1, 2024

Chair Peeples – Board members?

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

Chair Peeples – Please let the record reflect that Mr. Brandenburg has disconnected. He may be trying to reconnect, so if the minutes will reflect that, please. Ms. Simon?

Ms. Simon – Thank you, ma'am.

C. Old Business
(1) Application for Direct Disposal Establishment
(a) Recommended for Approval with Conditions
1. Brunetti Cremation Services

Ms. Simon – An application for funeral establishment licensure was received on January 3, 2024. The application was denied by the Board at the meeting held on February 1, 2024, because the name included the term “funeral.” A representative of the applicant was not present at the meeting. An amended application for direct disposal establishment licensure was received on March 15, 2024. The application was complete when submitted. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff.

Chair Peeples – Thank you, Ms. Simon, Is there anyone here representing Brunetti Cremations, LLC?

Ms. Iyanse Rodriguez – Yes.

Chair Peeples – Thank you, ma'am. Are you here for to answer questions? Are you participating? Do we need to swear you in, ma'am?

Ms. Rodriguez – If you guys have any questions, I'm here to answer any questions.

Chair Peeples – Ok, let us see if there are any. Board members?

MOTION: Mr. Ken Jones moved to approve the application subject to the condition that the establishment must pass an inspection conducted by a member of Division staff. Ms. Janis Liotta seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Ms. Rodriguez.

(2) Disciplinary Proceedings

(a) Motion for Payment Arrangement or Extension of Time to Pay Assessed Fines

1. Holmes Funeral Directors: DFS Case No. 307465-23-FC; Division No. ATN-39936 (F041651)

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

Mr. Jared Woliver – Good morning, Board members. Jared Woliver for the Department. Holmes Funeral Directors (“Respondent”) is funeral establishment, licensed under chapter 497, Florida Statutes, license number F041651. On February 6, 2024, the Board issued a Final Order in the above styled cause requiring Respondent to pay an administrative fine the amount of \$8,250.00. Respondent has filed a Motion requesting additional time to pay the fines imposed in the above styled cause. The Department will be opposing this Motion for Extension of Time to Pay Assessed Fines. To my knowledge, I’m not aware of any prior Motion for Extension of Time to Pay Assessed Fines having been granted by this Board. In the interest of fairness and consistency, {inaudible}. In the interest of treating every violation the same and treating every violator the same, the Department would oppose this Motion. Now, of course, the Board is free to amend its Final Order if it chooses, and it’s in its discretion.

Chair Peeples – Thank you, Mr. Woliver. Is there anyone representing Holmes Funeral Directors, on the meeting today?

Mr. Christopher Butler – Good morning, Madam Chair. Yes, this is Christopher Butler, on behalf of Holmes Funeral Directors and Deliria Holmes. How are you?

Chair Peeples – I'm good, sir, Thank you for participating. Would you like to address the Board, sir?

Mr. Butler – Yes. Please, may I?

Chair Peeples – Yes, sir.

Mr. Butler – Thank you very much. I just would like to add that Holmes Funeral Directors and Deliria Holmes accept the sanctions that the Board handed down back in February. The fine amounts are high, totaling almost \$17,000, and they're simply requesting time to pay that. With respect to counsel for the Board's argument that consistently the Board has not entertained a Motion as such, I would like to point out that I don't believe that there has been a fine of this magnitude assessed where a previous request for time to pay has been filed. So, here, we have a fine in excess of \$17,000, but I think it's reasonable for them to request some sort of payment arrangements. I believe that the payment was due thirty (30) days after the Consent Order. It's about a month, maybe two (2) months after the Consent Order, now. It's reasonable that they're asking for time. They've accepted the sanctions, and that's what we're requesting.

Chair Peeples – Thank you, Mr. Butler. Board members, before I make a comment, Mr. Jensen, if you'd like to address, please, sir.

Mr. Chris Jensen – I have a question for the Department. Mr. Butler mentioned that the fine was due in thirty (30) days, and it's been roughly two (2) months, now. Have any good faith payments been made at all the Department?

Mr. Woliver – Jared Woliver for the Department. Mr. Jensen, our CODA payment system was checked yesterday, and today, and my understanding is that no payments have been made, for either Deliria Holmes or Holmes Funeral Directors. I could be

mistaken on that, but I have some pretty recent information showing that no payments were received.

Mr. Butler – If I may have some response? That may be partly due to the Motion on the floor. We were waiting for a determination as such, but we're certainly not disputing. Like I said, the funeral home and the licensee have accepted the sanction and they would like to pay. However, we're requesting some reasonable terms.

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

Mr. Jensen – Yes, I'm just curious. So, say we extended the terms. Are they still allowed to operate during this period of time? Mr. Butler, would they be willing to forgo the business, which I assume not, while they're getting the money to pay the fine? I mean, it's sort of an unusual request. There have been bigger fines. There was one earlier this year or late last year of \$25,000 that was taken care of, so I don't know. It's unusual for the Department to extend time. So, I'm trying to hang my hat on something here. You're saying {inaudible}.

Mr. Butler – I understand and thanks for the opportunity to respond. I don't believe that it would be in the best interest for either party, for Holmes Funeral Directors to forgo doing business during this time, because that's the whole purpose, you know, of making those funds to be able to pay the fine. So, that would not be an option here, because it would pretty much foreclose that opportunity to pay the fine if they can't do business. You know, but I do believe that if afforded the opportunity to do so, we requested specifically six (6) months at the rate of \$2,750 per month total to pay the fines. Now, if the Board does not agree to the six (6) months, then we're requesting some time to pay. It is a huge fine. With respect to the \$25,000 fine that Mr. Jensen just spoke about, I'm sure those facts were different. You know, here, this was a determination of a waiver and then the fines were assessed accordingly. And again, Holmes Funeral Directors nor the licensee, Deliria Holmes, are questioning the sanction. They're accepting the fines. They are just requesting enough time to make the payments.

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

Mr. Jensen – Yes, ma'am. Thank you.

Chair Peeples – Thank you. Mr. Ferreira, you had your hand up and then, Ms. Clay.

Mr. Ferreira – One of my concerns is there's been no good faith from this point. The funeral home knows they owe it, and they haven't made any good faith effort to pay anything. So, I'm a little concerned about that.

Mr. Butler – May have a follow up, please? There was no request for a good faith payment. From what I understood it had to be all or nothing if you send in the pavement. That's what's on the invoice that we received and is made part of the Board packet. It does not include a provision for a partial payment or a good faith payment. It says total due: \$8,250. If there was a request for a good faith payment, I certainly would have encouraged it, but I was under the impression, and I still am, that partial payments outside of some direction or acceptance by the Board were permitted, which is why we filed a Motion for the Board's blessing on it. We would not, you know, make that conclusion on our own, assuming that the Board would agree with us by sending in the partial payment outside of any suggestion or request of the Board.

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

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Ms. Clay?

Ms. Clay – My question was answered. I wanted to know what Attorney Butler considered a reasonable time of repayment, and I believe you said in six (6) months?

Mr. Butler – Yes, ma'am. Six (6) months would be sufficient, would be plenty. Although, the licensee and the funeral home do anticipate making payments to satisfy this fine sooner than the six (6) months, but that would allow them an opportunity and some cushion, in case work slows down as anticipated during these months. So yes, six (6) months, or sooner.

Chair Peeples – Ms. Clay, does that complete your comment and question, ma'am?

Ms. Clay – Yes, ma'am. Thank you.

Chair Peeples – Thank you. Board members, do we have any other comments or questions for Mr. Butler? Rabbi Lyons, did you have your hand up?

Mr. Jay Lyons – I was going to make a motion, but I can wait if other people have comments.

Chair Peeples – Feel free, sir. We can have comments in the discussion phase if we need to.

Rabbi Lyons – Ok. So, for the item in front of us, the total fine is \$8250, divided by six (6) will be \$1375.

MOTION: Rabbi Lyons moved to allow Holmes Funeral Directors to pay \$1375 for six (6) months, due on the 15th of each month beginning April 15th; if payment is not made by the 15th, the total balance is due on the 30th of the month that the payment was late. Mr. Jones seconded the motion.

Chair Peeples – Ms. Simon, if you will take a roll call vote on this, please, ma'am.

Ms. Simon – Absolutely.

Mr. Jensen – Madam Chair?

Chair Peeples – Excuse me. Let me just ask really quick, before we take a vote, is there any other discussion? Mr. Jensen?

Mr. Jensen – Yes, just to clarify. So, in two (2) days, they'll already have had two (2) months. So, is Rabbi suggesting we give them six (6) more months, or are we taking into account the months they've already had?

Chair Peeples – Rabbi Lyons?

Rabbi Lyons – So, I'm trying to establish that there is a day of the month that it is due, and that they need to comply with that. So, yes, that's basically what I'm suggesting. It's going to be six (6) months from now.

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

Mr. Jensen – Yes, ma'am. Thank you.

Chair Peeples – You're welcome. Any further discussion? Ms. Simon, if you will take a roll call vote on the motion and the second, please.

Ms. Simon – Yes, ma'am. All those in favor of the motion signify by answering yea. Mr. Clark?

Mr. Clark – No.

Ms. Simon – Mr. Brandenburg?

Chair Peeples – Mr. Brandenburg motioned "yes" with his lips.

Ms. Simon – Ok. Unfortunately, we may have problems with that without sound, for the balance of the Board meeting. Mr. Ferreira?

Mr. Ferreira – Yes.

Ms. Simon – Mr. Jensen.

Mr. Jensen – No.

Ms. Simon – Mr. Jones.

Mr. Jones – Yes.

Ms. Simon – Ms. Liotta.

Ms. Liotta – Yes.

Ms. Simon – Rabbi Lyons?

Rabbi Lyons – Yes.

Ms. Simon – Mr. Williams?

Mr. Darrin Williams – I was recused from this case.

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

Chair Peeples – No.

Ms. Simon – Madam Chair, that motion passes.

Ms. Clay – Madam Chair, my name was not called.

Chair Peeples – What was that Ms. Clay?

Ms. Clay – My name was not called to vote.

Ms. Simon – Ms. Clay, I so apologize. I put it. Must have been automatic. Ms. Clay, how do you vote in this matter?

Ms. Clay – My vote is yes.

Ms. Simon – Ok. I apologize.

Chair Peeples – The motion carries by the roll call vote. Ms. Simon?

Ms. Simon – Yes, ma'am.

Mr. Butler – Excuse me. I'm so sorry, Madam Chairman, but the motion addressed only the Holmes Funeral Directors' portion of the fine. They were combined. Ms. Deliria Holmes also has the same \$5,250 fine, as they were combined.

Chair Peeples – Mr. Butler, in our agenda, there are two (2) separate cases and now we're going to Ms. Deliria Holmes now.

Mr. Butler – Thank you very much. My apologies.

Chair Peeples – That's ok.

2. Holmes, Deliria: DFS Case No. 307467-23-FC; Division No. ATN-39936 (F044909)

Ms. Simon – Presenting again for the Department is Mr. Woliver. Mr. Woliver?

Mr. Woliver – Jared Woliver for the Department. Deliria Holmes (“Respondent”) is funeral establishment, licensed under chapter 497, Florida Statutes, license number F044909. On February 6, 2024, the Board issued a Final Order in the above styled cause requiring Respondent to pay an administrative fine the amount of \$8,250.00. Respondent has filed a Motion requesting additional time to pay the fines imposed in the above styled cause. The Department would still, of course, be opposing this motion for the same reasons as stated before. However, the one thing I would add is in like the previous motion being granted, I would just ask, having made the consistency argument earlier, that we have these fines tracked with each other, if that’s the Board’s pleasure just for consistency and being able to track all of this. Thank you.

Chair Peebles – Thank you, Mr. Woliver. Mr. Butler, would you like to address the Board?

Mr. Butler – Thank you, Madam Chairman. I would just like to state the argument that I presented before. I’d like to apply it here. So, there’s no need for me to reiterate. But thank you for the opportunity.

Chair Peebles – You’re welcome. Thank you, sir. Board members?

Rabbi Lyons – I’d like to make a motion, basically the same as I did before.

MOTION: Rabbi Lyons moved to allow Deliria Holmes to pay \$1375 for six (6) months, due on the 15th of each month beginning April 15th; if payment is not made by the 15th, the total balance is due on the 30th of the month that the payment was late. Ms. Liotta seconded the motion.

Chair Peebles – Is there any discussion? Mr. Jensen, before Rabbi spoke, I saw your hand sir.

Mr. Jensen – Yes, ma’am. Thank you. I just want to point out, and I don’t know if anybody’s looked at the offense here, but Holmes Funeral Directors were selling goods and services without a license, failed to produce a contract, and failed to give a refund when asked. So, you know, these are egregious offenses. Just wanted to point that out. Thank you, Madam Chair.

Chair Peebles – You’re welcome, Mr. Jensen. Is there any other discussion on the motion? Hearing none. Ms. Simon, will you take a roll call vote on this one, too, please?

Ms. Simon – Yes, ma’am. All those in favor of the motion please signify by saying yes. Mr. Clark?

Mr. Clark – No.

Ms. Simon – Mr. Brandenburg? I believe Mr. Brandenburg has answered in the affirmative.

Ms. Simon – Ms. Clay?

Ms. Clay – No.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – No.

Ms. Simon – Mr. Jensen?

Mr. Jensen – No.

Ms. Simon – Mr. Jones?

Mr. Jones – Yes.

Ms. Simon – Ms. Liotta?

Ms. Liotta – Yes.

Ms. Simon – Rabbi Lyons?

Rabbi Lyons – Yes.

Ms. Simon – And Madam Chair?

Chair Peeples – No.

Ms. Simon – Madam Chair, that motion fails.

Chair Peeples – Thank you. Mr. Butler, the second case, Ms. Deliria Holmes' case, has failed. So, the total amount of \$8250 is due.

Mr. Butler – Thank you, Madam Chair. May I ask for a recount? Because according to my notes, and I don't know what signifies a quorum on the Board.

Chair Peeples – Well, if I may, Mr. Butler. Ms. Simon, I'm going to read back off my notes. I have the affirmative for the motion was Mr. Brandenburg, Mr. Jones, Ms. Liotta, and Rabbi Lyons were the four (4) members.

Mr. Butler – I have Ms. Clay as well.

Chair Peeples – No, sir. Ms. Clay was a negative. We have on the negative and NOs, Mr. Clark, Mr. Ferreira, Ms. Clay, Mr. Jensen, and me. Is that correct, Mr. Clay?

Ms. Clay – That is correct.

Chair Peeples – So we had five (5) NOs and four (4) YESs, sir.

Mr. Butler – Thank you.

Chair Peeples – Ms. Simon?

Ms. Simon – Yes, ma'am.

Mr. Butler – Thank you, Madam Chair.

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

Ms. Simon – Madam Chair, before we continue, if I may ask Mr. Tellechea a question?

Chair Peeples – Yes, please.

Ms. Simon – Good morning, sir. I have a concern about Mr. Brandenburg's microphone. Can you give us some guidance as to how to treat that.

Mr. Tellechea – As long as you can see how he is voting, and somebody reflects on the record how he is voting, you are fine. But we have to have somebody reflect on the record the vote. Is there an audio recording, also?

Ms. Simon – Yes, sir.

Mr. Tellechea – That's even better.

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

Chair Peeples – Yes, ma'am.

Ms. Simon – Thank you.

D. Application(s) for Preneed Sales Agent

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

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

(2) Recommended for Approval without Conditions (Criminal History)

(a) Nguyen, Thu Mai (Appointing Entity: Carriage Florida Holdings Inc)

Ms. Simon – Is that applicant here at the meeting today? The last name spelling is N G U Y E N.

Ms. Thu Mai Nguyen – Yes, I'm here.

Ms. Simon – Thank you so much, ma'am. On January 26, 2024, an application was received for licensure as a preneed sales agent and appointment under Carriage Florida Holdings Inc. Applicant answered "Yes" to the background question regarding criminal history on the application due to reportable criminal history that required disclosing. Applicant provided the Division with a written explanation, a completed Criminal History Form and court documentation, which is included in your Board package. In September 2022, the applicant was charged with a misdemeanor for DUI, which was reduced to a charge of reckless driving. As a result, Ms. Nguyen had to complete twelve (12) months' probation, seventy-five (75) hours of community service, and pay a fine of \$428.00. Ms. Nguyen indicates that she has paid all fines and will complete her probation as of April, therefore, having met all conditions of the order. There are no other disciplinary issues in relation to this applicant. The Division recommends approval without conditions.

Chair Peeples – Thank you, Ms. Simon. Ms. Nguyen, would you like to be sworn in to address the Board, or would you like us to proceed with our procedure?

Ms. Nguyen – I just want to thank you.

Chair Peeples – Ma'am, we need to swear you in really quick, if you'd like to address the Board, please. Ms. Simon?

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

Ms. Nguyen – I do.

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

Ms. Nguyen – Thu Mai Nguyen, N-G-U-Y-E-N.

Ms. Simon – Thank you, ma'am.

Chair Peeples – Ms. Nguyen?

Ms. Nguyen – I just want to say thank you all for your time and consideration. I'm here to answer any questions if anyone has any.

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

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

Chair Peeples – Thank you, Ma'am. Thank you for attending today.

(3) Recommended for Denial (Criminal History)
(a) Roberts, Ryan (Appointing Entity: (Kaduk Investment Inc)

Ms. Simon – Is Mr. Roberts here on the call today?

Mr. Ryan Roberts – Good morning, everybody. Yes, I am. Can you hear me?

Ms. Simon – Yes, sir. Thank you.

Mr. Roberts – Pleasure to be here. Thank you.

Ms. Simon – On February 20, 2024, an application was submitted by the applicant for licensure as a preneed sales agent, and Applicant answered “Yes” to the background question regarding criminal history on the application due to reportable criminal history that required disclosure. Kaduk Investment Inc, employer, provided the Division with a written explanation by Mr. Roberts, a completed Criminal History Form, and court documentation. In 2006-2007, multiple felony charges for unarmed burglary of an unoccupied conveyance and evading and fleeing a law enforcement officer were filed against Mr. Roberts. These criminal offenses occurred in Hillsborough and Pasco County, Florida. Mr. Roberts was found adjudicated guilty for seven (7) burglary charges and one (1) count of fleeing law enforcement. He was sentenced to probation for five (5) years, was required to submit a written letter of apology and pay restitution to the victims, and to complete a 12-month residential drug treatment program. Mr. Roberts indicated that he has satisfied all conditions of his sentence and completed the drug treatment program, and paid restitution to all the victims. As of to date, there have been no further disciplinary actions against the Applicant. The Division recommends denial on this application for licensure.

Chair Peeples – Thank you, Ms. Simon. Mr. Roberts, if you will be sworn in by Ms. Simon, please?

Mr. Roberts – Yes, thank you.

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. Roberts – Absolutely.

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

Mr. Roberts – My name is Ryan Dean Roberts, R-O-B-E-R-T-S. I appreciate the Board's time this morning in letting me answer any questions and hopefully at the end things will be ok, because I'm really looking forward to getting involved with this industry. So, thank you for your time. Does anybody have any questions, or can I clarify and help answer anything?

Chair Peeples – Thank you, Mr. Roberts. Board members do you have any questions for Mr. Roberts? What is the pleasure of the Board?

MOTION: Ms. Liotta moved to approve the application. Mr. Jones seconded the motion, which passed with four (4) dissenting votes.

Chair Peeples – Good luck Mr. Roberts.

Mr. Roberts – Thank you all very, very much. I'm very appreciative. I won't let you down. Thank you.

Chair Peebles – Thank you sir. Ms. Simon?

E. Application(s) for Continuing Education

- (1) *Course Approval - Recommended for Approval without Conditions – Addendum B*
 - (a) *Colibri Healthcare (113)*
 - (b) *Florida Cemetery, Cremation & Funeral Association (75)*
 - (c) *Florida Morticians Association (23208)*
 - (d) *Ged Layers, LLP (17408)*
 - (e) *Independent Education Institute (135)*
 - (f) *International Cemetery, Crematory and Funeral Association (51609)*
 - (g) *National Funeral Directors Association (49609)*
 - (h) *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 – Board members?

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

F. 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.

Chair Peebles – Board members?

MOTION: Mr. Williams moved to approve all the claims, for the monetary amounts indicated. Ms. Clay seconded the motion, which passed unanimously.

G. Application(s) for Embalmer Apprentice

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum D*
 - (a) *Anez-Gonzalez, Berledic F748117*
 - (b) *O’Leary, Brittany A F685930*

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.

- (2) *Recommended for Denial (Criminal History)*
 - (a) *Allen, Louis J*

Ms. Simon – An application for embalmer apprentice licensure was received by the Division on February 13, 2024, and was complete when received. In review of the application, it was determined that Mr. Allen had relevant criminal history, and he submitted the criminal history forms and court documents along with his application. On or about February 11, 2021, Mr. Allen plead guilty to Grand Theft, a 3rd degree felony, and a VOP. Adjudication was withheld, and he was sentenced to 1-year probation and restitution in the amount of \$2,500. The Division recommends denial of this application.

Chair Peebles – Thank you, Ms. Simon. Is Mr. Allen on the call today?

Mr. Louis Allen – Yes, I am.

Chair Peebles – Thank you. I also notice Ms. Wiener is on the call. Are you representing Mr. Louis Allen?

Ms. Wendy Wiener – Yes, ma’am, I am. Thank you.

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

Ms. Wiener – I would thank you very much. Thank you, Board members for hearing Mr. Allan's embalmer apprenticeship application this morning. As you can see in your Board packet, Mr. Allen was completely forthcoming with regard to his criminal history. He does report two (2) instances of criminal history. Only one (1) of those you can take into consideration, which is why your Board packet correctly reflects only one (1) of those criminal charges. The other was dismissed. Nolle prosequi means that it was dismissed, so it is not relevant for your consideration. On the one that is relevant for your consideration, this instance involved Mr. Allen and a girlfriend in a store where the young woman shoplifted something and handed it to Mr. Allen to hold. When they were apprehended, he had the contraband and agreed to the sentence that was imposed upon him by the court system. And served his one-year probation, which has been over for some time now. Mr. Allen, since that incident, which occurred actually in 2020, so some years ago, has had a stellar record. He has been employed by SCI working for Dignity Memorial. Two (2) of his supervisors, as well as his pastor, are here today and would be happy, if necessary, to speak to his character and his work ethic. He has not even had so much as a traffic infraction since the time of this incident and is really looking forward to continuing his career at SCI as an embalmer apprentice. I would note that earlier today, Mr. Woliver did make reference to consistency, and I would urge the Board to treat this applicant as it has others who have had minor criminal histories, who have shown that they have completed their sentences, that they have completed any restitution or fines that have been imposed upon them, and who have shown that they have changed their ways and are and can be a good contribution to the health care industry here in the State of Florida. And so, on his behalf, and on behalf of his supervisors, we would request that you approve this application.

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

Mr. Williams – Madam Chair?

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes, ma'am. Thank you, Chair. I have a question for Ms. Wiener. I'm having a little bit of a hard time following the timeline here. Can you explain that a little bit to me as to when these incidents occurred, and how long ago that was?

Ms. Wiener – The only incident that you can take into consideration is in your Board packet, and it's referenced on Page 20 of 23. That is the Grand Theft in the third degree charge. That incident actually occurred in 2020 but took some time to go through the court system. It made its way through the court system, and it's now concluded. There is an incident referenced on the disclosure forms that relates to 2017. That matter was dismissed and cannot be considered as part of your determination today.

Mr. Jensen – May I ask a follow-up?

Chair Peeples – Yes, sir.

Mr. Jensen – So, Ms. Wiener, if it was grand theft, is that over a certain amount? It was stated that something was shoplifted by the girlfriend handed to this gentleman. So, it must have been fairly substantial. Is that what I'm understanding?

Ms. Wiener – Yes, sir. I believe it was a very expensive purse.

Mr. Jensen – Alright. And all the probation is done, and everything's over with already?

Ms. Wiener – Yes, sir. You can see on Page 17 of 23. The termination of supervision occurred in March of 2023.

Mr. Jensen – Okay.

Ms. Wiener – So, over a year ago.

Mr. Jensen – He’s applying for an embalmer apprentice. So, I mean, there’s a year for that and then he would have to apply for licensure of some sort. Does this gentleman plan on going to school, or has he been to school or anything?

Ms. Wiener – I cannot speak to that. Mr. Allen is on the call and could address that question.

Chair Peeples – Mr. Allen before you speak, sir, we need to swear you, please. Ms. Simon?

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

Mr. Allen – Yes, I do.

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

Mr. Allen – Louis Allen, A-L-L-E-N.

Ms. Simon – Thank you, sir.

Chair Peeples – Thank you, Mr. Allen. If you would please address Mr. Jensen’s question.

Mr. Allen – Yes. Mr. Jensen, I am enrolled in Commonwealth. I started in Miami-Dade. I stop some courses, because I was paying out of pocket. I have since applied back to Commonwealth, and I start those courses in the summer. It is a 13-month qualifying course.

Mr. Jensen – Thank you, sir.

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

Mr. Jensen – No ma’am, I’m good. Thank you.

Chair Peeples – Thank you. Board members, do you have any questions? Rabbi Lyons?

Rabbi Lyons – Ms. Wiener mentioned that the supervisor is on the call. If we could hear from the supervisor, I’d appreciate that.

Chair Peeples – Who would that be? Please identify yourself.

Mr. Allen – That’s Mr. Wayne. Let me get him for you.

Ms. Wiener – Wayne Jarvis, from Dignity Memorial. Give us just a moment. And also, Madam Chair, I don’t know if you noticed, but Mr. Williams has had his hand up for a while.

Chair Peeples – Yes, ma’am. I was trying to get Mr. Jensen taking care of. Mr. Williams, I’ll get you next. Is Mr. Jarvis connected?

Ms. Wiener – I think they’re working on it.

Chair Peeples – Mr. Jarvis, if you will let Ms. Simon swear you in, please. Ms. Simon?

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

Mr. Wayne Jarvis – Can you see me?

Ms. Wiener – Yes.

Mr. Jarvis – Ok.

Chair Peeples – Mr. Jarvis, did you complete the request to be sworn in, sir?

Mr. Jarvis – Yes, I did.

Chair Peeples – Please, please state your name for the record and spell your last name, please.

Mr. Jarvis – Wayne J Jarvis, J-A-R-V-I-S.

Chair Peeples – Thank you, sir. Rabbi Lyons, would you like to ask the question of Mr. Jarvis?

Rabbi Lyons – Yes. Thank you. Nothing specific, I just want to hear your endorsement.

Mr. Jarvis – Yes, I fully endorse Louis Allen. He's an excellent associate and a responsible professional adult that I've seen here, in our location, and I think he should be offered every opportunity to complete his career.

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

Rabbi Lyons – Thank you.

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

Mr. Williams – Thank you, Madam Chair. That was going to be my request to speak with the supervising LFD. That is all.

Chair Peeples – Thank you, sir. I appreciate that. Board members?

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

Chair Peeples – Good luck, Mr. Allen. Thank you, Ms. Wiener, and Mr. Jarvis.

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

Mr. Allen – Thank you.

Chair Peeples – Ms. Simon?

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

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

(a) Funeral Director (Endorsement)

- 1. Blumhagen, Earline E**
- 2. Orme, Kristen S**

(b) Funeral Director (Internship)

- 1. Coffie, Carol**
- 2. DeLeon, Jacob A**
- 3. Harris, Brittany N**
- 4. Hylton, Marissa A**
- 5. Joseph, Immacula**
- 6. Raphael, Ashley D**

(c) Funeral Director and Embalmer (Endorsement)

- 1. Heydorn, Justine M**
- 2. Pinto, Matthew**

(d) Funeral Director and Embalmer (Internship and Exam)

1. *Carney, Niki P*
2. *Mitchell, Alissa E*
3. *Pearson Sr., Larry E*
4. *Zeranski, William P*

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

(2) Recommended for Denial (Criminal History)

(a) Funeral Director and Embalmer (Endorsement)

1. *Trawick, Brandon D*

Ms. Simon – An application for combination funeral director and embalmer licensure by endorsement was received on January 30, 2024. The application was incomplete when received and a deficiency letter was emailed on February 14, 2024. In review of the application, the applicant answered “Yes” to the criminal history question and submitted the court documentation, and a letter along with the application. Mr. Trawick's application was deemed complete on February 22, 2024, when the criminal history forms and all the deficiency items had been received. On or around October 31, 2014, Mr. Trawick was charged with intimidating a witness, two (2) counts of criminal mischief in the 3rd degree, and stalking in the 1st degree, all felonies. Mr. Trawick was sentenced to five (5) years in the State of Alabama penitentiary, fine/court costs, restitution, and probation. On December 15, 2014, Mr. Trawick's 5-year penitentiary sentence was suspended, and he was placed on three (3) years' probation and ordered to pay \$100 each month on the 1st day, starting 2/1/15 to pay all fines, court costs, and restitution to the Houston County Circuit Clerk in Alabama. On or around August 10, 2017, the applicant was charged with count one (1) and two (2) of Terroristic Threats, a felony. Mr. Trawick was sentenced for both counts running concurrently to five (5) years' probation, with the first twelve (12) months to be served in work release, and a \$2,000 fine. The Division recommends denial in this matter.

Chair Peeples – Thank you Ms. Simon. Please let the record reflect that Mr. Brandenburg has departed the meeting. Is Mr. Brandon Trawick attending the meeting today?

Mr. Brandon Trawick – Yes, ma'am.

Chair Peeples – Sir, are you connected with a camera or just by phone, sir?

Mr. Trawick – I'm trying. Waiting while it's buffering.

Chair Peeples – Thank you sir. If you will be sworn in by Ms. Simon, please sir?

Mr. Trawick – Yes, ma'am.

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. Trawick – Yes, ma'am. I do.

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

Mr. Trawick – Brandon Trawick, T-R-A-W-I-C-K.

Ms. Simon – Thank you, sir.

Chair Peeples – Thank you, Mr. Trawick. Would you like to address the Board, sir?

Mr. Trawick – Yes, ma'am, absolutely. Can you see me yet?

Chair Peebles – No, sir. We don't have you, but we'll just go ahead and proceed, and please go ahead and present to the Board.

Mr. Trawick – Yes, ma'am. In my situation because I am active in Alabama as a funeral director and embalmer. Those were two (2) different cases, were two (2) different girlfriends. One from Alabama and then the mother of my child from Georgia. In Alabama, I did everything to show rehabilitation. I have, you know, given what I did. All of those charges came about through the telephone, or excuse me, through messages, text, messages, and voicemail. To this day, I've done everything, I've forgiving myself for getting in the situation, and we're actually friends. The girl from Alabama. The terroristic threats were two (2) text messages that I sent to the mother of my child because she ran off with my nine-month-old son. The mother of my child suffers from schizophrenia. And we're {audible} disability. And, you know, those criminal histories {inaudible} than in reality.

Chair Peebles – Thank you, sir. Board Members, do you have any questions for Mr. Trawick? Mr. Jensen?

Mr. Jensen – I do have two (2) questions, Madam Chair. Mr. Trawick, are you still currently licensed in Alabama?

Chair Peebles – Mr. Trawick, we see that you have been muted, sir. Mr. Trawick, are you still connected with the meeting, sir? Mr. Trawick, I see a green microphone. Could you confirm that you're still connected, please, sir? Ms. Simon and/or Mr. Tellechea, since Mr. Trawick has probably had to depart and come back, should we table? Can we hear you, Mr. Trawick? Mr. Tellechea, she should we table this item until we can get a clear connection?

Mr. Tellechea – I think that'd be the way to go. Yes.

Chair Peebles – Thank you. Mr. Trawick, we'd like you to, can you hear us, sir? Mr. Trawick, we see your photograph, we cannot hear you. Can you confirm that you can hear us, sir?

Mr. Trawick – Hello, can you hear me?

Chair Peebles – Yes, sir. We have you, sir. Mr. Jensen had a question for you, sir. He can present the question again.

Mr. Jensen – Yes. Thank you, Madam Chair. I have two (2) questions for Mr. Trawick. One is, are you still currently licensed in Alabama?

Mr. Trawick – Yes, sir, yes, sir. I also had to have a hearing with Alabama. That was in 2020 when I had a hearing to reflect all the criminal history, but because my license lapsed, we had a hearing, and I was approved to get my license back, and it's been, you know, clear ever since.

Mr. Jensen – Ok. Follow up question. First time this happened in 2014, you actually went to state prison, and then it happened again in 2017. Can you speak to that a little bit?

Mr. Trawick – Yes, sir. I never went to prison. The five (5) year prison sentence was suspended based on a three (3) years' probation, which I completed. And then I moved from Alabama, when everything was done, to Atlanta, and that's where I met the mother of my child. We had our son in Atlanta, November 12, 2015. And by May of 2016, we were living in Atlanta together. And then I came home from work, we had a funeral home in Atlanta, and she was gone with my nine-month old son. So, I was extremely worried, extremely hurt, because she has a mental disability, and she was off with my young son. I had no clue where she was. So, these instances happened because I was in bad relationships, making bad decisions. Since then, {inaudible} relationships, I've put all the energy into raising my eight-year-old son. And that's what I'm doing from this point on.

Mr. Jensen – All right. Thank you, Mr. Trawick, My apologies. I do see where your sentence was suspended, so my apologies for saying that. Thank you, sir.

Mr. Trawick – That's ok. Yes, sir.

Chair Peeples – Mr. Williams?

Mr. Williams – Yes, ma'am, Madam Chair. Just to follow up with what Board member Jensen stated. Mr. Trawick, you were on probation for three (3) years from 12/15 to 12/17, and then this instance happened. The second instance happened while you were on probation. Is that correct?

Mr. Trawick – That's very good. Yes, sir. It did happen when I was on probation, which violated the probation from Alabama. So, when I came back, I was sent to work release for the violation of probation for Alabama.

Mr. Williams – Ok. And may I have a follow-up?

Mr. Trawick – To summarize that everything has been completed, all files have been paid and there was no restitution.

Chair Peeples – Mr. Williams?

Mr. Williams – Yes, ma'am. Mr. Trawick, so, are you living in Florida, and working at the Perry location, or are you living in Alabama and working in Perry FL?

Mr. Trawick – I'm living in Alabama and driving down there when I need to. Yes, sir.

Mr. Williams – Currently, correct?

Mr. Trawick – Correct. Yes, sir.

Mr. Williams – Ok. Thank you.

Chair Peeples – Mr. Jones?

Mr. Jones – Yes. Mr. Trawick, two (2) questions. One (1) you mentioned working in Georgia. Are you licensed in Georgia also?

Mr. Trawick – No, sir. I'm turning in my application towards the end of probably this month, but I'm not licensed in Georgia just yet. No sir. I went to school at Gupton-Jones in Atlanta, so I know a lot of funeral homes in the area that would give me part-time work. I just wanted to clear that up.

Mr. Jones – Second question. Any disciplinary action against your Alabama license as a funeral director?

Mr. Trawick – No, sir. Absolutely not.

Mr. Jones – Thank you.

Chair Peeples – Thank you, Mr. Jones. Any other Board members have questions for Mr. Trawick? Seeing none, what is the Board's pleasure?

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

Chair Peeples – Ms. Simon, will you do a roll call vote on this motion, please?

Ms. Simon – Yes, ma'am. All those in favor of the motion to deny, please signify by saying yea. Mr. Clark?

Mr. Clark – Yes.

Ms. Simon – Ms. Clay?

Ms. Clay – Yes.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Yes.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yes.

Ms. Simon – Mr. Jones?

Mr. Jones – Yes.

Ms. Simon – Ms. Liotta?

Ms. Liotta – No.

Ms. Simon – Rabbi Lyons?

Rabbi Lyons – No.

Ms. Simon – Mr. Williams?

Mr. Williams – Yes.

Ms. Simon – Madam Chair?

Chair Peeples – Yes.

Ms. Simon – Was Brandenburg able to make it back on the call?

Chair Peeples – No, ma'am. I do not see him on the call.

Ms. Simon – Thank you. That vote passes.

Mr. Tellechea – Madam Chair?

Chair Peeples – Yes, Mr. Tellechea?

Mr. Tellechea – Just to clarify, the denial of which based on his criminal record. Am I correct?

Chair Peeples – Mr. Jensen, do you agree?

Mr. Jensen – Yes, ma'am. The criminal record and the reoccurrence of the criminal record.

Mr. Tellechea – Ok, thank you.

Chair Peeples – Thank you, Mr. Tellechea. Mr. Clarke, you were a second. Do you agree with that also, sir?

Mr. Clark – I do.

Chair Peeples – Thank you. Mr. Trawick, the motion has passed to deny your request today. Thank you for your attention. You may want to come back. Thank you for your time.

Mr. Trawick – I heard Florida is really difficult. I already knew that, but we'll be back. Florida is going to give me my license one day, I promise.

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

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

I. Application(s) for Internship

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

(a) Embalmer Intern

1. **Huddy, Katelyn R F750804**

(b) Funeral Director

1. **Langel, Brianna N F753528**

(c) Funeral Director & Embalmer (Concurrent)

1. **Denham, Jennifer I F614599**

2. **Farmer, Julie A F551157**

3. **Fernandez Jr, Ricardo F658111**

4. **Garcia-Hernandez, Yeraldys F600582**

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

(2) Request(s) to Renew Internship

(a) Recommended for Approval without Conditions

1. **Funeral Director**

a. **Brown, Patricia R**

Ms. Simon – Is Ms. Brown here today on the call? Is Ms. Brown here? Hearing no response. An application to renew the funeral director internship to continue course of study was received on March 8, 2024, and the application was deemed complete when received. The application was signed by the supervising funeral director and embalmer in charge Troy A. Roberts (F043209). Ms. Brown was previously licensed as a funeral director intern and 69K-18.002, (10), Florida Administrative Code, only permits one internship in a lifetime. The current license expired on March 10, 2024, after the application was received. The Division recommends approval.

Chair Peeples – Board members?

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

Chair Peeples – Thank you. Ms. Simon?

(b) Recommended for Approval without Conditions (Adverse License History)

1. **Funeral Director and Embalmer (Concurrent)**

a. **Roberson, Trent L**

Ms. Simon – Is Mr. Roberson here today?

Ms. Wiener – This is Wendy Wiener. I represent Mr. Roberson.

Ms. Simon – Thank you, ma'am. An application for concurrent licensure was received by the Division on February 14, 2024. The application was complete when received. Mr. Roberson currently holds an embalmer apprentice license which is valid and expires April 7, 2025. In review of Mr. Roberson's current application, he previously had adverse licensing history, and he

submitted an adverse licensing action history form along with his current application. Mr. Roberson previously answered “No” to the criminal history question on his previous application for an embalmer apprentice license, however his fingerprint results from his criminal background check revealed relevant criminal history. Mr. Roberson’s embalmer apprentice license was approved with conditions at the April 7, 2022, Board meeting and as a result he was issued a Notice of Intent to Approve with Conditions imposing probation for six months and a \$500 fine. All conditions have been satisfied and Mr. Roberson does not have any new reportable criminal history. The Division is recommending approval of the application.

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

Ms. Wiener – I’m simply here to answer any questions. Thank you, Madam Chair.

Chair Peeples – Yes, ma’am. Board members?

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

Chair Peeples – Thank you, Ms. Weiner.

Ms. Wiener – Thank you, Board.

- (c) *Recommended for Denial*
 - 1. *Funeral Director Application and Petition for Rule Waiver*
 - a. *Vinci, Laura M.*

Ms. Simon – Is Ms. Vinci here today? Hearing no response. An application for funeral director intern licensure and a petition for waiver of Rule 69K-18.002, Florida Administrative Code, was received by the Division on February 2, 2024. The application was deemed complete when received and the applicant does not have any reportable criminal history. Ms. Vinci’s licensure is reflected on the coversheet. Ms. Vinci previously submitted an application to renew internship due to illness, hardship, or awaiting results (concurrent internship) on February 20, 2019, over three (3) years after her concurrent internship ended. The application went before the Board for review on June 18, 2019. The application was withdrawn to allow Ms. Vinci the opportunity to file a petition for wavier of rule and the minutes with the specific details are included within your Board package. The applicant previously held funeral director and embalmer (concurrent) internship licensure which expired July 15, 2015, and Rule 69K-18.003(6), and Rule 69K-18.002(10), Florida Administrative Code, permit only one (1) internship in a lifetime. The applicant did not complete the one-year concurrent internship that previously expired and did not submit the request to renew the internship within the required timeframe. While Ms. Vinci was previously before the Board on this matter, that was over five (5) years ago. The Applicant has failed to demonstrate why the facts in this matter constitute a “substantial hardship of would violate the principles of fairness.” Section 120.545(2), Florida Statutes. Instead, the applicant suggests that she was dismissed from two (2) different internships for “no apparent reason.” Yet, Ms. Vinci failed to appear before the Board for five (5) years since the Board made various suggestions on how to again be licensed as an intern. It appears the principles of fairness are against the Applicant in this matter. As a result, the Division is recommending denial of this petition for waiver of rule and application for funeral director intern license.

It is suggested that the Board take two (2) different votes in this matter. And, if the Board chooses to reject the Division’s recommendation, the Division requests that, pursuant to section 497.103(3), F.S., the Board state with specificity on the record the reasons for the rejection. Therefore, the Division recommends at this point the Board take a motion regarding the petition for variance.

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

Mr. Jensen – I would move to deny the petition for variance or waiver, based upon the Board in past has already been there and does not violate the rule.

Chair Peeples – Mr. Jensen, one second. Mr. Tellechea?

Mr. Tellechea – Madam Chair, I would also recommend to the Board that if you deny the petition for variance and waiver, that you also deny it based upon the failure to meet the purpose of the underlying statute. So that would be failure based on both prongs of the variance and waiver.

Chair Peeples – Thank you, Mr. Tellechea. So, coming back to Mr. Jensen.

MOTION: Mr. Jensen moved to deny the petition for variance and waiver based upon the failure to meet the purpose of the underlying statute. Mr. Williams seconded the motion, which passed unanimously.

Chair Peeples – Ms. Simon, and/or Mr. Tellechea, do we still need to do two (2) motions, or can we do the one?

Mr. Tellechea – You have to do the application now.

Chair Peeples – Thank you, sir. Board members?

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

Chair Peeples – Mr. Tellechea?

Mr. Tellechea – Just to clarify, the application is being denied because it was not filed in a timely basis. Am I correct?

Mr. Ferreira – Yes, sir.

Chair Peeples – Mr. Ferreira, do you agree with that comment?

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Mr. Jensen, do you also agree?

Mr. Jensen – I agree, but also, if Mr. Ferreira is willing, that the particular reason they filed this is that it was unfair, and I think the Board has been more than fair in the past by giving chances to this individual to complete the internship. So, I would suggest also {inaudible}.

Chair Peeples – Mr. Ferreira, do you agree?

Mr. Ferreira – I agree.

Chair Peeples – Thank you. So, we have a motion to deny the application request by Mr. Ferreira and a second by Mr. Jensen. Is there any discussion on the motion? All in favor of the motion, say, yes.

Board members – Yes.

Chair Peeples – All oppose say no. Motion carries. Ms. Simon?

2. *Funeral Director and Embalmer Application and Petition for Rule Waiver (Concurrent)*
a. *Turner, Jon T*

Ms. Simon – Is Mr. Turner here today?

Mr. Jon Turner – Yes, ma'am. I am here.

Ms. Simon – Thank you, Mr. Turner. An application for concurrent license and a petition for waiver of Rule 69K-18.003, F.A.C., was received on February 2, 2024. The applicant previously held a funeral director and embalmer (concurrent) intern license which expired February 26, 2021, and Rule 69K-18.003(6), Florida Administrative Code, only permits one (1) internship

in a lifetime. The applicant was outside of the timeframe to submit a request to renew internship. The applicant 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. The applicant is petitioning the Board for waiver of Rule 69K-18.003(6), F.A.C., to obtain licensure as a concurrent intern for a 1-year internship. However, the Applicant has failed to demonstrate why the facts in this matter constitute a “substantial hardship which of would violate the principles of fairness.” Section 120.545(2), Florida Statutes. The Applicant can still work for a licensed funeral establishment, just not in the capacity of a licensee. Because he has not been licensed as an intern since February 2021, there is no indication as to why implementation of Rule 69K-18.003(6) would violate principles of fairness. It is suggested that, just like the previous matter, the Board take two (2) different votes in this matter: one on the petition for variance and one on the application for funeral director only internship licensure. Madam Chair?

Chair Peeples – Thank you, Ms. Simon. Mr. Turner, are you connected to our call and our meeting today?

Mr. Turner – Yes, I am.

Chair Peeples – Thank you. If you'll allow an Ms. Simon to swear you in, please, sir.

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

Mr. Turner – I affirm.

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

Mr. Turner – My name is Jon Turner, T-U-R-N-E-R.

Ms. Simon – Thank you, sir.

Chair Peeples – Thank you, Mr. Turner. Would you like to address the Board, or are you here for questions only?

Mr. Turner – Yes, I would like to address the Board, if I may. In 2020, it was a difficult year, and the timeframe of the hardship was, in accordance with the Florida Statutes, yes, I did not meet that standard. I had one of my biggest motivators that was pushing me in this industry, died unexpectedly. Later that same year I had three (3) family members that died within two (2) weeks of each other. So, a lot was going on, but, again, that does not address the hardship that the Board outline for renewals or continuations, or so forth. At that time, I worked two (2) full-time jobs and tried to go to school at same time, trying to get everything done. And I was very fortunate that L C Poitier Funeral Home, which allowed me to start my internship here. Later that year in 2020, he gave me an opportunity to start working here full-time. I submitted with my application a letter from Mr. Woodrow Poitier, the FDIC here, stating that I'm a great asset to the company, and he really wants to see me succeed, and I would like to succeed, and I'm asking for the Board's leniency to allow me this opportunity as I'm prepared to take the National Board exam within the next month. So that's all I have.

Chair Peeples – Thank you sir. Board members are there any questions for Mr. Turner?

Mr. Clark – Madam Chair?

Chair Peeples – Yes, Mr. Clark?

Mr. Clark – Mr. Turner, you just indicated that you plan on taking the National Boards in a month, but in the paperwork, we received, it stated you're hoping to take it within the next six (6) months.

Mr. Turner – So, the timeframe I'm giving myself is six (6) months. So, I took it the first time in October of last year, and I missed the exam by three (3) points. So, I've been studying. I was trying to not rush myself to take the exam again if I'm not ready to take the exam again to fail again. So, I was giving myself a six-month window to be able to make sure that I'm good to go, ready and prepared mentally to take the exam, and right now, I feel that I'm mentally ready to take the exam within the

next month or so.

Mr. Clark – Ok, thank you.

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

Ms. Simon – Yes, thank you. Just to reiterate, or I don't think I specifically mentioned this to the Board, still the applicant has failed to demonstrate why the facts in this matter constitute a substantial hardship, one which would violate the principles of fairness. The applicant can still work for a licensed funeral establishment just not in the capacity of a licensee. If the Board rejects the Division's recommendation, I will request that the Board state on the record the reason for that. And again, this should be handled in two (2) different votes.

Chair Peeples – Thank you, ma'am. Board members, any other questions for Mr. Turner? Rabbi Lyons?

Rabbi Lyons – A basic question that I'm sure any funeral director on the Board can answer. If he were to not be an intern, but has the education requirements and passed the National Board, could he obtain a license as a funeral director, or the internship is a prerequisite?

Chair Peeples – The internship is a part of licensure, sir. Ms. Simon, is that correct?

Ms. Simon – Yes.

Chair Peeples – Thank you. Mr. Jensen?

Mr. Jensen – Just a comment for Mr. Turner. Perhaps he might want to withdraw his application and resubmit it some hardship facts, since that seems to be what the Department takes issue with, is that he needs the percent present some sort of hardship facts.

Chair Peeples – Ms. Simon, would that be an option, and/or Mr. Tellechea?

Mr. Tellechea – Yes. He can always withdraw the application, if he so desires. That's a possibility. I mean, the variance and waiver, excuse me. Am I correct Mr. Jensen? That's what you meant, was the petition for variance and waiver lacked any type of hardship?

Mr. Jensen – That is correct.

Mr. Tellechea – So, he can withdraw the petition for variance and waiver at this point in time, if he so desires, and brings it back beefed up, setting forth what the hardships are or violation of principles of fairness. And again, I think the first prong is important, which is how he meets the purpose of the underlying statute.

Chair Peeples – Thank you Mr. Tellechea. Mr. Turner, did you receive that information that Mr. Tellechea presented?

Mr. Turner – Yes. I was reading the hardship requirement, and I'm not going to waste the Board's time. I do not meet the requirement based on that. A lot of the issue was personal issues, but it did not fall within that scope of what the hardship, to my understanding of the application.

Chair Peeples – So, Mr. Turner, would you prefer to withdraw your application today and resubmit it to the Board and put your extenuating circumstances as the comment by Mr. Tellechea was to kind of beef up your request for Board consideration? What would be your request to the Board today, sir? How would you like to proceed?

Mr. Turner – Based on the comments and the recommendations of the State, and at the risk of my application being denied, I'm going to request that my application be pulled to allow me to resubmit. Do I have to repay the fee again to resubmit the application or is the fee waived?

Chair Peeples – Ms. Simon?

Ms. Simon – Thank you, ma'am. If you withdraw your application today, then you will need to repay a fee when you again apply for licensure. Also, if you withdraw, I will request that you indicate that as opposed to pulling the matter.

Mr. Turner – I understand.

Chair Peeples – Mr. Turner, what would be your request to the Board, sir? Mr. Turner, before you talk, Mr. Tellechea?

Mr. Tellechea – Just to clarify, are we withdrawing the application and the petition for variance or waiver, or just the petition for variance or waiver?

Chair Peeples – Mr. Tellechea, I think we would, and, Mr. Jensen, I don't want to put words in your mouth, but I think it would be our suggestion to Mr. Turner that we withdraw the petition for waiver or variance and his application request to allow him to come back and resubmit with more information. That would be my suggestion to him. Mr. Turner, do you agree with that, sir, or what is your request to the Board?

Mr. Turner – I do agree with that. I would withdraw to resubmit the waiver request.

Chair Peeples – So, you would like us to withdraw the petition for waiver or variance, as well as your application request. Is that correct?

Mr. Turner – That is correct.

Chair Peeples – Thank you. Mr. Tellechea, does that complete that item for the Board?

Mr. Tellechea – Yes, ma'am. That takes care of it.

Chair Peeples – Thank you. It is 11:24. Let's take a 10-minute restroom break until 11:35, and then we'll come back to attempt to complete the Board business.

*****BREAK*****

Chair Peeples – Ms. Bryant, are you back connected to the meeting?

Ms. LaTonya Bryant – Yes, ma'am.

Chair Peeples – Thank you, ma'am. Are you ready to record, ma'am?

Ms. Bryant – I am recording.

Chair Peeples – Perfect. It's 11:36. We're going to bring the meeting back to order. Ms. Simon, do we have you connected, also, ma'am?

Ms. Simon – We do. Excuse me. Not my video, but hopefully now. Madam Chair, may I recall a case?

Chair Peeples – Yes, ma'am.

- I. **Application(s) for Internship**
 - (2) **Request(s) to Renew Internship**
 - (c) **Recommended for Denial**
 - 1. **Funeral Director Application and Petition for Rule Waiver**
 - a. **Vinci, Laura M.**

Ms. Simon – Ok. I realize that the Board spent a rather long time on this, but. I would appreciate it if the Board would vote to revisit this matter. And the reason for that is to confirm notice was provided. I think if you can withdraw this matter and we will place it on another agenda.

Chair Peeples – Thank you, ma'am. Board members, we need to proceed with a motion to withdraw this item to properly serve Ms. Vinci.

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

Chair Peeples – Is that good, Ms. Simon?

Ms. Simon – Yes. If I may have one moment, Madam Chair?

Chair Peeples – Yes, ma'am.

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

Chair Peeples – Yes, ma'am.

- J. Application(s) for Monument Establishment Sales Agent License**
- (1) Informational Item (Licenses Issued without Conditions) – Addendum G**
 - (a) DelMonico, Delcine (Plant City)*
 - (b) DelMonico, Michael (Plant City)*
 - (c) Norrito, Dianna (Lake Wales)*
 - (d) Norrito, Vincent (Lake Wales)*
 - (e) Price, William (Crestview)*
 - (f) Schneider, Susan K (Lake Wales)*

Ms. Simon – This is an informational item. Pursuant to Section 497.554, Florida Statutes, the Division has previously approved the applicants listed on Addendum G.

- (2) Recommended for Approval without Conditions**
 - (a) Benefield, Joseph Andrew*

Ms. Simon – Is Mr. Benefield here on the call today? Hearing no response. An application for monument establishment sales agent licensure was received on February 29, 2024. The application was complete when submitted. A background screening identified relevant criminal history. The only relevant history is that the applicant was found guilty of DUI in July 2021, for which he received one (1) year probation and restitution. The Division recommends approval of this application.

Chair Peeples – Board members?

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

- (3) Recommended for Denial (Criminal History)**
 - (a) Byrd, Charles Cody*

Ms. Simon – Is Mr. Byrd here today?

Mr. Charles Byrd – Yes, ma'am.

Ms. Simon – Thank you, sir. An application for monument establishment sales agent licensure was received by the Division on October 11, 2023. The application was incomplete when submitted. A completed application was received on February 21, 2024. A background screening identified relevant criminal history. However, on the initial application, the applicant answered “no” to the criminal history questions. Upon request by the Division, the applicant provided an updated application, criminal

history form, disposition documents for the criminal case, and a letter of explanation. The applicant was convicted of driving under the influence on April 4, 2022. The applicant was ordered to six (6) months' suspension of driver's license, six (6) months' probation, fifty (50) hours of community service, and \$990 in fines and costs. The Division recommends denial on this application.

Chair Peeples – Thank you, Ms. Simon. Mr. Byrd, if you will let Ms. Simon swear you, please, sir.

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

Mr. Byrd – I do.

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

Mr. Byrd – Charles Cody Byrd, B-Y-R-D.

Ms. Simon – Thank you.

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

Mr. Byrd – Yes, ma'am. I would like to address the Board. I'll start. Thank you guys for your time and consideration. I apologize for sounding untruthful on my first application. My mistake. I misunderstood the questioning, knowing that you guys wouldn't do a background check. I thought it was only applicable to cemeteries, monuments, and the sales of such. I'm doing this because it's a family business. I'm very interested, hopefully, in continuing on. So, I'm here for any questions. I've also submitted a letter of recommendation from the funeral home director of Oxley-Heard Funeral Home Directors. I'm here for any questions if y'all have any.

Chair Peeples – Thank you, Mr. Byrd. Board members, any questions for Mr. Byrd? What is your pleasure?

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

Chair Peeples – Good luck, Mr. Byrd.

Mr. Byrd – Thank you guys for your time.

Chair Peeples – Thank you.

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

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

(a) Evans-McDonald Funeral Home LLC d/b/a McDonald Family Funeral Home (DeFuniak Springs)

(b) Legacy Options of Fort Myers LLC (Fort Myers)

(c) Lorenzo Hagins Funeral Home Inc. (Groveland)

(d) Wolf Funeral Services Inc d/b/a Lanier Funeral and Cremation Services (Lakeland)

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

Mr. Williams – Madam Chair?

Chair Peeples – Yes, Mr. Williams?

Mr. Williams – I have a question. May I?

Chair Peeples – Yes, sir, Mr. Williams.

Mr. Williams – Ms. Simon, I just thought about this. With these applicants that were presented for informational purposes only, is there a background check done in reference to making sure that the entity or the FDIC doesn't have any adverse history with their licenses, as they're applying for this? I know that there may be some, but I was just curious about it, to make sure that in order to be a training facility that they don't have any adverse issues going on.

Ms. Simon – Can you give me one moment?

Chair Peeples – Yes, ma'am.

Ms. Simon – I need to check into that.

Chair Peeples – Yes, ma'am. Thank you, Mr. Williams.

Ms. Simon – Madam Chair, I thought that this would be a quick thing, but if I could just have one more moment, maybe I can work this out.

Chair Peeples – Yes, ma'am.

Mr. Williams – Madam Chair, I don't have to have the answer now. I was just curious, because it's informational.

Chair Peeples – That's ok, Mr. Williams. We will be glad to see if we can get an answer for you. If we need to go to Plan B we will do so. Thank you, sir.

Mr. Williams – Yes, ma'am.

Ms. Simon – Madam Chair?

Chair Peeples – Yes, ma'am?

Ms. Simon – What I was looking into is what the Florida Statutes and Florida Administrative Code say on the matter, including the application for registration as a training agency. I am unsure whether a background check is required. Just one moment.

Chair Peeples – Yes, ma'am.

Ms. Simon – The answer to that question is yes. One of the questions is, "Have there been any disciplinary proceedings by a regulatory authority with jurisdiction within the last five (5) years?" Yes, that is noted on the application.

Chair Peeples – Thank you, Ms. Simon. Mr. Williams, does that complete your question, sir?

Mr. Williams – Thanks so much Ms. Simon. Yes, ma'am, Madam Chair.

- L. Notification(s) of Change in Location**
 - (1) Informational Item (Licenses Issued without Conditions) – Addendum I**
 - (a) Hayes Brothers Funeral Home (Altamonte Springs)**
 - (b) Southern Monument Studio Inc (Winter Haven)**

Ms. Simon – This is an informational item. The establishment listed on Addendum I 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) Gespar Jean-Paul (Plantation)

Ms. Simon – Is the applicant on the call today? Hearing a response. An application for broker of burial rights licensure was received on February 7, 2024. The application was incomplete when submitted. A completed application was received on February 27, 2024. A background check of the applicant revealed no relevant criminal history. The Division recommends approval without conditions.

Mr. Gespar Jean-Paul – Yes, I'm here. Sorry.

Chair Peeples – Is this Mr. Gespar Jean-Paul?

Mr. Jean-Paul – Yes.

Chair Peeples – Thank you. Board members?

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

Chair Peeples – Thank you, Mr. Jean-Paul for being a part today.

N. Application(s) for Direct Disposal Establishment
(1) Recommended for Approval with Conditions
(a) A1 Affordable Cremation Services LLC (Deland)

Ms. Simon – An application for direct disposal establishment licensure was received on February 14, 2024. The application was complete when submitted. The funeral director in charge will be Erik Perry (F070002). A background check of the principals 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?

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

(b) Cremation Services of America LLC d/b/a West Florida Cremations (Pensacola)

Ms. Simon – An application for direct disposal establishment licensure was received on February 15, 2024. The application was complete when submitted. The funeral director in charge will be Caleb Anderson (F601824). A background check of the principals 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, ma'am. Board members? I see Ms. Wiener is on the screen. Are you here for questions only, ma'am?

Ms. Wiener – Yes, ma'am. Just for questions.

Chair Peeples – Thank you. Is there any discussion?

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

Chair Peeples – Thank you, Ms. Weiner.

Ms. Wiener – Thank you.

O. Application(s) for Funeral Establishment License

(1) Recommended for Approval with Conditions

(a) Global Wealth Foundation d/b/a L'Ange Bleu Funeral Home & Cremation Services (Apopka)

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

Dr. Herline Lochard – Yes, I am.

Ms. Simon – Thank you, ma'am. An application for funeral establishment licensure was received on January 17, 2024. The application was incomplete when submitted. A completed application was received on March 18, 2024. The funeral director in charge will be Chastity Scott (F045166). A background check of the principals 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 – Who is present representing this entity?

Dr. Lochard – I am.

Chair Peeples – Thank you, ma'am. Would you like to address the Board? If you do, we will need to swear you in, ma'am.

Dr. Lochard – No, I'm just here for questions if there's any.

Chair Peeples – Ok, thank you, ma'am. Board members?

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

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

Mr. Jensen – Yes, one question, Madam Chair.

Chair Peeples – Mr. Jensen, we need to swear her in first, 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?

Dr. Lochard – I do.

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

Dr. Lochard – Dr. Herline Lochard, L-O-C-H-A-R-D.

Ms. Simon – Thank you, ma'am.

Chair Peeples – Thank you. Mr. Jensen, please proceed with your question.

Mr. Jensen – Ms. Lochard, I see you are going to be offering cremation services onsite. Do you already have the crematory? Or the retort? Or are you planning on applying for a cinerator facility license?

Dr. Lochard – We are in the process. It's not fully complete. We got the first permit approval, but there's a lot of things that need to be done with the county. A lot of things are on hold, so right now we're not offering any cremation services onsite,

until everything is complete and approved first by Orange County.

Chair Peeples – Ok.

Mr. Jensen – Follow-up, Madam Chair?

Chair Peeples – Yes, sir.

Mr. Jensen – Ms. Simon, on the application, is she allowed to check “No” under cremation services, since she's not going to be offering these, or how does this work?

Chair Peeples – Ms. Simon?

Ms. Simon – Can you refer to the page, Mr. Jensen?

Mr. Jensen – It's on my application, Page 6 of 14, Number 2. If those are going to be onsite, she probably needs to pick make arrangements for if she's going to be offering, but as she stated, she's not going to be offering. So, just a little correction for that application.

Chair Peeples – Mr. Jensen, and Ms. Simon, if we could ask Ms. Lochard. Ms. Lochard, I'm not sure if you have a copy of your application in front of you, but Mr. Jensen is referring to Page 6, where the topic says “Cremation”. Number (4a) asked will cremation services be offered by this funeral establishment. If you answer yes, in (4b), it states the funeral establishment, if licensed, and you checked “maintain on site”. Prior to you getting a retort approved, are you going to be offering cremation through your funeral establishment? And if so, have you, and will you make arrangements with another entity?

Dr. Lochard – Yes, we will offer cremation services, but we will do it with another company. We already have several companies that we are talking to, who will make arrangements, but it will not be onsite. It will be at another location through another company.

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

Ms. Simon – Yes, Madam Chair. I appreciate Mr. Jensen bringing that up. What I would suggest the Board do is if the Board is so inclined as to approve the application with the condition of the inspection, I would suggest that other conditions be that a letter from the cremation entity that is going to be working with the applicant be received by the Division, indicating that they would provide pronation services. And that the applicant submits another Page 5 of the application, that indicates that the cremation will be made arrangements for and indicating the name of that facility. So, the three (3) conditions would be the inspection, letter from the cremation facility that will be offering services or providing services to the applicant and a substitution of Page 5 of the application indicating which entity will be providing services.

Chair Peeples – Thank you, Ms. Simon. Mr. Jones, do you agree with those items for your motion?

Mr. Jones – I do.

Chair Peeples – Thank you. Mr. Clark, do you also?

Mr. Clark – I do.

Chair Peeples – Thank you. Ms. Lochard, I hope you heard Ms. Simon. But because you do not have an onsite retort facility, you're going to need to complete some additional items. Are you understanding what you will need to do, ma'am?

Dr. Lochard – Yes, it's clear to me. I will get those three (3) items ready.

Chair Peeples – Thank you. Board members, we have a motion and a second. Is there any other discussion. Ms. Clay?

Ms. Clay – Just for clarification. I thought I understood her to say that there were several agencies that would be providing this service. Is that accurate? Did I understand that properly?

Dr. Lochard – That's accurate.

Ms. Clay – And so she would need numerous letters, right? Ms. Simon?

Chair Peeples – Thank you, Ms. Clay. Ms. Lochard, what Ms. Clay has referenced in her question is, most applicants have an agreement with one (1) entity to either assist them with embalming, cremation, whatever it may be that they need assistance with, because they don't provide that themselves. So, you may want to consider, if you're doing your due diligence and speaking with multiple companies, you may want to narrow it down to one. If not, you will need a letter from each of those entities.

Dr. Lochard – Ok, understood.

Chair Peeples – Thank you, ma'am. Thank you, Ms. Clay. Is there any other discussion on the motion? Ms. Simon?

Ms. Simon – I just wanted to make sure that the applicant realizes that those conditions have to be met before licensure is issued.

Chair Peeples – Ms. Lochard, did you receive that comment?

Dr. Lochard – Yes, I understand that.

Chair Peeples – Thank you, ma'am. So, we have a motion. Second, any other discussion on the motion? Hearing none. All in favor of the motion, say yes.

Board members – Yes.

Chair Peeples – All opposed, say no. Motion carries. Good luck, ma'am.

Dr. Lochard – Thanks.

Chair Peeples – Thank you. Ms. Simon?

Ms. Simon – Thank you, ma'am.

(2) Recommended for Denial (Adverse Licensing History)
(a) A.C. Wynn d/b/a A.C. Wynn Funeral Services (Sanford)

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

Mr. Henry Thompson – Yes, ma'am. Henry Thompson.

Ms. Simon – Thank you, sir. An application for funeral establishment licensure was received on February 15, 2024. The application was incomplete when submitted. A completed application was received on February 26, 2024. The funeral director in charge will be Alexander C Wynn III (F043780). A background check of the principals revealed no relevant criminal history. The principal of the applicant, Alexander C. Wynn III, is licensed as a funeral director and embalmer F043780. The license was disciplined by Consent Order dated March 4, 2009, which resulted in a fine of \$1,000 and six (6) months' probation. The principal of the applicant, Alexander C. Wynn III, is the principal and funeral director in charge of a licensed funeral establishment, RJ Gainous Funeral Home, Inc. (F041765). RJ Gainous Funeral Home, Inc. was disciplined by Consent Order dated March 4, 2009, which resulted in \$1200 fines and costs and six (6) months' probation. RJ Gainous Funeral Home, Inc. was disciplined by Consent Order dated December 9, 2016, which resulted in a \$2500 fine and one (1) year probation. The licensee was also ordered to not engage in any violation of Chapter 497, Florida Statutes, and chapter 69K, Florida

Administrative Code. If I may add that the licensee in the application process included a reference to the fact that the entity or he had been assessed \$200,000 in restitution, However, restitution was not assessed with any administrative action before the Board. Instead, it was assessed in a civil litigation unrelated to the Board. The Division recommendation is for denial of this application.

Chair Peeples – Thank you, Ms. Simon, and before I ask if Mr. Thompson would like to address the Board, please let the record reflect that Mr. Darrin Williams has departed for another commitment. So, he is not connected with the meeting. Mr. Thompson?

Mr. Thompson – Do I need to be sworn in first?

Chair Peeples – No, sir. As an attorney, you have privilege, so please proceed.

Mr. Thompson – Perfect, Thank you very much, Chair Peeples. Good afternoon, Board members. I just wanted to briefly kind of frame the events in question here. The first instance, a discipline against Mr. Wynn’s license, and RJ Gainous Funeral Home took place almost sixteen (16) years ago. This was an instance where Mr. Wynn had contracted with a third-party cemetery. That cemetery’s employees were the ones who failed to properly bury the decedent. Mr. Wynn, however, still took responsibility as he was a funeral director overseeing the burial, and he and his establishment were held accountable. Mr. Wynn cooperated with the Division and paid all administrative fines on time. I would like to point out that in total, for this instance, there was a fine of \$2,200 split, \$1000 to Mr. Wynn and \$1200 to RJ Gainous Funeral Home, and six (6) months’ probation. So, this doesn’t seem like that big of a fine. The second instance of discipline against Mr. Wynn, was over seven (7) years ago at this point. This matter involved a refrigeration unit breaking down during Florida summer as they are known to do. As you may know, previous Boards have fined licensees heavy handedly in the past for these kinds of violations. And the fine, which was \$2,400, was consistent in that range for the time. Finally, I want to point out that Mr. Wynn has continued to be FDIC at RJ Gainous Funeral Home and has no issue renewing that establishment license since 2016. The fact that the application for a new establishment was denied, came as a surprise to him. Due in large part to the fact that he’s not had any issues renewing his current license. There is no specific standard mandated by statute or rule-based analysis nature on. However, we can look to other statutes and the standards that they have established, such as criminal denials, which is danger to the public. Given the timeframe that has passed since Mr. Wynn’s last discipline and the nature of that discipline, as well as the fact that he’s not had any issues renewing his current funeral establishment license, it would seem inconsistent for the Board to not approve his current or his new application license. All we ask in the end is that the Board remain consistent in finding someone does not pose a danger to the public, due to his past discipline, and approve the new establishment application, as you have previously approved his renewal applications over the years.

Chair Peeples – Thank you, Mr. Thompson. Board members, do you have any questions for Mr. Thompson? Yes, Mr. Jensen?

Mr. Jensen – Mr. Thompson, Quick question. I assume you may have the packet. On Page 16, it states there was \$230,000 of restitution. What is that for?

Mr. Thompson – That is what Ms. Simon was talking about when she was introducing this issue. That was a part of the separate civil suit to this. The cemetery that negligently buried the decedent did not have any insurance and because Mr. Wynn was a party to the action, the family’s attorney did the correct thing, and he sued the person {inaudible}, which unfortunately was Mr. Wynn because he was properly insured. But that was not part of the administrative action.

Mr. Jensen – Gotcha. Thank you.

Chair Peeples – Board members, do we have any other questions for Mr. Thompson? If not, what is your pleasure?

MOTION: Mr. Jones moved to approve the application subject to condition that the funeral establishment passes an inspection by a member of Division Staff. Mr. Clark seconded the motion, which passed with one (2) dissenting votes.

P. Application(s) for Preneed Main

(1) Recommended for Approval *without* Conditions

(a) DJ Hawk Enterprise LLC d/b/a Hawk’s Family Mortuary & Cremations (Havana)

Ms. Simon – Is there a representative of that entity on the call today? Hearing no response. The Department received the application on February 15, 2024, and deficiencies were noted on the application. All deficiencies were resolved by the applicant as of March 7, 2024. The sole member and owner of the LLC is Demarien J. Hawk. A completed background check of the principal was returned to the Division without criminal history. It should be noted that Applicant answered “Yes” to Question # (6) (a) under Adverse License History on the application by principal of Applicant, Mr. Hawk. In 2021, there was disciplinary action taken by the Division against sole principal and owner, Mr. Hawk, in relation to unlicensed activity of the funeral establishment for which he was FDIC, for advertising the sale of preneed contracts without holding a valid preneed license. As a result, Mr. Hawk was placed on one (1) year probation and was required to pay a fine in the amount of \$1,250. All conditions of this action have been satisfied and completed. It should also be noted that the qualifying funeral establishment (License # F691825) located at the above address was obtained as of July 2023. If this application for preneed license is approved, Applicant will sell trust-funded preneed through Funeral Services Inc (FSI) and utilize their approved prearranged funeral agreement forms. The Division recommends approval without conditions.

Chair Peeples – Ms. Wiener, are you representing D J Hawk Enterprise LLC, ma’am?

Ms. Wiener – I represent Funeral Services Inc. and just here to answer any questions.

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

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

Chair Peeples – Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

(b) *Richard Funeral Services Inc (Haines City)*

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

Ms. Wiener – Yes, Wendy Wiener representing Richard Funeral Services.

Ms. Simon – Thank you. The Department received an application for preneed main licensure on February 29, 2024, and no deficiencies were noted on the application. The sole owner of the corporation is Samuel E. Richard, Jr. A completed background check was returned to the Division without criminal history. Applicant is submitting this application for new preneed main licensure, and the qualifying funeral establishment license (#F451467) is also located at the same address as on the coversheet. If approved, Applicant will sell trust funded preneed through Funeral Services Inc (FSI) (Argent Trust Company) and utilize their approved pre-arranged funeral agreement forms. The Division recommends approval without conditions.

Chair Peeples – We have Ms. Wiener, who's here for questions. Ma'am?

Ms. Wiener – Indeed.

Chair Peeples – Thanks. Board members?

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

Chair Peeples – Thank you, ma'am.

Ms. Wiener – Thank you.

- Q. Application(s) for Refrigeration Facility**
(1) *Recommended for Approval with Conditions*
(a) *Reliable Solutions Holdings LLC (Fort Pierce)*

Ms. Simon – An application for refrigeration facility licensure was received on February 8, 2024. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the refrigeration facility must pass an inspection conducted by a member of Division staff. Is the applicant or counsel on the call today?

Chair Peeples – Board members?

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

R. Application(s) for Removal Service

(1) Recommended for Approval with Conditions

(a) Funeral Director Associates Removal Services Inc (Quincy)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. An application for removal service licensure, based upon a change in location, was received on December 11, 2023. The application was incomplete when submitted. A completed application was received on February 29, 2024. A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the removal service must pass an inspection conducted by a member of Division staff.

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

S. Application to Organize a New Cemetery Company (Phase 1)

(1) Recommended for Approval with Conditions

(a) Our Lady of the Holy Rosary Catholic Cemetery Inc (Oxford)

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

Ms. Wiener – Yes, Wendy Wiener.

Ms. Simon – Thank you. Our Lady of the Holy Rosary Catholic Cemetery, Inc herein applies to organize a new cemetery company for the above-named cemetery property located at: 5010 Holy Rosary Loop, Oxford, FL 34484. The application was received by the Division on February 29, 2024, and no deficiencies were noted on the application. A completed background check of all owners revealed no criminal history. This application is being filed for development of a cemetery to do business at the location listed on your coversheet, which is to be comprised of approximately sixty (60) acres. The principals of the corporation will be: Catholic Cemeteries of Central Florida Holdings Inc, David Branson, Frank Giglio, John Rohan, and Very Rev. Ralph DuWell.

As outlined in the included proposed business plan, development of the cemetery is to be for inground lawn burials, as well as in-ground cremation burials, and niche burials within a vertical columbarium. Much of the sales are expected to be generated from in-ground burials with cremation niches anticipated to eventually exceed sales generated from in-ground traditional burials. If this application is approved, the applicant will operate under the name: Our Lady of the Holy Rosary Catholic Cemetery, Inc.

An application for a license for a new cemetery is processed in two (2) separate phases. In Phase 1, the Board seeks to determine if the applicant meets the following statutory criteria (from 497.263(2) Florida Statutes):

(2) APPLICATION PROCEDURES. –

- (a) A person seeking a cemetery license under this section shall apply for such licensure using forms and procedures prescribed by rule.
- (b) The applicant shall be a corporation, a partnership, or a limited liability company.
- (c) The application shall require the name, principal place of business, date of formation, and federal tax identification number, of the applicant.

- (d) The application shall require such historical sketches and audited or unaudited financial statements concerning the applicant and each principal of the applicant, as the licensing authority may require by rule.
- (e) The application shall state all names under which the cemetery may do business if licensed, if different from the applicant's name.
- (f) The application shall state the exact location of the proposed cemetery.
- (g) The proposed cemetery must contain at least 30 contiguous acres. The application shall state the exact number of acres in the proposed cemetery.
- (h) The applicant must have a net worth of \$50,000, as attested to by a sworn statement signed by all officers of the applicant. Such net worth must be continually maintained as a condition of licensure.
- (i) The application shall be accompanied by such description of the proposed financial structure of the cemetery as the licensing authority may require by rule.
- (j) The application shall be accompanied by a legal description of the cemetery.
- (k) The application shall be accompanied by such maps or surveys of the proposed cemetery, and maps showing the location of the proposed cemetery in the local area, as the licensing authority may require by rule, and the licensing authority may by rule require such maps or surveys of the cemetery to be prepared by a licensed Florida professional surveyor.
- (l) The application shall include such description of the development plans for the proposed cemetery as the licensing authority may require by rule.
- (m) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142.
- (n) The application shall require the applicant to disclose whether the applicant or any principal of the applicant has ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. The licensing authority may require by rule additional information to be provided concerning any affirmative answers. A licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license. The licensing authority may require by rule additional information to be provided concerning any affirmative answers.
- (o) The applicant shall submit fingerprints in accordance with s. 497.142.
- (p) The applicant shall demonstrate by clear and convincing evidence that the applicant has the ability, experience, financial stability, and integrity to operate a cemetery, and that its principals are of good character.
- (q) The application shall be signed in accordance with s. 497.141(12).
- (r) The application shall be accompanied by a nonrefundable application fee of \$5,000.
- (s) The licensing authority may establish by rule requirements for the appearance before the licensing authority of the applicant and the applicant's principals, to stand for oral interview by the licensing authority at a public licensing authority meeting before the application shall be deemed complete.

This application is before this Board for the Phase 1 determination. If the Board determines that the above quoted Phase 1 statutory criteria are met, the FCCS Division will notify the applicant to that effect, and the applicant then has 12 months to come back before the Board and demonstrate that it has by then complied with the following statutory criteria, set forth in section 497.263(3), which provides as follows:

- (3) ACTION CONCERNING APPLICATIONS. —If the licensing authority finds that the applicant meets the criteria established in subsection (2), the applicant shall be notified that a license will be issued when all the following conditions are satisfied:
- (a) The establishment of a care and maintenance trust fund containing not less than \$50,000 has been certified by a trust company operating pursuant to chapter 660, a state or national bank holding trust powers, or a savings and loan association holding trust powers as provided in s. 497.458, pursuant to a trust agreement approved by the licensing authority. The \$50,000 required for the care and maintenance trust fund shall be over and above the \$50,000 net worth required by subsection (2).
 - (b) The applicant files with the licensing authority an opinion or certification from a Florida attorney in good standing, or a Florida title company, in a form acceptable to the licensing authority, that the applicant holds unencumbered fee simple title to all land identified in the application.
 - (c) The applicant obtains approval of the local zoning authorities regarding the cemetery, and files with the licensing authority evidence satisfactory to the licensing authority of such approval, or if no approval by local zoning authorities is required, such approval of residents adjacent to the proposed cemetery as the licensing authority may require by rule.

- (d) The licensing authority determines that the applicant has designated as general manager of the cemetery a person of integrity, who has 3 years of cemetery management experience as defined by rule of the licensing authority, and who has the ability to operate a cemetery.
- (e) Evidence satisfactory to the licensing authority that the applicant has fully developed not less than 2 acres for use as burial space, such development to include a paved road from a public roadway to the developed section.
- (f) Regarding the cemetery land identified in the application, the applicant has recorded, and provides the licensing authority with a written attestation of such recording signed by a licensed Florida attorney, in the public records of real estate in the county in which the cemetery land is located, a notice which contains the following language:

Such notice shall be clearly printed in boldfaced type of not less than ten (10) points and may be included on the face of the deed of conveyance to the licensee or may be contained in a separate recorded instrument which contains a description of the property. The required steps for Phase 2 that must be met by the Applicant are as follows:

1. That applicant establish a care and maintenance trust fund containing not less than \$50,000, certified by a trust company operating pursuant to Chapter 660, F.S., a state or national bank holding trust powers, or a savings and loan association holding trust powers, pursuant to a Board approved trust agreement.
2. Receipt by the Division an opinion or certification from a Florida title company or a letter signed by applicant's attorney, certifying that the Applicant holds unencumbered fee simple title to all land as described to the Board in the materials provided to the Board herewith.
3. Receipt by the Division from Applicant or Applicant's attorney of evidence of approval of local zoning authorities if approval is required. If no approval is required, Applicant may provide evidence of approval from residents adjacent to the proposed cemetery location.
4. That Applicant provides to the Division satisfactory evidence that it has fully developed at least two (2) acres for use as burial space, and such development includes a roadway(s) to the developed section(s) within the first twelve (12) months of operation.
5. That Applicant provides notification to the Division of the designated general manager of the cemetery who has three (3) years of cemetery management experience, and the ability to operate a cemetery.
6. Receipt by the Division from Applicant's attorney, a written and signed attestation that the cemetery land identified in the application has been recorded in the public records of real estate in the county in which the cemetery land is located. Such notice must be clearly printed in at least 10-point type on the face of the deed or in a separate document containing a description of the property, the following language: *"The property described herein shall not be sold, conveyed, leased, mortgaged, or encumbered without the prior written approval of the Department of Financial Services, as provided in Chapter 497, Florida Statutes."*
7. Pursuant to Rule 69K-5.004, F.A.C., That Applicant provides a completed Application to Transact Cemetery Business, Form DFS-CEM, and a license fee of \$255 to \$4,905 depending on the applicant's most current annual gross sales, refundable if license is not issued.

The Division recommends that the Board finds that the statutory criteria for Phase 1 of the Application to Organize a New Cemetery Company have been met and recommends approval. It is expected that Applicant will appear in person within twelve (12) months before the Board after the completion of Phase 2 of the application.

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

Ms. Wiener – Just very briefly. Let's just say, I am pleased to bring this application to the Board. Any of you in the Central Florida community might be familiar with the other licensed cemetery organized, and now, very successfully operating the Queen of Angels Cemetery. It's beautiful. It is successful. It has enjoyed great sales and reception within its community. And so, this is the next of the licensed cemeteries being brought to you by the same team that organized and licensed Queen of Angels. So, we're very excited for this next cemetery and would ask for your approval on this Phase 1 application.

Chair Peeples – Thank you, ma'am. Rabbi Lyons?

Rabbi Lyons – Yes, thank you. Ms. Wiener, why are they going this route? Why aren't they going the exempt cemetery route?

Ms. Wiener – Well, that's a great question, with a long history, because you can only be a five (5) acre exempt cemetery. And so, for many years, the various Diocese in the state of Florida have tried to get that law changed to allow for an exempt

cemetery of larger than five (5) acres for a religious institution. And they were beaten every time at that effort. And so ultimately, they said, OK, well, two can play this game, and they decided to become licensed cemeteries. And so, I have brought a number of Catholic Dioceses cemeteries to this Board for approval, and they have done very well. Rabbi Lyons, you might be interested to know that this particular Catholic cemetery may also enter into an arrangement with its synagogue across the street, its neighbor across the street, for a Jewish section in the cemetery.

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

Rabbi Lyons – Yes.

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

Mr. Jensen – Quick question for Ms. Wiener, and I'm sure I know the answer to this based upon a Catholic cemetery. At least thirty (30) acres of this is totally unencumbered, correct?

Ms. Wiener – It may be, certainly up to sixty (60) acres. Any land that they determined to dedicate as cemetery property will be unencumbered. If at some point once we come back with Phase 2, which is where the final survey of the cemetery is presented, at least thirty (30) acres will be presented there, but if there are more acres than that, then those will also be unencumbered.

Mr. Jensen – Thank you.

Chair Peeples – Thank you. Board member?

MOTION: Mr. Jones moved to approve the application with the conditions set forth by the Division. Ms. Clay seconded the motion, which passed unanimously.

Chair Peeples – Thank you, ma'am.

Ms. Wiener – Thank you, Board.

T. Collective Coversheet(s)

(1) Recommended for Approval with Conditions

(a) SEG & Associates LLC d/b/a Heritage Funeral Care (Largo)

1. New Application

- **Funeral Establishment**
- **Preneed Main**
- **Refrigeration Facility**

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

Mr. Steven Gross – Steven Gross is on the line.

Ms. Simon – Thank you, sir. SEG & Associates LLC d/b/a Heritage Funeral Care (SEG) has submitted the following: an application for a funeral establishment licensure, an application for a refrigeration facility licensure, and an application for preneed main licensure. If approved, the funeral establishment and the preneed main will be located at 12600 Belcher Rd # 101 A, Largo, FL 33773. If approved, the refrigeration facility will be located at 7381 114th Avenue, #401A, Pinellas Park, FL 33773. Included in your Board packets are the separate applications regarding each property. The sole officer and member of the LLC will be Steven E. Gross. A completed background check was returned to the Division without criminal history. Applicant is applying for a new preneed license, and the qualifying funeral establishment license and refrigeration facility will also be located at the address provided. If approved, Applicant will sell trust-funded preneed through Funeral Services Inc (FSI) (Argent Trust Company) and utilize their approved pre-arranged funeral agreement forms. The Division recommends approval subject to the condition that the establishments pass an inspection conducted by a member of Division staff.

Chair Peeples – Thank you, Ms. Simon. Mr. Gross, are you still connected to the meeting, sir?

Mr. Gross – Yes, I’m on the line.

Chair Peeples – Ok. Thank you, sir. If you are here to address the Board, we would need to swear you in, sir.

Mr. Gross – I’m here for any questions.

Chair Peeples – Thank you.

Mr. Clark – Madam Chair?

Chair Peeples – Mr. Clark?

Mr. Clark – I just wanted to say that I have an affiliation with this applicant, but that affiliation will not prevent me from rendering a fair and impartial decision.

Chair Peeples – Thank you, Mr. Clark. Board member?

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

Chair Peeples – Good luck, Mr. Gross.

Mr. Gross – Thank you.

Chair Peeples – You’re welcome.

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

(1) Recommended for Approval *without* Conditions

(a) Preconstruction Draw Schedule(s)

1. FPG Florida LLC d/b/a Venice Memorial Gardens (F524583) (Venice)

Ms. Simon – If I may have a moment.

Chair Peeples – Yes, ma’am.

Ms. Simon – FPG Florida LLC d/b/a Venice Memorial Gardens (FPG) intends to sell mausoleum crypts on a preconstruction basis in the proposed construction project, Venice Memory Gardens - Garden Mausoleum, Garden Mausoleum Building, which is provided in your Board packages. The Garden Mausoleum will contain 180 single crypts, 84 tandem crypts, and 160 niches. FPG will use the FPG Master Preconstruction Trust Agreement, established by Regions Bank, N.A., and is requesting approval of the draw schedule included within your Board packages. This request is for approval of the draw schedule only in relation to the approved FPG Master Preconstruction Trust agreement. Compliance with other State and Federal regulations is the responsibility of the licensee and applicant. The Division recommends approval without conditions.

Mr. Clark – Madam Chair?

Chair Peeples – Yes, Mr. Clark?

Mr. Clark – I’d like to state on the record, my affiliation with FPG Florida, and that affiliation will not prevent me from rendering a fair and impartial decision.

Chair Peeples – Thank you, Mr. Clark. Is there a representative of FPG Florida LLC d/b/a Venice Memorial Gardens on the call? Hearing no response. Board members? Ms. Wiener, are you here for questions, ma'am?

Ms. Wiener – Yes. Just as counsel for Foundation Partners Group.

Chair Peeples – Thank you, ma'am.

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

Chair Peeples – Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

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

Ms. Simon – At this time, I would like to turn the meeting over to Mary Schwantes, our Executive Director.

Ms. Mary Schwantes – Good afternoon. May I proceed, Madam Chair?

Chair Peeples – Yes, ma'am.

Ms. Schwantes – Thank you. I want to move straight to the financial statements.

(2) FCCS Financial Statements (Informational)

Ms. Schwantes – The financial statements for FY2023-2024, we're sent out with the Board packets in advance of this meeting. These are presented for informational purposes only. No Board action is required. I want to explain each as briefly as possible, and then take questions from Board members only at this time. If Board members have questions to which I cannot now respond, I will get you the answer and provide a response at the next Board meeting.

The format used for the statements is the same as that presented each of the last seven (7) years. As always, the format and the numbers presented are the result of numerous hours of work between Division and Department budget staff, translating legislative budget information and general ledger codes into a more usable format for our purposes. The reports are submitted to meet statutory requirements, specifically section 497.103(2)(n), Florida Statutes, which provides the Department with authority to develop and submit to the Legislature the budgets for the Division's operational needs. And also, section 497.140(1)(b), Florida Statutes. Under that statute, the Department shall at least every other year provide the Board with estimates as to projected costs in implementing this chapter and projected fee collections under this chapter for the following two (2) years, information as to balances of Regulatory Trusts from fees collected, other information that the Department deems material to the setting of fees by the Board at proper levels, and a Department recommendation as to action, if any, regarding changing the fee levels. Please remember that our fiscal year is from July 1st to June 30th, so we are now in Fiscal Year 2023-2024. Reviewing the documents in the order presented in the Board packet, we look at the income first.

So, let's begin with the Regulatory Trust Fund Balance Sheet. This shows actual information for Fiscal Years 2017-2018, through Fiscal Year 2022-2023, with projected information through Fiscal Year 2023-2024. The main points for this document, the primary purpose of the balance sheet is to provide detail on the income and revenues and show the impact on the overall ending balance in the Regulatory Trust Fund. Remember that the Regulatory Trust Fund is the fund from which our operational expenses are paid. Detail regarding expenditures is shown more on the budget document. You will note the ending balance continues to swing up and down each year, as pointed out in prior year reports. This is in part a result of the swing in licensing fee income. Some licenses only renew every other year, so the income reflects the swing. The projected end of year balance for Fiscal Year 2023-2024, in other words, as of June 30, 2024, it's about \$5.4 million.

Let's look at a few specific revenues. Preneed fees, which is the very top item, have been generally consistent over the years, generally exceeding \$650,000 per year over the time period shown. If you average over the six (6) year period that shows actual revenue, the fees would average about \$703,000 per year. Other fees and licensing fees swing back and forth between the years as we previously explained. After the slump that was shown around the Covid years, interest earnings are beginning to increase again, and we're delighted to see that. Interest earnings are projected to be about \$155,000 for Fiscal Year 2023-2024. Nevertheless, we have to continue to plan conservatively and to budget conservatively as if the interest income is not going to increase significantly in the upcoming years. As before, we've tried to provide a general description of items when we use a term, which may not be a common term. For example, you'll see a reference to state refunds under the non-operating category in the expenditures. These are refunds to licensees on overpayments, et cetera, and there's also a footnote which addresses commonly asked questions as to the revenues and expenditures. Do I have any questions on the sheet? Yes, sir, Mr. Jensen?

Mr. Jensen – Ms. Schwantes, quick question here. I'm looking at what you were just talking about under revenues other fees. Go over here to 2022-2023, the actual was \$796,298, and then projected for 2023-2024 \$133,000. What are other fees? What contributes to the decline?

Ms. Schwantes – Ok, if you'll note, that is also one of those categories that swings back and forth. If you look at prior years, for example, in 2017-2018, it was \$282,000, then it went up to \$725,000, and then back down to \$265,000. It's just the licensing fee, the timing of when renewals occur.

Mr. Jensen – Ok, that's what I kind of suspected. I just wanted to make sure what the differences were there. Thank you.

Ms. Schwantes – Yes, sir. And I saw Mr. Ferreira's hand up.

Mr. Ferreira – Yes, ma'am. So, the other fees that you just explained, I understand that, but the next column is licenses. So, what's the difference? Other fees? What's included in that? That's a huge swing.

Ms. Schwantes – Okay. Let me get you a better breakdown of that. If it's not explained in one of the subsequent sheets, because I don't remember right now whether it is, let me get you a breakdown of that for a future meeting. And we can add that description, an explanation of that in the footnotes section for future statements, as well.

Mr. Ferreira – Okay, and then down the Non-operating Category, the \$878,000 that's projected. I'd like to know what these last six (6) years were projected. It is kind of hard, you know. Let's say, 2022-2023, what was the projected? How close was the projected based on the actual? It's hard to compare something that's not real.

Ms. Schwantes – That is a great question, Mr. Ferreira. I think that some of that may be addressed in a future sheet that we'll look at when we look at budget. As a reminder to everyone, operating expenses, the operating category, are those expenses that this Division can control. The non-operating, and I'll remind you about this again, the non-operating category are our support expenses. Our Information Technology, Legal, Administrative costs, et cetera, which are controlled by the Department in accordance with an allocation calculation that the Department does that is beyond the control of this Division.

Mr. Ferreira – Understood.

Ms. Schwantes – And we'll get into that a little bit further, but I do believe you'll see some of the answers to your question, the difference between actual and projected, in the budget sheet that comes up, two (2) more sheets. Madam Chair, I apologize. I've been answering questions, May I go ahead, under this process, and just take the questions as I see them come up without coming back to you each time?

Chair Peoples – Yes, ma'am. I appreciate that. Thank you.

Ms. Schwantes – I should have asked to begin with. My apologies.

Chair Peoples – No, ma'am. Please proceed.

Ms. Schwantes – Mr. Jensen, did you have further questions on this sheet, the balance sheet?

Mr. Jensen – Yes, kind of. What Mr. Ferreira was talking about, kind of got me wondering. So, in your projections, are you also showing the fee increases that are coming the way for inspections?

Ms. Schwantes – These do not show any kind of fee increases. I believe what you're referring to are recommendations that were made by the Rules Committee. Those recommendations have not been brought before the Board yet. And, frankly, the Department is considering different options at this point. So those recommendations have not been brought before the Board, have not been approved by the Board, and certainly no action has been taken to implement, through rulemaking or anything else, that recommendation.

Mr. Jensen – I realize that. I didn't know if they were in your projections or not.

Ms. Schwantes – No, sir. This is a good question and a good time to point this out. The other thing to remind people is down at the bottom, you will see that these sheets were prepared in December of 2023. And, again, because we take a conservative approach to budgeting, we would not assume approval of any kind of fee increases or anything in our planning purposes.

Mr. Jensen – Thank you, Ms. Schwantes.

Ms. Schwantes – Any other questions on this sheet? These are great questions. I will definitely bring back and let you know what is included, more specifically in the other fees and licensing category, and also, we'll get a definition added if it's not in one of the other spreadsheets.

Okay, moving on to the next sheet, the Preneed Funeral Contract Consumer Protection Trust Fund. This shows historical information on the CPTF from July first of 2012, through June 30, 2023. The total ending balance for 2022-2023, is about \$9.45 million, which is higher than the prior year, by about \$65,000 and much higher than the \$19,000 increase we saw in prior years. Preneed fees, which are \$1 per contract remained fairly consistent over the years. After reaching the high of \$145,590 in the last fiscal year, preneed fees returned to the more usually seen amount, which is between \$100,000 - \$120,000 a year. If you disregard the high year of \$193,000 received in 2013-2014, the income from fees continues to average a bit over \$115,000 per year. And, again, this question has come up, but I do not know why those preneed fees were so high in 2013-2014. No explanation for that. For many years, the primary source of revenue for this trust fund came from interest earnings, not from the preneed fees. Although the earnings have varied over the years, these interest earnings have averaged approximately \$156,000 over the years shown. And, again, we're glad to see an increase in these interest earnings beginning to be seen, again, after the Covid years. Total revenue through these years generally exceeded \$250,000 with two (2) exceptions. There was a larger increase to \$408,000 in Fiscal Year 2019-2020. I don't have an explanation for that, either, other than that the interest income was significantly greater that year. Fiscal Year 2022-2023 showed an increase in the overall revenue from the prior year. Whether the amounts continue to increase may depend, as I sort of already indicated, upon future interest incomes.

Looking at expenditures, claim payments historically were generally between \$55,000 - \$85,000 per year, at least the years prior to 2014. Since 2014, the claim payments have averaged approximately \$176,000 per year. Last year's claim payments totaled \$204,320, an increase of approximately \$21,000 from the prior year. Footnotes on the bottom of the page show the failures or closings or revocations, which impacted the claim payments in those years. We expect to add Marion Graham Mortuary to the list of the statement presented next year, because we're already seeing claims come in on them. The bottom line is that income coming in historically is sufficient to cover the claims expenses, and the build-up in trust funds is probably more a result of interest income more than preneed sales. Any questions on that sheet? Hearing none.

Now we're moving on to the budget sheet, and this, I think, may answer some of the questions that Mr. Jensen and Mr. Ferreira had earlier. This sheet provides detail on operating and non-operating aspects of our Division budget since July 1, 2020. Again, we're currently in Fiscal Year 2023-2024. Actual information is provided over the last three (3) fiscal years, through Fiscal Year 2022-2023. Projected information is presented for Fiscal Year 2023-2024, which is the year we're in, with actual expenditures provided through 12/6/2023, which was right prior to the preparation of the sheets. Remember, again, that the operating budget is the budget that the Division can control. The non-operating budget primarily involves cost allocations to our Division for support that's provided by the Department. And I've given you the examples of Information Technology, Legal, and Administration. The Division has no control or say in how such items are allocated. That is performed on an

agency basis and is approved by the CFO. The process for how we prepare our budget is that we submit our proposed budget to our agency Budget Office during the summer of the year before it would go into effect. So, for example, last summer we presented the proposed budget for Fiscal Year 2024-2025, which doesn't even begin until July 1, 2024, this coming summer. Makes sense? So, the budget that we presented, the proposed budget for 2024-2025 was reviewed during this past 2024 legislative session, and each year the Legislature approves our operating budget in the General Appropriation Act.

During the year, that amount may be adjusted by combined efforts of our Budget Office and legislative staff committees, and, for example, and this goes back to, I think, what Mr. Ferreira was talking about. You'll see that the adjusted appropriation amount for the operating budget for 2022-2023 was \$2.64 million. If you look at Fiscal Year 2022-2023, which is the last completed for the year that ended this last summer, and is the last completed fiscal year, in the operating category, the adjusted appropriation was about \$2.64 million. I'm looking only at the operating category. The actual expenditures were about \$2.2 million. As with prior years, the difference between adjusted and actual expenditures is partly a result of vacancies. So, while we were allowed to spend up to \$2.64 million, we didn't need to, we only spent \$2.2 million. But again, that's because we had a lot of vacancies during that year.

We came in under budget and the balance at the end of that fiscal year was about \$443,000. Again, that's the result of vacancies, mostly. In the Non-operating category, the appropriation was \$1.4 million. The actual expenditures have been decreasing over the past two (2) years. And so, \$1.14 million was approved, the actual amount spent was \$676,000, and the balance for that portion of the budget was \$467,000. The bottom line is that both operating and non-operating budgets came in under budget by \$910,000. Again, that's primarily the result of vacancies and a reduction in the non-operating budget that we have no control over. And I can't even explain the decrease. If you look at the projected and actual expenditures for 2023-2024, which is the year we are currently in, then you're going to see that we still anticipate coming in under budget at the end of the year, by about \$387,000.

Looking ahead to the budget for 2024-2025, which is not shown on the sheet, I'm just going to give you an expectation of what we might see the future. We can expect increases in salary, because we are filling vacancies. We only have two (2) vacancies at this point, which is the lowest we've had in a number of years. If the budget that has just been approved is signed by the Governor, then we will obtain two (2) new FTE positions. That's a wonderful, wonderful accomplishment for this Division. We've been asking for extra positions for about seven (7) years. So, if he signs it, then we will have two (2) new FTE positions. Both of those will be assigned to the Inspection Team to help that team meet the statutory deadlines. And then also the legislature approved a 3% across the Board increase for State employees. You will not see any of that reflected on this sheet or in the next sheet on the projections because that all occurred after these sheets were prepared, and it has not been signed or approved yet. Also, you can expect an increase in travel expenses, again, as a result of inflation, and, also because we have more employees traveling. That's a good thing. Our expenses for Board counsel have steadily increased over the last several years. Also, we're going to be requesting approval for actuarial services to review our long term financial needs, and that will add an increase to our expense. These would be found in the Operating Category when we look at next year's budget, because those are things that we can control. Any questions about this sheet with regard to any categories shown on this statement? Mr. Ferreira, I think you were the one that asked about the difference between the appropriated and the actual. Did that address that question? You can see the prior years.

Mr. Ferreira – Right. It is difficult to read because you have all of this stuff listed in a separate box. I have to keep going back and forth. Certainly, I understand it a little bit better, and it's got to be difficult to take questions about the non-operating category, because you don't make that up, you're not part of that, so I understand that.

Ms. Schwantes – And the other thing, frankly, that can be difficult, is because the way the State budgets is so very different from the way a business might conduct accounting. I don't mean just budget, but also the flux, the financial statements, et cetera. Again, there are general ledger codes that have to be reviewed to determine which category an item fits in. It can take a while. And even though these have been formatted, they were formatted initially seven (7) years ago. So, we've been using the same template, but every year it's still an effort between our Budget Office and our staff here to get these numbers put together in this format. Any other questions?

Chair Peebles – Ms. Schwantes, we just need to let the record reflect that Mr. Williams rejoined the meeting at 12:48.

Ms. Schwantes – Thank you, ma'am.

Chair Peeples – Thank you.

Ms. Schwantes – Welcome back, Mr. Williams. All right, let's look at the last sheet. That is the projected Regulatory Trust Fund balances through Fiscal Year 2030-2031. The main points here are to please keep in mind that this document was prepared in December of 2023. It does not reflect any changes that might be approved by the Governor as a result of the recent legislatively approved budget. For example, as we talked about before, neither of the tables that are presented show the salary increases necessary for our two (2) new FTE positions. As before, the top table shows the situation if all remains status quo, at least as of December 2023, when the tables were initially prepared. This table assumes absolutely no changes to Information Technology and no additional staffing or infrastructure changes. Overall, the Division costs continue to significantly impact the Regulatory Trust Fund balance over the years by decreasing the balance. Tables reflect a very conservative approach in planning. Last year, we estimated that the Regulatory Trust Fund balance would be approximately \$164,000 at the end of Fiscal Year 2029-2030. This table shows a slightly better projection in that we're currently estimating that RTF balance would be approximately \$172,000 at the end of Fiscal Year 2029-2030 and heading into negative balance numbers after that. However, if you take into consideration the items that are not reflected here that I just mentioned, two (2) new FTE positions, increase in salaries, the 3% cost of living increases and other expected increased expenses, it may negate any improvement between those numbers again.

The bottom table, which shows the results with some desired infrastructure, and other changes made during years, but still no new data systems, shows that the Regulatory Trust Fund balance would decrease even faster, and that's the whole purpose of that bottom chart. The top chart is the one that we really pay attention to focus more on. Anyway, the statement continues to illustrate that status quo is not a long-term solution to either operational or funding concerns. And, as I mentioned before, the Department is still considering various long-term funding options. Any questions on this? Mr. Jensen?

Mr. Jensen – Question here, on the last page. Looking at this, your total revenues, and I'm over here at projected 2024-2025, and then 2025-2026, right in that area. So, I'm looking at this, and on into 2026-2027, I'm just wondering how you get that? Because your total revenue basically is fairly flat along with your operating expenditures, but yet your trust went down or you're projecting it to go down from 2025-2026, 2026-2027 by over a million dollars. And every other category looks pretty flat. What are you anticipating?

Ms. Schwantes – When I look at this, I'm seeing that the beginning balance continues to decrease, which is going to take away from the other. You have the swing years back and forth. And then they tried to balance out to push forward the same numbers from prior years that had not occurred yet. That's going to sound confusing. But like you say, they are looking fairly flat, and yet it's coming out negative, negative, negative, negative, and it just is a matter of the continued use of those numbers in the expenditures projected out. I did not clarify that well enough. I don't think, but when you start with a lower balance, you're going to end up with a lower balance at the end of the year, even using the same expenditures. Did that help or did I completely mess that up, in terms of trying to explain it?

Mr. Jensen – Yes, I'm sorry. That didn't make any sense. I apologize. I went to a university in Tallahassee, so {inaudible} up on this stuff, but that didn't make any sense to me at all. I'm just trying to figure out where the million dollars went, if every other category is pretty flat. That's the gist of it.

Ms. Schwantes – Projected 2024-2025 starts out, for example, and I knew I was not explaining this well enough. The total revenue starts out at \$3.5 million. In 2025-2026, it comes down to \$3.1 million, and then it comes back up to \$3.5 million in 2026-2027.

Mr. Jensen – {Inaudible} balance falling? I'm trying to figure out where the balance went. You see here, you're going projected 2025-2026 as your total beginning balance is \$4.7 million. For 2026-2027, your projected beginning balance is \$3.6 million. But if I look at 2025-2026 versus 2026-2027 in the other categories, operating expenditures, additional expenditures, non-operating expenditures, everything is pretty flat. So, that's what I'm trying to figure out.

Ms. Schwantes – Well, your non-operating expenditures are fairly flat, and your accounting adjustments are fairly flat. They go up and down a little bit because of the swing, but where you're seeing the big swing, between \$3.5 million and \$3.1 million, and then back up to \$3.5 million down to \$3.1 million, in your revenue, and that would be your licensing fee swing. So just

doing that alone {inaudible}. Rabbi Lyons?

Rabbi Lyons – I might be able to help out with those if I may. I kind of did my own little Excel sheet over here, and, basically, the revenue is pretty much consistent with what has been the average revenue for the past six (6) or seven (7) years. But what you're projecting in the future, if you would take the average over the last seven (7) years, then the non-operating average will be \$2,241,282, and what you project is a considerably bigger number than that. That's operating expenditures, I apologize. The non-operating expenditures, the average over the past seven (7) years was \$1,085,311, and what you are projecting also is a bigger number than that. So, that's where you end up losing the money because we're projecting {inaudible}. The point is that if you take the average of the last seven (7) years and project it forward, the expenses are less than what is being projected forward on the document in front of us.

Ms. Schwantes – I think you're correct, and I think one answer to that is, when, again, that has to do with the conservative approach that our Budget Office takes and also that the State takes, that doesn't always translate over. But if you're looking at the numbers, for example, the non-operating expenses and the accounting adjustments and such like that, what they're starting with, it looks like is the adjusted appropriation not the actual. What you're looking at and what you're wanting to see, is if you took the average of the actual expenditures over the last couple of years and carried that forward, and what they're doing, again, {inaudible} it looks like what they're doing is using the appropriated amount, the amount that's approved by the budget. I see there's a \$1.17 million. For next year, what we want to show on this, we would still have to continue doing this basically the way our Budget Office carries these numbers forward and does planning, again, regarding the State's planning. But what we're also hoping to show would be if we're able to get approval on the actuarial analysis, just to show perhaps some of the increase or impact on income that you might expect from changes to the industry. And also, we could take a look more that the actual carrying out an actual, instead of carrying out the adjusted, just to see what the differences are. So, this sheet, I expect, will change over time, and I think it needs to. Some of this is based on our conversations during the Rules Committee meeting in November. I think it needs to, to better assist the industry in seeing where we might go. But for now, we have to pretty much go with what the Budget Office prepares for us. And I do understand your questions. Mr. Ferreira?

Mr. Ferreira – Yes, ma'am. Certainly, the first page, the other fees, at some point, I would like to have an idea what that is.

Ms. Schwantes – I can get an answer for that for the next meeting. And then I'll also put that into the sheet itself.

Mr. Ferreira – That swing is huge. And then where does it go? Because the revenue is basically flat, but we have such a swing in other fees.

Ms. Schwantes – I'll get an answer for you on that for the next time. I apologize. It's something I knew the answer to before, and today, I couldn't tell you.

Mr. Ferreira – Is it possible to bring in whoever handles the operating expenditures, at some point? I mean, is that possible, where they can answer questions, or is that something that even happens?

Ms. Schwantes – Well, it's not just a single person by any means. The non-operating category is handled through our Budget Office, but it's done by an allocation methodology that is approved by a number of people, and then ultimately by the CFO. So, I don't know that it would be possible to bring in, to easily satisfy questions on the calculation itself. I can certainly try to have somebody available from our Budget Office to address some of these other questions, if necessary.

Mr. Ferreira – Okay.

Ms. Schwantes – Are there any other questions, or comments? I hope it's been of some help having this explanation. Again, we're very glad to be able to present these on an annual basis. We've been doing this now for seven (7) years. Prior to that, it rarely occurred. So, I am glad that the Board is able to see at least, where we currently stand. That's progress, if you will. As you review the documents further after this meeting, if you have questions or comments, please call me. I have made notes on the questions that you've had and will get better explanations on those for the next meeting. So, you may see one (1) or two (2) sheets, again. I may present them again, but not to go over them in great detail, but just so that they're handy to address the questions.

Our next Board meeting will take place via video conference on Thursday, May 2nd. And, finally, I want to, again, remind everyone that there will be two (2) Board meetings in June this year, and no Board meetings in July. Details regarding all Board meetings are posted on our website. And that ends this portion of the Executive Director’s Report. Thank you, Madam Chair.

Chair Peeples – You’re welcome.

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

Chair Peeples – Yes, ma'am.

(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: April 4, 2024
 Date report was prepared: March 26, 2024

Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
Broadus-Raines Family Funeral Home:	2/1/2024	306791-23-FC	\$750	15-Apr-24	Paid in Full	
Dignity Funeral Services, Inc. d/b/a Michela & Lundquist Funeral Home & Cremation Service:	2/1/2024	305166-23-FC;	\$1,250	15-Apr-24	Paid in Full	
Drew Johnson	2/1/2024	305168-23-FC	\$1,250	15-Apr-24	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-fe	\$1,500	12/11/2023	Paid in Full	
Guerry Funeral Home	12-Oct-23	304779-23-FC & 308191-23-FC	\$5,000	12/11/2023	Paid in Full	
Sandra Brown	12-Oct-23	307399-23-FC	\$1,250	12/17/2023	Paid in Full	
J Brown Funeral & Cremation Services	12-Oct-23	307398-23-FC	\$1,750	12/17/2023	Paid in Full	
William Lee Guerry	12-Oct-23	304782-23-FC & 308192-23-FC	\$5,000	12/11/2023	Paid in Full	
Justin Lee	10/12/2023 & 1/4/2024	279222-21-FC	\$500	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 3-26-24							

Chair Peebles – Can I ask, can I ask a quick question?

Ms. Simon – Absolutely.

Chair Peebles – Thank you. I noticed on, as you go down the sheet from Page 1 and Page 2, there are several cases that were June and July of 2023, and they were due in September of 2023, and it states they were referred to the Office of General Counsel. What is the time frame once it gets to the Office of General Counsel to get back to the Division or entity?

Ms. Simon – Well, I do see that the two (2) cases that are on Page 2 for Nelson's Elite Care and Brian Bonar, and this Division did refer them to OGC to take administrative action. I'm not sure what that administrative action is, but I can find out and get back to the Board next month on not only those two (2), but the others that were forwarded to OTC.

Chair Peebles – That'd be perfect. Thank you.

Ms. Simon – Are there any other questions?

W. Chair's Report (Verbal)

Ms. Simon – Madam Chair?

Chair Peebles – Thank you, I appreciate that. And I always every meeting, want to just say how much I appreciate the Division team and everything that they do, and from the Board members, their due diligence of preparing for the meetings, and I wanted to recognize Crystal Grant. She's connected to the call and is with the Division team and does a great job. And the Board member I'd like to recognize is Mr. Williams for what he does in his participation on the Board. Thank you, sir. And Mr. Tellechea, thank you for being here today. We appreciate you and everything that you've done today for the Board giving us great counsel. So, thank you all for all that you do. Ms. Simon?

Ms. Simon – Thank you, ma'am.

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

Ms. Simon – Mr. Tellechea?

Mr. Tellechea – This is provided for informational purposes. Madam Chair, Board members, thank you very much for this opportunity today. You folks run a very smooth ship. It was very easy for me.

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

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

Ms. Simon – Thank you, Mr. Tellechea.

Y. Public Comments (Verbal)

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

Chair Peebles – Thank you, ma'am.

Z. Administrative Report as March 20, 2024

The information was provided on the agenda.

AA. Disciplinary Report

The information was provided on the agenda.

BB. Upcoming Meeting(s)

- (1) *June (In-Person - Tallahassee)*
- (2) *June 27th (Videoconference)*
- (3) *August 1st (Videoconference)*
- (4) *September 5th (Videoconference)*
- (5) *October 10th (Videoconference)*
- (6) *November 7th (Videoconference)*
- (7) *December 5th (Videoconference)*

CC. Adjournment

Chair Peebles – It is 1:08 PM and we're going to adjourn this meeting. I hope everybody has a great afternoon. Thank you.

The meeting was adjourned at 1:08.