

MINUTES
BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
MAY 2, 2024 - 10:00 A.M.

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

Mr. Andrew Clark – Good morning, this is Andrew Clark, Vice Chair of the Board of Funeral, Cemetery, and Consumer Services. Chair Peeples is excused today to attend to a family emergency. It is 10:00 A.M, on May 2, 2024, and I'd like to call this meeting to order. I'll turn it over to Ms. Simon for preliminary remarks and roll call.

Ms. Ellen Simon – Thank you, sir. Good morning. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is May 2, 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 Vice Chair, Mr. Clark, runs the meeting. Persons desiring to speak should initially ask the Vice 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 U 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 **(EXCUSED)**
Andrew Clark, Vice Chair
Joseph "Jody" Brandenburg
Sanjena Clay
Vincent "Todd" Ferreira
Christian "Chris" Jensen

Kenneth "Ken" Jones
Janis Liotta
Jay Lyons
Darrin Williams

Also noted as present:

Mary Schwantes, Executive Director
Rachelle Munson, Board Legal Advisor
Marshawn Griffin, Department Legal Counsel
LaTonya Bryant, Department Staff

Ms. Simon – Mr. Clark, there is a quorum present for the business of the Board.

Mr. Clark – Thank you, Ms. Simon.

B. Action on Minutes
(1) March 7, 2024

Mr. Clark – Board members?

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

C. Old Business
(1) Application(s) for Internship
(a) Recommended for Denial
1. Funeral Director Application and Petition for Rule Waiver
a. Vinci, Laura M.

Ms. Simon – Ms. Vinci was on the April agenda for an application for funeral director intern licensure and a petition for waiver of Rule 69K-18.002, F.A.C. This item was withdrawn from the April Board agenda as it appeared Ms. Vinci may not have been properly notified that the Board would be considering her application and petition for waiver. Instead, today, Ms. Vinci has been properly notified of this meeting, The coversheet that is available on Page 2 of your packet describes the application process and the facts concerning it. The Division is going to change its recommendation with respect to this matter and recommends approval with a condition that the internship began anew, with no credit for any previous time.

Mr. Clark – Thank you, Ms. Simon. Board?

MOTION: Mr. Christian Jensen moved to approve the application subject to the condition that the internship began anew, with no credit for any previous time. Mr. Ferreira seconded the motion, which passed unanimously.

(2) Motion to Withdraw a Withdrawal from the March 2024 Meeting (Application for Florida Laws and Rules Examination)
(a) Recommended for Denial
1. Funeral Director and Embalmer by Internship (Adverse Licensing History)
a. White, Kimberly B

Ms. Simon – Is Ms. White on the call today? Hearing none. Ms. White came before the Board in March 2024, with an application for licensure as a funeral director and embalmer. A lengthy discussion ensued, during which time Ms. White was actively engaged with the Board. One Board member made a motion to deny the application, and that motion was seconded. Before the motion was voted on, Ms. White was offered the opportunity to withdraw her application as opposed to the possibility of having a denial of licensure on her record. Ms. White requested that her application be withdrawn. Subsequent to the Board meeting, Ms. White emailed the Division requesting her withdrawal be withdrawn. The basis for the request by Ms. White is that she was under duress during the Board meeting. As a result of this duress, she withdrew her application.

The Department recommends denial of this request as Ms. White was not placed under duress as established in the proposed minutes, which have been previously approved on this agenda, that were included within this Board package. However, if the Board chooses to rehear this matter, the Division recommends placement on a subsequent agenda.

Mr. Clark – Thank you, Ms. Simon. Ms. Munson, did you have your hand raised?

Ms. Rachelle Munson – It was actually addressing the previous matter, but we can finish with this and go back to the petition that’s involved with Vinci’s application.

Mr. Clark – Ok, thank you, Ms. Munson.

Mr. Jody Brandenburg – Mr. Chairman?

Mr. Clark – Yes, Mr. Brandenburg?

MOTION: Mr. Brandenburg moved to deny the request. Mr. Ferreira seconded the motion, which passed unanimously.

*****ITEM REVISITED*****

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

Ms. Simon – As Ms. Munson reminded us on item C (1) (a) 1. a. there is a petition for waiver that needs to be voted upon, and the Division recommends approval of the petition for waiver.

Mr. Clark – Thank you, Ms. Simon.

MOTION: Ms. Janis Liotta moved to approve the petition for waiver. Mr. Ferreira seconded the motion, which passed unanimously.

Ms. Simon – And thank you for that, Ms. Munson.

Ms. Munson – Before we move on, can I just address an issue with Ms. White?

*****ITEM REVISITED*****

- (2) Motion to Withdraw a Withdrawal from the March 2024 Meeting (Application for Florida Laws and Rules Examination)*
- (a) Recommended for Denial*
- 1. Funeral Director and Embalmer by Internship (Adverse Licensing History)*
- a. White, Kimberly B*

Ms. Munson – Did I hear that she was not present?

Mr. Clark – Correct.

Ms. Munson – My only comment is that the request to have the withdrawal withdrawn is going to be noted as a separate item listed in the Order. But, for the denial itself, I just need a reason stated on the record for the denial.

Ms. Simon – May I suggest to the Board, as the Board voted on denial, they may submit that there are several reasons why that could be a decision. One may be her previous revocation of licensure. One may be her previous discipline. There may be a number of other reasons, but I just wanted to provide those to the Board, if somebody were to make a motion to establish reason.

Mr. Jensen – So moved, Jensen.

Mr. Ferreira – Second, Ferreira.

Mr. Clark – Do we need to take a vote on that Ms. Munson?

Ms. Munson – No, I'm assuming that since Ms. Simon can't make a motion, so I guess you're saying that the denial is for the previous revocation and previous discipline, and that was adopted by the person who made the motion and then seconded it. So, you don't need to vote on it. I just needed a statement for the record.

Mr. Clark – Mr. Brandenburg, I know you made that motion. Is that ok with you, sir?

Mr. Brandenburg – Yes. I'll amend my motion to what Ms. Munson mentioned.

Ms. Simon – Ok.

Mr. Clark – Thank you.

D. Disciplinary Proceeding(s)

Mr. Darrin Williams – Mr. Chair?

Mr. Clark – Mr. Williams?

Mr. Williams – I just need to go on the record to state that I served on Probable Panel B, so I need to be recused for those cases coming up, under D. (2) and (3).

Mr. Clark – Thank you, Mr. Williams. Mr. Jones?

Mr. Ken Jones – Same. I served on Probable Panel A, and I need to be recused for the Items under D. (1), please.

Mr. Clark – Thank you, Mr. Jones. Since we're doing disclosures, I'd like to state for the record my affiliation with FPG of Florida, Foundation Partners Group of Florida, but that affiliation will not prevent me from rendering a fair and impartial decision on any matter coming before the Board today. Ms. Simon?

Ms. Simon – Thank you, sir.

(1) Settlement Stipulation (Probable Cause Panel A)

(a) Related Items – Division Nos. ATN-39210 and ATN-39596

- 1. Macon, Richard L.: DFS Case Nos. 300701-22-FC and 306750-23-FC; Division Nos. ATN-39210 and ATN-39596 (F045770)***

Ms. Simon – Is Richard L Macon here today?

Ms. Wendy Wiener – Wendy Wiener for Mr. Macon.

Ms. Simon – Thank you. Could I have one moment, please?

Mr. Clark – Of course.

Ms. Simon – With regards to both this matter and the next, the Division received fully signed stipulation subsequent to the Board package being sent out to the Board. These fully signed stipulations will be in use within the Consent Orders. Presenting for the Department is Mr. Griffin.

Mr. Marshawn Griffin – Marshawn Griffin for the Department. Richard L. Macon (“Respondent”) is a funeral director and embalmer. Respondent is the funeral director in charge (“FDIC”) of Richard L. Macon Funeral Home, Inc., d/b/a Freeman Funeral Home (“Freeman Funeral”), a funeral establishment, license number F041946. The Department conducted an investigation of Freeman Funeral and found that Freeman Funeral failed to have a sanitary preparation room and waste receptacles; failed to have required equipment in its preparation room; failed to produce its Bodies Handled Reports; failed to have the prices for caskets conspicuously displayed; failed to produce its at-need contracts, final bills, written agreements, and cremation agreements during an inspection; and failed to treat a body with dignity and respect. Respondent as FDIC of Freeman Funeral is subject to discipline based on Freeman Funeral’s violation of Chapter 497, Florida Statutes. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall permanently surrender his licensure under Chapter 497, Florida Statutes, and will be permanently ineligible for licensure. The Department requests that the Board accept this Settlement Stipulation.

Prior Discipline: 282871-21-FC - \$1,500 fine + one (1) year probation, based on allegations of failing to use a Department approved form for its Bodies Handled Reports, failing to have FDIC photo affixed, failing to have required prep room equipment, failing to have casket prices displayed, failing to timely renew establishment license.

Penalty Guidelines: Reprimand, \$5,200 - \$11,000 fine, up to three (3) years’ probation, up to three (3) years suspension, permanent revocation.

Mr. Clark – Thank you, Mr. Griffin. Ms. Wiener, are you here to address the Board, or just to answer questions?

Ms. Wiener – Just to answer any questions. This gentleman is quite, quite old, and long since no longer operating.

Mr. Clark – Thank you, Ms. Wiener.

Mr. Brandenburg – Mr. Clark?

Mr. Clark – Yes, sir?

MOTION: Mr. Brandenburg moved that Respondent shall permanently surrender his licensure under Chapter 497, Florida Statutes, and will be permanently ineligible for licensure. Ms. Liotta seconded the motion.

Mr. Clark – Any other questions or discussion?

Mr. Williams – Mr. Chair, I just have a question.

Mr. Clark – Yes, sir, Mr. Williams?

Mr. Williams – Mr. Griffin, I’m just curious. Is revocation and the surrender of license the same or is it two (2) different items?

Mr. Griffin – So I mean, in this way, it may as well be a revocation. But it’s a surrender, but he can’t ever get relicensed, and he can’t ever re-apply.

Mr. Williams – Thank you so much.

Mr. Clark – Any other questions? We have a motion and a second to accept the Settlement Stipulation. All those in favor, say aye.

Board members – Aye.

Mr. Clark – Any opposed? And that motion carries.

2. *Richard L. Macon Funeral Home, Inc. d/b/a Freeman Funeral Home: DFS Case Nos. 300700-22-FC, 305811-23-FC, 306682-23-FC; Division Nos. ATN-39210, ATN-39596, & ATN-40449 (F041946)*

Ms. Simon – Ms. Wiener is again, representing this licensee. Mr. Griffin is representing the Department in this matter.

Mr. Griffin – Marshawn Griffin for the Department. Richard L. Macon Funeral Home, Inc., d/b/a Freeman Funeral Home (“Respondent”), is a funeral establishment, licensed under Chapter 497, Florida Statutes. The Department conducted an investigation of Respondent and found that Respondent failed to have a sanitary preparation room and waste receptacles; failed to have required equipment in its preparation room; failed to produce its Bodies Handled Reports; failed to have the prices for caskets conspicuously displayed; failed to produce its at-need contracts, final bills, written agreements, and cremation agreements during an inspection; failed to treat a body with dignity and respect; and failed to follow a lawful order of the Board. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall permanently surrender its licensure under Chapter 497, Florida Statutes, and will be permanently ineligible for licensure. The Department requests that the Board accept this Settlement Stipulation.

Prior Discipline: 280668-21-FC/282726-21-FC - \$5,000 fine + three (3) years’ probation based on allegations Respondent failed to comply with the terms of a Consent Order, operated with an expired license, failed to use a Department approved form for its Bodies Handled Reports, failed to have photographs of establishment FDIC, failed to have required equipment, failed to have casket prices displayed.

243149-19-FC - \$300 fine based on allegation of a failure to timely renew establishment license and failure to use approved forms for the establishment’s Bodies Handled Reports.

219137-17-FC – Citation based on delinquent license.

Penalty Guidelines – Reprimand, \$9,700 - \$22,700 fines, up to three (3) years’ probation, up to five (5) years suspension, permanent revocation.

Mr. Clark – Thank you, Mr. Griffin. Ms. Wiener, is it safe to assume you’re just here to answer questions again?

Ms. Wiener – So say, so say.

Mr. Clark – Thank you. Board, we have a Settlement Stipulation. What’s the pleasure of the Board? Mr. Lyons?

Mr. Jay Lyons – Question for Ms. Wiener. Does this funeral home have a preneed license? Do they sell any preneed contracts?

Ms. Wiener – I don’t believe that they had a preneed license. No. I can’t say for certain, but during the time that this funeral home was actively operating, I was not representing the entity.

Mr. Griffin – Actually, If I could just answer this question very quickly. Just give me a second to look it up in ALIS. Also, I believe there’s an ALIS report in the Board packet that would have their licensure status. Freeman Funeral does not and has never had a preneed license.

Mr. Clark – Thank you, Mr. Griffin.

Mr. Lyons – Thank you.

Mr. Clark – Any other questions?

MOTION: Mr. Lyons moved that Respondent shall permanently surrender his licensure under Chapter 497, Florida Statutes, and will be permanently ineligible for licensure. Mr. Williams seconded the motion, which passed unanimously.

(2) Settlement Stipulation (Probable Cause Panel B)

(a) Related Items – Division No. ATN-41081

1. Bell, Mikara Elyse: DFS Case No.: 311848-23-FC; Division No. ATN-41081 (F077510)

Ms. Simon – Is Mikara Bell here today? Is she present?

Mr. Griffin – I believe counsel for Ms. Bell, Ryan Abrams, is on the call.

Ms. Simon – Ok. Thank you, sir. Presenting again for the Department is Mr. Griffin.

Mr. Griffin – Marshawn Griffin for the Department. Mikara Elyse Bell (“Respondent”) is a funeral director and embalmer and preneed sales agent, licensed under Chapter 497, Florida Statutes. Respondent is the direct disposer in charge (“DDIC”) of Edens Cremation Society, LLC, d/b/a Guiding Light Cremations (“Guiding Light”), a direct disposal establishment, license number F588544. The Department conducted an investigation of Guiding Light and found that Guiding Light failed to perform a statutory or legal obligation. Respondent, as DDIC of Guiding Light, is subject to discipline based on Guiding Light’s violation of Chapter 497, Florida Statutes. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent will pay a \$500 fine. The Department requests that the Board accept this Settlement Stipulation.

Penalty Guidelines: Reprimand, \$250 - \$2,500 fine, six (6) months – one (1) year probation, up to one (1) year suspension, permanent revocation of licensure.

Mr. Clark – Thank you, Mr. Griffin. Mr. Abrams, are you on the call? Are you representing Ms. Bell?

Mr. Ryan Abrams – Yes. Good morning. Good morning to everyone. Ryan Abrams on behalf of the Respondents.

Mr. Clark – Thank you sir. Are you here to address the Board or simply to answer questions if we have any?

Mr. Abrams – Answer questions, if there are any and I’m happy to do so.

Mr. Clark – Thank you, Mr. Abrams.

MOTION: Mr. Jones moved that Respondent shall pay a \$500 fine. Ms. Liotta seconded the motion, which passed unanimously.

2. Edens Cremation Society, LLC d/b/a Guiding Light Cremations: DFS Case No. 311849-23-FC; Division No. ATN-41081 (F588544)

Ms. Simon – Assuming that Mr. Abrams is also representing this entity. Again, Mr. Griffin is representing the Department.

Mr. Griffin – Marshawn Griffin for the Department. Edens Cremation Society, LLC, d/b/a Guiding Light Cremations (“Respondent”) is a direct disposal establishment, licensed under Chapter 497, Florida Statutes. The Department conducted an investigation of Respondent and found that Respondent failed to perform a statutory or legal obligation. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent will pay a \$500 fine. The Department requests that the Board accept this Settlement Stipulation.

Penalty Guidelines: Reprimand, \$250 - \$2,500 fine, six (6) months – one (1) year probation, up to one (1) year suspension, permanent revocation of licensure.

Mr. Clark – Thank you, Mr. Griffin. Board, I think we still have Mr. Abrams, if there are any questions.

Mr. Abrams – Correct. Yes, I’m happy to answer any questions.

Mr. Clark – Thank you, sir.

Mr. Clark – Board? Ms. Clay?

Ms. Clay – I was just wondering, because we were given a number of options for the fine. Are we designating the amount of the fine?

Mr. Griffin – The Settlement Stipulation was for a \$500 fine, so you're voting to approve the stipulation as presented.

Ms. Clay – Thank you.

Mr. Clark – Any other questions?

MOTION: Mr. Jensen moved that Respondent shall pay a \$500 fine. Ms. Liotta seconded the motion, which passed unanimously.

Mr. Abrams – Thank you.

Mr. Clark – Thank you, Mr. Abrams.

(b) Related Items – Division No. ATN-39171

1. Foundation Partners of Florida, LLC d/b/a Sun City Funeral Home: DFS Case No. 300711-22-FC; Division No. ATN-39171 (F145736)

Ms. Simon – Representing for the licensee is Ms. Wiener, and for the Department, again, is Mr. Griffin.

Mr. Griffin – Marshawn Griffin for the Department. Foundation Partners of Florida, LLC, d/b/a Sun City Funeral Home (“Sun City”), is licensed as a funeral establishment and apprentice/intern training agency. The Department conducted an investigation of Respondent and found that Respondent entered into a contract with a consumer that failed to identify the funeral or burial merchandise to be provided by Respondent. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$750 and have his license placed on probation for six (6) months. The Department requests that the Board accept this Settlement Stipulation.

Penalty Guidelines: Reprimand, \$500 - \$1,000 fine, six (6) months - one (1) year probation.

Mr. Clark – Thank you, Mr. Griffin. Ms. Wiener, would you like to address the Board, or you're just available to answer questions?

Ms. Wiener – The latter. Thank you.

Mr. Clark – I know there are three (3) related matters, is it safe to assume that that is the case for all three (3) matters?

Ms. Wiener – It is. Yes. Thank you.

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

2. FPG Florida, LLC: DFS Case No. 300720-22-FC; Division No. ATN-39171 (F060727)

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

Mr. Griffin – Marshawn Griffin for the Department. FPG Florida, LLC (“Respondent”) is licensed as a preneed main under Chapter 497, Florida Statutes. The Department conducted an investigation of Respondent and found that Respondent entered into a contract which misrepresented the true nature of the contract. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$1,250 fine and have its license placed on probation for six (6) months. The Department requests that the Board accept this Settlement Stipulation.

Disciplinary Guidelines: Reprimand, \$1,000 - \$2,500 fine, six (6) months – one (1) year probation, suspension up to 1 year, permanent revocation of licensure.

Mr. Clark – Thank you, Mr. Griffin. Board?

MOTION: Mr. Jensen moved that Respondent shall pay a \$1,250 fine and have its license placed on probation for six (6) months. Mr. Ferreira seconded the motion, which passed unanimously.

3. Richardson, Allen: DFS Case No. 300718-22-FC; Division No. ATN-39171 (F563904)

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

Mr. Griffin – Marshawn Griffin for the Department. Allen Richardson (“Respondent”) is a funeral director and embalmer. Respondent was the funeral director in charge (“FDIC”) of Foundation Partners of Florida, LLC, d/b/a Sun City Funeral Home (“Sun City”), a funeral establishment and apprentice/intern training agency, license number F145736. The Department conducted an investigation of Sun City and found that Sun City entered into a contract with a consumer that failed to identify the funeral or burial merchandise to be provided by Sun City. Respondent as FDIC of Sun City is subject to discipline based on Sun City’s violation of Chapter 497, Florida Statutes. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$750 and have his license placed on probation for six (6) months. The Department requests that the Board accept this Settlement Stipulation.

Penalty Guidelines: Reprimand, \$500 - 1,000 fine, 6 months – one (1) year probation.

Mr. Clark – Thank you, Mr. Griffin.

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

Ms. Simon – Thank you.

Ms. Wiener – Thank you.

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

(a) A Mortuary Service – Main, LLC: DFS Case No. 309065-23-FC; Division No. ATN-40762 (F516748)

Ms. Simon – This matter is being withdrawn from today’s agenda.

(b) Barrett, Horace N. Jr.: DFS Case No. 305194-23-FC; Division No. ATN-40288 (F046284)

Ms. Simon – Is Mr. Barrett present for today’s meeting? Hearing no response.

Mr. Griffin – He’s the “bodyhandler” individual.

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

Mr. Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Horace N. Barrett, Jr. (Respondent). The Division alleges Respondent engaged in the following:

- Failed to comply with a lawful Order of the Board. The Motion demonstrates Respondent has determined there are no material facts in dispute and waived its right to a hearing in this matter and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Mr. Clark – Thank you, Mr. Griffin. If Mr. Barrett is here, do we swear him in, because I can't see him?

Mr. Horace Barrett – Yes, I am here.

Mr. Griffin – Yes. He would need to be sworn in.

Ms. Simon – Mr. Barrett, 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. Barrett – Yes, I do.

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

Mr. Barrett – Horace Barrett, B-A-R-R-E-T-T.

Ms. Simon – Thank you, sir.

Mr. Clark – Mr. Barrett, are you here to address the Board or just be available to answer questions, sir?

Mr. Griffin – We're not at that part yet, sir.

Mr. Clark – Mr. Barrett, we've got to take care of a few matters, and we'll come right back to you, sir.

Mr. Griffin – Ok, so, at this point, at this time, it would be appropriate for the Chair to entertain a motion to determine whether Respondent has elected an informal hearing pursuant to Section 120.57(2), Florida Statutes, based on his election that there were no material facts in dispute.

MOTION: Mr. Lyons moved that Respondent has elected an informal hearing. Mr. Ferreira seconded the motion, which passed unanimously.

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

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

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

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

Mr. Griffin – The Department also offers into evidence the investigative report with exhibits, a copy of which has been previously furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. And now would be the time to allow Mr. Barrett to make any statements if he has any.

Mr. Clark – Thank you, Mr. Griffin. Mr. Barrett, would you like to address the Board?

Mr. Barrett – Yes, I would.

Mr. Clark – Go ahead, sir.

Mr. Barrett – In regard to this complaint, it goes back to when the inspection was performed by Madelyn. At the time that she did that inspection, the business was closed. I informed her at that point. She told me, prior to that inspection that I should have let the Board know that the business was closed, and I was no longer funeral director there. I did that. Then when she came for the next inspection, she insisted to go see the place. I had a key, I let her in. The place was in deplorable condition. It was closed. There was no business being operated there. It should not have been inspected, but she inspected, anyway. That's the inspection that you all saw and gave this fine on. I feel that I shouldn't be paying a fine for building and a business that was closed, and that I was not a part of. The owners abandoned the business. They just left. I was left holding of business that I never got paid for. I sold the business and never got paid for it. The business has now been sold in a tax sale. I'm the one that's lost. I'm the one that's getting fined for something that shouldn't be, for business that I don't even own.

Mr. Clark – Thank you, Mr. Barrett, Ms. Munson?

Ms. Munson – I just wanted to clarify, and it'll be for Mr. Griffin. So, this is particularly because this particular Respondent failed to comply with the Final Order? We're not relitigating what happened. I'm just wanting to make sure I'm understanding what I'm hearing.

Mr. Griffin – Yes. The actual Administrative Complaint was based off of him, not paying the fines that were imposed by a previous Final Order.

Ms. Munson – I don't know if the Respondent understands that sir, that that's the basis for this particular proceeding, not to go back and determine or review why that fine was instituted, but the fact that it was instituted, and you didn't pay within thirty (30) days. I didn't know if that was clear to him, so I just wanted to interject.

Mr. Clark – Thank you, Ms. Munson. Ms. Clay, did I see your hand?

Ms. Clay – You did. My question was exactly what Ms. Munson was asking, trying to figure out if we were going through a litigation or just acting on what Mr. Griffin stated.

Ms. Munson – So Mr. Barrett, this is an opportunity for you to explain that you received the Order, and I'm not interfering with Mr. Griffin's lane, but that you received the Order, and it required you to pay a fine, including a probation, and why you did not comply with the Order. That's what this particular proceeding is about.

Mr. Griffin – I think he did explain that he didn't think he needed to pay the Order, because we shouldn't have done the second inspection, since he had already told the Department that the entity was closed. So, his basic idea is that he shouldn't have to pay a fine for an inspection that that was imposed for an inspection that shouldn't have been done, if I heard correctly.

Mr. Barrett – I was lost because I didn't even know I had a fine. When I got the notice about the inspection, I sent back a response that the business was closed, that this inspection shouldn't have been done, and I didn't know there was a fine.

Mr. Clark – Thank you, Mr. Barrett. Ms. Clay?

Mr. Barrett – Excuse me.

Ms. Clay – Mr. Griffin, did the Department receive notification that the business was closed?

Mr. Griffin – That's not relevant to this proceeding. That question would have been appropriate for the case back in 2022, when this fine was imposed in the first place. The issue is that we can't relitigate the underlying case.

Ms. Clay – I understand that. I thought that he was saying that he had advised before he was fined.

Mr. Griffin – That is what he's saying, but all of that information is not relevant to this case. So, what he was told, or what he told the Department before that inspection, that was relevant to the case where we had the Final Order entered. So, at that point, the Final Order has been entered. His time to appeal has been long, since, I mean, that was over two (2) years ago. He

had two (2) years to pay the fine that was imposed in that case.

Ms. Clay – Okay, so am I understanding him, though, to say that he was not aware that he had been fined?

Mr. Griffin – I mean, that's what he's alleging. That's what he has just said today, right now.

Ms. Clay – And do we have proof that he was?

Mr. Griffin – There is a certificate of service on the Final Order, if you go on Page 28 of 40, which states that the administrative assistant that handles delivering them, e-mailed a copy to the bodyhandler@aol.com, which is his e-mail address that he is appearing from right now. It's been his e-mail address in ALIS. So, presumably, the whole point of the certificate service is we can assume that it has been done.

Ms. Clay – Thank you.

Mr. Barrett – My point is that I did not get that. You have no response back from me, because I didn't get it. And when I found out about this fine, I contacted you. I've been in contact trying to find out why, and I don't know what I'm supposed to do. I'm totally lost. I'm getting a fine for something that happened way back when that really shouldn't have been, and now I'm still... I don't know what to say.

Mr. Clark – Ok, thank you, Mr. Barrett.

Mr. Griffin – So as far as discipline, the Department recommends that Mr. Barrett's license be suspended until it comes into compliance. But that that suspension should be no less than thirty (30) days.

Mr. Clark – Thank you, Mr. Griffin.

Mr. Barrett – Which means I have to do what now?

Mr. Clark – Mr. Barrett, I'm going to give the Board members a moment to ask questions and discuss.

Mr. Ferreira – Mr. Vice Chair?

Mr. Clark – Yes, sir, go ahead.

Mr. Ferreira – Sir, are you still operating as a funeral director and embalmer?

Mr. Barrett – Yes, I'm covering two (2) funeral home here locally, but nothing to do with the one that that we're discussing. Barrett McKinsey has long been closed. I'm working with {inaudible} Peaceful Garden and Celebration of Life now.

Mr. Ferreira – Mr. Chair?

Mr. Clark – Yes, go ahead.

Mr. Ferreira – Do you realize what the fine was? Do you know how much it was?

Mr. Barrett – When I found out about it, the \$3000, yes, I contacted you immediately that I did not know there was a fine. And \$3000 out of my pocket, I don't have.

Ms. Munson – When did you find out, sir?

Mr. Barrett – Well, oh gosh, what would the date that I set this? Cause I was talking with Mr. Griffin, I think. It was this year that I found out about it.

Mr. Griffin – Oh, wait, hold on a second. Give me a minute, because I think I was the attorney that handled the original case, which means I would've mailed them out the Board packet. I'm the person that does that. Well, I don't handle the mailing of the final order so I can't speak to that.

Ms. Munson – Exactly, because he's said three (3) times he never received it and I'm trying to find out for the record when he's saying he received it.

Ms. Simon – If I may add, on Page 12 of your Board packet, it shows that Mr. Barrett was aware of the Order at least by February 20th of this year.

Ms. Munson – By February 20th of this year?

Ms. Simon – If not, we're alleging it's sooner, I assume, by the Department, but on February 20th the Department received an election of proceedings indicating that Mr. Barrett was aware of the Order.

Ms. Munson – I don't know if this is appropriate to me, but I was just curious, for the record. If it was issued in 2022, and he had thirty (30) days to pay, is there a statement on the record for the amount of time between the date of the order issuance and...?

Mr. Griffin – A statement about whether he got it or whether we received payment?

Ms. Munson – Is that a question?

Mr. Griffin – Yes. I was asking you a statement about what?

Ms. Munson – A statement about the time from when the order was issued, giving him thirty (30) days to pay, and this particular proceeding requesting, identifying that he failed to do so.

Mr. Clark – While he's looking that up, Ms. Clay, I did see your hand.

Mr. Griffin – I understand that he has to pay it within the thirty (30) days, so I guess I'm not understanding the question.

Ms. Munson – If the Order was issued in 2022, and you're saying he had to pay it within thirty (30) days. So, the question is, in 2024, between 2022 and 2024 {inaudible}. I'm just trying to make it make sense for the record.

Mr. Griffin – So you're asking if he was provided notice about the outstanding money he owed?

Ms. Munson – Or something to address the two (2) year gap between his failure to comply with the Order and the proceeding addressing the failure to comply with the Order.

Mr. Griffin – Well, the case was referred to OGC...

Ms. Munson – It was just a question for clarity. I was just asking for the record. I didn't know {Inaudible}

Mr. Griffin – Anytime a case is opened, we send a letter to the subject, the 20-day letter, and on April 25, 2023, he was provided with a letter basically asking him to explain the allegations underlying this matter. It was sent to the bodyhandler@aol.com e-mail address.

Ms. Munson – Again, this is for the Respondent, and I'm not going to refer you by your email, but Mr. Barrett, this is the information explaining the communication or correspondence that the Department is identifying because after the Final Order was filed and emailed to you in September of 2022.

Mr. Griffin – It's on Page 24 or 40 of the Board packet.

Mr. Clark – Ms. Munson, does that answer your question? You were talking to Mr. Griffin about the timing. I've got a lot of hands up from the Board. I didn't know if you had received what you needed.

Ms. Munson – I received an answer, yes. I'll leave it at that. Thank you.

Mr. Clark – Mr. Ferreira, you were asking some questions. Any other questions for Mr. Barrett?

Mr. Ferreira – No, sir.

Mr. Clark – Mr. Jones?

Mr. Jones – Just based on the statements of the Division and Mr. Barrett, we can't absolutely say for sure what he received or what may or may not have gone to his AOL.

MOTION: Mr. Jones moved that the Respondent shall pay a fine of \$3,000 within thirty (30) days. Mr. Ferreira seconded the motion.

Mr. Clark – Ms. Clay, do you have a question?

Ms. Clay – I do. If I could get Mr. Griffin to repeat the recommendation.

Mr. Griffin – That his license be suspended until he pays the fine, but that the suspension be no less than thirty (30) days. I would ask that if the Board is contemplating giving him an additional thirty (30) days, I don't want to have to come back up here and relitigate this again. So, if we could put something in the condition, if there's going to be a Final Order that if it's not paid in thirty (30) days, his license is immediately suspended. That's all the Department would request.

Mr. Jones – I will amend my motion to stop paying thirty (30) days then the license is suspended until it is paid.

Ms. Munson – Until it's paid?

Mr. Jones – Yes, ma'am.

Mr. Clark – Mr. Ferreira, I know you were the second. Do you agree with that amended motion, sir?

Mr. Ferreira – Yes, sir.

Mr. Clark – Mr. Lyons?

Mr. Lyons – Mr. Barret, are you the funeral director in charge of either of those places?

Mr. Barrett – I'm not understanding what's being said there.

Mr. Clark – Are you the funeral director in charge at either location that you work at, currently?

Mr. Barrett – Excuse me, what was the question?

Mr. Lyons – Are you a funeral director in charge? You mentioned you worked at two (2) facilities.

Mr. Barrett – Yes, at two (2) facilities.

Mr. Lyons – And are you the funeral director in charge at either one of those facilities, or are you just a regular staff?

Mr. Griffin – He's the director in charge of both.

Mr. Barrett – I'm the funeral director in charge of both.

Mr. Lyons – Ok, so, question, I guess, for the Department, if the license is suspended immediately, that's going to put the facility in immediate noncompliance, because they're not going to have a funeral director in charge. Is that correct?

Mr. Griffin – Two (2) things. Number one (1), they can immediately appoint somebody new because it doesn't take effect until the Final Order comes out. So, first off, it seems that the voting does not seem to be gearing itself towards an immediate suspension, but let's assume that it did, hypothetically. The suspension does not take effect until the Final Order comes out. So those establishments would have at least two (2) to three (3) weeks to find a new funeral director in charge.

Mr. Lyons – Thank you. Mr. Chairman, do I still have the floor?

Mr. Clark – Yes, go ahead.

Mr. Lyons – Can we clarify what the motion currently is?

Mr. Clark – The motion is to allow thirty (30) days to pay the fine...

Ms. Munson – From the date the Final Order is filed.

Mr. Clark – And if it's not paid, the license will be suspended until it's paid.

Mr. Barrett – Question?

Mr. Clark – Mr. Barrett, hold on one moment. Mr. Jensen, I saw your hand next. Go ahead, sir.

Mr. Jensen – Quick question for the Department. So, we have no proof that Mr. Barrett was notified, therefore, he had no opportunity to appeal because he didn't know about it? I mean, do we have proof that he actually got it?

Mr. Griffin – Mr. Chairman, can we start sending things {inaudible}?

Mr. Jensen – {Inaudible} Mr. Marshawn?

Mr. Griffin – All I have is a certificate of service, which is an affidavit by a Department employee stating I sent this document via email to the email address that's listed on the Certificate of Service.

Mr. Jensen – {Inaudible} and you do not have a record of response that he actually got it. And if he, in fact, when he responded...

Mr. Griffin – He's not required to respond to a Final Order.

Ms. Munson – The difference is, Mr. Jensen, before when these were sent via certified mail, then you'd have to get a certified mail receipt, but now the Department sends them by e-mail, so that's the information that {inaudible}.

Mr. Griffin – If the Board would like to {inaudible}...

Mr. Jensen – Do we have proof that he got it?

Mr. Griffin – {Inaudible}. Okay.

Ms. Munson – I'm sorry, you have proof that it was sent.

Mr. Jensen – But we don't have proof he got it?

Mr. Barrett – No, you don't.

Mr. Griffin – So, can we just start sending these with delivery receipts, read receipts and certified mail, because I don't control how that gets sent out? I can control the complaints, but I can't control the orders once it leaves my hands.

Mr. Jensen – Perhaps, Mr. Griffin, it should be something where you can send them by email, but if you don't receive a response, you know, include all the email, "Please respond." If they don't respond, then send them by mail. The gentleman has made a valid argument. If he gave something when he was duly notified that the place has been closed and they shouldn't have been inspected. I mean, shouldn't he have a way to appeal?

Mr. Griffin – Ok, So he had the right, so let's go back to the actual first hearing. So, we sent him a Board packet that notify them that he was going to be before the Board and that there was going to be a hearing for him to go to. I'm not sure if he showed up at that hearing, but he, I notice to show up at the hearing, to make his claims that in there. And let's just look at the old packet now.

Mr. Jensen – We have proof he got any of that. That's what I'm asking you say.

Ms. Simon – Mr. Clark?

Mr. Clark – Go ahead, Ms. Simon.

Ms. Simon – Thank you. Again, we have proof that Mr. Barrett was sent the Final Order regarding the fine and the action that the Department was going to take. And, in fact, on page 12 of your board package, in response to that, Mr. Barrett indicated that he did not dispute any of the Department's factual allegations. And so, at that point, he acknowledged that he had a fine and he did not dispute any of the allegations.

Mr. Griffin – I don't think you can infer that.

Ms. Munson – I'll let my (inaudible), I guess.

Mr. Griffin – I mean, all you can infer from that is...he's not disagreeing that you didn't pay the fine. So, if you had a legal argument as to why not, so, I don't think we can extend that that far. All I can say is, he was provided notice when the first time this case came up, he was provided notice via the Final Order. And if that e-mail, if that's not sufficient, then we can, as a department, they can figure out a way to start including things so that we don't ever have to have this conversation again.

Mr. Clark – And (inaudible) Ms. Simon, would it be appropriate for that, if we're going to change the way we notify licensees, that's the discussion separate from this meeting, or...is that appropriate or...?

Mr. Griffin – I don't know if that's a discussion for the Board visions. That I mean, that that can be handled outside of you guys. We can say start including extra stuff in the packets so it's very clear that whether or not they choose to read the e-mails we send them that they got to.

Ms. Munson –It's an administrative decision to respond to, Mr. Clark, but the Board can have a discussion about it, can make the recommendation (inaudible).

Mr. Clark – Thank you. Mr. Jensen, I'm going to turn it back over to you, sir.

Mr. Jensen – Just a statement. I mean, I'm not trying to dispute what the Department's doing here. My argument or, or heartburn with this is that Mr. Barrett didn't know about it so the man can't appeal if he didn't know about, He's saying he didn't know about it. I understand the Department says, oh yeah, we notified him, but, you know, when, when he was before the Board before, I was on this Board, and he, he didn't show up, well, he's not going to show up if he didn't know about it. On February 20th, he did respond that he got this, but that was this year. So, I don't know, should we do (inaudible).

Mr. Griffin – I mean, at a certain point in this process, we have to be able to like trust. Like if I send something via certified mail and somebody doesn't respond, and I proved that it was sent, that's all my obligation is. (inaudible) once it's once I have that return receipt. That's it. That's kind of the whole reason why we have the service of process rules we have (inaudible), so but anybody can come here and say, conveniently. I didn't get things, I didn't read things. That's basically creating a new defense to any action or taking any responsibilities (inaudible).

Mr. Jensen – May I respond to that?

Ms. Munson – Yes, sir.

Mr. Jensen – Mr. Griffin, myself, myself as a funeral director, if I can't find a legal next of kin, I'm required to send a registered letter. If I don't get a response, I can't proceed.

Mr. Griffin – Once again, I'm a creature of statute, and by statute, we are not, we're required to send the complaints via certified mail. That is in statute. There's no statutory language about Final Orders or anything the like. We send them via e-mail to an e-mail address that he provided to us. We know he gets stuff at this e-mail address because I've e-mailed him from the e-mail address. I personally, I emailed him this board packet.

Mr. Jensen – (Inaudible) did that. I'm just trying to, you know, I just (inaudible).

Mr. Griffin – Then my word that I did it, I don't have a delivery receipt.

Mr. Jensen – No, and I believe that you sent it. I'm not saying you didn't send it. I'm just saying, I'm just saying, you know, are we denying this gentleman his rights That that's all I'm asking here or, you know, has he, does he have the right to respond if they say they didn't get it? I mean, I don't know the answer to. That's what I'm asking.

Mr. Griffin – They only have a right to respond if they weren't so I'm going to leave this to the Board's decision. I think we've done, we've talked enough, and I think at the end of the day, we'll get to the same resolution at the (inaudible).

Mr. Clark – Correct. And we do have a motion and a second. I'd like to get to that. Are there any other questions on the motion? Mr. Brandenburg?

Mr. Brandenburg – I was just going to agree with you. We have a motion. We have a second. We have all those discussions. Would you please call the question.

Mr. Clark – Thank you, Mr. Brandenburg. Are there any other questions on the motion? Hearing none. The motion is, the Respondent will have thirty (30) days from the time he receives the Final Order to pay the fine. If not paid, the license will be suspended until it's paid. All those in favor, say aye.

Board members – Aye.

Mr. Clark – Any opposed?

Mr. Jensen – No.

Mr. Clark – Let the record reflect Mr. Jensen opposed. And that motion carries.

Ms. Munson – Because I. Just want this particular order issued by certified mail. So there's a question of how the previous order was.

Mr. Griffin – Or could you deliver it via, via delivery receipt?

Ms. Munson – I don't know how e-mails can deliver this but...

Mr. Griffin – You can do it as an option in Outlook, you can do delivery receipts and read receipts.

Ms. Munson – That's fine, whatever you guys suggest. I was just trying to put a staple on this so we don't do it again.

Mr. Griffin – The problem with doing it via certified mail is the order, by its own terms, says 30 days of the entry of the order. So, that means now, the lead time that it takes to get, it, may be a certified mail that's being taxed against them.

Ms. Munson – He can do it by...

Mr. Griffin – Unless you change the Order, unless you want to change the order to, say, thirty (30) days from the receipt of the order, and that's fine concept, that's been sent by certified mail. But if the order says, within thirty (30) days of the filing of the order, and I have to send it via certified mail.

Ms. Munson – I was going to suggest it also be sent via e-mail. Then both addresses be in the certification, OK.

Mr. Griffin – Then a delivery receipt will be sent. Would that be sufficient then?

Ms. Munson – Yes, administratively, I mean, it's just what they'll have. The order will be learned, OK.

Mr. Griffin – All right.

Mr. Clark – Thank you.

(Inaudible)

Mr. Clark – If you are just trying to call in, make sure you're on mute. Right. Ms. Schwantes, would you like to address the Board?

Ms. Mary Schwantes – Yes. Thank you, Mr. Chair. I did see that he has a question too. I was going to say that we have taken the Board's comments during this into consideration. There are statutes (inaudible) whereby the communication with licensees is by e-mail according to statute and, also, if the Board will recall, we have just changed statutes as soon as the Governor signs the agency bill that allow us to serve by e-mail as well. Once we have tried this, this is not this particular item. It's just other items. So, I appreciate, too that the Board indicated that the Department to take this into consideration, take a look at the law and see what process improvements might be needed on these matters. So, we will do that. And thank you, sir.

Mr. Clark – Thank you, Ms. Schwantes. Mr. Barrett?

Mr. Barrett – I'm trying to get a correct understanding. Now, I still have to pay the fine.

Ms. Munson – Yes.

Mr. Barrett – That's correct.

Mr. Barrett – If I pay this fine before this thirty (30) days up, am I still gonna be suspended for thirty (30) days?

Mr. Clark – No sir.

Mr. Barrett: Pardon me?

Mr. Clark, No sir, you will not.

Mr. Barrett – Ok, so these other two (2) funeral homes will be ok as long as the fine is paid within thirty (30) days?

Mr. Clark – That's correct.

Mr. Barrett – Ok, because I don't like problems. I'm sorry this happened. I mean for long as I've been licensed, I've never come before the Board. I don't want to see you all again, nothing personal, but this is not my cup of tea.

Mr. Clark – Thank you, Mr. Barrett, thank you for being here. Mr. Lyons, have a question or a comment, sir?

Mr. Barrett – Yes.

Mr. Clark – Mr. Lyons, go ahead.

Mr. Lyons – Ok, if I may, just matter the e-mail, I think, just speaking as a Board member, tells me to do a statute or rules or anything. But, after you send an e-mail, you can take a screenshot, and it'll show who you sent it to. Just include that in the Board packet. And I think, I'm not going to speak for Mr. Jensen, but I think that would have solved a lot of (inaudible).

Mr. Griffin – Just do a delivery receipt.

Mr. Griffin – Cause a delivery receipt, actually proves that it actually got to its location. We can handle the mechanics on our end. But a delivery receipt is the correct way, like an end, by statute, we have to get a delivery receipt when we do it via e-mail.

Ms. Clay – Just for clarification, you're also going to do a read receipt too, right?

Mr. Griffin – I don't...to be perfectly honest. I don't see why we need to do a read receipt, like if. (inaudible), All I have to do is get mail it to you, I just have to prove you got it, I don't have to prove you read it.

Ms. Clay – All right.

Mr. Griffin – Choose not to read it, that's not on me.

Mr. Jones – Thank you.

Mr. Clark – Thank you. Ms. Simon, we'll get back to the agenda.

Ms. Simon – Thank you, Mr. Clark. I appreciate that.

E. Application(s) for Preneed Sales Agent
(1) Informational Item (Licenses Issued without Conditions) – Addendum A

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

(2) Recommended for Approval without Conditions (Criminal History)
(a) Luu, Phong T (Appointing Entity: Fred Hunters Memorial Services Inc)

Ms. Simon – Is this applicant here today present for this meeting?

Mr. Phong Luu – Yes, I'm here.

Ms. Simon – Thank you. I appreciate that. On April 12, 2024, the Division received an application for licensure as a preneed sales agent and appointment under Fred Hunters Memorial Services Inc. Applicant answered “Yes” to the background question regarding criminal history due to reportable criminal history that required disclosing. Applicant provided the Division with a completed Criminal History Form and court documentation. In November 2019, applicant was charged with a misdemeanor for DUI. As a result, Mr. Luu had to complete six (6) months' probation, fifty (50) hours of community service,

and pay court fines and fees. As of to date, Mr. Luu has completed his probation, community service, and paid all court fees and fines. There are no other disciplinary issues in relation to this applicant. The Division recommends approval without conditions.

Mr. Clark – Thank you. Mr. Luu, are you here to answer questions or address the Board?

Mr. Luu – I'm just listening. I'm new to this.

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

(b) McBride, Abbie J (Appointing Entity: SCI Funeral Services of Florida LLC)

Ms. Simon – On March 29, 2024, an application was received for the above named for licensure as a preneed sales agent and appointment under SCI Funeral Services of Florida LLC, and no deficiencies were noted on the application. Thus, a temporary preneed sales agent license was issued for Ms. McBride. However, during the review of Ms. McBride's background check it was revealed that she did in fact have reportable criminal history that required disclosure. SCI Funeral Services of Florida, LLC, employer, was notified of suspension of her temporary preneed sales agent license and upon request, Ms. McBride, through her employer, provided the Division with a written explanation of the relevant criminal history, a completed Criminal History Form, and a copy of court documentation regarding the charges and final disposition of her case. In May 2022, applicant was charged with a misdemeanor for DUI, which was reduced to a charge of reckless driving. As a result, Ms. McBride had to complete twelve (12) months' probation which was reduced to six (6) months and pay a fine of approximately \$1,000. Ms. McBride indicates that she has paid all fines and completed her probation, therefore, having met all conditions of the order. There are no other disciplinary issues in relation to this applicant. The Division recommends approval.

Mr. Clark – Thank you, Ms. Simon.

Mr. Brandenburg – Mr. Clark?

Mr. Clark – Yes, Mr. Brandenburg?

Mr. Brandenburg – I'd like to declare my affiliation with SCI Funeral Services of Florida LLC, and that will not affect my decisions on any case before the Board today.

Mr. Clark – Thank you, sir.

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

F. Application(s) for Continuing Education

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

(a) Colibri Healthcare (113)

(b) Independent Education Institute (135)

(c) International Cemetery, Crematory and Funeral Association (51609)

(d) WebCE (43)

(e) Wilbert Funeral Services (39408)

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

Mr. Clark – Board members?

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

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

(a) Continuing Vision LLC (52610)

Ms. Simon – The provider application presented on Addendum C has been reviewed by the CE Committee, and the Committee as well as the Division recommends approval of the provider status.

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

G. Consumer Protection Trust Fund Claims

(1) Recommended for Approval without Conditions – Addendum D

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

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

H. Application(s) for Embalmer Apprentice

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

- (a) Caso, Alexa C F756801*
- (b) Pruitt, Jordan O F759100*
- (c) Warren, Kattie J F758422*

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 E.

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

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

- (a) Funeral Director (Internship)*
 - 1. Davis, Amy*
 - 2. Diekman, Alicia M*
 - 3. Green, Evan B*
 - 4. Lubrin, Naomi E*
 - 5. Mallozzi, Gina M*
- (b) Funeral Director and Embalmer (Endorsement)*
 - 1. Gonzalez, Concepcion*
- (c) Funeral Director and Embalmer (Internship and Exam)*
 - 1. East, Tejaun J N*
 - 2. Kozina, Emily M*
 - 3. Julien, Paulette V*
 - 4. McClendon, Darrell A*
 - 5. Stilwell, Josie*
 - 6. Ware, Samantha J*

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

J. Application(s) for Internship

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

- (a) Funeral Director*
 - 1. McElroy, Joseph C F759099*
 - 2. Sanchez, Andres F756359*
- (b) Funeral Director & Embalmer (Concurrent)*
 - 1. Abdulameer, Heather A F754521*
 - 2. Cherizard, Nadjeda F545823*
 - 3. Cook, Donathan F759101*

4. *Kaufman, Chellsy B F571309*
5. *McDonald, Aubrey K F036340*
6. *Rahn, Susan F758433*
7. *Riley, Sydney N F531994*

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

- (2) *Recommended for Approval with Conditions (Criminal History)*
 - (a) *Funeral Director & Embalmer (Concurrent)*
 1. *Hamilton, Kishnique A*

Ms. Simon – Is Ms. Hamilton here today on the call? Hearing no response. An application for concurrent intern licensure was received by the Division on March 7, 2024. The application was incomplete when submitted and a deficiency letter was issued on April 1, 2024. All deficiencies were corrected, and the application was deemed complete on April 4, 2024. The applicant answered “No” to the criminal history question despite the fact that reportable criminal was found in the results of the fingerprint background check. Ms. Hamilton subsequently submitted the criminal history form and court documents. To wit, on July 28, 2020, Ms. Hamilton was convicted of two (2) charges of driving under the influence of alcohol (DUI), a misdemeanor. Ms. Hamilton was sentenced to twelve (12) months’ probation, forty (40) hours community service, \$1,061 fine, and twenty-four (24) hours confinement. The Division recommends approval subject to the condition of two (2) years’ probation.

MOTION: Mr. Ferreira moved to approve the application subject to the condition of two (2) years’ probation. Mr. Lyons seconded the motion, which passed unanimously.

- (3) *Request(s) to Renew Internship*
 - (a) *Recommended for Approval without Conditions*
 1. *Funeral Director*
 - a. *Esther, Trina M F664698*

Ms. Simon – Is Ms. Esther here today on the call? Hearing no response. An application to renew the funeral director internship to continue course of study was received on April 8, 2024, and the application was deemed complete when received. The application was signed by the supervising funeral director and embalmer in charge Elijah Bell (F045417). The current license expired on April 11, 2024, after this application was received. The Division recommends approval without conditions.

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

- (b) *Recommended for Denial (Deficiencies in Application)*
 1. *Funeral Director and Embalmer (Concurrent)*
 - a. *Arroyo, Jessica*

Ms. Simon – Is Ms. Arroyo here today on the call? Hearing no response. Ms. Arroyo's licensure as a concurrent intern expired on February 3, 2024. On February 13, 2024, after the internship expired, the Division received Ms. Arroyo's “Application to Renew Funeral Director Internship to Continue Course of Study.” The Division advised Ms. Arroyo, via email, that this application was incorrect because the Applicant's internship was a concurrent one which ended on February 3, 2024. Ms. Arroyo was given two options on how to proceed. In response, Ms. Arroyo submitted an “Application to Renew Internship Due to Illness, Hardship, or Awaiting Results” on April 10, 2024. Although both applications were deemed complete when received and reviewed, Ms. Arroyo submitted a request using an incorrect form ten (10) days after the internship expired. On an ancillary note, Ms. Arroyo failed to submit any supervisor's quarterly reports due and required thirty (30) days after the end of each calendar quarter. The Division recommends denial based on the requirements of the rule stated above.

Mr. Clark – Mr. Jones?

Mr. Jones – For the Division, on the quarterly reports, is that up to the individual or the supervisor, Ms. Simon, to submit those?

Ms. Simon – It is the supervisor that must fill them out, but it is the intern's responsibility to have them sent in.

Mr. Jones – Thank you.

Ms. Clay – Mr. Chair?

Mr. Clark – Yes, Ms. Clay?

MOTION: Ms. Clay moved to deny the application based upon the failure to meet the requirements of the underlying rule. Mr. Ferreira seconded the motion, which passed with one (1) dissenting vote.

- K. Application(s) for Monument Establishment Sales Agent**
- (1) *Informational Item (Licenses Issued without Conditions) – Addendum H*
 - (a) *Benefield, Joseph (Lake City)*
 - (b) *Bennett, Robert (Panama City)*
 - (c) *Byrd, Charles Cody (Fernandina Beach)*
 - (d) *Keister, Kendall (Lake Worth Beach)*
 - (e) *Millsap, Harold (Pensacola)*

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

- L. Notification(s) of Change in Location**
- (1) *Informational Item (Licenses Issued without Conditions) – Addendum I*
 - (a) *Amos Jerome Foster Funeral Home LLC (Orlando)*

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) *Leor Meir Rabin (Hollywood)*

Ms. Simon – Is the applicant on the call today? Hearing no response. An application for broker of burial rights licensure was received on February 1, 2024. The application was incomplete when submitted. A completed application was received on March 25, 2024. A background check of the applicant revealed no relevant criminal history. The Division recommends approval without conditions.

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

- N. Application(s) for Cinerator Facility**
- (1) *Recommended for Approval with Conditions*
 - (a) *Northstar Hillcrest LLC d/b/a Lake-Sumter Crematory (Leesburg)*

Ms. Simon – An application for cinerator facility licensure was received on December 6, 2023. The application was incomplete when submitted. A completed application was received on March 20, 2024. The funeral director in charge will be Christopher Lee Brewer (F059019). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the cinerator facility must pass an inspection conducted by a member of Division staff. Is there a representative of this entity on the call today?

Ms. Wiener – Yes, Wendy Wiener representing Northstar.

Ms. Simon – Thank you. Mr. Clark?

Mr. Clark – Ms. Wiener, are you here to address the Board or to simply answer questions?

Ms. Wiener – No, answer questions.

Mr. Clark – Thank you.

Ms. Wiener – Thank you.

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

O. Application(s) for Funeral Establishment

(1) Recommended for Approval with Conditions

(a) Funeral Experts Services LLC d/b/a Avalon Park Funeral and Cremation Services (Orlando)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. An application for funeral establishment licensure was received on March 5, 2024. The application was complete when submitted. The funeral director in charge will be Gary Wantuck (F050437). A background check of the principal 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.

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

P. Application(s) for Removal Service

(1) Recommended for Approval with Conditions

(a) A/S The Last Responder LLC (Holiday)

Ms. Simon – An application for removal service licensure was received on March 26, 2024. The application was incomplete when submitted. A completed application was received on April 15, 2024. A background check of the principal 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.

Mr. Clark – Is there a representative of this entity on the call today?

Mr. Alberto Reyes – Yes.

Mr. Clark – State your name for the record, please.

Mr. Reyes – My name is Alberto Reyes, R-E-Y-E-S.

Mr. Clark – Mr. Reyes, are you here to address the Board or simply be available if we have any questions?

Mr. Reyes – If you have any question.

Mr. Clark – Board?

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.

Mr. Clark – Thank you, Mr. Reyes. Good luck.

(b) Nationwide Organ Recovery Transport Alliance LLC (Maitland)

Ms. Simon – An application for removal service licensure was received on January 16, 2024. The application was incomplete when submitted. A completed application was received on March 22, 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. Is there a representative of this entity on the call today?

Mr. Donald Jones – Yes, I am Donald Jones. I am the CEO and co-founder of the Company.

Ms. Simon – Thank you. Mr. Clark?

Mr. Clark – Mr. Jones, are you here to address the Board or simply available should we have any questions for you?

Mr. D. Jones – I can do both.

Mr. Clark – We need to swear you in.

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. D. Jones – I do.

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

Mr. D. Jones – It's Donald Jones, J-O-N-E-S.

Ms. Simon – Thank you, sir.

Mr. D. Jones – I just wanted to give the Board some idea of who we are. We're a nationwide company. We deal exclusively with organ transplant. We have about 300 vehicles nationwide, fifteen (15) aircraft that are dedicated to organ transportation. And in this removal services, we are only looking at moving tissue donors to and from their procedure, and that is all. We're not looking to be a funeral home. We're just looking to facilitate transportation and logistics for tissue donors.

Mr. Clark – Thank you, Mr. Jones. Board?

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

Mr. D. Jones – May I ask a question? How do we proceed on getting the inspection?

Mr. Clark – Ms. Simon, would you like to address Mr. Jones' question?

Ms. Simon – Mr. Jones, you can contact the Division, and we will provide the information regarding the inspection.

Mr. D. Jones – Very good. Thank you.

Mr. Clark – Thank you.

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

(1) Recommended for Approval with Conditions

(a) Trust Agreement and Request for Transfer(s) of Trust

1. FPG Florida LLC (F060727) (Orlando)

Ms. Simon – FPG seeks approval of the below proposed trust asset transfer as more specifically set forth in correspondence from Justin Wilson, representative of Argent Trust Company (Argent), dated April 5, 2024 (attached hereto as Exhibit A).

Exhibit B) - Trust Agreements: FPG requests approval of the following: Attachment 1 hereto is a revised preneed funeral trust agreement, entitled, “*Preneed Funeral Trust Agreement of FPG Florida LLC*” (70/30 trust, dated 4/3/2024); and Attachment 2 hereto is a revised alternative preneed funeral trust agreement, entitled, “*Alternative Preneed Funeral Trust of FPG Florida, LLC*” (90/10 trust, dated 4/3/2024)

Exhibit C) - Proposed Trust Transfer: FPG now seeks approval of the transfer of the following: the Clearpoint Florida Alternative Preneed Master Trust Agreement (90/10 trust), the FPG Florida LLC Alternative Preneed Funeral Trust Agreement (90/10 trust) under ClearPoint Federal Bank & Trust (Attachment 3), to the Alternative Preneed Funeral Trust of FPG Florida, LLC, if approved, under Argent; and the FPG Florida LLC Preneed Funeral and Cemetery Merchandise and Services Trust Agreement (70/30 trust) under Regions Bank, N.A. (Attachment 4), to the Preneed Funeral Trust Agreement of FPG Florida, LLC, if approved, under Argent.

Additionally, FPG is amending and restating the governing trust agreement for the Baldwin Brothers Funeral & Cremation Society preneed funeral trust fund (Attachment 5), where Argent will continue as trustee for this trust account. If approved, Argent is or will be trustee, all as more specifically set out in Mr. Wilson’s correspondence dated April 5, 2024. The Division recommends approval subject to the conditions set forth below:

- A. Approval of the proposed trust agreements;
- B. Approval of the proposed transfer of assets; and
- C. Approval of proposed the amendment and restating of the governing trust agreement;
- D. The representations of FPG, as set forth in Representative’s correspondence dated April 5, 2024, be deemed material to the Board’s decisions herein.
- E. That within ninety (90) days of this Board Meeting, Argent provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trust to be transferred pursuant to Representative’s correspondence, dated April 5, 2024.
 - A letter signed and dated by one (1) of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified under Exhibit C, Attachments 3 and 4, as referenced in in Representative’s attached correspondence, dated April 5, 2024 (Exhibit A, hereto).
 - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified under Exhibit C, Attachments 3 and 4, as referenced in in Representative’s attached correspondence, dated April 5, 2024 (Exhibit A, hereto).
 - That a fully executed copy of the trust documents as identified under Exhibit B, Attachments 1, and 2 above be provided to the Division within sixty (60) days of this board meeting.
 - That the Board’s executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional ninety (90) days.

Mr. Clark – Thank you, Ms. Simon. Ms. Wiener, are you available for questions?

Ms. Wiener – I am.

Mr. Clark – Mr. Brandenburg?

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

R. 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. Schwantes – Mr. Chair, may I proceed?

Mr. Clark – Yes, please. Thank you.

Ms. Schwantes – Thank you. Good morning, Board members. I'm very pleased to report the Department's Agency Bill (HB989), was signed by the Governor this morning. So, this is hot off the press. All items regarding Chapter 497, which are in the bill, are effective as of today. So [inaudible] looking for more information on that, I'm sure, in the news.

Ms. Schwantes – Our next Board meeting will take place in person in Tallahassee on Tuesday, June 18th. The Florida Mortician's Association is hosting that Board meeting in conjunction with its annual conference here, and we look forward to seeing everybody at that time. As yet another reminder, the Board will have two (2) meetings in June. The first one (1) is the one I talked about that will be in person on June 18th. The final June meeting will be held by videoconference on Thursday, June 27th, primarily to address preneed licensing issues. There will be no Board meeting in July. Details regarding all Board meetings are posted on our website.

(2) FCCS Financial Statements (Response to Board Questions) (Informational)

Ms. Schwantes – Last month, we presented the financial statements for Fiscal Year 2023-2024. A few Board members had questions regarding some of the items on the statement. We have, again, included the statements with this Board packet with answers to these questions highlighted in red. For example, you'll note that we've added a description of other fees on the first page, which is the Regulatory Trust Fund Balance Sheet. We've also added an explanation of the projected revenue and non-operating expenses to the page on the Projected Regulatory Trust Fund Balances, which is the last page in the packet. Again, these items are presented again just solely for the purpose of addressing those questions, and I believe that the items in red addressed the questions that were raised during the last Board meeting. We'll try to add these explanations to the future statements. Does anybody have any questions? Again, as you're reading these things in the future, if you have any questions, please don't hesitate to call me, and we'll get them addressed.

DIVISION OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
 Regulatory Trust Fund (RTF) Balance Sheet
 Fiscal Years 2017-2018 through 2023-2024

	Actual FY 2017-2018	Actual FY 2018-2019	Actual FY 2019-2020	Actual FY 2020-2021	Actual FY 2021-2022	Actual FY 2022-2023	Projected FY 2023-2024
Beginning Balance	\$ 5,034,830	\$ 5,093,900	\$ 5,242,184	\$ 5,041,671	\$ 5,235,584	\$ 5,662,033	\$ 6,202,097
Revenues¹							
Preneed Fees	648,991	679,846	660,760	676,600	691,540	662,918	641,036
Other Fees - <i>see definition below</i>	282,306	725,449	264,382	809,500	297,696	796,290	133,322
Licenses	1,868,585	1,636,314	1,838,185	1,716,367	1,920,363	1,738,926	1,827,832
Fines and Penalties	106,015	112,254	88,476	181,002	183,379	105,610	147,052
Interest Earnings	89,509	120,703	171,032	80,418	45,938	99,618	155,260
Sale of Goods/Services (Public Records)	5,930	6,330	5,328	6,522	6,920	7,483	5,824
Sale of Vehicle	-	-	-	-	-	-	-
Refunds	173	650	161	-	512	1,643	1,500
Total Revenue	\$ 3,001,509	\$ 3,281,546	\$ 3,028,331	\$ 3,470,569	\$ 3,346,347	\$ 3,412,497	\$ 3,111,826
Less Expenditures:²							
Operating Category							
Operating (based on historical expenditures and currently approved budget)	(2,043,221)	(2,164,510)	(2,254,230)	(2,161,634)	(2,106,910)	(2,197,381)	(2,751,477)
Total Operating Category	(2,043,221)	(2,164,510)	(2,254,230)	(2,161,634)	(2,106,910)	(2,197,381)	(2,751,477)
Non-Operating Category							
Transfer to Administrative Trust Fund (DFS Agency Support)	(696,057)	(709,606)	(733,845)	(875,000)	(582,303)	(401,399)	(878,221)
State Refunds (Refunds to Licensees on overpayments, etc.)	(7,935)	(4,927)	(1,298)	(3,909)	(3,499)	(2,840)	(3,000)
Service Charge to General Revenue (Revenue fee payable to General Revenue)	(241,589)	(259,470)	(243,208)	(276,638)	(259,008)	(285,152)	(248,826)
Other Adjustments (Administrative Assessment/Treasury Matters)	(6,042)	(5,912)	(6,228)	(5,615)	(6,519)	(6,709)	(10,402)
Total Non-Operating Category	(911,623)	(979,915)	(984,579)	(1,161,162)	(851,329)	(676,100)	(1,140,449)
Total Expenditures	\$ (2,954,844)	\$ (3,144,425)	\$ (3,238,809)	\$ (3,322,796)	\$ (2,958,239)	\$ (2,873,481)	\$ (3,891,926)
Accounting Adjustments (Prior Year Certified Reversions and other adjustments)	12,406	11,163	9,964	46,140	38,341	1,048	8,441
Ending Balance	\$ 5,093,900	\$ 5,242,184	\$ 5,041,671	\$ 5,235,584	\$ 5,662,033	\$ 6,202,097	\$ 5,430,438

¹ Revenues include fees from e-commerce transactions, certifications, exams, filings, fingerprints, inspections, unlicensed activity, and fees collected for preneed contracts; licenses for a variety of services including preneed sales agents, preneed branches, monument dealers, embalmers, embalming facilities, generator facilities, cemeteries, funeral directors, funeral establishments, etc.; interest earnings on investments; and penalties.

² "Other Fees" - Includes unlicensed activity fees, licensing examination fees, application fees, license replacement fees, convenience fees (credit cards), and annual inspection fees

³ Operating Category Expenditures based upon Operating Category Budget as approved

DIVISION OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
Preneed Funeral Contract Consumer Protection Trust Fund (CPTF)
Historical Information 7/1/2012 - 6/30/2023

	FY 2012-2013	FY 2013-2014	FY 2014-2015 ¹	FY 2015-2016 ²	FY 2016-2017 ³	FY 2017-2018 ⁴	FY 2018-2019 ⁵	FY 2019-2020	FY 2020-2021	FY 2021-2022	FY 2022-2023
Beginning Balance (from prior year Trial Balance/General Ledger)	\$ 8,232,198	\$ 8,409,643	\$ 8,597,165	\$ 8,650,132	\$ 8,745,843	\$ 8,825,677	\$ 8,881,821	\$ 8,963,562	\$ 9,213,834	\$ 9,367,879	\$ 9,386,953
Revenues:											
Fees/Service Fees	100,691	193,240	115,476	117,438	130,573	107,936	113,795	110,092	112,831	142,590	110,802
Interest Earnings	154,291	93,123	136,856	133,891	137,710	137,032	217,578	298,512	160,511	79,605	165,044
Total Revenue	\$ 254,982	\$ 286,496	\$ 252,362	\$ 251,327	\$ 268,284	\$ 244,968	\$ 331,371	\$ 408,604	\$ 273,352	\$ 228,195	\$ 275,846
Less Expenditures:											
CPTF Claim Payments	(82,208)	(82,625)	(192,102)	(189,407)	(147,619)	(197,630)	(207,182)	(175,628)	(117,573)	(183,478)	(204,320)
Administrative Assessment on Investments (Treasury Investment Charge)	(9,918)	(10,183)	(10,349)	(10,444)	(10,545)	(10,599)	(10,694)	(10,896)	(11,140)	(11,253)	(11,246)
Refunds	-	-	-	-	(676)	(70)	(29)	-	-	-	-
Total Expenditures	\$ (92,196)	\$ (92,848)	\$ (202,471)	\$ (199,851)	\$ (178,840)	\$ (208,304)	\$ (217,906)	\$ (186,524)	\$ (128,713)	\$ (194,731)	\$ (215,566)
Estimated Ending Balance	8,394,934	8,603,339	8,447,056	8,751,401	8,825,297	8,882,341	8,995,216	9,205,643	9,352,471	9,401,343	9,447,233
Other Adjustments	10,489	(6,175)	3,077	(7,767)	300	(521)	(11,723)	8,192	9,404	(14,390)	4,476
Actual Ending Balance (from Trial Balance/General Ledger)	\$ 8,409,643	\$ 8,597,165	\$ 8,650,132	\$ 8,745,843	\$ 8,825,677	\$ 8,881,821	\$ 8,963,562	\$ 9,213,834	\$ 9,367,879	\$ 9,386,953	\$ 9,451,709

Larger Failures/Closings/License Revocations Impacting CPTF Claims Payments

- ¹ FY2011-2012 - Brent Funeral Services, LLC d/b/a Brent Funeral Chapel
- ² FY2014-2015 - JDR Funeral Services, Inc. and Funerals Nacional Sur Corporation d/b/a Fun
- ³ FY2015-2016 - Cunningham's Funeral Home, and EA Stevens Funeral Home, P.A.
- ⁴ FY2016-2017 - Cemetery Professionals, LLC (Beaches Memorial Gardens)
- ⁵ FY2017-2018 - Cemetery Professionals, LLC (Beaches Memorial Gardens)

DIVISION OF FUNERAL, CEMETERY, AND CONSUMER SERVICES (FCCS)
FCCS Budget Fiscal Year FY2020 - 2021 / FY 2021-2022 / FY2022-2023 / FY 2023-2024

	FISCAL YEAR 2020-2021			FISCAL YEAR 2021-2022			FISCAL YEAR 2022-2023			FISCAL YEAR 2023-2024		
	ADJUSTED APPROPRIATION	ACTUAL EXPENDITURES	ACTUAL BALANCE*	ADJUSTED APPROPRIATION	ACTUAL EXPENDITURES	ACTUAL BALANCE*	ADJUSTED APPROPRIATION	ACTUAL EXPENDITURES	ACTUAL BALANCE*	ADJUSTED APPROPRIATION	ACTUAL EXPENDITURES	ACTUAL BALANCE*
OPERATING EXPENDITURES	\$ 1,861,734	\$ 1,776,890	\$ 81,844	\$ 1,861,734	\$ 1,776,890	\$ 84,844	\$ 1,861,734	\$ 1,776,890	\$ 84,844	\$ 1,861,734	\$ 1,776,890	\$ 84,844
SALARIES AND BENEFITS (EMPLOYEE, RETIREMENT)	81,248	80,891	357	81,248	80,891	357	81,248	80,891	357	81,248	80,891	357
OTHER PERSONNEL SERVICES (NON-FTE EMPLOYEES)	20,517	20,519	(2)	20,517	20,519	(2)	20,517	20,519	(2)	20,517	20,519	(2)
EXPENSES (RENTALS, TRAVEL, SUPPLIES)	1,800	1,800	0	1,800	1,800	0	1,800	1,800	0	1,800	1,800	0
OPERATING CAPITAL (OFFICE EQUIPMENT, VEHICLES)	1,000	1,000	0	1,000	1,000	0	1,000	1,000	0	1,000	1,000	0
ELECTRICAL CONTRACTS (SEE BUDGET FOR DEBT COST TRANSACTIONS)	10,000	10,000	0	10,000	10,000	0	10,000	10,000	0	10,000	10,000	0
OPERATING SERVICES (SECURITY, JANITORY, TEST ADMINISTRATION)	10,000	10,000	0	10,000	10,000	0	10,000	10,000	0	10,000	10,000	0
OPERATION OF MOTOR VEHICLES (OILS, REPAIRS, INSURANCE TO BUDGET)	8,700	8,700	0	8,700	8,700	0	8,700	8,700	0	8,700	8,700	0
REPAIR MAINTENANCE (EQUIPMENT, NON-OPERATING)	10,000	10,000	0	10,000	10,000	0	10,000	10,000	0	10,000	10,000	0
LEASES (LEASES, EQUIPMENT, SUPPLIES)	4,000	4,000	0	4,000	4,000	0	4,000	4,000	0	4,000	4,000	0
TRANSFER TO OTHER FOR NON-REVENUE SUPPORT (PROPERTY, EMT SYSTEM)	11,000	11,000	0	11,000	11,000	0	11,000	11,000	0	11,000	11,000	0
TOTAL OPERATING EXPENDITURES	\$ 1,861,734	\$ 1,776,890	\$ 81,844	\$ 1,861,734	\$ 1,776,890	\$ 84,844	\$ 1,861,734	\$ 1,776,890	\$ 84,844	\$ 1,861,734	\$ 1,776,890	\$ 84,844
NON-OPERATING EXPENDITURES	\$ 87,000	\$ 87,000	\$ 0	\$ 87,000	\$ 87,000	\$ 0	\$ 87,000	\$ 87,000	\$ 0	\$ 87,000	\$ 87,000	\$ 0
TRANSFER TO GENERAL TRUST FUND (AGENCY SUPPORT - LEGAL, INFORMATION TECHNOLOGY, ADMINISTRATION)	87,000	87,000	0	87,000	87,000	0	87,000	87,000	0	87,000	87,000	0
OTHER REVENUE INCREASES TO GENERAL TRUST FUND (INVESTMENTS, ETC.)	0	0	0	0	0	0	0	0	0	0	0	0
SERVICES (CHANGE TO GENERAL REVENUE (REVENUE NOT REPORTED TO GENERAL REVENUE))	0	0	0	0	0	0	0	0	0	0	0	0
OTHER ASSOCIATION/ADMINISTRATIVE ASSOCIATION/TRANSFER SERVICES	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL NON-OPERATING EXPENDITURES	\$ 87,000	\$ 87,000	\$ 0	\$ 87,000	\$ 87,000	\$ 0	\$ 87,000	\$ 87,000	\$ 0	\$ 87,000	\$ 87,000	\$ 0
TOTAL OPERATING AND NON-OPERATING EXPENDITURES	\$ 1,948,734	\$ 1,863,890	\$ 81,844	\$ 1,948,734	\$ 1,863,890	\$ 84,844	\$ 1,948,734	\$ 1,863,890	\$ 84,844	\$ 1,948,734	\$ 1,863,890	\$ 84,844

* General Appropriation Act - approved budget amounts only include operating categories items
 * Difference between Adjusted Appropriation and Actual Expenditures (General Appropriation Act)
 * Difference between Adjusted Appropriation and Budgeted Expenditures
 * Difference between Adjusted Appropriation and Actual Expenditures from 7/1/2021 to 6/30/2023

TOP TABLE:
 UNTIL FY2022-2023, NUMBERS PRESENTED ARE ALL ACTUAL AMOUNTS
 FY2022-2023 SHOWS PROJECTED AMOUNTS AS FOLLOWS:
 - \$111,626 PROJECTED TOTAL REVENUE (SEE RTP BALANCE SHEET)
 - \$278,147 OPERATING EXPENDITURES (SEE BUDGET SHEET, ADJUSTED APPROPRIATION FOR THAT YEAR)
 - \$(142,448) NON-OPERATING EXPENDITURES (SEE BUDGET SHEET, PROJECTED EXPENDITURES FOR THAT YEAR)
 FY2024-2025 AND FORWARD - OPERATING EXPENDITURES ARE ASSUMED TO REMAIN RELATIVELY THE SAME AS THOSE PRESENTED TO 2024 LEGISLATURE FOR BUDGET APPROVAL FOR FY2024. THESE AMOUNTS ARE NOT REFLECTED OTHER STATEMENTS AT THIS TIME, THEY WILL APPEAR IN NEXT YEAR'S STATEMENTS
 FY2024-2025 AND FORWARD - NON-OPERATING EXPENDITURES ARE ESTABLISHED BY BUDGET OFFICE BASED UPON AMOUNTS PRESENTED TO 2024 LEGISLATURE FOR BUDGET APPROVAL FOR FY2024. AMOUNTS SWINGING DUE TO REVENUE SWINGS AND THE DEPARTMENT'S ALLOCATION METHODOLOGY FOR DETERMINING THE NON-OPERATING EXPENDITURES FOR EACH DIVISION.

DIVISION OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
PROJECTED REGULATORY TRUST FUND BALANCES

PROJECTED REGULATORY TRUST FUND BALANCES (with NO projected additional operating expense)

	Actual FY 2016-2017	Actual FY 2017-2018	Actual FY 2018-2019	Actual FY 2019-2020	Actual FY 2020-2021	Actual FY 2021-2022	Actual FY 2022-2023	Projected FY 2023-2024	Projected FY 2024-2025	Projected FY 2025-2026	Projected FY 2026-2027	Projected FY 2027-2028	Projected FY 2028-2029	Projected FY 2029-2030	Projected FY 2030-2031
Estimated Beginning Balance	\$ 4,561,025	\$ 5,034,830	\$ 5,093,900	\$ 5,242,184	\$ 5,046,471	\$ 5,235,584	\$ 5,662,033	\$ 6,202,097	\$ 5,430,438	\$ 4,739,249	\$ 3,664,018	\$ 2,993,097	\$ 1,917,866	\$ 1,248,949	\$ 171,714
Total Revenue	3,461,085	3,051,509	3,281,546	3,028,331	3,470,549	3,346,847	3,442,497	3,111,826	3,551,293	3,111,826	3,551,293	3,111,826	3,551,293	3,111,826	3,551,293
Operating Expenditures	(2,082,467)	(2,043,221)	(2,164,510)	(2,234,230)	(2,145,434)	(2,104,910)	(2,197,381)	(2,751,477)	(3,070,096)	(3,049,828)	(3,049,828)	(3,049,828)	(3,049,828)	(3,049,828)	(3,049,828)
Non-Operating Expenditures	(974,894)	(911,623)	(979,915)	(984,579)	(1,161,142)	(1,011,233)	(876,100)	(1,140,448)	(1,172,386)	(1,137,239)	(1,172,386)	(1,137,239)	(1,172,386)	(1,137,239)	(1,172,386)
Accounting Adjustments (prior year certified reversions/other)	83	12,406	11,183	9,945	48,140	38,341	1,048	8,441	-	-	-	-	-	-	-
Estimated Ending Balance	\$ 5,034,830	\$ 5,093,901	\$ 5,242,184	\$ 5,046,471	\$ 5,235,584	\$ 5,662,033	\$ 6,202,097	\$ 5,430,438	\$ 4,739,249	\$ 3,664,018	\$ 2,993,097	\$ 1,917,866	\$ 1,248,949	\$ 171,714	\$ (499,207)

¹ Assumes revenue and expenditures do not change after 2023. Additionally, assumes NO changes to information technology or FCCS infrastructure.
 Projected Operating Expenditures for FY 2024-2025 assumes funding of Legislative Budget Request

PROJECTED REGULATORY TRUST FUND BALANCES (WITH projected additional operating expense)

	Actual FY 2016-2017	Actual FY 2017-2018	Actual FY 2018-2019	Actual FY 2019-2020	Actual FY 2020-2021	Actual FY 2021-2022	Actual FY 2022-2023	Projected FY 2023-2024	Projected FY 2024-2025	Projected FY 2025-2026	Projected FY 2026-2027	Projected FY 2027-2028	Projected FY 2028-2029	Projected FY 2029-2030	Projected FY 2030-2031
Estimated Beginning Balance	\$ 4,561,025	\$ 5,034,830	\$ 5,093,900	\$ 5,242,184	\$ 5,046,471	\$ 5,235,584	\$ 5,662,033	\$ 6,202,097	\$ 5,430,438	\$ 4,739,249	\$ 3,664,018	\$ 2,993,097	\$ 1,917,866	\$ 1,248,949	\$ 171,714
Total Revenue	3,461,085	3,051,509	3,281,546	3,028,331	3,470,549	3,346,847	3,442,497	3,111,826	3,551,293	3,111,826	3,551,293	3,111,826	3,551,293	3,111,826	3,551,293
Operating Expenditures	(2,082,467)	(2,043,221)	(2,164,510)	(2,234,230)	(2,145,434)	(2,104,910)	(2,197,381)	(2,751,477)	(3,070,096)	(3,049,828)	(3,049,828)	(3,049,828)	(3,049,828)	(3,049,828)	(3,049,828)
Additional Operating Expenditures*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Non-Operating Expenditures	(974,894)	(911,623)	(979,915)	(984,579)	(1,161,142)	(1,011,233)	(876,100)	(1,140,448)	(1,172,386)	(1,137,239)	(1,172,386)	(1,137,239)	(1,172,386)	(1,137,239)	(1,172,386)
Accounting Adjustments (prior year certified reversions/other)	83	12,406	11,183	9,945	48,140	38,341	1,048	8,441	-	-	-	-	-	-	-
Estimated Ending Balance	\$ 5,034,830	\$ 5,093,901	\$ 5,242,184	\$ 5,046,471	\$ 5,235,584	\$ 5,662,033	\$ 6,202,097	\$ 5,430,438	\$ 4,739,249	\$ 3,664,018	\$ 2,993,097	\$ 1,917,866	\$ 1,248,949	\$ 171,714	\$ (499,207)

* Additional Operating Expenditures include the following:

Items	Projected Cost:
Federal Reserve Median 2023 Core Inflation @ 2.6%	12,295
Total	12,295

* applied to 2024 Expenses and Contracted Services

That ends this portion of the Executive Director's Report. Thank you all.

Ms. Simon – Thank you, Ms. Schwantes.

Mr. Jensen – Mr. Chair? I do have a question for Ms. Schwantes back on these other fees, if I may?

Ms. Schwantes – Yes, sir? I'll answer if I can.

Mr. Jensen – I'm just curious. The actual, between 2022-2023 on other fees was \$796,000 and 2023-2024 is \$133,000. Is that correct? I mean, I know 2024 is not complete. How close are we to a final number on that?

Ms. Schwantes – Fiscal Year 2023-2024, and we're in 2024-2025 now. So Fiscal Year 2023, and I always get this mixed up.

Mr. Jensen – Is that because renewals of licenses are coming up this year?

Ms. Schwantes – Yes. And that was a projected number for 2023-2024.

Mr. Jensen – That answers my question. Thank you.

Ms. Schwantes – And I apologize to you. We are in Fiscal Year 2023-2024. My hesitation is always because we're already planning 2024-2025. So, I always have to do a backtracking when speaking on that. So, these are submitted for the final fiscal year, and then the project projected numbers are for the fiscal year that we're currently in.

Mr. Jensen – Thank you, Ms. Schwantes.

Ms. Schwantes – Please do give me a call at any time if you have any other questions.

Mr. Clark – Mr. Ferreira, did you have a question?

Mr. Ferreira – No, sir.

Mr. Clark – Okay. Thank you, Ms. Schwantes

Ms. Schwantes – Thank you. Thank you all.

(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: May 2, 2024
Date report was prepared: April 23, 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 Michels & 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		Referred to the OGC for administrative action
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		Referred to the OGC for administrative action
Lisa Michelle Norwood	11/2/2023	277447-21-FC & 278059-21-FC	3,500	12/28/2023	Paid in Full	

Samuel's Funeral Home	12-Oct-23	305186-23-FC	\$1,500	12/11/2023	Paid in Full	
Guerry Funeral Home	12-Oct-23	306763-23-FC	\$1,500	12/11/2023	Paid in Full	
Brittnee Milton	12-Oct-23	306765-23-FC	\$1,500	12/11/2023	Paid in Full	
Guerry Funeral Home	12-Oct-23	304779-23-FC & 308191-23-FC	\$5,000	12/11/2023	Paid in Full	
Saundra Brown	12-Oct-23	307399-23-FC	\$1,250	12/17/2023	Paid in Full	
J Brown Funeral & Cremation Services	12-Oct-23	307398-23-FC	\$1,750	12/17/2023	Paid in Full	
William Lee Guerry	12-Oct-23	304782-23-FC & 308192-23-FC	\$5,000	12/11/2023	Paid in Full	
Justin Lee	10/12/2023 & 1/4/2024	279222-21-FC	\$500	8-Mar-24		Referred to the OGC for administrative action
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 4-22-24

S. Chair's Report (Verbal)

Ms. Simon – No report, as Ms. Peeples is not on the call today.

**T. Office of Attorney General's Report
(1) Attorney General's Rules Report (Informational)**

Ms. Simon – Ms. Munson?

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

Ms. Simon – Thank you.

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

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective

There are currently no rules in the rulemaking process.

U. Public Comments (Verbal)

Ms. Simon – Are there any public comments to be made during today's meeting? Hearing no response. Mr. Clark?

V. Administrative Report as April 18, 2024

The information was provided on the agenda.

W. Disciplinary Report

The information was provided on the agenda.

X. Upcoming Meeting(s)

- (1) *June 18th (AC Hotel Tallahassee Universities At The Capitol, 801 S Gadsden St, Tallahassee FL 32301)*
- (2) *June 27th (Videoconference)*
- (3) *August 1st (Videoconference)*
- (4) *September 5th (Videoconference)*
- (5) *October 10th (Videoconference)*
- (6) *November 7th (Videoconference)*
- (7) *December 5th (Videoconference)*

Y. Adjournment

Mr. Clark – Thank you, Ms. Simon. I want to thank all the Board members today for coming prepared and having a great meeting. Please keep Chair Peebles in your thoughts this week and feel free to reach out to her. I connected with her this morning and certainly wish her comfort and nothing but the best, during this difficult time. With that, we are adjourned.

Ms. Simon – Thank you, Board members.

Mr. Clark – Thank you.

The meeting was adjourned at 11:35.