

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
BOARD MEETING
JUNE 18, 2024 - 10:00 A.M.

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

Ms. Jill Peeples – Welcome. I am Jill Peeples, Chair of the Board of Funeral, Cemetery, and Consumer Services. This is June 18, 2024, Tuesday. We're in Tallahassee and I will call the meeting to order and turn it over to Ms. Simon.

Ms. Ellen Simon – Thank you, ma'am. Good morning. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is June 18, 2024, and it is approximately 10:05 AM. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held in person at the AC Hotel Tallahassee University at the Capitol in Tallahassee, Florida. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to interested persons. Information concerning this Board meeting has been made available on the Division's website. Ms. Bryant is recording the meeting and minutes will be prepared. Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board's chair, Ms. Peeples, runs this meeting. Persons desiring to speak should initially ask the Chair for permission. As a reminder to Board members, you are to refrain from commenting on facts not included in your Board packages and instead base your decision solely on the information in your packages, as well as testimony provided at this meeting. Additionally, ongoing investigations are private and confidential and are not to be discussed even for the purposes of confirming there is an investigation. Just a few words about item Y on your agenda, which is Public Comment. Public Comment is reserved for general comments by the public and not for re-litigation of any matter before the Board. Please be made aware that a public comment is used as an attempt to relitigate a matter that is being heard on this agenda, the Board will be instructed that the comment is not appropriate for the Public Comment item and should not be considered for further discussion. At this point I will take the roll:

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

Also noted as present:

Mary Schwantes, Executive Director
Rachelle Munson, Board Legal Advisor
Marshawn Griffin, Department Legal Counsel
Jared Woliver, Department Legal Counsel
LaTonya Bryant, Department Staff
Crystal Grant, Department Staff
Nicole Singleton, Department Staff
Alex Washington, Department Staff

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

Chair Peeples – Thank you, Ms. Simon. I'm going to just take a minute here, as we begin the meeting today. For those that don't know, a long-time industry professional, Chair, Vice Chair, Mr. Jody Brandenburg passed away on June 10th, and our industry has lost a giant. He was very, very involved in our industry. He was also a part of the Jacksonville community for many years, coming from Miami. He served as Vice Chair for five (5) years, and Chair for thirteen (13) years. What a giant. So, we have some cards in the back if you'd like to sign one. There will be a memorial service in Jacksonville on July 13, 2024, at 11:00 AM, if you'd like to attend. So, let's just take a minute for a moment of silence to honor Mr. Brandenburg. Thank you.

B. Action on the Minutes

(1) April 4, 2024

Chair Peebles – Board Members?

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

C. Old Business

(1) 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 present? Hearing no response. This matter was previously before the Board in May 2024. However, it was later determined that Ms. White may not have received proper notice of the Board meeting. The Division confirmed that Ms. White was given proper notice of this June 18, 2024, meeting which is evidenced in your Board package. As a result, the Division is requesting the Board to revisit this matter, by a motion.

Chair Peebles – Board Members?

MOTION: Mr. Jones moved to revisit this matter. Mr. Williams seconded the motion.

Chair Peebles – Is there any discussion? Mr. Lyons? Mr. Jensen?

Mr. Chris Jensen – I thought the Department recommended denial, but Ms. Simon just said you want us to take it up again.

Ms. Simon – Yes, sir. When this was heard in May, we don't believe she was properly noticed. As a result, we're bringing it up now and we're asking that the Board revisit the matter.

Mr. Jensen – Thank you.

Chair Peebles – Is there any further discussion on the motion? Hearing none. All in favor of the motion, say Yes.

Board members – Yes.

Chair Peebles – And any opposed, say No. Motion carries.

Ms. Simon – The applicant is requesting that the Board permit her to withdraw her withdrawal submitted at the March Board meeting. All documentation for the March meeting is included in your Board package, along with the minutes of that meeting. Ms. White is not here. The Division is recommending denial.

Mr. Jay Lyons – Madam Chair?

Chair Peebles – Mr. Lyons?

Mr. Lyons – If I understand, if we deny the withdrawal of the withdrawal, then the withdrawal is going to stand, and basically, she never applied, and the matter is done. If we approve the withdrawal of the withdrawal, then the matter is back up in the air, but she's not here to litigate it. Am I correct?

Ms. Simon – That's a good synopsis.

Chair Peebles – Ms. Munson?

Ms. Rachelle Munson – Good morning. My name is Rachelle Munson, and I’m Board counsel. So, what we just voted on was to rescind the withdrawal that was previously taken place. So, now what the Board is going to do is look at the merits of this application and determine whether or not, based on this application, the Board chooses to approve it or to deny it. And the denial is the recommendation of the Department.

Ms. Simon – Actually, Ms. Munson, if I may? I don’t think that that’s what’s on the agenda today. What’s on the agenda is Ms. White’s motion to rescind her withdrawal.

Ms. Munson – Yes.

Ms. Simon – We already voted to revisit that matter. So, what we’re here for today is whether the Board wants to permit her to withdraw her withdrawal. We’re not here on the initial case.

Ms. Munson – Proceed.

Chair Peeples – Board members, your pleasure?

MOTION: Mr. Jensen moved to deny Ms. White’s request to withdraw her withdrawal. Mr. Lyons seconded the motion.

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

Mr. Williams – So, Ms. Simon, with this motion, are we going to revisit the initial case?

Ms. Simon – No, sir. If this denial stands, we’re done with this matter.

Ms. Munson – The denial of the withdrawal?

Ms. Simon – Yes. The denial of the motion to withdraw, and the matter has been concluded previously.

Mr. Williams – Follow-up, Madam Chair?

Chair Peeples – Yes, sir, Mr. Williams.

Mr. Williams – What is the result of the case?

Ms. Simon – The denial of the application that was done in March stands.

Mr. Williams – Okay.

Ms. Simon – But we need to hear this matter because there was a request to withdraw...just a minute. I’m sorry, sir. I apologize. I had that wrong. In March 2024, Ms. White withdrew her application. Afterwards, she submitted a motion to withdraw her withdrawal. If the Board denies that motion today, her withdrawal stands. So, her application is not before us, anymore.

Ms. Munson – No.

Mr. Jensen – She’d just have to reapply.

Mr. Williams – How do we avoid this happening again? Any applicant could do the same thing and come right back before us. I was under the impression that we were voting on the withdrawal and then, if we voted the withdrawal down, meaning the denial would stay on the applicant’s file.

Ms. Simon – The withdrawal would stand. The application is no longer before the Board.

Mr. Williams – So, will there be an opportunity for this to come before the Board? Because initially there was a consensus to deny the application and then the opportunity to withdraw was presented, so we were never allowed to vote on the case itself. So, I'm asking are we going to bring the application back so that we can vote on it?

Ms. Simon – No. If the Board chooses to deny this today, it's as if there was no application, because she withdrew it at the March meeting. Ms. Munson?

Ms. Munson – I just think, for procedural purposes and to clarify, to do it in a chronological order. The application came before the Board for review. Initially, the Department recommended that the application be denied. Prior to a denial vote being taken, the applicant requested to withdraw her application, and the Board allowed her to withdraw the application. When the next meeting was set, I believe it was determined that at the meeting when the withdrawal was received, the applicant was not properly noticed, so the withdrawal did not carry the merits.

Mr. Lyons – Madam Chair?

Ms. Simon – No. I'm sorry.

Chair Peebles – One second, Mr. Lyons.

Ms. Simon – Actually, no. I know this may sound complicated, but during the March meeting, there was a motion for denial. Ms. White then withdraw her application. It was after that that Ms. White filed a request to withdraw her withdrawal. In May, we heard that, and that request was denied. However, it was determined that Ms. White was not properly noticed in May, so we had to recall that request to withdraw her withdrawal today. If the Board chooses to approve the motion to deny, then we have nothing more on the table. What we'd be procedurally left with is Ms. White's withdrawal of her application and, as Mr. Lyons or Mr. Jensen stated, she would have to apply again if she wanted the application heard.

Chair Peebles – Mr. Lyons?

Mr. Lyons – Also, if I understand correctly, if we are going to deny the withdrawal of the withdrawal, the withdrawal is going to stand, which means if she was to ever apply again, when she's asked about adverse history, this is not adverse history, correct, because she withdrew her application? She's never had an application denied by the Board. If we were to deny the withdrawal of the withdrawal, the withdrawal would stand, but only because she came before the Board and said, never mind. The Board never acted on any application of hers at all. So, if we were to deny the withdrawal of the withdrawal, the withdrawal would stand. If I may, Madam Chair, basically what we have here is a double negative. She had an application and withdrew the application. She tried to withdraw the withdrawal, which would make the application be back on the table. We're going to deny the withdrawal of the withdrawal, so the withdrawal is going to be in front of us and there's no application. She's not going to have any adverse history. We're not going to take up any matter because there's no application in front of us, so we'll just move on.

Ms. Simon – I believe that was an excellent summary.

Mr. Lyons – {Inaudible}. I'll put it that way.

Chair Peebles – Ms. Munson?

Ms. Munson – The initial withdrawal order was never filed, so we would need to make sure that it is filed.

Chair Peebles – Mr. Williams?

Mr. Williams – So, if we do not vote in the affirmative of the Division, what are those consequences or what are those steps? Question is for Ms. Simon.

Ms. Simon – Well, then there is not a motion before the Board. Whatever's the Board's pleasure at that point, it's up to the Board how the Board wants to react. If the Board does not approve this motion, then there is a request for a withdrawal of a

withdrawal still on the table. And so, the Board, at that point, can permit it and then go back to the original if they choose or not. In March, the Board made a motion to deny the application and then at that point the applicant withdrew her application. So, today, if the Board agrees with the motion that was just made, the matter is over, and it is as if Ms. White never applied.

Chair Peeples – Mr. Williams, a follow-up?

Mr. Williams – Yes. Thank you, Madam Chair. So, how can we avoid this not happening again? Because any applicant could do the same thing and we'll have these same withdrawals that will take us back to step one.

Ms. Simon – Thank you. I can tell you how the Board could avoid this happening again. Thank you so much. The way the Board could avoid this happening again, in this matter, it was the Division that erred in not ensuring that Ms. White had proper notice. But in the future, the way to make sure this doesn't happen again, if that's the Board's choosing, the Board would deny the motion to withdraw and the motion to revisit the matter.

Mr. Williams – So, I guess my question, Madam Chair, if I may, a follow-up? So, in the Board packet, it stated that she was under distress when that was mentioned, in reference to Attorney Munson's statement of options. So, I guess my thing is, was it distress or was it not properly noticed? Maybe I'm confused on that.

Ms. Simon – Madam Chair, may I?

Chair Peeples – Yes, ma'am.

Ms. Simon – There was no notice issue in March. In March, everything was copasetic. There was an application before the Board. The Board motioned to deny and Ms. White, at that point, was given the opportunity to withdraw her application. In April, or at the end of March, she requested the Board rehear the matter and allow her to withdraw her withdrawal so the Board would hear the application. We set that for hearing in May, and the Board heard it and denied it, but Ms. White was not properly served. So, that is before the Board again, which is the motion to withdraw her withdrawal.

Mr. Williams – May I make a friendly amendment to the motion maker?

Chair Peeples – Yes, sir. That would go to Mr. Jensen.

Mr. Williams – Mr. Jensen, if you would, the motion would be to deny and allow the Board to readdress the initial case of the applicant.

Chair Peeples – If I may, and please, ladies, correct me if I'm not correct. We have a motion and a second. We are in discussion to deny the withdrawal of her withdrawal. Is that correct?

Ms. Simon – Correct.

Chair Peeples – So, why don't we call a vote and see what the Board members' pleasure is. And then if we need to go to the next step, we can. So, will you call a vote, please, ma'am?

Ms. Simon – Yes, ma'am. All of those who agree with the motion to deny, please say Yes. Mr. Jones?

Mr. Jones – Yes.

Ms. Simon – Mr. Lyons?

Mr. Lyons – Yes.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yes.

Ms. Simon – Mr. Clark?

Mr. Clark – Yes.

Ms. Simon – Mr. Williams?

Mr. Williams – No.

Ms. Simon – Mr. Ferreira?

Mr. Todd Ferreira – Yes.

Ms. Simon – Madam Chair?

Chair Peeples – Yes.

Ms. Simon – And that motion passes.

Chair Peeples – So, we are now complete with Ms. White?

Ms. Munson – May I?

Chair Peeples – Ms. Munson?

Ms. Munson – Just to clarify, as a result of that vote, an order will be filed indicating that the application of Ms. White is withdrawn.

Chair Peeples – Thank you.

Ms. Simon – Thank you so much.

D. Disciplinary Proceedings

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

(a) Related Items – Multiple Division Nos.

- 1. Lamothe, Robert Paul: DFS Case Nos. 316271-23-FC, 312549-23-FC, 316281-23-FC, 316290-23-FC, 316920-23-FC, 316872-23-FC, 316966-23-FC, 316972-23-FC, 316879-23-FC, 316884-23-FC, 316887-23-FC, 316889-23-FC, 316896-23-FC, 316901-23-FC, 316910-23-FC, 316915-23-FC; Division Nos. ATN: ATN-39453, ATN-40537, ATN-41562, ATN-41580, ATN-41675, ATN-41714, ATN- 41715, ATN-41751, ATN-41752, ATN-41753, ATN-41754, ATN-41755, ATN-41765, ATN-41771, ATN-41775, & ATN-41823 (F068314)***

Ms. Simon – Is Mr. Lamothe here today? Hearing no response. Presenting for the Department is Mr. Griffin.

Mr. Marshawn 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 Robert Paul Lamothe (Respondent). The Division alleges Respondent engaged in the following:

- Respondent entered into contracts with sixteen (16) consumers and failed to deliver monuments by the promised date. Respondent further failed to provide refunds to three (3) of those consumers upon receiving written requests.

The Motion demonstrates Respondent failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Mr. Jones – Madam Chair?

Chair Peeples – Mr. Jones?

Mr. Jones – I'd like to state for the record that I served on Probable Cause Panel A and will recuse myself for Items D. (1).

Chair Peeples – Thank you, sir. Board members, we need to have a motion to have a waiver and an informal hearing. What is your pleasure?

MOTION: Mr. Williams moved that Respondent failed to timely file a responsive pleading, therefore waiving his right to request a proceeding. Mr. Lyons seconded the motion, which passed unanimously.

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

Chair Peeples – Board members?

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

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

MOTION: Mr. Ferreira moved to find the Respondent in violation of the statutes as charged in the Administrative Complaint. Mr. Williams 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. As to penalty in this case, the Department recommends that the Respondent's license should be revoked.

MOTION: Mr. Ferreira moved that the Respondent's license shall be revoked. Mr. Williams seconded the motion.

Chair Peeples – Is there any further discussion on the motion?

Ms. Mary Schwantes – Yes, ma'am.

Chair Peeples – Ms. Schwantes?

Ms. Schwantes – I believe our recommendation would be that the license be revoked permanently.

Mr. Griffin – Yes, permanent revocation.

Chair Peeples – Mr. Ferreira, do you agree with that amendment to the motion?

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Mr. Williams?

Mr. Williams – Yes, ma'am.

Chair Peeples – Thank you. So, the motion's been amended to permanent revocation of this license. Any further discussion on the motion?

Mr. Lyons – Yes, ma’am.

Chair Peeples – Mr. Lyons?

Mr. Lyons – Thank you. Good morning.

Mr. Griffin – Good morning.

Mr. Lyons – So, we’re starting out with a doozy here. Sixteen (16) cases, failure to provide refund on three (3) of them upon request. The other thirteen (13) did not request a refund, or were they provided a refund?

Mr. Griffin – I don’t know. I don’t believe they received a refund at all.

Mr. Lyons – {Inaudible}

Mr. Griffin - I don’t believe that they were refunded.

Mr. Lyons – I know the answer to this question, but I’m going to ask it for public record. Does the Department have any way to seize his assets and then give {inaudible}? Is there any recourse that we have?

Mr. Griffin – Not to my knowledge and per my understanding, he has a lot of other problems outside of us in the justice system to deal with. So, this is the last thing he will be dealing with as he is facing some serious criminal charges.

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

Mr. Lyons – Yes.

Chair Peeples – Is there any further discussion on the motion? Hearing none. All in favor of the motion, say Yes.

Board members – Yes.

Chair Peeples – Any opposed, say No. The motion carries.

2. *Robert P. Lamothe d/b/a Lamothes Monument Services: DFS Case Nos.: 316269-23-FC, 312548-23-FC, 316277-23-FC, 316283-23-FC, 316918-23-FC, 316868-23-FC, 316963-23-FC, 316970-23-FC, 316874-23-FC, 316882-23-FC, 316886-23-FC, 316888-23-FC, 316894-23-FC, 316899-23-FC, 316908-23-FC, 316913-23-FC; Division Nos. ATN: ATN-39453, ATN-40537, ATN-41562, ATN-41580, ATN-41675, ATN-41714, ATN-41715, ATN-41751, ATN-41752, ATN-41753, ATN-41754, ATN-41755, ATN-41765, ATN-41771, ATN-41775, & ATN-41823 (F522600)*

Ms. Simon – Is there any one here representing Robert P. Lamothe d/b/a Lamothes Monument Services? Hearing no response Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Robert P. Lamothe, d/b/a Lamothes Monument Services (Respondent). The Division alleges Respondent engaged in the following:

- Respondent entered into contracts with sixteen (16) consumers and failed to deliver monuments by the promised date. Respondent further failed to provide refunds to three (3) of those consumers upon receiving written requests.

The Motion demonstrates Respondent failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Chair Peeples – Board members?

MOTION: Mr. Ferreira moved that Respondent failed to timely file a responsive pleading, therefore waiving its right to request a proceeding. Mr. Jensen seconded the motion, which passed unanimously.

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

MOTION: Mr. Clark moved to adopt the allegations of the facts as set forth in both Administrative Complaint. Mr. Williams 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. Ferreira moved to find the Respondent in violation of the statutes as charged in the Administrative Complaint. Mr. Jensen seconded the motion, which passed unanimously.

Mr. Griffin – 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. As to penalty in this case, the Department recommends that the Respondent’s license shall be permanently revoked.

MOTION: Mr. Ferreira moved that the Respondent’s license shall be revoked permanently. Mr. Williams seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Mr. Griffin.

- (2) Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel B)*
- (a) Leon A. White Mortuary Transport Services LLC: DFS Case No. 315262-23-FC; Division No. ATN-41440 (F490975)*

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

Mr. Jared Woliver – Good morning, Board members. The above-referenced matter is presented to the Board for consideration of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (“Motion”) in the matter of Leon A. White Mortuary Transport Services LLC (“Respondent”). The Division alleges Respondent advertised goods and services beyond the scope of its licensure, in violation of Chapter 497, Florida Statutes.

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

Mr. Williams – Madam Chair?

Chair Peeples – Yes, sir, Mr. Williams?

Mr. Williams – Madam Chair, I need to recuse myself from agenda item D (2) and (3), as I served on Probable Cause Panel B.

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

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

Mr. Woliver – At this time it would be appropriate for the Chair to entertain a motion determining that the Respondent was properly served with the Administrative Complaint and has timely submitted a request for an informal hearing.

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

Mr. Woliver – The Department believes it is appropriate at this time for the Chair to entertain a motion determining that there are no material facts in dispute.

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

Mr. Woliver – Now that the Board has determined that there are no material facts in this matter the Department believes it is appropriate at this time for the Chair to entertain a motion adopting the allegation of the facts as set forth in the Administrative Complaint.

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

Mr. Griffin – The Department 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. Now that the Board has adopted the findings of fact support in this case, 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. Ferreira 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. Woliver – I would submit to the Board as you consider a penalty recommendation that s. 497.152(9)(e), F.S., the penalty guidelines are a reprimand or \$500 to \$2000 fine. I'll leave that to your discretion.

Chair Peeples – Board members? Mr. Ferreira?

Mr. Ferreira – Do we need to make a motion?

Chair Peeples – Yes, sir, for the penalty. Mr. Woliver, if you would please repeat the penalty guidelines.

Mr. Woliver – Sure thing. In Chapter 69K, F.A.C., the penalty guidelines are a reprimand or \$500 to \$2000 fine, with probation of six (6) months to twelve (12) months.

MOTION: Mr. Ferreira moved that the Respondent shall pay a \$500 fine and its license be place on probation for six (6) months. Mr. Jones seconded the motion.

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

Mr. Lyons – Do we know {inaudible}? I mean, the Facebook advertising for cremation services, and funeral, and ship-out services, and all of that. Is there any evidence that they did any of that?

Mr. Woliver – No, there is no evidence that they performed any work outside the scope of their licensure.

Mr. Lyons – Okay. Thank you.

Chair Peeples – Mr. Jensen?

Mr. Jensen – There is evidence that they were advertising that?

Mr. Woliver – Yes. That would fall within the guidelines, s. 497.152, F.S.

Chair Peeples – Is there any further discussion on the motion? Hearing none. All in favor of the motion, say Yes.

Board members – Yes.

Chair Peeples – All opposed, say No. The motion carries. Thank you, sir.

Mr. Woliver – Thank you.

(3) Settlement Stipulation (Probable Cause Panel B)

(a) Related Items – Division No. ATN-39190

1. Kaley, Tabatha Marie: DFS Case No. 311906-23-FC; Division No. ATN-39190 (F078772)

Ms. Simon – Is Ms. Kaley present today, or a representative of Ms. Kaley? Please step forward. Presenting for the Department, is Mr. Griffin.

Mr. Griffin – Tabatha Marie Kaley (“Respondent”) is licensed under Chapter 497, Florida Statutes, license number F078772. The Department conducted an investigation of Respondent and found that Respondent demonstrated negligence or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes. Respondent has entered into a proposed settlement stipulation. The proposed stipulation provides that Respondent will pay a \$2,000 fine and have her license placed on probation for twenty-four (24) months. The Department requests that the Board accept this settlement stipulation.

Chair Peeples – Thank you, Mr. Griffin. And who do we have representing Ms. Kaley?

Ms. Meagan Blanco – Meagan Blanco, B-L-A-N-C-H-O.

Chair Peeples – And are you an attorney?

Ms. Blanco – Yes.

Chair Peeples – Thank you. Are you Ms. Kaley?

Ms. Tabatha Kaley – Yes.

Chair Peeples – Would you like to be sworn in to answer any questions, or if you’d like to speak?

Ms. Kaley – Yes.

Chair Peeples – Ms. Simon?

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

Ms. Kaley – Yes.

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

Ms. Kaley – Tabatha Marie Kaley, K-A-L-E-Y.

Ms. Simon – Thank you, ma’am.

Chair Peeples – Ms. Kaley, or Ms. Blanco, would you like to address the Board?

Ms. Blanco – Just briefly. Ms. Kaley has provided a very honest and open interview and was cooperative with the investigation. She has learned many difficult lessons from this matter that she will take with her throughout her career. We would respectfully request the Board accept the settlement that is before you today.

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

Ms. Kaley – If there are any questions, I am happy to answer the best that I can.

Chair Peeples – Thank you, ma'am. Thank you for being here today. Board members, what is your pleasure? We have a Settlement Stipulation presented before us with a fine and probation. What is your pleasure?

MOTION: Mr. Jones moved that Respondent shall pay a fine of \$2,000 and have her license placed on probation for twenty-four (24) months. Chair Peeples seconded the motion.

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

Mr. Lyons – Thank you. Obviously, the situation is very disturbing, to say the least. So, if I understand correctly, there was a funeral director in charge who was asserting certain authority and that's why the Respondent did what she did. I know we're not allowed to ask about an ongoing investigation, but I assume the idea of why we are accepting the Settlement Stipulation of \$2000 and probation for twenty-four (24) months is because she was a little lower in the chain of command.

Mr. Griffin – Yes. The Settlement Stipulation contemplates basically moral culpability of each person that is involved in that situation. So, that's why we only put a \$2000 fine twenty-four (24) months of probation on Ms. Kaley. We've filed complaints against every other person that's involved in this. In fact, we'll be settling a complaint against the establishment today. So, obviously, we'll seek different penalties based off each party's culpability in the situation that occurred.

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

Mr. Lyons – Yes.

Chair Peeples – Mr. Jones?

Mr. Jones – What have you learned from this?

Ms. Kaley – We don't have all day for what I've learned, but I have learned that if one (1) person won't listen, and two (2) people won't listen, go find someone who will.

Mr. Jones – Thank you.

Chair Peeples – Mr. Jensen?

Mr. Jensen – In reading this case, I'm just curious. I can see how things happened, but the one thing about it that's bothered me the most is someone purposely changed the name. Can you speak to that? Who did that? Do we even know who did that? That's the biggest part of this. I can see all these other things happening, but that was deliberate.

Ms. Kaley – So, when this event happened, I was the one who caught the mistake and called the person in charge of the case. There are witness who can attest to the fact that I was having a panic attack over this. I have never experienced any mistake like this. The person I reached out to kept saying over and over and over that it was a tag mix-up and that's how {inaudible} because it was something that was said repeatedly, and I reacted out of fear.

Mr. Jensen – Follow-up?

Chair Peeples – Yes, sir.

Mr. Jensen – In the file, it stated that someone purposely cut the tag and moved it. Who did that?

Ms. Kaley – I did.

Mr. Jensen – Were you told to do that?

Ms. Kaley – I can't remember if I was told to do it or not. It was a chaotic situation. I wish I could answer that better, but I can't remember if I was told to change it or not.

Mr. Jensen – And did you apply the new tag of the wrong person?

Ms. Kaley – Yes.

Mr. Jensen – Okay. Thank you.

Ms. Blanco – And if I could follow-up on that?

Chair Peeples – Yes, ma'am.

Ms. Blanco – And the next step had already happened, and I understand mistakes versus intentional, and then she came back the next morning and changed it back. So, what actually occurred with the mix up of the bodies was not because of anything that she did. And then she addressed it by the next morning and headed back in and was trying to get help with how to address this and correct this. It was then, in her interview, very emotional, very stressful and she knows going forward that any time there is any issue to seek assistance from someone who will listen and help and not try to cover up mistakes.

Ms. Munson – If I may? It would just be helpful, because that was a personal statement, for the Respondent to make them so that you are not speaking for her. I understand your representation, but you can't really speak for her.

Chair Peeples – We have a motion by Mr. Jones, and I made the second. Mr. Ferreira?

Mr. Ferreira – What are the penalty guidelines for this?

Chair Peeples – Well, this is a settlement stipulation. Mr. Griffin?

Mr. Griffin – For a violation of s. 497.152(1)(b), F. S., it's \$1000-\$2500 fine, costs, six (6) months to up to one (1) year of probation with conditions.

Chair Peeples – Mr. Ferreira, there's a settlement stipulation before us, and the Respondent has agreed to, on behalf of her counsel, a \$2000 fine and her license be placed on probation for twenty-four (24) months.

Mr. Ferreira – Yes, ma'am.

Chair Peeples – So we have a motion by Mr. Jones, and I made the second. Are there any other discussion or questions for the Respondent? Mr. Jensen?

Mr. Jensen – I apologize. I do have one other question. So, once you figured out that the mistake had occurred, how did it get as far as the cemetery?

Ms. Kaley – I did not get that person that went to the cemetery prepared. So, that was all done days prior. I was not involved in the services at all. It was loaded and taken to Miami. It was later Monday afternoon, I was updating {inaudible}. They have {inaudible} and that is when I found the person that was supposed to be going to Miami. She was still in my refrigeration unit. I ran across the street to the funeral home and asked who was taken to Miami today. She said the name. I said she's in the

cooler. It was at that point that the manager was called and informed and that's just kind of where the whole situation spiraled out of control.

Mr. Jensen – Madam Chair, may I?

Chair Peeples – Yes, sir.

Mr. Jensen – It was just mentioned that you came back the next morning and fixed the problem, but you just stated that you didn't realize that the person was gone until the following evening. So, I'm just trying to figure it out.

Ms. Kaley – It was all in the same day. So, the burial took place, and I found the person that was supposed to be buried in the same day. Again, as soon as I discovered the mistake, I immediately called the manager. I let them know what had been done, and that is when things just started getting [inaudible]. So, it was all in one day.

Mr. Jensen – Thank you.

Chair Peeples – Mr. Lyons?

Mr. Lyons – I thought you asking about the second body. How did the second body get to the cemetery?

Ms. Kaley – I did not touch the second body at all. The manager who was in charge of both cases is the one who did that one.

Mr. Lyons – Thank you.

Chair Peeples – Does that complete your question, sir?

Mr. Lyons – Yes.

Chair Peeples – Is there any further discussion on the motion?

Mr. Jensen – Mr. Ferreira, I understand you asked about the penalty guidelines, but is that the end of it?

Mr. Griffin – The penalty guidelines can be aggravated or mitigated, but we are not seeking to do that. The Department has decided that the appropriate way to resolve this case is with a \$2000 fine and twenty-four (24) months' probation. If we were trying to seek higher than that we would have taken this to an informal hearing and not engaged in the settlement process. Furthermore, I'd like to point out that at some point there is a funeral director in charge whose sole job is to make sure that everyone follows the rules. And this is an exact situation where we see why it's very important that the funeral director in charge does their actual job and actually supervise their subordinates. Based off of Ms. Kaley's forthrightness, the fact that she cooperated with the Department, her minimal culpability involved in all of this, this is why we sought the settlement that we sought.

Mr. Jensen – You didn't answer my question.

Mr. Griffin – I started off by stating that we can aggravate or mitigate the penalty, but in order to do that, we couldn't do that in a settlement. You would have to go under the hearing process, because we've already...

Mr. Jensen – Okay, I got you. So, the top penalty we could possibly do is what you suggested?

Ms. Munson – So, you do have other options, just to clarify. If the Board is not happy with this settlement that the Department and Respondent has presented to you, you have the authority to reject that settlement. You have the authority to allow them to come up with different terms and then present those different terms to you as a counter, at which time you can go along with the counter. It doesn't have to be formal. It can still remain before the Board as a settlement agreement, but with different arrangements. It's up to you. You can reject it and request a counter.

Mr. Jensen – Madam Chair, the only issue I have is I think there needs to be a little more probation. I’m not opposed to the fine, but we should keep an eye on the situation.

Mr. Griffin – We’ve already maxed them out. We’re actually going higher than what’s already called for.

Mr. Jensen – That’s what I’m asking.

Mr. Griffin – The penalty guidelines call for...if you went to hearing and you did not find aggravation, the most you could put her on probation for is twelve (12) months. Here she has agreed to via stipulation a twenty-four-month probation.

Mr. Jensen – Thank you.

Chair Peeples – Does that complete your question?

Mr. Jensen – Yes, ma’am.

Chair Peeples – Thank you. Is there any other discussion on the motion? Hearing none. We’re going forward and are going to take a vote. All those in favor of the motion to accept the settlement stipulation terms, say Yes.

Board members – Yes.

Chair Peeples – All opposed, say No. Motion carries. Thank you, ladies.

Ms. Kaley – Thank you.

Chair Peeples – Let’s take a 10-minute break. It’s 10:54. Let’s come back at 11:05.

*****BREAK*****

Chair Peeples – I will call the meeting back to order. Ms. Simon?

2. Legacy Funeral Holdings of Florida, LLC d/b/a Collison Carey Hand Funeral Home: DFS Case No. 311883-23-FC; Division No. ATN-39190 (F079242)

Ms. Simon – This is a companion case to the last one. Ms. Wiener must be representing the license. Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. Legacy Funeral Holdings of Florida, LLC d/b/a Collison Carey Hand Funeral Home (“Respondent”) is funeral establishment and apprentice/intern training agency, licensed under Chapter 497, Florida Statutes, license number F079242. The Department conducted an investigation of Respondent and found that Respondent demonstrated fraud, negligence, or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes. Respondent has entered into a proposed settlement stipulation. The proposed stipulation provides that Respondent shall pay a \$2,000 fine and have its license placed on probation for twelve (12) months. The Department requests that the Board accept this settlement stipulation.

Chair Peeples – Thank you. Ms. Wiener?

Ms. Wendy Wiener – Thank you. Just very briefly. As you can read in your settlement stipulation, the licensee here, the funeral establishment, does not agree that it exhibited fraud or incompetence or negligence. We do accept the settlement because ultimately the funeral establishment is responsible for the actions of its employees. But in case you are not aware, or did not thoroughly read your Board packet, on Page 26 of 54 you will see that the only reason that the Division knows about this matter is because the funeral establishment self-reported it many months after the incident occurred, when it found out about it, because one of the employees that was involved, finally with a significantly guilty conscience, came to management of the funeral establishment and disclosed what had happened. So, we want to make that of record. The self-reporting is in your

files, and we do accept the settlement stipulation.

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

MOTION: Mr. Jones moved that Respondent shall pay a fine of \$2,000 and have its license placed on probation for twelve (12) months. Mr. Lyons seconded the motion.

Chair Peeples – We have a motion by Mr. Jones a second by Mr. Lyons. Is there any discussion on the motion? Mr. Ferreira?

Mr. Ferreira – I struggle with the fact that the young lady that was here earlier, her fine was stiffer than this fine. That’s what I’m struggling with.

Mr. Griffin – If I may?

Chair Peeples – Yes, sir.

Mr. Griffin – Fundamental principle of penal law, criminal law for any sort of disciplinary, your punishment is relevant to your moral culpability of the actions you’ve been in. Here, we’re dealing with vicarious liability for the establishment. This is an entity versus the individual person that did it. So, when the Division and OGC were making this offer, what was taken into account is that the individual people that are directly responsible are serving are much harsher penalty in terms of an additional twelve (12) months of probation, whereas the entity deserves a little bit less just because it’s the entity, not the individual people that did it. So, the individual people not the entity that did it. There’s no evidence that the entity had like a consistent course of conduct where this was encouraged or anything like this. This was for all intents and purposes a one-off.

Ms. Wiener – Madam Chair, may I also address Mr. Ferreira?

Chair Peeples – Yes, ma’am.

Ms. Wiener – Thank you. The funeral establishment was absolutely nothing but a victim here. Clearly knew nothing of this. Management knew nothing. The former licensee that was just before you, actually participated in the cover-up. She was the one, at the very end, who cut off the tag and put on the new tag, knowing that it was not the correct decedent. The funeral establishment and its management did not know anything of this. The funeral director in charge who directed the whole travail, as you can see in the self-report, kept the entire matter from management and from the funeral establishment. Once it came to light, not by the FDIC but by another licensee, once it came to light, management, the owners of the funeral establishment, actually personally flew in, came to the funeral establishment, conducted a thorough investigation, and very shortly thereafter, reported the matter to the Division. So, my client’s a victim, but it does accept responsibility because as a corporate citizen, you have to take responsibility for your employees, even when they commit violations or crimes or whatever the case may be.

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

Mr. Ferreira – That’s it. Yes, ma’am.

Chair Peeples – Is there any other discussion on the motion? Hearing none. All in favor of the motion, say yes.

Board members – Yes.

Chair Peeples – All opposed, say no. Motion carries. Thank you, folks.

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) *McNeil, Jermaine I (Appointing Entity: SCI Funeral Services of Florida LLC)*

Ms. Simon – Is Mr. McNeil or a representative of Mr. McNeil here today? Hearing no response. On May 9, 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. Applicant answered “Yes” to the background question regarding criminal history on the application due to reportable criminal history that required disclosing. Applicant, through his 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 his case. To wit, in January 2022, applicant was charged with a misdemeanor for DUI, which was reduced to a charge of reckless driving. As a result, Mr. McNeil was ordered to complete twelve (12) months’ probation which was terminated early in August 2022, and pay a fine of approximately \$1,551.00. To date, Applicant has completed his probation and paid all fines, therefore, having met all conditions of the order. There are no other disciplinary issues in relation to this applicant. The Division recommends approval of the application.

Chair Peoples – Board members?

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

F. Application(s) for Continuing Education

- (1) *Course Approval - Recommended for Approval without Conditions – Addendum B*
(a) *Continuing Vision LLC (52610)*
(b) *Graystone Associates, Inc. (41808)*
(c) *International Cemetery, Crematory And Funeral Association (51609)*
(d) *National Funeral Directors and Morticians Association, Inc. (15608)*
(e) *National Funeral Directors Association (49609)*
(f) *New Jersey Funeral Service Education Corp (7002)*
(g) *The Dodge Institute For Advanced Mortuary Stu (81)*
(h) *WebCE (43)*
(i) *Wilbert Funeral Services (39408)*

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

Chair Peoples – Board members?

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

G. Consumer Protection Trust Fund Claims

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

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

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

H. Application(s) for Embalmer Apprentice

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum D*
(a) *Alexander Samantha M F768221*
(b) *Barfield, Evan C F455726*
(c) *Hernandez, Miguel A F772685*
(d) *Ramirez, Heidi G F763459*
(e) *Roenicke, Karis N F768625*

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

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

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

(a) Funeral Director (Internship)

1. *Anderson, Richard G*
2. *Brown, Patricia R*
3. *Ewing, Dustin L*
4. *Jones, Vernon L*
5. *Knop, Donald W II*
6. *Moylan, William T*
7. *Swauger, Heather A*
8. *Young, Stacy M*

(b) Funeral Director and Embalmer (Endorsement)

1. *Copeland, Ashley C*
2. *Rougeou III, Lewis C*
3. *Lowery, Joseph E*
4. *Wagner, Stacey L*

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

1. *Crawford, Breanne D*
2. *Palladino, Nicole M*
3. *Shores, Kristen P*
4. *Walters, Karli 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 E.

(2) Recommended for Denial

(a) Funeral Director and Embalmer (Endorsement)

1. *Lonzo Jr., Arthur E*

Ms. Simon – I see Ms. Pettine and the applicant before us. An application for a combination funeral director and embalmer license was received by the Division on April 5, 2024. The application was incomplete when submitted and a deficiency letter was issued on April 29, 2024. All deficiencies have not been corrected. While Mr. Lonzo Jr. has not submitted official proof of taking or passing the Arts and Science sections of the National Board Examinations which are required by rules and statutes, the Division is changing its recommendation. And, as in a previous case from the last Board meeting, or the one before that, the Division has no recommendation in regard to this matter.

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

Ms. Lauren Pettine – Yes. Thank you, Chair Peeples. The coversheet, which was initially issued as a part of this application sited two (2) rules, one for embalmer licensure and one for funeral director licensure, 69K-16.001 and 69K-16.002, F.A.C. Every single Florida rule must have rulemaking authority, a law, which they take that authority to make the rule from. I have a prepared some worksheets with the relevant language associated, including the {inaudible} these two (2) rules. May I proceed to give them to the Board?

Chair Peeples – Yes, ma'am.

Ms. Pettine – On the worksheets, highlighted in green on each in Section 7, I have highlighted the rulemaking authority regarding the rules that require funeral directing applicants and embalmer applicants to take the National Board Exam. As you can see, these laws correspond with the internship and not the endorsement application laws. If I can take you up to Paragraph 1, which talks about the funeral directing law, s. 497.374, F.S., and the embalmer law on Page 2, 497.369. Rule 69K-16.001 and 16.002, F.A.C., do not use the endorsement law. As such, applicants under (1)(b)(1), for embalmer or funeral

director licensure need only have had the five (5) years of experience full-time license practice. Mr. Lonzo has been licensed since 1981 in Massachusetts as an embalmer and funeral director. He has over forty (40) years of experience and has provided extensive experience in his employment industry in full license practice in Massachusetts. As such, he is qualified under law to be issued a license by this Board. Thank you.

Chair Peeples – Thank you. Mr. Lonzo, if you would like to address the Board, we need to swear you in, sir.

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

Mr. Arthur Lonzo – I do.

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

Mr. Lonzo – Arthur Lonzo, L-O-N-Z-O.

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

Mr. Lonzo – I have no questions.

Chair Peeples – Mr. Jones?

Mr. Jones – Yes. In your forty (40) years, any disciplinary actions? Have you been before the Board in Massachusetts?

Mr. Lonzo – No, sir.

Chair Peeples – Board members? Mr. Jensen?

Mr. Jensen – Yes, I have a question here. One of which, you know, I can read this both ways. This may be a question to Ms. Munson. Do we have anything in the works to clarify this stuff? This comes up an awful lot. You can read it both ways. When I'm looking at this, and I see that it says each applicant must pass an examination on local, state, and federal laws and rules relating to the disposition of dead human bodies, which is required under s. 497.373, which shall be entered by the licensing authority. Is that a state test? I see it says federal. You know, another question I have is, why don't you just take the National Board and be done with it?

Mr. Lonzo – To be honest with you, sir, it's been a while, and I honestly don't think I could pass that exam. And to be quite honest with you, I don't believe that a written test is a true testament to one's ability to do the job.

Chair Peeples – Mr. Jensen?

Mr. Jensen – So, under s. 497.142(4), Florida statute, it says pass an examination on the local, state, which is a state test, and federal laws.

Ms. Pettine – If I may?

Mr. Jensen – Where is the federal laws?

Chair Peeples – Ms. Pettine?

Ms. Pettine – If I may? As part of the worksheet, I want to direct you to Paragraph 6, which is on the table. That refers to 69K-16.001, F.A.C., which is the Florida Laws and Rules Exam that is given by this Board, the licensing authority, or giving by this Division, and Paragraph 6, highlighted in blue, states that is required for the Florida Laws and Rules Examination to include at least up to six (6) percent regarding federal laws. So, in Paragraph 3 on the worksheet, highlighted in blue as well, that shows how it corresponds to the Laws and Rules Examination and not the National Board without reference to federal. Additionally, on Paragraph 3 on each page, it uses the specific language, "shall be given by the licensing authority." The

National Board Exam is not given by this licensing authority. The only examination given by this licensing authority is the Florida Laws and Rules Examination. He will take the Florida Laws and Rules Examination. Every applicant has to do that, but there is no requirement for an endorsement applicant to take the National Board Examination.

Chair Peeples – Mr. Jensen?

Mr. Jensen – I would have to say, Ms. Pettine, I would agree with you, but you are kind of putting rules above statutes. What takes precedence here, Ms. Munson?

Ms. Munson – Statute.

Mr. Jensen – That's what I thought.

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

Mr. Jensen – Yes. Thank you. I'm good.

Chair Peeples – Board members do you have any other questions?

Ms. Pettine – Madam Chair, may we have just a moment?

Chair Peeples – Yes ma'am.

Ms. Pettine – Thank you. If I may?

Chair Peeples – Yes ma'am.

Ms. Pettine – The two (2) administrative rules, we are not trying to put above statute. In fact, we're trying to ensure that rules are not being misapplied above statute. An endorsement candidate is applying under specific laws that are different from the main application. So, s. 497.373, F.S., is your funeral director applicant for the internship process who are required to take the National Board Exam, and the rule promulgated under that rule requires them to take the National Board Exam. The rule that Mr. Lonzo and every other endorsement candidate is applying under is a separate law entirely. It is s. 497.374(1)(b)(1). As such, by applying the requirement of a National Board Examination to the requirements of an endorsement candidate, it would be placing the rule above the law. It would be misapplying it in the context that violates the Administrative Procedures Act.

Chair Peeples – Thank you, Ms. Pettine.

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

Chair Peeples – Mr. Williams?

Mr. Williams – Yes, Madam Chair. So, just for clarity, the applicant does not have to take the National Board Exam to move forward. Is that correct?

Chair Peeples – Are you asking as a part of this case?

Mr. Williams – Yes, ma'am.

Chair Peeples – For this case, he has not taken it. Is that not correct, Mr. Lonzo?

Mr. Lonzo – That's correct.

Chair Peeples – He has not taken the National Board Arts and Science.

Ms. Munson – I believe that is their argument.

Mr. Williams – Okay. Because I thought reading the information, Rule 69K-16.001(2) and 69K 16.002, F.A.C., it states that the applicant must pass the Arts and Sciences, and if understanding what the applicant and the attorney is saying, that has not taken place. So, that is a contradiction of what the said rule states, correct? Ms. Simon?

Chair Peeples – If that is your interpretation.

Mr. Williams – Ms. Simon, is that correct, according to the rules?

Ms. Simon – I'm afraid I cannot answer, Mr. Williams. Can you please repeat the question?

Mr. Williams – Okay. So, the applicant has not passed the Arts and Sciences portion of the National Board, and this is in contradiction of what the rule states regarding what the applicant must pass in order to be licensed.

Ms. Simon – That is our interpretation. Yes, sir.

Mr. Williams – Okay.

Chair Peeples – Does that complete your question, Mr. Williams?

Mr. Williams – Yes, ma'am.

Chair Peeples – Mr. Ferreira?

Ms. Wiener – Ms. Simon, your interpretation of the rule...

Ms. Schwantes – Madam Chair, may I?

Ms. Wiener – that that rule implements...

Chair Peeples – Ms. Schwantes?

Ms. Schwantes – Thank you. I'm going to take a step back, if I may, and address one of the questions that Mr. Jensen raised earlier. He made a point that the statute is not as clear as it could be, and we would agree. We have in the past, as this Board knows, taken the position, as Mr. Williams stated, that a National Board Exam should be required. However, we understand that there are different sides and different ways of reading the statute. At this point, we're looking at potential clarification. We are planning a legislative workshop in August, and I think some of this can be raised at that point. So, in the meantime, the Department will not be making a recommendation on cases like this regarding the National Board Exam and leaving it up to the individual situations.

Chair Peeples – Ms. Pettine?

Ms. Pettine – I would like to push back forth that the law is clear. S. 497.374(4), F.S., which is the subsection that discusses that the test described that the licensing authority that includes federal laws, they talk about that exact same test more in section 497.374(5), F.S., where they say you can get a temporary funeral director license while you are waiting to take the test under S. 497.374(4), F.S. It is another reference showing that S. 497.374, F.S. has always been intended to discuss the Florida Laws and Rules Examination. I do understand that Rules 69K-16.001 and 69K 16.002, F.A.C., make reference to applicants being required in the vagueness of that language. However, every rule is limited to the statute which it implements. Those two (2) rules do not apply to applicants under endorsement statutes instead. As such, well, the text does say that the application of them outside of the limited context of the internship examinations is not applicable or appropriate.

Chair Peebles – Thank you, Ms. Pettine. We have a motion, and we have a second. Mr. Jensen, I'll give you discussion and then if we don't have any more, we're going to do a roll call vote.

Mr. Jensen – Okay. Ms. Pettine, so in s. 497.374(2), F.S., it says that qualifications for licensure under s. 497.373, F.S. The only provision that I see it says there is if you did not have an associate degree in Mortuary Science.

Ms. Pettine – I believe you're discussing s. 497.373(1)(b)(2), F.S. This is an applicant under s. 497.373(1)(b)(1), F.S. It makes specific reference to a branching path. So, we get first, he holds a valid license to practice funeral directing in another state.

Mr. Jensen – I got you. I see the “or” now.

Ms. Pettine – Which Mr. Lonzo has unquestionably done, given his extensive experience over the last forty (40) years.

Mr. Jensen – I don't doubt that you may be qualified. The only hang up that I have is being a funeral director and embalmer, as all the rest of us in the state {inaudible} for letting somebody get by on something that they had to absolutely do. And, you know, a couple of years ago, there was no things around it. And I do think we need some sort of clarification, because I can read it both ways. Thank you.

Chair Peebles – Thank you, Mr. Jensen. Let's do a roll call vote. Mr. Williams?

Mr. Williams – Madam Chair, if I may, on record? I think it's unfair for us to utilize this to go against the rule, as we were just handed this material and have not had an opportunity to dissect it and look more into. So, I'm expected to read a two-page document on a case right now that's before us, and the rule clearly states what we should take. I understand the Division's position in reference to not making an opinion on the rule, but this is what's before us in terms of the rule, and I think we should vote as is, and then once we go to rulemaking and things like that, we will vote accordingly at that time. I just want to go on the record and state that.

Chair Peebles – Thank you, Mr. Williams. So, before we do a roll call vote, is there any other Board member discussion?

Ms. Munson – Yes, We're going to ask this one.

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

Ms. Wiener – Madam Chair?

Chair Peebles – Yes, Ms. Wiener?

Ms. Wiener – Might I ask Ms. Munson a question?

Chair Peebles – Yes, ma'am.

Ms. Wiener – Ms. Munson, does either of the rules on the Board coversheet, do those implement either s. 497.374, or the embalming law under which Mr. Lonzo has applied?

Ms. Munson – What I would rather respond to, because this has been such a controversial thing, and I know where you feel that this is blackletter, I get it, I get it.

Ms. Wiener – How can it be controversial? The rule must implement the law. You cannot...

Ms. Munson – To clarify, I was not focusing on any of the rules per se. I'm focusing on the statute, because that is where it begins and ends.

Ms. Wiener – Well, the Board coversheet that is confusing Mr. Williams, in the case...

Ms. Munson – You presented the question to me, and the Board coversheet did not come from me, so just let me clarify the question that you presented to me that I am focusing in this discussion on the statute. Because, of course, if there is any defect, I'm not saying that there is, but if there is any defect existing in any rule, of course, the statute supersedes. So that's where my realm of focus is, and I do believe, if you want me to make a statement on the record, that there is some issue that would require maybe some additional discussion and legislative review, but that is not my position here today. Of course...

Ms. Wiener – You didn't answer the question.

Ms. Munson – Of course, I didn't.

Ms. Wiener – Does that rule implement the endorsement applicant law?

Ms. Munson – And I appreciate the question, and again, I am not here in that position to answer it, because I am going to allow the Board to make a decision on the superseding statute.

Ms. Wiener – But that is not what the Division recommended.

Ms. Munson – Okay, but the Division did not make a recommendation.

Ms. Wiener – Yes, they did.

Ms. Munson – They said today...

Ms. Wiener – In the Board packet, they recommended denial based on two (2) ...

Ms. Munson – Ms. Wiener?

Ms. Wiener – ...neither of which implements the laws...

Ms. Munson – Ms. Wiener?

Ms. Wiener – ...under which Mr. Lonzo is {inaudible}.

Ms. Munson – Ms. Wiener, I am not representing the Division, as you know my role. I am not representing a party. I am representing the Board.

Ms. Wiener – I think this deserves clarity.

Ms. Munson – I understand that, but it seems like your question is directed to the Division who modified their recommendation to be not a recommendation. That's an issue you can address with them. And of course, we have a relationship that you can feel free to do so at any time. Perhaps not in this forum. I don't know. That's between you and the Division. But my advice to the Board is, their understanding, and with deference to Mr. William's point, that this two-page packet, although it is just presented to us, it's not necessarily a surprise. It's just presented as a supplement or no, actually just documentation of the rules and statutes that are already existing. So, I'm not putting a lot of weight there either, if I can be totally honest with you. What I'm suggesting though, because the statute supersedes everything, that in making your vote, just consider the superseding rule. Anything else I think we'll just have us running here, there, and we won't reach resolution. The Board has the authority to approve, deny, approve with conditions, and that's going to be my guidance given to them.

Ms. Wiener – And if they vote in a way that violates Florida law, do they subject themselves and this Division to attorney's fees?

Ms. Munson – That is something again that I will not answer.

Ms. Wiener – I can say {inaudible}.

Ms. Munson – And that will be an argument to make.

Chair Peeples – Thank you, Ms. Wiener. Thank you, Ms. Munson. We have a motion before us with a second. Is there any other discussion of the Board members before we take a roll call vote?

Mr. Ferreira – I'd like to make one really quick.

Chair Peeples – Mr. Ferreira.

Mr. Ferreira – So, this gentleman's been licensed a decade longer than I've been licensed. You've been to school, and you've done all the things that I've done, outside of taking a test when I graduated. So, I think that he is more than qualified to serve as a funeral director in Florida.

Chair Peeples – Thank you, Mr. Ferreira. Is there any other discussion? Hearing none. Ms. Simon let's take a roll call vote. Mr. Jensen?

Mr. Jensen – I did have one other. I was looking here at Rule 69K-25.002, F.A.C. It says the examination must be administered by The Conference of Funeral Service Examining Boards. Are you contending that the statute, or the new statute, replaces that? Is that what I'm understanding?

Ms. Wiener – That is not one of the laws that is applicable to this scenario. Yes, the National Board Exam must be administered by The Conference, but the test referred to in the endorsement law is not that test. There is a test referred to in the endorsement law, and that test is the Florida Laws and Rules Exam, which must, must, test on federal law, at least 6%. That's where the confusion starts, because back in the day, there was this idea that because the law said federal law, that that must be the National Board Exam. Ms. Pettine laid out very clearly, look at s. 497.374(5), F.S. It refers very specifically to the test given by the licensing authority. That is you. You don't give the National Board Exam.

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

Mr. Jensen – Yes, ma'am.

Chair Peeples – Mr. Griffin, did you want to comment?

Mr. Griffin – I'd like to speak with the Division, if I can, for a minute.

Chair Peeples – Yes, sir. Please come up and address the Division. Thank you.

Ms. Schwantes – Madam Chair?

Chair Peeples – Ms. Schwantes?

Ms. Schwantes – Thank you, on consultation with our legal counsel, we will recommend approval of this particular application.

Chair Peeples – Is there any other discussion before we take a vote?

Mr. Williams – Question?

Chair Peeples – Mr. Williams?

Mr. Williams – Okay, so I guess I'm lost. So, the packet that was issued gave the recommendation of denial based on rules and statutes.

Chair Peeples – And the Division changed, excuse me Mr. Williams, the Division changed during their summary of the cover sheet that they were not going to make a recommendation and now Ms. Schwantes has mentioned on behalf of the Division they're recommending approval.

Mr. Williams – And I'm fine with that. I just want to get some more insight in reference to what's the shift in approval now. I mean that's what I'm confused about.

Ms. Schwantes – Madam Chair?

Chair Peeples – Ms. Schwantes?

Ms. Schwantes – Yes, thank you. Mr. Williams, this has been an ongoing debate for what, two (2) years now, and with the same arguments on both sides. And the Division, as I said before, historically we agree with Mr. Jensen that there needs to be some clarification. That it is not black and white. Ms. Weiner has argued every single time that it is black and white, very clear, and so we have taken the position in the past that the matter should be denied. Sometimes the Board has agreed with us on our recommendation, other times, many times, the Board has not. Before I even say that, I want to point out that most applications for endorsement go through without any discussion before the Board. They go through as an informational item, and they're approved. And there are many, many number of new licensees who come into our state through endorsement on that means. But when we do have an argument, as with any kind of thing, when you have more than one attorney looking at something, you're going to have a difference of opinion. Same thing if you have more than one person looking at something. So, our solution will be to address this at the legislative workshop that we're planning in August. I don't have a date for that yet, but I do think it's time to look at it both from an industry perspective and we've already been talking within the Department. For this applicant today, based on legal advice from our counsel, we are now ready to change our position, yet again, to recommend approval. That is with the understanding that we still believe clarification is needed in the statute and that is not going to be cleared up today.

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

Mr. Williams – No further questions.

Chair Peeples – Thank you. Any other questions? Any other discussion? Since the I had asked for a roll call vote, but since the Division has recommended approval, let's just do a voice vote.

Mr. Lyons – Madam Chair, what was the motion.

Chair Peeples – The motion was made by Mr. Clark to approve, and Mr. Ferreira made the second.

Mr. Lyons – Okay.

Chair Peeples – All in favor of the motion, say Yes.

Board members – Yes.

Chair Peeples – All opposed, say No.

Mr. Williams – No.

Chair Peeples – Please let the record reflect Mr. Williams is a No. All other Board members are in the affirmative. The motion carries. Thank you.

Ms. Pettine – Thank you.

J. Application(s) for Internship

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

- (a) Alvarez, Alexandra F770278
- (b) Blaszak, Kelli J F765883
- (c) Buxton, Morgan A F353544
- (d) Chamness, Sarah N F768609
- (e) Duran, Natacha F F544803
- (f) Fuller, Anastasha M F752414
- (g) Graham, Terri A F771712
- (h) Jover, Daniella F763488
- (i) Hall, Andrew R F643469
- (j) Lewis, Javecia A F768593
- (k) Mastrando, Sandra A F764131
- (l) McConnell, Ericksen L F730032
- (m) Mitchell, Johnny M F772973
- (n) Oberg, Kami R F770459
- (o) Olson, Whitney M F766318
- (p) Sanchez, Andres G F756359
- (q) Sharp, Nicole A F772908
- (r) Snyder, Timothy C F739296
- (s) Wunner, Brandon L F062890

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

(2) *Request(s) to Renew Internship*

- (a) *Recommended for Approval without Conditions*
 - 1. *Funeral Director and Embalmer (Concurrent)*
 - a. *Kippur, Lindsay F672088*

Ms. Simon – Is Lindsay Kipper or a representative of Lindsay Kipper in the audience today? Hearing no response. An application to renew the internship due to illness, hardship, or awaiting results was received on May 9, 2024. The application was complete when received. Ms. Kippur was licensed as a funeral director and embalmer concurrent intern and her internship expired on May 17, 2024. In accordance with 69K-18.003(7)(c), Florida Administrative Code, which specially states “The application to renew internship must be filed before the initial internship period ends. No renewal shall be granted if the application to renew is not filed before the end of the initial internship period.” The Division recommends approval.

Chair Peeples – Board members?

Mr. Ferreira – Madam Chair?

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – Lindsay works with us. I just wanted to state that for the record, please.

Ms. Munson – You do not find it necessary to recuse yourself?

Mr. Ferreira – That’s exactly right.

Ms. Munson – Thank you.

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

Chair Peeples – Any discussion on the motion?

Mr. Lyons – One question, I’m sorry. Why isn’t this an informational item? Meaning we received the application before it expired. Why does it have to come before the Board?

Chair Peeples – Ms. Simon?

Ms. Simon – Mr. Lyons, the statutes give the Division authority to approve applications for licensure in certain situations, not for an application of this nature.

Mr. Lyons – Okay.

Chair Peeples – And if you will note on your coversheet, Mr. Lyons, that it states that there's only one internship in a lifetime, so that's another reason why it's coming before us. Does that complete your question?

Mr. Lyons – Yes.

Chair Peeples – We have a motion in a second. Any other discussion on the motion? Hearing none. All in favor the motion, say Yes.

Board members – Yes.

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

(b) Recommended for Denial

1. Funeral Director

a. Chandler, Glenn A F040860

Ms. Simon – Is Mr. Chandler here today or a representative of Mr. Chandler? Hearing no response. An application to renew the funeral director internship to continue course of study was received by the Division on May 3, 2024, and the application was deemed complete when received. The applicant is currently licensed as a funeral director intern and this internship expires June 30, 2024. Mr. Chandler previously submitted an application to renew the funeral director internship to continue course of study on April 26, 2023, subsequently the application approved at the June 29, 2023, Board meeting (minutes attached). 69K-18.002(6)(g), Florida Administrative Code specially states “*Only one renewal shall be granted to any one intern.*” The Division recommends denial based on the requirements of the rule stated above. However, if the Board chooses to reject the Divisions’ recommendation and approve this request to renew, the Division request the approval be with the condition that Mr. Chandler submits proof of enrollment in a mortuary science or funeral services education program.

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

MOTION: Mr. Ferreira moved to deny the application. Mr. Clark seconded the motion, which passed unanimously.

Ms. Munson – Basis for the denial, for the record?

Chair Peeples – Mr. Ferreira or Mr. Clark?

Mr. Clark – He was already given one (1) extension.

Ms. Munson – Thank you.

Chair Peeples – Thank you. Ms. Simon?

2. Funeral Director and Embalmer (Concurrent)

a. Graham, Pamela E F667026

Ms. Simon – Is Ms. Graham here today or a representative of Ms. Graham? Hearing no response. An application to renew the internship due to illness, hardship, or awaiting results was received on May 15, 2024. The application was complete when received. Ms. Graham was licensed as a funeral director and embalmer concurrent intern and her internship expired on April 21, 2024. In accordance with 69K-18.003(7)(c), Florida Administrative Code, which specially states *“The application to renew internship must be filed before the initial internship period ends. No renewal shall be granted if the application to renew is not filed before the end of the initial internship period.”* The Division recommends based on the rules stated above.

MOTION: Mr. Ferreira moved to deny the application. Mr. Clark seconded the motion, which passed unanimously.

Ms. Munson – Again, for the basis for the denial, for the record?

Mr. Clark – Because they did not apply prior to their internship ending.

Ms. Munson – Thank you.

b. Millar, Amanda M F665649

Ms. Simon – Is there a representative here?

Ms. Wiener – Yes.

Ms. Simon – Thank you. An application to renew the internship due to illness, hardship, or awaiting results was received on April 17, 2024. The application was complete when received. Ms. Millar was licensed as a funeral director and embalmer concurrent intern and her internship expired on April 14, 2024. In accordance with 69K-18.003(7)(c), Florida Administrative Code, which specially states *“The application to renew internship must be filed before the initial internship period ends. No renewal shall be granted if the application to renew is not filed before the end of the initial internship period.”* The Division recommends denial based on the rules stated above.

Ms. Wiener – So, I want to call your attention to one (1) word, which is filed. This application was filed prior to the end of her internship. Her internship ended on a Sunday. She filed the application, sent it overnight. I have the USPS tracking number information in front of me. She filed it overnight on the 12th, for delivery on the 13th. Interestingly, the USPS guaranteed delivery to a state office on Saturday, at 6pm. That was the guaranteed delivery date. So, she did everything that she thought she could do to file her application before the expiration date. Her technical expiration date would have been Monday, because if your last period falls on a weekend, then it would roll to the following Monday. It looks like it got to the Division on maybe the 18th. I'm not 100% positive when it got to the Division, but it was filed prior to that time, so we're only talking about a very short period of time. She is simply trying to continue her, she's finished with everything and ready to take her Laws and Rules Exam but wants to continue working as an intern while she does that, which is the purpose of allowing for this expiration, or this renewal. We would ask that you favorably consider her request, given that she filed before the deadline.

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

Mr. Williams – Yes, thank you. Ms. Simon, a question for the Division. When was the application actually received by the Division?

Ms. Simon – April 17, 2024.

Mr. Williams – Okay. And so, defining file versus received, how does the Division interpret that?

Ms. Simon – The Division actually interprets it as received, because that was the date that we received it. We had no knowledge of it before, but that's up to interpretation.

Mr. Williams – Follow-up, Ma'am?

Chair – Peeples – Yes, sir.

Mr. Williams – So Ms. Wiener, are you saying your understanding received as in filed? Is that what you're saying?

Ms. Wiener – Yes, absolutely. And I think legally, I don't know if there are other lawyers in the room, but filed and received means two (2) totally different things. If I file it and you don't receive it from us, if you file a court case and it doesn't get received, it's still filed on a certain date. So, she filed it before the deadline, which is what the law says. So, we believe that this application should be granted.

Chair – Peeples – Mr. Williams?

Mr. Williams – I'm done.

Chair Peeples – Mr. Lyons?

Mr. Lyons – Thanks. So, s. 497.005, F.S., in the definitions, filed is not there. I have a question for Ms. Munson. Ms. Monson, what's the definition of the word "filed"?

Ms. Munson – So, legally it can mean many different things. When we talk about file, in reference to what I do, we file, for example, orders with the clerk. We submit them for the clerk to file them, and they are not valid until the clerk puts their stamp on it. So, this can be a debatable argument, yet again, just to be clear, and I know that's really not what we're here today to actually discuss. But regarding the argument presented by the applicant's representative, but there is a clear definition for received. Received is when the particular party is in receipt of it. So, there is a difference between received and filed. That is certain, and there is a clear understanding of what received is. Filed could mean different things, depending on the venue, depending on the purpose. So, I can't offer you a specific definition of file for all circumstances, because. I don't think one exists, but received is clear.

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

Mr. Lyons – Yes, thank you.

Chair Peeples – Mr. Jones?

Mr. Jones – For the Division, it says it expired on April 14, 2024. Is that correct?

Ms. Simon – Yes, sir.

Mr. Jones – Which is a Sunday?

Ms. Simon – I'll trust you, sir. I do not have it in front of me.

Mr. Jones – And it was received on the 17th?

Ms. Simon – Yes, sir.

Mr. Jones – And you said she mailed it when?

Ms. Wiener – This postal service receipt, which I think she sent to you, Crystal, she said it went out on the 12th, and was received at the Department of Financial Services on the 13th, which I don't think there's anyone there. So, I don't know why that would even be something that would be permitted. If I'm guessing, it got to the DFS on Monday and it made its way to the Division. It takes a couple of days for things to get from the DFS to the Division office.

Mr. Jones – Thank you.

Chair Peeples – Mr. Jones, if I may piggyback on your comment? Board members and Ms. Wiener, in our packet on Page 4, there is a written statement by Ms. Millar. Was that included with her packet, or was that something separate that was sent to the Board office, because there's not a date?

Ms. Wiener – I would imagine that came in with the packet. You have to give a reason for why you want to extend your internship.

Chair Peeples – I was kind of looking for a date, and I do not see it. And please let the record reflect that Ms. Grant at the Division office has stated that this item was a part of the packet that was received.

Mr. Jones – That was going to be my next question.

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

Ms. Wiener – Thank you.

Chair Peeples – Thank you.

- K. Application(s) for Monument Establishment Sales Agent**
(1) *Informational Item (Licenses Issued without Conditions) – Addendum G*
(a) *Carrillo, Melanie*
(b) *Finnell, Marissa*
(c) *Merritt, Felicia*

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

- L. Notification(s) of Change in Location**
(1) *Informational Item (Licenses Issued without Conditions) – Addendum H*
(a) *Integrity Funeral Home and Cremations Inc dba Integrity Cremations of Amelia Island (Plantation)*

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

- M. Application(s) for Cinerator Facility**
(1) *Recommended for Approval with Conditions*
(a) *Hopewell Funeral Home Inc. (Plant City)*

Chair Peeples – Ms. Wiener, are you representing this applicant?

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

Chair Peeples – Thank you, ma'am.

Ms. Wiener – Thank you.

Ms. Simon – An application for cinerator facility licensure was received on March 15, 2024. The application was complete when submitted. The funeral director in charge will be Danny Gayle Druen Jr (F065259). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the facility must pass an inspection conducted by a member of Division staff.

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

Ms. Wiener – Thank you.

Chair Peeples – Thank you, Ms. Weiner.

N. Application(s) for Direct Disposal Establishment
(1) Recommended for Approval with Conditions
(a) Golden Triangle Cremations LLC (Palatka)

Ms. Simon – An application for direct disposal establishment licensure was received on April 3, 2024. The application was incomplete when submitted. A completed application was received on May 21, 2024. The funeral director in charge will be Darrenton Harris (F089014). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff.

Chair Peeples – Thank you. Is there anyone here representing Golden Triangle Cremations LLC? Sir, if you'd like to come to the podium and if you would like to address the Board, we need to swear you in, please.

Mr. Trevor Padgett – I'm just here to answer questions.

Chair Peeples – But we still need to swear you in. Ms. Simon?

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

Mr. Padgett– Yes, ma'am.

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

Mr. Padgett – Trevor Padgett, P-A-D-G-E-T-T.

Ms. Simon – Thank you, sir.

Chair Peeples – Thank you, sir. And you're here for questions only?

Mr.– Yes, if you have any.

Chair Peeples – Thank you. Board members?

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

Chair Peeples – Thank you, sir.

(b) Theil Family Cremations Inc d/b/a Theil Family Cremation (Port Richey)

Ms. Simon – Is this applicant here today?

Mr. Ryan Theil – Yes.

Ms. Simon – Thank you, sir. An application for direct disposal establishment licensure was received on March 8, 2024. The application was incomplete when submitted. A completed application was received thereafter. The funeral director in charge will be Ryan Theil (F376955). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff.

Chair Peeples – Thank you, Ms. Simon. Sir, if you would let Ms. Simon swear you in in case there's any questions.

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

Mr. Theil – I do.

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

Mr. Theil – My name is Ryan Theil, T-H-E-I-L. You can pronounce it wrong. Everyone does.

Ms. Simon – Thank you, sir.

Chair Peeples – Board members?

Mr. Lyons – Madam Chair?

Chair Peeples – Yes, sir.

Mr. Lyons – I just noticed that this one and the previous one is at the same location. There's no issue with you two (2) direct disposal establishments being co-located? That's a question for Ms. Simon.

Ms. Simon – If I could just have one moment?

Chair Peeples – Yes, ma 'am.

Ms. Simon – First of all, I don't believe that there is a prohibition in the law. The only prohibition is that two (2) funeral establishments cannot be co-located. In this case, the Theil Family Cremations Inc. is located at 6710 Embassy Building Suite 204. And the last entity...I just need one moment. I'm assuming you're looking at it and it's the same address.

Mr. Lyons – What we have in our packet is that 6710 Embassy Building Suite 204/205, Port Richie. That address, appears on both applications.

Ms. Simon – Actually, if I may, Golden Triangle is actually located at 1303 Reid Street, Palatka. I apologize for the misinformation. They are two (2) different entities.

Mr. Lyons – Two (2) different locations.

Chair Peeples – It is a misprint on the coversheet.

Mr. Lyons – You're not located at the same location, are you?

Mr. Theil – No.

Mr. Lyons – Well, that clarified that.

Chair Peeples – So, what is the Board's pleasure?

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

Mr. Theil – Thank you.

Chair Peeples – Good luck.

O. Application(s) for Funeral Establishment

- (1) *Recommended for Approval with Conditions*
(a) *Cremations America LLC (Coral Gables)*

Ms. Simon – An application for funeral establishment licensure was received on May 7, 2024. The application was incomplete when submitted. A completed application was received on May 23, 2024. The funeral director in charge will be Steven Helton (F043069). A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff.

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

(b) FSC Funeral Service Consulting LLC d/b/a St. Petersburg Funeral Home Memorial Chapel (St. Petersburg)

Ms. Simon – Is there a representative of that entity here today? Hearing no response. An application for funeral establishment licensure was received on April 3, 2024. The application was incomplete when submitted. A completed application was received on May 28, 2024. The funeral director in charge will be Michael Moloney (F321886). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff.

Mr. Clark – Madam Chair?

Chair Peeples – Yes sir, Mr. Clark?

Mr. Clark – I just want to state for the record that I have an affiliation with this applicant, but that affiliation will not prevent me from rendering a fair and impartial decision.

Chair Peeples – Thank you, sir.

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

(c) Osiris Holding of Florida Inc. d/b/a Caballero Rivero Fairway Memorial Gardens and Funeral Home Services (Orlando)

Ms. Simon – Is there a representative of the entity here today? Hearing no response. An application for funeral establishment licensure was received on March 8, 2024. The application was incomplete when submitted. A completed application was received on May 8, 2024. The funeral director in charge will be Walter Ortiz (F042576). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff.

Chair Peeples – Board members?

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

(d) Taylor Funeral Home and Cremation LLC (Rockledge)

Ms. Simon – An application for funeral establishment licensure was received on May 8, 2024. The application was complete when submitted. The funeral director in charge will be Jeremy J. Taylor (F322046). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff.

Chair Peeples – Is there a representative of the entity here today? Hearing no response. Board members?

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

(e) T.S. Warden Life Tribute Center LLC dba Life Tribute Center by T.S. Warden (Jacksonville)

Ms. Simon – Is there a representative of the entity here today? Hearing no response. An application for funeral establishment licensure was received on May 15, 2024. The application was complete when submitted. The funeral director in charge will be Belinda J Warden (F078077). A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff. Is the applicant present today?

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

Chair Peeples – We’re going to take a restroom break. It’s 12:07. Let’s come back at 12:20. Thank you.

*****BREAK*****

Chair Peeples – Can everyone please take your seats so we can begin the meeting now? We just need quiet in the room. Thank you.

P. Applications(s) for Preneed Main

(1) Recommended for Approval without Conditions

(a) Journey Memorial Chapel LLC (Palm Beach)

Ms. Simon – The applicant is represented by Ms. Wiener. The Department received an application for preneed licensure on March 12, 2024, and no deficiencies were noted on the application. The sole owner of the corporation is Marcus Peterson. A completed background check was returned to the Division without criminal history. Applicant is submitting this application for new preneed licensure, and the qualifying funeral establishment license (License #F622758) is also located at the above address. If approved, Applicant will sell insurance-funded preneed through Great Western Insurance Company (GWIC) and utilize their approved prearranged funeral agreement forms. The Division recommends approval without conditions.

Chair Peeples – Ms. Wiener would you like to address the Board, or are you here for question only?

Ms. Wiener – No ma’am. Just questions only.

Chair Peeples – Thank you. Board members?

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

Chair Peeples – Thank you, Ms. Wiener.

Q. Applications(s) for Transfer of Preneed Main

(1) Recommended for Approval with Conditions

(a) Guerry Funeral Home of Macclenny LLC (Macclenny)

Ms. Simon – Mr. Grabowski is here representing the entity. The Department received the application on May 16, 2024, and no deficiencies were noted on the application. This is an application for the transfer of a preneed license for Guerry Funeral Home of Macclenny, LLC formerly under William L. Guerry, to Brittnee Milton, current owner. This application is being filed because of a change of ownership of the funeral establishment whereas Mr. Guerry will relinquish ownership and that ownership will be transferred to Ms. Milton. A completed background check of officers has revealed no criminal history. It should be noted that disciplinary action was disclosed in relation to both the Applicant and the principal of applicant, Ms. Milton, that resulted in a consent order issued as of November 8, 2023, requiring 12 months’ probation and a fine of \$1500.

Applicant will continue to assume responsibility of all preneed contracts written under the preneed licensee (F019322), if approved. Applicant will continue to sell insurance and trust-funded preneed contracts through Funeral Services Inc (FSI) under Argent Trust Company and utilize their approved pre-arranged funeral agreements. An application for a change of ownership of the qualifying entity (License # F040535) was approved subject to conditions at the March 7, 2024, Board meeting; the new license number is pending. The Division recommends approval subject to the condition that all preneed obligations of the preneed licensee under its current controlling party shall continue as its obligations under its new controlling party, and that the licensure for the funeral establishment that is involved in the preneed main application be issued before the preneed licensure is granted.

Chair Peebles – Thank you, Ms. Simon. Mr. Grabowski, would you like to address the Board?

Mr. Luke Grabowski – Just here for question.

Chair Peebles – Thank you. Board members?

MOTION: Mr. Jones moved to approve the application subject to the condition that all preneed obligations of the preneed licensee under its current controlling party shall continue as its obligations under its new controlling party, and that the licensure for the funeral establishment that is involved in the preneed main application be issued before the preneed licensure is granted. Mr. Lyons seconded the motion, which passed unanimously.

Chair Peebles – Thank you, sir.

Mr. Grabowski – Thank you, Madam Chair.

R. Collective Coversheet(s)

(1) Recommended for Approval with Conditions

(a) Whidden-McLean Funeral Home Inc. (Bartow)

1. New Application

- Cinerator*
- Funeral Establishment*
- Funeral Establishment*
- Preneed Main*

Ms. Simon – Is there a representative of this establishment here today. Hearing no response. Whidden-McLean Funeral Home Inc, a corporation, has submitted the following: one (1) application for cinerator facility licensure, two (2) applications for funeral establishment licensure, and one (1) application for preneed main licensure, which, if approved, will operate at the below listed locations.

- 1) Whidden-McLean Funeral Home Inc, a licensed cinerator, license #F091614, physical address: 650 East Main Street, Bartow, Florida 33830
- 2) Whidden-McLean Funeral Home Inc, a licensed funeral establishment, license #F040216, physical address: 650 East Main Street, Bartow, Florida 33830
- 3) Whidden-McLean Funeral Home Inc d/b/a McLean Funeral Home, a licensed funeral establishment, license #F041465, physical address: 306 East Broadway, Fort Meade, Florida 33841
- 4) Whidden-McLean Funeral Home Inc, a licensed preneed main, license #F019217, physical address: 650 East Main Street, Bartow, Florida 33830

Included in your Board packets are the separate applications regarding the above listed properties. The change of ownership is the result of a change in corporate structure. The officer of the corporation will be Marc B. McLean. A background screening of the principal revealed no relevant criminal history. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these locations, the obligation to fulfill those preneed contracts will be assumed by the new owner, Whidden McLean Funeral Home Inc. The Division recommends approval subject to the following conditions:

- 1) That the closing on the transaction to acquire ownership shall occur within sixty (60) days of the date of this Board meeting.

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

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

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

(1) Recommended for Approval without Conditions

(a) Preconstruction Performance Bond(s)

1. SCI Funeral Services of Florida, LLC d/b/a Bailey Memorial (Ft. Lauderdale)

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

Ms. Lisa Coney – Yes.

Ms. Simon – Thank you so much. This entity intends to build a new mausoleum consisting of 112 single space, 112 true companion spaces, and 110 niches. The cemetery agrees to complete said construction in accordance with the terms of the construction agreement with Mausoleums USA, which is included within your Board package. The Division recommends approval of the aforementioned preconstruction performance bond without conditions.

Chair Peeples – Thank you, Ms. Simon. Would you be sworn in, please, ma 'am?

Ms. Coney – Lisa Coney. I'm only here for questions.

Chair Peeples – But let her swear you in, please.

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

Ms. Coney – I do.

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

Ms. Coney – Lisa Coney, C-O-N-E-Y.

Chair Peeples – Thank you, ma 'am. Here for questions only?

Ms. Coney – Yes.

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

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

(2) Recommended for Approval with Conditions

(a) Preneed Sales Agreement(s)

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

Ms. Simon – A representative is here with us today. SCI submits the revised preneed sales agreement for approval: Guaranteed Insurance Funded Prearranged Funeral Agreement. If approved, this agreement will be used for the sale of preneed by the above-named SCI preneed locations. The Division recommends approval subject to the condition that two (2) full-sized print-ready copies of the revised preneed sales agreement are received by the Department within sixty (60) days of this Board meeting.

Chair Peebles – Thank you, Ms. Simon. Ms. Coney, you're here again for questions?

Ms. Coney – Questions only.

Chair Peebles – Thank you. Board members?

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

Chair Peebles – Thank you, ma'am.

Ms. Coney – Thank you, Board.

T. Related Items – Set In Stone Monuments LLC

(1) Application(s) for Monument Establishment Builder and Monument Sales Agreement

(a) Recommended for Approval with Conditions

1. Set in Stone Monuments LLC (Mt. Dora)

Ms. Simon – Is there a representative of this entity here today? Hearing no response. An application for monument establishment builder licensure was received on August 9, 2023. The application was incomplete when submitted. A completed application was received on May 30, 2024. A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the establishment passes an inspection by a member of Division Staff.

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

2. Set in Stone Monuments LLC (Mt. Dora)

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

Chair Peebles – Board members?

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

U. Request(s) for Disbursement from Cemetery Care and Maintenance Trust

(1) Nature Coast Memorials LLC d/b/a Pine Memorial Cemetery (F067963) and Nature Coast Memorials LLC d/b/a Burns Monument Company (F067755) (Perry)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. On February 7, 2024, Tommy Murrow and Steven James, owners, sent a request regarding withdrawal of funds from the cemetery care and maintenance trust for the above-named cemetery location owned by Nature Coast Memorials LLC. In correspondence to the Division, Mr. James and Mr. Murrow explains that in August 2023, the cemetery sustained major damage due to Hurricane Idalia. As a result, the cemetery incurred costs of approximately \$30,000 for cleanup and removal of debris and damage from large trees within the cemetery. Therefore, Nature Coast Memorials is requesting approval for withdrawal of funds from trust for reimbursement for these expenses. More information is found within your Board packages. All documentation has been included for the Board’s review and consideration. And this is an amount of \$30,000 that the cemetery is requesting disbursement of.

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

Chair Peeples – Is there any discussion on the motion?

Mr. Clark – I have a question.

Chair Peeples – Mr. Clark?

Mr. Clark – I know they included images. They said that they were also going to include invoices and checks. I didn’t see that in our Board package. Did the Division receive invoices for the work?

Ms. Simon – I don't believe we did, but if you can give me one moment, I could find out.

Chair Peeples – Thank you, ma'am.

Mr. Jensen – Madam Chair, I have a question also.

Chair Peeples – Just one second. Let's see if we can get Mr. Clark’s answered, then we'll get to you, Mr. Jensen.

Mr. Jensen – Thank you.

Chair Peeples – Thank you audience for being quiet during this moment. We appreciate you.

Ms. Simon – Mr. Clark, I do not see any additional submissions by the applicant.

Mr. Clark – Thank you.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Thank you. That was kind of along the same line. I see where it says that the 5% wind deductible fell below their insurance coverage, so they didn’t apply for insurance. The pictures I see, without seeing receipts, \$30,000 seems like a lot.

Mr. Ferreira – What was that? I didn't hear your comment.

Mr. Jensen - \$30,000 seems like a lot from the pictures I’ve seen, without seeing any sort of receipts. And the care and maintenance trust, all we all know, is for the protection of the consumers.

Chair Peeples – Mr. Jensen and Mr. Clark, your comments, Ms. Munson, can we make that a condition of the motion?

Ms. Munson – Absolutely.

Chair Peeples – So we have a motion by Mr. Ferreira and a second by Mr. Jones to approve the request. Would you gentlemen be open to amending your motion and your second?

Mr. Ferreira – Absolutely.

Chair Peeples – Mr. Jones?

Mr. Jones – Yes.

Chair Peeples – So the amended motion will be to approve, but subject to the information being provided to the Division. Is that okay, ladies?

Ms. Simon – Yes, ma'am.

Ms. Munson – The information being their invoices?

Chair Peeples – Invoices and checks, or payment to those companies.

Ms. Munson – Proof of payment?

Chair Peeples – Is that correct, Mr. Ferreira?

Mr. Ferreira – Yes?

Chair Peeples – Mr. Jones?

Mr. Jones – Yes.

Mr. Ferreira – What was it?

Chair Peeples – The motion has been amended to approve the request, but they have to submit to the Division team invoices and payment of those invoices.

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Any other discussion?

Mr. Clark – Madam Chair?

Chair Peeples – Yes sir.

Mr. Clark – Maybe the Division can help me do some quick math. I understand there's a motion on the table, but what if we run into a deemer issue? This looks like this was received in February.

Ms. Simon – I do not believe that this is a deemer issue. This was a request for disbursement, and it was not an application, and it did not fall under section 120.60, Florida Statutes.

Mr. Clark – Ms. Munson, correct me if I go out of line here. But, if for some reason this motion failed, we could vote to table it and then they submit that before we approve it. Would that be accurate?

Ms. Munson – You can actually do one (1) of two (2) things. You can vote to table it instead of what we just presented before the Board, or you can vote to approve it, subject to that condition, and you can put a timeline on it. If you don't, then the order will say or deny to give it twenty (20) days, fifteen (15) days, or deny, if you don't need to see it again. If you table it, you're going to have to bring it back.

Mr. Clark – If you wanted to see it before you vote?

Ms. Munson – Yes.

Mr. Clark – Thank you.

Chair Peeples – So, Mr. Clark, would you like to make an amendment to Mr. Ferreira and Mr. Jones on their motion and second?

Mr. Clark –No. My motion's going to be to table it, so.

Chair Peeples – Well, we have a motion.

Mr. Clark – I know that's why...

Chair Peeples – So, if that's your comment, Mr. Ferreira, and Mr. Jones, are you in agreeance to table this item until we receive information to substantiate the request?

Mr. Ferreira – Yes, ma 'am.

Chair Peeples – Mr. Jones?

Mr. Ferreira – That's fair.

Mr. Jones – Would you rather do that than put a 45-day limit on it after that it's denied? You made the motion, Mr. Ferreira.

Mr. Ferreira – So, you're suggesting...

Mr. Jones – They've got thirty (30) to forty-five (45) days to submit the material to the Division and, if not, then this is not, this is denied. It has to be sufficient for what we are looking for.

Ms. Munson – Or, if I may? If we in fact table it, June's a busy month for this Board. We're going to have another meeting in about ten (10) days. If they have what they're supposed to have, it seems like it would just be a matter...it's too close for you?

Ms. Schwantes – It's kind of too close.

Ms. Munson – Okay.

Chair Peeples – Mr. Clark, do you have a question about this, or do you have a hesitation?

Mr. Clark – My hesitation is we don't do a lot of these, but we have a lot of hurricanes. So, if we approve this, I mean, I think there's a purpose for that trust fund, absolutely, but I want to get this one right.

Chair Peeples – So, Mr. Ferreira, would you like to do an amendment to an amendment of the first approval?

Mr. Ferreira – Let's do this. Let's table it. Motion to table it.

Chair Peeples – We have motion to table. Mr. Jones?

Mr. Jones – I'll second it.

Chair Peeples – So we have a motion to table this item until the information can be submitted to the Division, which will come before the Board. Is there any other discussion on this motion? Hearing none. All in favor of the motion say yes.

Board members – Yes.

Chair Peeples – Any opposed, say no. Motion carries. Thank you, gentlemen. Ms. Simon?

Ms. Simon – Thank you ma'am.

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

Ms. Simon – At this point, I will turn the meeting over to our Executive Director, Mary Schwantes.

Ms. Schwantes – May I, Madam Chair?

Chair Peeples – Yes, ma'am.

Ms. Schwantes – Thank you ma'am. Good afternoon. I want to thank the Florida Morticians Association for hosting our Board meeting this year. As you all know we have one (1) Board meeting that's held in conjunction with one (1) of the association meetings each year, and it rotates. This year was Florida Morticians, and we just very much appreciate it. It's been a great setup, a great room, and a great turn-out. So, thank you all. I want to give special thanks to Ray Patterson for his help in coordinating the meeting with our staff and also of course to the FMA officers, their Chairman Wright, President Lynn and Vice President Woody. And thank you all again for attending.

Next, I want to remind those here that there are some sympathy cards in the back on the table. If you'd like to sign one, we'll make sure that they are delivered to the Brandenburg family.

If you're attending the conference, please be sure to stop by our Division booth in the vendor room. Our staff there are available to help with any licensing questions. We're actually able to hook up to our systems and so you can get some in-person live help with your questions. And also, there are some handouts with some helpful information about both Division and also new legislation that was just passed impacting Chapter 497. That information is also posted on our website for those who've not seen it yet. There are some significant changes.

We've already talked about the legislative workshop. That will be held here in person in Tallahassee, in August. The date is yet to be determined.

Our next Board meeting will be held by videoconference on June 27th. Now the reason we have very close together meetings in June and have one (1) towards the very end of the month is because we're handling the pre-need licensing issues. That will primarily be the focus for the June 27th videoconference call, those pre-need licensing issues.

I want to thank Board members for their attention and also staff of course for being able to put all these packets together. It's very hard to have two (2) back-to-back meetings like that, and as a result, the Board has graciously voted last year that there will be no Board meetings in July of this year. So, we all get a break and that's much appreciated. I think that's all I have so thank you.

Chair Peeples – Thank you, Ms. Schwantes. Would you like to do the next agenda item?

(2) Report on Payment of Disciplinary Fines and Costs (Informational)

Ms. Simon – This is informational only. Does anybody have any other comments?

Chair Peeples – I have a question. I noticed on Page 2, from September of 2023, that the entities and the individuals had not paid, and it says referred to OGC for administrative action. Is there a particular time frame that's used that they give these folks? What's the next step, Ms. Simon?

Ms. Simon – Madam Chair, the process takes a little bit of time when you're pursuing administrative action against people for failure to pay fines. I'm sure it is working through the system at the Office of the General Counsel right now.

Chair Peebles – Okay. Thank you, ma'am. I appreciate that.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 Date of Board meeting: June 18, 2024
 Date report was prepared: June 5, 2024

Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
Horace Barrett	5/1/2024	305194-23-FC	\$3,000			
Allen Richardson	5/1/2024	300718-22-FC	\$750			
FPG Florida, LLC	5/1/2024	300720-22-FC	\$1,250			
Foundation Partners of Florida, LLC d/b/a Sun City Funeral Home	5/1/2024	300711-22-FC	\$750			
Edens Cremation Society, LLC d/b/a Guiding Light Cremations	5/1/2024	311849-23-FC	\$500			
Mikara Elyse Bell	5/1/2024	311848-23-FC	\$500			
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
Justin Lee	10/12/2023 & 1/4/2024	279222-21-FC	\$500	8-Mar-24	Paid in Full	
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 6-5-24

W. Chair's Report (Verbal)

Ms. Simon – Madam Chair?

Chair Peebles – Thank you ma'am. I too would like to thank the Florida Morticians Association for allowing us to be here

today. We appreciate it. It's always good to see industry colleagues as well as see the amount of folks here. So, if you are a licensee and you have filled out the information you will get continuing education credit for today's visit.

During this time, I'd just like to first thank the Board. This past month, I was not able to attend with my mother's passing, and Mr. Clark, thank you for chairing and taking care of the meeting. Thank you for the condolences. It has been felt. Prayers and felt so thank you very much for that.

I'd like to recognize, and Mr. Griffin, if you'll let Mr. Woliver know, when you get back to the office, that he's being recognized today for everything that he does for the Board, coming from your Department. So, we appreciate that, and I'd like you just to relay that to him.

Mr. Griffin – Thank you.

Chair Peebles – Thank you, sir.

And then the two (2) ladies that are sitting over here, raise your hands Crystal and LaTonya. They are the backbone of this Board, with the other supporting team making a good fit. And ladies, the last conference that y'all attended, and this conference, we're hearing great reports, so thank you for representing us. We appreciate that, and it means a lot to us. I just appreciate everybody's due diligence because it shows. So, thank you very much. Ms. Simon?

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

Ms. Simon – Ms. Munson?

Ms. Munson – This is provided for informational purposes. We are not undergoing any rulemaking at this time. Possibly, in the future. Thank you.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
 JUNE 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.

Y. Public Comments (Verbal)

Ms. Simon – Are there any public comments to be made during today's meeting? Yes, sir. Please step forward. And please state your name for the record.

Mr. Russell Allen Wright, Sr. – I'm Russell Allen Wright, Sr., Chair of the Florida Morticians Association. And we do want to thank the Board, the Chair, and want to extend our sympathy to you. I've been Jacksonville for many years. Your father and mother, I knew very well. And so, we thank you for being here today, along with Ms. Schwantes, the Director.

I have a concern. I heard this, and I'm meticulous about writing notes, about rules and statutes. And there is in this state, presently, unlicensed practices going on in the State of Florida that need to be addressed. Unfortunately, many of us who are licensees are, and I don't know if it's fear or apprehension, to file complaints about these activities. I just simply ask for parity from the Board when complaints are filed and fairness across the Board for those of us who have put the time in to get licensed. Since the age of six (6) years old, when little boys wanted to be butchers and bakers and candlestick makers, I wanted to be a mortician. This is in my heart. I did the time to educate myself, to go through the process of getting licensed, as did many of us that are here, and if not all of us that are in this profession here in the state of Florida. But there is a dividing line of misunderstanding, misconception of a general manager who has not gone to school, has not passed the arts law examination, state law examination, and is a licensed funeral director, or a licensed funeral director and embalmer. And the public, as much as we try to inform the public, the public is not as knowledgeable as those of us that are in the profession who know Chapter 497. And that is unfortunate because the public is being lied to by people who write and have business cards and advertise on funeral programs, that they are the general manager of that said funeral home. And they are making arrangements. They are directing funerals without the supervision of a licensed funeral director. That's a travesty as far as I am concerned. I would submit to this Board to help us in the process of eliminating these people who I believe should not be in our profession because they don't hold it sacred enough to go and prepare themselves to work in this profession. That's simply all I have to say. Thank you all again. But I do have an issue with this, because I've read this statute since I've been licensed and that's been a long time and I don't see a general manager without a license as a funeral director and an embalmer has the authority to practice as that person and they're holding themselves out. Thank you.

Chair Peeples – Sir, if I may just to kind of give you a suggestion. As you mentioned that we as licensees are held accountable to make a comment via a complaint, so that would be a great avenue for you to start. And thank you for bringing it up, because it is a thorn in our industry from that perspective.

Mr. Wright, Sr. – Well, unfortunately, Ms. Peeples, I have had to deal with bogus complaints against my firm that have been pushed up, prodded by these general managers who are trying to make a headway in the profession. And when they were investigated, we were harmless. So, I'm disturbed that you can sit in a firm in Florida and tell people that don't know any better that you're a licensed general manager and you are not a licensed funeral director and people like me and many of us in this room who have integrity. I've been a pastor for forty-seven (47) years, and I've tried to have integrity both as a pastor and as a licensed funeral director and embalmer and I thank you. I want you to know that, and I'll go on record, I am not afraid to file a complaint and I will. Thank you.

Chair Peeples – Thank you, sir. We appreciate it.

Ms. Simon – Are there any other comments today, any public comments to be made? Yes, ma'am?

Ms. Edna Hall Whitehead – I am Edna Hall Whitehead, and I am one of the founding owners of Faith Funeral Home, along with my husband, Scott Whitehead. This is a question that I'm not asking for legislation. I'm asking for clarification in the future. I am the appointed preneed agent with Faith Funeral Home, and I do hold an insurance license, a 214 {inaudible} our firm. We started our firm from zero families in two (2) red lights Havana. So, what I'm asking for is clarification for the future. And I see you're going to be doing a lot of information on preneed and preneed license and all things preneed. We're having families, and I think other firms are too, where they're coming in after mom and dad, ten (10), fifteen (15), twenty (20) years ago, came in and made their prearrangements, and some of the comments they made is they wouldn't make sure that they did this because they didn't have your children to decide their fate, They picked out their funeral arrangements. They wrote their check, they made their own personal arrangement appointment, no coercion. And some of those I sat at the table with. And when they made those comments to make sure that their children's wishes did not supersede their own, I said with assurance that we became custodial care of that contract and that the body would be returned to us. I think I've misspoke, because I don't know if that's the true law or not, and I want to be clear whenever I sit down with a family again, and they come in and say well that changed his mind he wants to be cremated. We have a crematory on site. We're more than happy to offer that service, because our name is Faith Funeral Home and Crematory, not Cremations, Crematory. So, we offer tours if they want to see that crematory because we want to be factual with our families. We want to be service, in what I think you the Board are trying to do. And this is my first time coming, and I'm going to tell you, I'm impressed. You know the law, you know the statutes, and I'm impressed with the fact that you do try to do what I think my husband and I wanted to do, and that is to be a service to our community. Two (2) red lights or fifty (50) red lights, I think the service providers of this room and our service want to do that. So, I want to ask you to help me, help my families, on how to answer that question. Am I telling them

incorrectly? Do we have a clear division of where we are when it comes to that funeral trust?

Chair Peeples – You pose a great question, but this is kind of not the area for us to discuss this today. So, I've kind of written your question down for possibly our legislative workshop. And anything like that that you feel as an industry person, please bring it before us because that's what makes it better and more refined.

Ms. Hall Whitehead – So, that is the path that we should take?

Chair Peeples – Well, I kind of got it written down, so we'll see if we can add it to our agenda when we have our legislative workshop in August.

Ms. Hall Whitehead – Wonderful.

Chair Peeples – Yes, ma 'am, Ms. Schwantes?

Ms. Schwantes – I actually was going to mention to anyone here, if you have any suggestions for any legislative changes, if you can send them to me, my email address is on the website, and we'll coordinate that. Although we hope that the Board members will attend and participate, it is actually the Department that puts on the legislative workshop, so I just wanted to clarify that too.

Ms. Hall Whitehead – Okay.

Chair Peeples – Thank you, ma 'am. But I have kind of written down and I kind of put on my notes that a preneed agreement specifically is for a burial, casket burial, and then family members want to change it when it becomes an at-need.

Ms. Hall Whitehead – And they want to define who beneficiary is. And in our contracts, it says that the person that made that decision for themselves, so if they come in and select self, where do we go?

Chair Peeples – Right. Very good, very good comment. Thank you for bringing it to us.

Ms. Hall Whitehead – Thank you.

Chair Peeples – Thank you for being here today.

Mr. Jensen – Madam Chair?

Chair Peeples – Yes, sir?

Mr. Jensen – Would it be appropriate to answer this lady's question?

Chair Peeples – No, sir. Public Comments is not the time to kind of answer it. So, it would be an item we need to bring forth.

Mr. Jensen – Okay.

Ms. Hall Whitehead – Thank you for your time.

Chair Peeples – Thank you. Appreciate it. Any other public comments?

Mr. Chephus Granberry – Yes. Just to clarify. You mentioned about the legislative meeting that will be held in August, but you're not sure about the date or the time. Will it be sent out as the agendas are, or where will it be advertised? That date and time?

Ms. Schwantes – We will advertise it. It is going to be a public meeting. All are welcome to attend. It will be in-person in Tallahassee. I don't have the location or the date. I think towards the end of August. We're still coordinating the schedules.

Again, people who have interest in having an item on the agenda, please contact me. I'll make sure it gets on the agenda. There will also be an open space for other matters that come before, too.

Mr. Granberry – The advertisement will be...

Ms. Schwantes – The advertisement will be sent out as normal to the Board members and to those who asked for Board packets, but also posted on our website.

Chair Peeples – And also, we may be able at the second June meeting. If we have it confirmed, you may be able to bring that up.

Ms. Schwantes – Maybe.

Chair Peeples – So, be listening and participate. Thank you, sir.

Ms. Schwantes – I'm sorry. Also, we do send out that information to our associations, the industry associations for their distribution to their members.

Mr. Granberry – I specifically want to know if you were going to send it out to your email list, because I get every one of the agendas, so I was wondering if that announcement could possibly go out to the email list, so I won't have to depend on someone else to give it to me?

Ms. Schwantes – It goes out to the email list for those who receive information on the Board meetings. It goes out to industry associations for their distribution to their members and publication in their newsletters. And it also is posted on our website.

Mr. Granberry – Okay. Thank you.

Chair Peeples – Thank you, sir. If there's no one else for public comments, next item is Upcoming Meetings, which is listed on the agenda.

Z. Administrative Report as June 6, 2024

The information was provided on the agenda.

AA. Disciplinary Report

The information was provided on the agenda.

BB. Upcoming Meeting(s)

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

CC. Adjournment

Chair Peeples – Thank you for attending today.

Ms. Schwantes – Thank you everybody.

The meeting was adjourned at 12:57.