

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

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

Ms. Jill Peeples – Good morning, this is Jill Peeples, Chair of the Board of Funeral, Cemetery, and Consumer Services. It is 10:00 A.M, on August 1, 2024, and I'd like to call this meeting to order. I'll turn it over to Ms. Simon for preliminary remarks and roll call.

Ms. Ellen Simon – Thank you, 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 August 1, 2024, and it is approximately 10 AM. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by videoconference. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to interested persons. Both the link and call-in number are on the agenda, which has been made available to the public. The link and call-in number and other information relating to this Board meeting has also been published on the Division's website. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared.

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

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

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

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

Jill Peeples, Chair
Andrew Clark, Vice Chair
Sanjena Clay
Vincent "Todd" Ferreira
Christian "Chris" Jensen
Kenneth "Ken" Jones
Janis Liotta

Jay Lyons **{EXCUSED}**
Darrin Williams

Also noted as present:

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

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

Chair Peebles – Thank you, Ms. Simon.

B. Action on Minutes

(1) May 2, 2024

(2) June 18, 2024

Ms. Sanjena Clay – Madam Chair?

Chair Peebles – Yes. Ms. Clay?

Ms. Clay – Before I make that motion, are we going to do this collectively or one by one?

Chair Peebles – That would be a Ms. Munson question. Ms. Munson, do we need to take separate motions for separate sets of minutes?

Ms. Rachelle Munson – If any of the Board members, and excuse my voice, if any of the Board members has a special item on either of those minutes, they would need to so say. If not, it can be done collectively.

Chair Peebles – Thank you, Ms. Musson. Thank you, Ms. Clay.

MOTION: Ms. Clay moved to adopt the minutes of both meetings. Mr. Darrin Williams seconded the motion, which passed unanimously.

(3) Memorandums of Voting Conflicts from June 27, 2024

Ms. Simon – Madam Chair. we have received memos of conflicts from Mr. Clark, Mr. Jensen, and Mr. Ferreira. Anybody that needs to submit those voting conflicts that has not yet done so, those memorandums, please do so and send them to the Division post-haste. And the voting memos will be a part of the minutes prepared for the June 27th meeting.

FORM 8A MEMORANDUM OF VOTING CONFLICT FOR STATE OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME JENSEN, Christian E.	TITLE OF BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE FUNERAL, CEMETERY AND CONSUMER SERVICES
MAILING ADDRESS PO Box 11986	NAME OF STATE AGENCY
CITY PENSACOLA	COUNTY ESCAMBIA
DATE ON WHICH VOTE OCCURRED 6/27/24	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8A

This form is for use by any person serving at the State level of government on an appointed or elected board, council, commission, authority, committee, or as a member of the Legislature. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:
As a person holding elective state office, you may not vote on a matter that you know would inure to your special private gain or loss. However, you may vote on other matters, including measures that would inure to the special private gain or loss of a principal by whom you are retained (including the parent or subsidiary or sibling organization of a principal by which you are retained), to the special private gain or loss of a relative, or to the special private gain or loss of a business associate. If you vote on such a measure or if you abstain from voting on a measure that would affect you, you must make every reasonable effort to disclose the nature of your interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for you to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

For purposes of this law, a "relative" includes only your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with you as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

A member of the Legislature may satisfy the disclosure requirements of this section by filing a disclosure form created pursuant to the rules of the member's respective house if the member discloses the information required by this subsection, or by use of Form 8A.

APPOINTED OFFICERS:
As a person holding appointive state office, you are subject to the abstention and disclosure requirements stated above for Elected Officers. You also must disclose the nature of the conflict before voting or before making any attempt to influence the decision by oral or written communication, whether made by you or at your direction.

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IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
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CE Form 8A - Effective 10/01/13
Adapted by reference in Rule 34-7.010(1)(b), F.A.C. Page 1

DISCLOSURE OF STATE OFFICER'S INTEREST

Christian Jensen hereby disclose that on 6/27 2024.

(a) A measure came or will come before my agency which (check one or more):

- Inured to my special private gain or loss;
- Inured to the special gain or loss of my business associate;
- Inured to the special gain or loss of my relative;
- Inured to the special gain or loss of _____ by whom I am retained; or
- Inured to the special gain or loss of _____ which is the parent, subsidiary, or sibling organization of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

PRE-NEED MARIN License Renewal for my company

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

6/28/2024
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

CE Form 8A - Effective 10/01/13
Adapted by reference in Rule 34-7.010(1)(b), F.A.C. Page 2

FORM 8A MEMORANDUM OF VOTING CONFLICT FOR STATE OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Clark, Andrew David	TITLE OF BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE Board of Funeral, Cemetery, and Consumer Services
MAILING ADDRESS 915 SE 60th Ave	NAME OF STATE AGENCY
CITY Ocala	COUNTY Marion
DATE ON WHICH VOTE OCCURRED June 27, 2024	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

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DISCLOSURE OF STATE OFFICER'S INTEREST

Andrew Clark hereby disclose that on June 27 2024.

(a) A measure came or will come before my agency which (check one or more):


- Inured to my special private gain or loss;
- Inured to the special gain or loss of my business associate;
- Inured to the special gain or loss of my relative;
- Inured to the special gain or loss of FPG of Florida: Foundation Partners Group of Florida by whom I am retained; or
- Inured to the special gain or loss of _____ which is the parent, subsidiary, or sibling organization of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am employed by Foundation Partners Group of Florida. During the June 27, 2024 meeting, the board was asked to approve preneed licenses (Agenda item I. (1) Addendum G). Foundation Partners Group was included in the agenda item and I recused myself from that part of the discussion and vote.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

June 28, 2024
Date Filed


Signature

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CITY Ocala	COUNTY Marion	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE	
DATE ON WHICH DATE OCCURRED June 27, 2024			

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DISCLOSURE OF STATE OFFICER'S INTEREST


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- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate;
- inured to the special gain or loss of my relative;
- inured to the special gain or loss of FPG of Florida, Foundation Partners Group of Florida, by whom I am retained; or
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June 28, 2024
Date Filed _____ Signature 

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CE Form 8A - Effective 10/2013 Page 2

- C. Old Business
 - (1) Application(s) for Funeral Establishment License
 - (a) Recommended for Denial
 - 1. Freeman Funeral Home and Cremation Services (Pompano Beach)

Ms. Simon – Madam Chair, if I may have a moment?

Chair Peebles – Yes, ma'am.

Ms. Simon – An application for funeral establishment licensure was received by the Division on March 12, 2024. The application was incomplete when submitted. A completed application was received on May 29, 2024. On June 27, 2024, the application was presented to the Board at a regularly scheduled meeting. The Board requested to table the application until ownership documents were received, and the applicant waived the deemer provision found in Section 120.60. The Division obtained copies of the quick claim deed from the Broward County Property Appraiser as the screenshots provided by the applicant on June 27th were not legible. The deed is included in this Board package and reflects that on November 3, 2023, Mr. James, a principal of the applicant, purchased the property located at 738 Dr. Martin Luther King Jr. Boulevard, Pompano Beach for \$10 from Richard Macon. Mr. James states that the property at 738 Dr. Martin Luther King Jr. Boulevard is being renovated. According to Mr. James, the renovations will take approximately three (3) years. Until that time, Mr. James has stated that all services will be conducted at the visitation chapel, the information for which is provided in the application. Because of this, the funeral establishment will not be ready for inspection for approximately three (3) years.

Since the Division presented the application to the Board on June 27th, the applicant has provided updated information regarding embalming. The applicant has made arrangements for embalming with Anthony R. Manuel Funeral Home Central. The application has been updated to reflect the arrangements. On the completed application form, Mr. DeBarris James answered No to the criminal history questions. A background check of the principals revealed relevant criminal history for Mr. James, to wit, in 2009 after a jury trial, Mr. James was adjudicated guilty of grand theft and impersonating a bail bonds agent, both third degree felonies. Mr. James indicated the charge of impersonating a bail bonds agent came about while executing his duties for a business, which he owned. The sentencing occurred on or about February 13, 2009, and the applicant

was sentenced to five (5) years confinement in the Florida State Prison. He was released on May 12, 2013. The Division recommends denial due to principal DeBarris James' criminal history and due to the current state of the proposed establishment. Is there a representative of this entity on the call today? Hearing no response.

Mr. DeBarris James – Yes, we're here.

Ms. Simon – Okay. Madam Chair?

Chair Peeples – Thank you, Ms. Simon. Board members, do you have any questions? Yes, Mr. Jones?

Mr. Ken Jones – Just clarification on the brief that Ms. Simon read. This property is 738 Dr. Martin Luther King Blvd, then it says 38. So, is that the same property as 738? And in that fourth paragraph, should that be 738 also? I just want to make sure we're dealing with the same property, Ms. Simon.

Ms. Simon – Give me one moment please. Yes, sir. Yes, sir. That is correct.

Mr. Jones – Thank you.

Chair Peeples – Thank you. Mr. Jones. Mr. Jensen?

Mr. Chris Jensen – Yes, just a comment or a question. Just wondering how can we license a funeral establishment that doesn't exist? And doesn't a visitation or a service facility, ancillary facility have to be licensed under a funeral establishment?

Chair Peeples – Mr. Jensen, if you will hold one second. We have someone that's connected to the meeting that has their phone or their computer mic on. If you will, please turn it off because the ambient noise, we cannot hear the Board members.

Ms. LaTonya Bryant – The noise is coming from Mr. James' background.

Chair Peeples – Mr. James and Mr. Freeman?

Ms. Simon – Mr. James just muted his phone.

Chair Peeples – Thank you. Thank you. Mr. Jensen, is this a question you have for Ms. Simon?

Mr. Jensen – Yes. I would like that clarified, please.

Chair Peeples – Ms. Simon, would you like him to restate the question?

Ms. Simon – Please.

Mr. Jensen – So, the statement was that any services are going to be held at a visitation chapel. A visitation chapel, in my understanding, has to be licensed under a funeral establishment. So, if there's not a funeral establishment license, how can services be held at a visitation chapel?

Ms. Simon – My understanding is they cannot. A visitation chapel is not necessarily licensed, but it is part of a licensed funeral establishment.

Mr. Jensen – Thank you very much.

Ms. Simon – I don't know, Madam Chair, if you would like Mr. James sworn in if he would like to make comments during this time.

Chair Peeples – Yes, ma'am. I was seeing if any more Board members had any questions before we asked Mr. James or Mr. Freeman to be sworn in. Seeing none. Mr. Freeman and Mr. James if you will allow Ms. Simon to swear you in, please.

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

Mr. James – Yes.

Mr. Johnny Johnson – Yes.

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

Mr. James – DeBarris James, J-A-M-E-S.

Mr. Johnson – Johnny Johnson. J-O-H-N-S-O-N.

Ms. Simon – Thank you, sirs.

Chair Peeples – Mr. James and Mr. Johnson, Mr. Jensen had made a question to the Board staff regarding the visitation chapel. Would you like to answer his question or expound on it, sirs?

Mr. James – So, yes, that's in our application. The address we have on there for the visitation chapel, we have our 737 Dr. Martin Luther King Jr Boulevard, as well as the 2990, which is the actual church itself in Pompano Beach. Those have always been on the application. This 737, that's the office we operate at. That's also been on the application as well.

Chair Peeples – Mr. Jensen, did you have a specific question that you would like to ask?

Mr. Jensen – Well, correct. The license establishment application here is for a 38, number 38 I think, is a different address than the visitation chapels. And it stated that it may take three (3) years to complete the renovations. So technically they can't have a visitation chapel without having a licensed funeral establishment, and they can't get a licensed funeral establishment because it's not able to be inspected for three (3) years.

Mr. James – I don't think you're understanding or we're not understanding, but 737 Dr. Martin Luther King Jr Boulevard is the address on as the office for funeral business. That's the address that's always been there. The 738 is the building that was going through the changes it's going through. We also have a chapel for our funeral services, which is the church. And that's also been on the application from the beginning. The update that we put on was for the embalming, which was through the Anthony Manuel Center.

Mr. James – But the office and funeral home is 737 Dr. Martin Luther King Jr. Boulevard. It's always been there.

Mr. Jensen – Madam Chair, may I?

Chair Peeples – Yes, sir. Please continue.

Mr. Jensen – Is that not the building that's going through the renovation though?

Mr. James – No, it's directly across the street from it. That's why we had that building as the funeral home, and we explained those situations that we're going through. And we also had the information for the office, which is 737. It's been there from day one.

Mr. Jensen – I'm looking for it right now. Is that correct, Ms. Simon? Is it 737 that we're looking at licensing?

Ms. Simon – Actually, no, sir. My understanding was that the address for the funeral establishment is 738. The address of the office, which is not a funeral establishment, at least according to the application, is 737, and the visitation chapel is somewhere else.

Mr. Jensen – That's what I thought. Thank you.

Chair Peeples – Are there any other questions? Mr. Ferreira, do you have your hand up, sir?

Mr. Todd Ferreira – My question was answered. Thank you.

Chair Peeples – Board members, do we have other questions? Seeing none. What is the pleasure of the Board?

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

Chair Peeples – Is there any discussion on the motion? Hearing none, Ms. Simon, will you do a roll call vote on this item, please?

Mr. James – [Inaudible]. It's there. It's on there. I'm looking at the application.

Ms. Simon – Madam Chair, are there any comments that the applicant wants to be made or is that necessary to hear before the vote is taken?

Chair Peeples – Mr. Johnson or Mr. James, did you all want to make any comment in the discussion phase?

Mr. Johnson – Yes. The 737 has a chapel and the office. The other chapel was additional, if we needed it for like a big family, because 737 has a chapel available big enough to hold probably about fifty (50) to seventy-five (75) people.

Chair Peeples – Mr. Johnson, did you have anything you would like to add, sir?

Mr. Johnson – Yes. I thought you heard me.

Chair Peeples – No, I'm sorry. Mr. James? I'm sorry.

Mr. James – Yes. I mean, the information has been placed on the application. I'm looking at the application. It's been there from day one. Nothing has changed. The only thing we did was add on a facility for embalming. We've already explained the situation going on with the building. That's why we have the office and the chapel. That's the reason why we have that.

Ms. Clay – Madam Chair?

Chair Peeples – Yes, Ms. Clay?

Ms. Clay – Would it be okay for Ms. Simon to repeat the rationale for the denial?

Ms. Simon – May I?

Chair Peeples – Yes, Ms. Simon.

Ms. Simon – The rationale for the recommended denial is Mr. James' criminal history, as well as the current state of the funeral establishment, the proposed address of which is located on the application. And the status of that is that it is under repair, under renovation, and it will not be ready to be used for approximately three (3) years. So that means that an inspection will not be able to be conducted until that time. And passing inspection is normally needed for licensure as a funeral establishment. Thank you, Madam Chair.

Chair Peeples – Ms. Munson?

Mr. James – That's why we have 737.

Ms. Munson – This is just a point of clarification. And this would be to the applicants. Are the applicants suggesting that the building/office located at 737 is a currently functional funeral establishment, that you are requesting that it be licensed until the 738 address can be licensed?

Mr. James – That is correct. That is correct.

Ms. Munson – It was not clear in the discussion if Board members or staff or the applicants were saying the same thing. And I just wanted the record to reflect what was being stated. So, the application is for a funeral establishment located at 737, which also duals as the office, but still a functional funeral establishment, if I'm understanding correctly. But I need that to be clarified for the record.

Mr. James – That is correct.

Chair Peeples – Mr. Jones, I see your hand. Let me have Ms. Simon make a comment, then we'll go to you, Mr. Jones. Ms. Simon?

Ms. Simon – Yes. I'm looking at the application myself, and we only have the application that's before us now, and the business location that's cited on the application is 738 Martin Luther King Jr. Boulevard. The preferred mailing address is different, but the business location is 738.

Chair Peeples – And Ms. Simon, if I may confirm, and also with Ms. Munson's question, that is the property that will have the three-year renovation process to go forward. Is that correct?

Ms. Simon – That is my understanding, yes, ma'am.

Chair Peeples – Thank you. Mr. Jones?

Mr. Jones – Yes, that was my question. They show the mailing address the 737, the business is 738, but if they intend to try to use 737, does it meet statute for size and every other requirement to be used as a funeral establishment? And I don't know the answer to that.

Chair Peeples – Ms. Simon?

Ms. Simon – And I believe a new application would be necessary if we were talking about 737, because as I said, 738 is the address on the application. And to your point, Mr. Jones, I have no idea whether the address at 737 meets those qualifications necessary for licensure, including the 1,250 square feet. But I don't know that that is relevant to today's discussion.

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

Ms. Munson – Again, I'm just wanting to explain the options to everyone who's present. If it's some type of typographical issue, I just wanted the parties to know that if this Board indulges, you may have the option of withdrawing this application, resubmitting it with the correct address of 737, and then having the Board vote on that specific location. I don't know if the Board is going to approve or deny this because I cannot foresee that. But I just wanted to identify that if a vote is taken on the application as printed and it was the party's intent to have the application before a 737 location, then perhaps the Board would consider allowing this applicant to withdraw rather than have a denial on its history.

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

Mr. Jensen – Yes. Thank you, Chair. You know, one thing we haven't touched on is a criminal history here, and I would like to ask if Mr. Ferreira would be willing to change his recommendation to denial because of criminal history and also the location issues. But we hadn't even touched on criminal history, which we did last meeting, and it's quite extensive and includes fraud with other people's money. So, you know, that was the basis for a recommendation of denial last time, and then it was pulled. So, it's something we may need to think about as well. Thank you.

Chair Peeples – Thank you. Mr. Ferreira?

Mr. Ferreira – Where is the church? What's the church's address he's talking about using?

Chair Peeples – Mr. Johnson or Mr. James, would you like to answer that question?

Mr. James – The church's address that we're talking about is 2990 NW 5th Street in Pompano Beach, Florida 33060.

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

Mr. Ferreira – Yes.

Chair Peeples – Ms. Simon, you had your hand up?

Ms. Simon – The matter has already been answered. Thank you, Madam Chair.

Chair Peeples – Yes, ma'am. Thank you. Board members, is there any other discussion? We have a motion and a second before us. Ms. Clay?

Ms. Clay – Just for procedural purposes, there was a recommendation that the motion be changed, and I just want to know where we are in terms of what the actual motion is.

Chair Peeples – Yes, ma'am. I was making sure we didn't have any more questions before we went there. Thank you, Ms. Clay. Mr. Jensen, you have made the comment to Mr. Ferreira about amending his motion. Mr. Ferreira, what would be your pleasure?

Mr. Ferreira – I certainly think we should add the criminal history in the motion.

Chair Peeples – So the denial would be based on the criminal history and the location of the proposed facility at 738 not being renovated for three (3) years? Is that correct, Mr. Ferreira?

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Mr. Jensen, do you agree with that amended motion?

Mr. Jensen – Yes, ma'am.

Chair Peeples – Thank you. Mr. Johnson, do you have your hand up, sir?

Mr. James – No. I have my hand up, Mr. James.

Chair Peeples – I'm sorry.

Mr. James – I'm looking at this, and if we go back to the criminal history, I don't see anybody perfect anywhere. Things that have happened in the past are just that in the past. And this is the issue that goes on when people look at a mistake that was made and there are other parties involved, there's a lot more involved that I didn't discuss and I'm not going to discuss because that's in the past. Life has been completely different. I'm a pillar in the community. I do a whole lot in the community. And the goal is to keep the legacy going on. And everyone, now, I'm not even going to say everyone, there're just certain people that like to look at your past and think that that's you. That's not me. I'm highly educated. I do a lot for everybody. That's just the change in my life. And for this to continuously be brought up, we brought this up in the last meeting, we got past that, and here we go again. It's the same thing. And I'm not pointing at people, but I just feel like it's, you know, let's point at him because of things he's done in the past and not what he's trying to do for the present or the future. And I don't think that that's fair, you know. We have the address on the application. I needed assistance with this application several times. And there was someone in your office that helped me. We've even discussed that on the last meeting. If you go back to the meeting, that 737 is where we be doing business until everything was done at 738. It's already been established. So, it's like we're going back to the same thing to make it a bigger thing than what it is, you know. Things have happened. Things have gone. I've paid my debts in society, and I have all my rights reinstated, everything. Everything I have done has been positive since then. And it's like, let's hold them down instead of building them up. That's what I'm starting to feel.

Chair Peeples – And Mr. James, thank you for your comment and I appreciate your positiveness that you have, and I'm glad to see that things are moving well for you. But we also have consequences to our decisions and things that follow us in our life. Board members, is there any other discussion before we take a roll call vote? Hearing none. Ms. Simon, if you'll take a roll call vote, please.

Ms. Simon – All of those agreeing with the motion, please answer by saying Yes. Those that don't, say No. Mr. Jones?

Mr. Jones – No.

Ms. Simon – Mr. Williams?

Mr. Williams – No.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yes.

Ms. Simon – Ms. Liotta?

Ms. Janis Liotta – No.

Ms. Simon – Ms. Clay?

Ms. Clay – No.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Yes.

Ms. Simon – Mr. Clark?

Mr. Andrew Clark – Yes.

Ms. Simon – Madam Chair?

Chair Peeples – Yes.

Ms. Simon – And that motion fails.

Chair Peeples – Board members, your pleasure? Mr. Ferreira?

Mr. Ferreira – Yes. How can we license a building, a funeral establishment that's not even ready to operate and serve families? I mean, there's no way that we can license this building and serve families if it's just not even ready.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes, I would like to echo what Mr. Ferreira just said and also mention that the gentleman mentioned we got past the criminal stuff, but we didn't get past it at the last meeting. I personally have not been past it. I mean, that's a clear blatant disrespect in our whole chapter of what we do dealing with people's money. And the gentleman admitted last time, if you read the note, that he was involved in another business where he actually took money, and that was one of the problems with the bail bonds' business. So, I just, you know, I don't see how, and plus, I mean, I agree with Mr. Ferreira. In nowhere does it state in our chapter or anything that we can license a funeral establishment that technically does not exist. I mean, you know, are we going to start licensing grocery stores and everything else? I mean, it just makes no sense. There's no provision in the law for this whatsoever.

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

Mr. Williams – Yes. Thank you so much, Madam Chair. Question for Ms. Munson. Can we table this until the entity has everything in place? Or could it be withdrawn? I'm just lost, because I understand what Mr. Jensen is stating about us licensing something that's not even ready, but I'm not comfortable with the whole denial piece. So, I'm just caught between the two. I guess I need some guidance.

Ms. Munson – Thank you for that, Mr. Williams. I previously presented to the party and to the Board that perhaps the Board may entertain, and the party may consider, withdrawing the application, resubmitting it, if in fact the applicant is suggesting that the funeral establishment location is 737 and not 738. If the address is incorrect on this application, perhaps he wants to withdraw that application and resubmit it with the correct address. The Board has indicated that there is a strong feeling that based on the way the application is presented, that at least half of these members are voting to not support it. I cannot speak to the criminal history question because a denial, and I don't know if the basis for those votes had anything to do with the criminal history, and which Board members felt it was just criminal history. So, I cannot assume that if you were to resubmit this, Mr. James, and have the correct address of 737 as your funeral establishment requested address, that it may not be denied if it came back based solely on the criminal history. So, I just wanted to clarify that. I don't want to give any misinformation or provide any misleading information. So, Mr. Williams, thank you for that opportunity.

Chair Peeples – Thank you. Thank you, Ms. Munson. Ms. Clay?

Ms. Clay – I just wanted to just say this. We've had other instances where persons have had criminal histories and we've done it on a case-by-case basis. I can remember making motions simply based on the fact that the person had a criminal history, and that was the rule, and I was overruled. And so, I decided that there is no consistency in regard to that. My concern at this point, it sounds like there may be an error in terms of filling out the application and putting the incorrect address as to where the establishment will actually be conducting business. And so, I would just strongly advise our applicant to pull their application and reapply.

Chair Peeples – Thank you, Ms. Clay. Mr. Jones?

Mr. Jones – Well, that was my concern that we have accurate information that we're voting on. If he goes with the other address, the 737, that we don't know if it meets the requirements, and he may use that address. He needs to look at the statutes, and make sure he feels that address meets the statutes and would be approved before he submits it. And then we'll base it on that if that is the course of action.

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

Mr. James – Yes, ma'am. So, I'm looking at it and it was an error putting that on, but like I said before, it was stated in the last meeting that 737 would in fact be the place of business until the other was secured. This one I know is 1,320 square feet. So, if I do have to resubmit it, we will go ahead just to make that correction as far as the address number goes. But like I said, it was stated, if you go back to the last meeting, this address was stated on that meeting.

Chair Peeples – Thank you, Mr. James.

Mr. James – And it is ready to be operated. It is ready.

Chair Peeples – Thank you, Mr. James. And as you can see, we have to be very, very sure and very careful that all our Is are dotted, our Ts are crossed in all address information. Because when we approve you for a license, no matter if it's individual, establishment or whatever it may be, we can't withdraw that once we approve it. So, we have to make sure at the beginning. We greatly appreciate your participation from the previous meeting to today, but I think you understand how we have a concern that 738 is a building that's going to be renovated, so we can't inspect it until it's renovated and ready. So that is one of the items. So, what would be your request to the Board today? What would you like us to do? Would you like to withdraw this application and correct it and re-present it to the Board?

Mr. James – Yes. I would like to go ahead and make that correction on the address because there are two (2) addresses on there, and 737 would be the operating address. And I do want to make that correction. And I do understand your position and what things have to be done. Like I said, everything has to be above water for me as well, because things of the past, as you see right now, are haunting. So, I don't want that at all. I want to make sure that all the Ts are crossed, and I's are dotted, and everything is square across the Board.

Chair Peeples – Yes, sir. And we appreciate that. And I think Ms. Clay eloquently presented it that each of us, as Board members, have reasons for approvals and reasons for denials and that is what makes it the consistency of our group from that. So, we appreciate that. We appreciate your due diligence. So, it'd be your request to withdraw it today and resubmit it. Is that correct?

Mr. James – Yes, ma'am.

Chair Peeples – Thank you. We appreciate that and appreciate you for participating today.

Mr. James – Thank you.

Chair Peeples – Thank you. Ms. Simon?

- (2) Application(s) for Preneed Main License Renewals*
- (a) Recommended for Approval without Conditions*
- 1. Holmes-Glover-Solomon Funeral Directors Inc (F041945) (Jacksonville)*

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. Madam Chair, in this instance, the licensee has met all requirements for renewal and therefore the Division recommends renewal without conditions.

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

- (b) Recommended for Approval with Conditions*
- 1. Milam Funeral Home Inc (F019213) (Gainesville)*

Ms. Simon – Is there a representative of this entity on the call? Hearing no response. Madam Chair, this applicant paid their late fee last month. So as a result, the Division is recommending approval without conditions.

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

- 2. Timothy E Kitchens Funeral Home Inc (F059562) (Riviera Bch)*

Ms. Simon – Is there a representative of that entity on the call today? Hearing no response. Madam Chair, the Department received confirmation that the entity has met the net worth requirement, and as a result, the Division is recommending approval without conditions.

Chair Peeples – Mr. Jones?

Mr. Jones – Did they pay the late fee, Ms. Simon?

Ms. Simon – That is a very good question, sir. I believe actually it says it on the cover sheet that they paid the late fee as of June 24th.

Mr. Jones – Thank you. I missed it.

Ms. Clay – Madam Chair?

Chair Peeples – Ms. Clay, if you'll give me one second. Ms. Liotta had her hand up.

Ms. Liotta – Hi. I actually had looked at the financial statements that were submitted, and I actually did have some questions on them. There was a couple of things on them that just looked odd to me. Initially, I did send the questions to Ms. Simon earlier this week. I don't know if it's going to impact the vote here, but I would like to see the newly submitted net worth before I vote on this, because there were just some odd things that I saw in the financial statements.

Chair Peeples – Ms. Simon, is that an item that you have in the office?

Ms. Simon – I did receive Ms. Liotta's question. This is very interesting, the process that's been involved in this matter. I've already spoken with the applicant, and the applicant at first wanted to request tabling their application because their CPA was not available to come today. However, during that time, we received further documentation that indicated that the applicant has met the net worth requirement. So, with that, I would believe that that's why the applicant felt secure not being here today. So, depending on what the Board does at this point, if Ms. Liotta's concerns are to be addressed, I don't know how the Board would like to do this. But, if we're going to table this, in order for Ms. Liotta's concerns to be addressed, we would need to have a waiver of the deemer provision. And I went through this with the applicant yesterday, but it was simultaneous with the information of the threshold requirements being met. So, I'm not sure what the Board would like to do today. I'm not sure what the Board's pleasure is.

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

Ms. Munson – I just think that perhaps the Board may want to hear firsthand from Ms. Liotta what her concerns were and having heard them, they may still be able to make a decision and give a vote today regarding this application. But that would be totally up to Ms. Liotta and the Department as to how they're willing and able to address that.

Chair Peeples – Ms. Liotta, we would like to hear your concerns, but may I ask Ms. Clay what her question is, because we may be a few minutes with Ms. Liotta. Ms. Clay?

Ms. Clay – I just wanted to state that I had some concerns about the financials too, and I just wanted to make it known that based on those who are in attendance, one of the persons is Alycia Phillips and her name bar on the meeting says, Tim Kitchens' accountant.

Chair Peeples – Thank you, Ms. Clay.

Ms. Alycia Phillips – I'm here.

Chair Peeples – Who is this speaking please?

Ms. Phillips – This is Alycia Phillips, accountant for Timothy Kitchens.

Chair Peeples – Are you representing him today, ma'am?

Ms. Phillips – Yes.

Chair Peeples – If you will allow Ms. Simon to swear you in and we'll have you sworn in. But we are going to go back to Ms. Liotta, who is our CPA Board member, for her to make her comments. Then if we need to ask you questions, we will please ma'am. Ms. Simon?

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

Ms. Phillips – Yes.

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

Ms. Phillips – My name is Alycia M. Phillips, P-H-I-L-L-I-P-S.

Ms. Simon – Thank you, ma'am.

Chair Peeples – Thank you. Ms. Phillips. If you will, please just kind of be in wait and Ms. Liotta if you would like to go forward.

Ms. Liotta – Yes. So, there were three (3) things that I had questions on. I think the biggest thing I had was the fact that they were reporting on their balance sheet \$59,000 of payroll taxes owed, which seems extremely odd considering they only had \$5,000 of salaries that year. So, that's the one main thing I wanted clarification on. The other items are fairly small, but I did not see where the depreciation expense was being reported on the income statement. And I also just didn't quite understand the calculation to get to the zero retained earnings. It's kind of like they forced through another adjustment, and I was just curious what that other adjustment would've been. There should be a reason for it. So those were my three (3) main questions on the original financial statements? I have not seen the new ones.

Chair Peeples – One moment please. Thank you, Ms. Liotta. Ms. Simon?

Ms. Simon – Yes. I just received word from Ms. Clay, her connection was lost. So, I think she's going to try right now to come back on. I just wanted the Board to know, particularly with the comments she made earlier.

Chair Peeples – Thank you. If we can kind of hold really quick to see if she maintains connection, please.

Ms. Phillips – And I just wanted to confirm this is Alicia.

Chair Peeples – One moment please, ma'am. Ma'am?

Ms. Phillips – Okay.

Chair Peeples – Give us one moment. We'd like to see if we can get Board member Clay back connected.

Ms. Phillips – Okay.

Chair Peeples – Thank you. Ms. Simon, have you heard from Ms. Clay?

Ms. Simon – No, ma'am. I let her know that we would be waiting for her to get back on if she's able to.

Chair Peeples – Thank you. And maybe if you'd like to maybe mention to her if she'd like to call in, if she cannot connect by camera.

Ms. Simon – I would suggest we move on to the next item and table and call this one back. But we would still like Ms. Clay to come back if she's able to before we discuss any other case.

Chair Peeples – Thank you, Ms. Simon. I appreciate that. Ms. Phillips, we're going to table this item for just a little bit and go on with our agenda. If you will just, please wait for just a few minutes, we would appreciate that. Will your schedule permit that, ma'am?

Ms. Phillips – Yes, that's fine.

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

Ms. Simon – Madam Chair, Ms. Clay seems to be back. However, her phone is on mute. We can move on as suggested. However, I do not know if you would like Ms. Clay for a few minutes so she could be involved in the next matter or if we have a quorum regardless, but I just wanted to press that option.

Chair Peeples – Thank you. Have you had any recent interaction with Ms. Clay?

Ms. Simon – No, ma'am.

Chair Peeples – Ms. Simon, because Ms. Clay had a few concerns and I'd like her to be a part of this, why don't we go down to the next item agenda, item B (3) (a)1?

Ms. Simon – Yes, ma'am.

Chair Peeples – Thank you.

(3) Request for Disbursement from Cemetery Care & Maintenance Trust

(a) Recommended for Consideration

1. Nature Coast Memorials LLC d/b/a Pineview Memorial Cemetery (F067963) (Perry)

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

Mr. Tommy Murrow – Yes ma'am. Tommy Murrow.

Ms. Simon – Thank you, sir. This item was presented to the Board during the June 18, 2024, meeting, but was tabled due to proof of receipts not being included in the request. The Board moved to defer this item contingent upon the licensee providing proof of expenses incurred. And the Board was relying on Section 497.266, in that a person may not withdraw or transfer any portion of assets within the Care and Maintenance Trust Fund without first obtaining consent from the licensing authority. On February 7, 2024, as a reminder, the owners of the cemetery sent a request regarding withdrawal of funds from the cemetery Care and Maintenance Trust Fund for the locations mentioned in correspondence with the Division. The owners explained 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. As a result, Nature Coast Memorials is requesting approval for withdrawal of funds from the trust for reimbursement of the expenses. All documentation has been included within this Board package.

Chair Peeples – Thank you, Ms. Simon. Mr. Murrow, would you like to be sworn in in case there are questions for you, sir, that you can answer?

Mr. Murrow – Absolutely.

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

Mr. Murrow – I do.

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

Mr. Murrow – Tommy Murrow. M-U-R-R-O-W.

Ms. Simon – Thank you, sir.

Chair Peeples – Thank you. Mr. Murrow. Board members, what is your pleasure? Does anyone have a question for Mr. Murrow? Hearing no questions, what is the pleasure of the Board? Mr. Murrow, would you like to address the Board, sir?

Mr. Murrow – Just that we had, you know, extensive damage. This one item that we sent to you all that was just for part of what we've, you know, had to get the cemetery cleaned up. There's still...well, we aren't claiming all of it, I guess I should say. If we could get reimbursed for some of the monies that we've had to put in to get the cemetery back to operating, then that's what we're requesting this \$30,000. But I just want you all to be aware there's a lot more damage than that.

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

Mr. Jensen – Yes. Quick question for Ms. Simon. Ms. Simon, I don't see a lot of these coming through. Is this a normal request to get the money back from care and maintenance?

Ms. Simon – We have had similar requests in the past stemming from a natural disaster, like a hurricane. No, we do not get many of these, but in order for cemetery to withdraw these funds, they need to come in front of the Board. In the past it has been treated as a very serious action, as you know, and the Board has deliberated over these matters. In this case, we have a substantial check that has been paid to a company for repairs and you see evidence of that check. It appears from what Mr. Murrow has stated that that only paid for some of the repairs that were needed for the cemetery and other monies he is not requesting. I hope I have answered your question, Mr. Jensen.

Chair Peebles – Mr. Jensen?

Mr. Jensen – Yes. Thank you. Not really. What I'm asking is, is it legal for a cemetery to request disbursement from the Care and Maintenance Trust Fund to clean up a cemetery?

Ms. Simon – Madam Chair?

Chair Peebles – Ms. Simon?

Ms. Simon – As I provided Section 497.266, does give the Board the authority to make a withdrawal from the Care and Maintenance Trust Fund.

Mr. Jensen – Thank you.

Chair Peebles – Does that answer the question, Mr. Jensen?

Mr. Jensen – Yes, ma'am. Thank you.

Chair Peebles – Thank you. Mr. Ferreira?

Mr. Ferreira – Mr. Murrow, what do you think your total expenses were on this project?

Mr. Murrow – I've got a man coming the first of August to try to bury the pile of wood that we had to stack up because the City of Perry won't let us burn it because we're inside the city limits. So, we're going to have to dig a hole out here, probably 50-foot-deep, and 100-foot-long to bury the oak trees and pine trees and everything else we got piled up out in the back. I'd say total I'm probably going to spend probably \$75,000 I'd imagine.

Mr. Ferreira – How many trees were taken out or stumps grinded? The pictures that we have, shows about three (3).

Mr. Murrow – No, that was the three (3), you know, in the flat section of our cemetery here. But altogether we lost fifteen (15) pine trees that were 80-foot-tall, take three (3) men to reach around. We lost two (2) live oak trees that were probably, you know, 300 years old. Big oak trees, pecan trees that were blown over. I still have two (2) stumps that were too big for the people that were here during the cleanup to be able to handle. So that's why I've got this other guy coming with an excavator to be able to remove them stumps. I have a pecan tree since that we left standing that we were hoping was going to survive, but it's going to have to be removed now. Altogether I'd say, you know, fifteen (15) to twenty (20) trees.

Mr. Ferreira – And this project's been going on for about a year, looks like.

Mr. Murrow – Oh yes. Absolutely. Absolutely. You still have to maintain business and do our current, you know, because we have the funeral home too, and we do, you know, 300 calls a year, but we still had to do funeral, still had to bury folks, and then have time to try to clean up the cemetery.

Mr. Ferreira – How many headstones were damaged?

Mr. Murrow – We have probably four (4) that were blown over that we were able to stand back up with no major damage. One (1) did break. It was a Paul stone that blew over and did break. So, we're in the process of, you know, getting that fixed now for the family that was destroyed, that was unfixable.

Mr. Ferreira – And I understand you tried to claim some of this under your insurance.

Mr. Murrow – We did.

Mr. Ferreira – But because it didn't meet the deductible, it's mostly out of pocket.

Mr. Murrow – Well, the insurance companies told us they do not pay for tree removals unless they are leaning on a building. If the tree clears everything and lands on the ground, they don't pay for it.

Mr. Ferreira – That's all.

Mr. Clark – Madam Chair?

Chair Peeples – Thank you, Mr. Ferreira. Yes, Mr. Clark?

Mr. Clark – Mr. Murrow, I'm just curious, to follow up on Mr. Ferreira, the pictures that were provided, most of the pictures are just of hanging limbs off the tree. It appears that there's one (1) pretty significant tree that's down, but everything else is just broken limbs. There's a picture of a limb on a marker. Just curious, why were these pictures submitted versus some of the more extensive damage you've described?

Mr. Murrow – I did not take those pictures. I don't know. That must have been Steve that took them and sent them. The only thing I can say is maybe the pictures aren't doing it justice and all. I'm sure you all heard how devastated the City of Perry was by Idalia, the Category 3 hurricane. Every pine tree in this county that had any significant height to it was broken in half, about 10' up from the stump. And we were no different than anyone else. I'm not even claiming the building that the roof was taken off. I'm not claiming privacy fence that separated our compound for where people don't have to look at our lawnmowers and tractors when they come to cemetery. That was completely demolished. Or the pole barn that was completely gone or anything like that. This is just tree removal and stumps. After the trees, you know, you have to get the stumps ground and there was no way of removing the stumps with current graves being around them stumps. So, we thought the best thing to do was to grind them stumps. But I can't answer you why the pictures turned out how they turned out, but I can just say there was a lady here that was doing the cemetery inspection in November. She's from Orlando. She can give you eyewitness accounts exactly what we were going through and what it looked like compared to what it looked like before. It is called Pineview Memorial Cemetery. There are no more pine trees.

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

Mr. Clark – It does.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes, quick question. Well two-part question. Mr. Murrow, is this the only claim you plan on submitting?

Mr. Murrow – Yes sir. If we get approved. I mean, we're responsible. We try to take care of what we can and not ask for help if we don't need it. And we've struggled to make ends meet to be able to pay these guys to get them, you know, taken care of and all. And it's just, if we can recoup some of our losses, it would sure help us out to continue fixing what's wrong with the cemetery out here.

Mr. Jensen – Yes, sir. I understand. One other part, as you know, Mr. Murrow, the Care and Maintenance Trust Fund is set up to protect the consumers. Is there anybody that can verify, or can you maybe give us some idea of if there is still enough in there to protect the consumers with this \$30,000 coming out?

Mr. Murrow – From what I understand this would be about half of what we have in, and Ms. Simon might be able to tell us. I think there's like \$74,000 or so in there. And I just, you know, like I said, as a business owner, if the insurance isn't going to help us, I don't know why we have insurance, if they aren't going to help us. But anyway, that's a different story. That isn't for you all. I need to talk to a different Board on that. So, I looked to see what we could do to get some help and that's when the Care and Maintenance Trust Fund, we started talking about that and I thought that's what that was designed for. You put X amount of dollars per gray space in there, then if something like this does happen, then you have the money set aside to maintain and keep your cemetery functional for the consumers.

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

Mr. Jensen – Yes ma'am. Thank you.

Chair Peeples – Thank you. Mr. Jones?

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

Chair Peeples – Is there any discussion on the motion? Mr. Murrow. I have one quick question for you. You mentioned about the devastation when the hurricane came through. Was your area deemed one of the areas and was there any funds available from the state to assist someone like yourself with a business, with a cemetery for any type of FEMA funds or anything of that nature? Or did you qualify for that?

Mr. Murrow – The only thing that I know, because we asked when they were down here picking up everything, would they drive out and pick that pile of debris up, and they said they wouldn't. They weren't allowed to pick it up off a property. We'd have to get it to the side of the road. And of course, I mean, I don't have no tractor big enough to drag an 80-foot pine tree up to the side of the road. But that was the only assistance that I've seen from FEMA or the government or anything like that. Nobody else contacted us about any type of help. We just happened to wave them down when they were picking up all the stuff, so we asked if they could drive down the road and go pick up that pile that was all together, and they just told us they couldn't do it.

Chair Peeples – Thank you, sir. I appreciate that. Ms. Munson?

Ms. Munson – And my question is just for clarification. Was the motion to approve the request to remove \$30,000 from a trust fund that has about \$74,000 in it and noting that Mr. Murrow indicated that total cost for all of this repair is about \$75,000. I want to make sure this is actually what I heard.

Mr. Jones – Yes, the motion was for the \$30,000.

Ms. Munson – All right, thank you.

Chair Peeples – And Ms. Munson, that was the comment of the figures that Mr. Murrow had mentioned.

Ms. Munson – Thank you.

Chair Peeples – Thank you. If the record will reflect that Ms. Clay has rejoined the meeting. Ms. Clay, to bring you up to where we are, we are on agenda item B (3) (a)1, Nature Coast Memorials, LLC, doing business as Pineview Memorial Cemetery. This is the request for the \$30,000 from the Care and Maintenance Trust Fund. And so, Mr. Jones has made a motion, Ms. Liotta has second to approve the application request. Did you have any comment? Mr. Murrow has been sworn in. Would you like to ask him any questions as the cemetery representative?

Ms. Clay – No. Thank you.

Chair Peeples – Thank you, ma'am. We have a motion. We have a second. We've had discussion. All in favor of the motion, say Yes.

Board members – Yes.

Chair Peeples – All opposed, say No.

Mr. Clark – No.

Chair Peeples – Is Mr. Clark a No?

Mr. Clark – I'm a No.

Chair Peeples – Perfect. Any other Nos? Motion carries. Good luck Mr. Murrow.

Mr. Murrow – Thank you. Thank you. You all have a great day.

Chair Peeples – Thank you, sir. And Ms. Simon, if we can go back to agenda item B (2) (b) 2.

(2) Application(s) for Preneed Main License Renewals
(b) Recommended for Approval with Conditions
2. Timothy E Kitchens Funeral Home Inc (F059562) (Riviera Bch)

Ms. Simon – Yes ma'am. I believe that this is Timothy E. Kitchens Funeral Home Incorporated. I believe we were in the process of questioning Ms. Phillips who has already been sworn in.

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

Ms. Phillips – Yes, I am.

Chair Peeples – Thank you, ma'am. Recapping the summary. And Ms. Liotta, please correct me if I don't address this correctly, but you had three (3) concerns: the payroll taxes owed on the balance sheet, depreciation not listed on the income statement and an amount of zero for retained earnings. Is that correct, Ms. Liotta?

Ms. Liotta – Yes.

Chair Peeples – Thank you. So, Ms. Phillips, would you like to address those questions by Ms. Liotta?

Ms. Phillips – Yes. So, the payroll taxes item was an old, so that was his balance, and he had some issues with a prior accountant, and these are very old balances that accumulated. We worked that out with the IRS back in June 2023. But that is his current balance, and he is on a payment plan with the IRS.

Chair Peeples – Okay, ma'am. We have that question. The depreciation not listed on the income statement; do you have an answer?

Ms. Phillips – Correct. So, the financial statements have not been adjusted for the 2023 tax return as he is on extension right now. So, I did not want to include a number that was not final.

Chair Peeples – Okay. And the question about retained earnings having a zero amount?

Ms. Phillips – Yes. So, the retained earnings also have not been adjusted for tax return purposes which is something we would usually do with the tax return.

Chair Peeples – Thank you, ma'am.

Ms. Phillips – So again, I didn't want to provide a number that wasn't final.

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

Ms. Liotta – Yes, that clarifies why these items are missing, but I guess my big question is I haven't seen anything that has given me a financial statement that I feel like is accurate and maybe they have it now and I just haven't seen it.

Ms. Phillips – Have you received the financial statement that was updated on 7/1?

Ms. Liotta – No, I have not.

Ms. Phillips – And then Timothy was supposed to email it to Ms. LaShonda, and I sent her a copy of that last night.

Chair Peeples – Ms. Simon has anything been received by the Board office?

Ms. Simon – I am aware that there was some information received which is what led to me indicating to the Board today that the entity had met the net worth requirements. If I may have one moment?

Chair Peeples – Yes ma'am. Board members let's do this real quick while Ms. Simon has stepped away. It's 11:08. Let's take a quick 10-minute restroom break and we will come back. Thank you.

*****BREAK*****

Chair Peeples – Ms. Bryant, are you recording?

Ms. Bryant – Yes, ma'am.

Chair Peeples – Thank you, ma'am. It is 11:19. We are back to the agenda of the Board meeting, and we are on the case on agenda item B (2) (b) 2, Timothy E. Kitchens Funeral Home. Ms. Phillips are you still on the meeting call?

Ms. Phillips – Yes, I am.

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

Ms. Simon – Yes. During the break we did try to reach out to Mr. Kitchens and left a message for him for this morning, this meeting. We did speak with him last night. The paperwork we did get, we got last night, so we weren't able to get it to the Board, but it did answer the questions that Ms. Liotta has today regarding meeting the financial threshold. And it was, as Ms. Phillips described. That was the paperwork we received and that's all the information I could give the Board.

Chair Peeples – Thank you, Ms. Simon. I appreciate that and clarification. I'm speaking for myself, not for the Board as a collective group. I would prefer to see the information before I make a vote on this. So that is my suggestion. Any other Board members with comments? Ms. Simon?

Ms. Simon – Okay. Just one other thing, and I'm sure that Ms. Munson is going to weigh in on this. Since Mr. Kitchens is not on the call, I do not think that there can be a waiver of deemer. So, our choices are, if we need to handle this today, is to approve or deny or do nothing. And if we do nothing, essentially that's approval. And I just wanted to provide that information to the Board.

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

Ms. Munson – If I just may qualify that a little bit. I don't know if Ms. Phillips is indicating she is a representative for the authority to speak on his behalf, so I just want to get that cleared up just to have that noted for the record. And as Ms. Simon has indicated, if the Department would need a deemer, I don't know when the expiration of that would be. I don't know if it's like today or like a couple weeks from now. But if the Board were to feel that they needed to make a recommendation, they can choose to table it in lieu of the Department receiving a deemer within the next five (5) days, if that's enough time, and if no

such deemer is received, it could be denied. So, I just didn't want there to be any misunderstanding as to what the options could possibly involve.

Chair Peeples – Thank you, Ms. Munson. Ms. Simon, answering Ms. Munson's question, when would the deemer be, the timing?

Ms. Simon – Madam Chair, I'm not sure, but I believe it needs to go by today based on what has happened previously with the Board and with renewals of preneed licensure. I believe that we couldn't wait until the next meeting.

Chair Peeples – Thank you, Ms. Simon.

Ms. Simon – That would be what I would think.

Chair Peeples – Thank you, ma'am. Mr. Williams, I see your hand, but I'm trying to get Board members first, sir. Ms. Clay?

Ms. Clay – My concern is, well, two (2) points. My first point is if information was submitted yesterday, that in itself tells me something, but I won't elaborate on that. The other thing is, in terms of the deemer, we were just advised that staff spoke with Mr. Kitchens moments ago. So, is it possible for us to get him on the line or get him to call in to take care of that matter so that we can table it until we have time to act accordingly to what the information is and to review it?

Chair Peeples – Thank you, Ms. Clay. Ms. Simon, did you want to reply?

Ms. Simon – Ms. Clay, I mentioned that we tried to reach Mr. Kitchens, and we were unable to do so. We did leave a message. We did speak with him yesterday. But that was before or around the same time that we received the additional paperwork which established, besides for the questions that are coming up today, which established with us that he had met the financial threshold. But these questions today say that that might be otherwise.

Chair Peeples – Ms. Clay, does that complete your questions?

Ms. Clay – It does, but it does not complete my concern. And my concern is that I feel that because of the deemer, we are being forced to make a decision that we don't have the necessary documentation to make.

Ms. Phillips – Ms. Clay, can I address that? This is Alicia Phillips.

Chair Peeples – No, ma'am. Ms. Phillips, give me just a moment.

Ms. Phillips – Okay.

Chair Peeples – I am going to get back to you. I have a couple of folks before you please. Mr. Jensen?

Mr. Jensen – Yes, I'd just like to point out on Page 7 here, the cash on hand is a negative \$993. And on Page 12 of our packet, I know there's a net worth requirement here, and the net worth is nothing. There's nothing filled in.

Chair Peeples – And Mr. Jensen, if I may, I think Ms. Phillips kind of addressed those items with the question I think that Ms. Liotta had raised earlier. But as Ms. Simon mentioned, forms were sent in yesterday or last night and they haven't been able to get them to us today for consideration, which may answer your question.

Mr. Jensen – Okay. I'm not an accountant and I apologize that it was very visible, and I missed it.

Chair Peeples – No, sir. Great question. Mr. Williams, are you representing Mr. Kitchens?

Mr. Bill Williams – Yes, ma'am. We have a power of attorney as an FSI client to speak on his behalf in front of regulatory authorities and we can waive the deemer on his behalf.

Chair Peeples – Okay. Mr. Williams, just for the record, can we swear you in really quick, sir, so we're legal?

Mr. B. Williams – Yes, ma'am.

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

Mr. B. Williams – I do.

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

Mr. B. Williams – Bill Williams, W-I-L-L-I-A-M-S, President, Funeral Services Incorporated.

Ms. Simon – Thank you, sir.

Chair Peeples – Thank you, Mr. Williams. Would you like to address any other items if you've been participating as we've been speaking on this case?

Mr. B. Williams – No, ma'am. Just here to waive the deemer, if that will help everyone. And hopefully you all can bring it back up at the next meeting.

Chair Peeples – Thank you, sir. We appreciate that. So, coming from Mr. Williams back to Ms. Phillips. Ms. Phillips, did you want to reply to Ms. Clay's question?

Ms. Phillips – Yes. The financial statements were actually updated on 7/1 and sent to Mr. Kitchens. And then Mr. Kitchens informed me that they were forwarded to a representative. So, I had assumed that everything was all handled. So, when Ms. LaShonda had emailed me, sorry, Timothy forwarded me the email from LaShonda and it had the agenda and the items attached and I saw that the financial statements were the old ones, that's when I went ahead and sent the updated ones from 7/1 over to her directly instead of going through Mr. Kitchens.

Chair Peeples – And Ms. Phillips, when did you forward those to the office personnel?

Ms. Phillips – I did it later in the day yesterday.

Chair Peeples – Thank you, ma'am.

Ms. Phillips – But they were originally sent on 7/1.

Chair Peeples – Thank you, ma'am. Board members, what is your pleasure regarding this item for Mr. Timothy E. Kitchens Funeral Services? Ms. Clay?

MOTION: Ms. Clay moved to table this discussion until the next meeting to allow the Board an opportunity to review documents that were submitted. Ms. Liotta seconded the motion, which passed unanimously.

Chair Peeples – Mr. Williams, Ms. Phillips, thank you for participating but this item is tabled. Ms. Simon?

Ms. Simon – Thank you, ma'am.

D. Disciplinary Proceeding(s)

(1) Settlement Stipulation (Probable Cause Panel B)

(a) Eady, Andre Lamar: DFS Case Nos. 315299-23-FC, 310197-23-FC, and 310195-23-FC; Division Case Nos. ATN-40729, ATN-40747, and ATN-41363 (F028501)

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

Mr. Jared Woliver – Good morning, Board members. This is Jared Woliver for the Department filling in for Mr. Griffin. Andre Eady (“Respondent”) is a funeral director, licensed under Chapter 497, Florida Statutes, license number F028501. Respondent was formerly the funeral director in charge of Premier Funeral Service and Event Center, Inc. (“Premier”), a funeral establishment formerly licensed under Chapter 497, Florida Statutes, license number F587288. The Department conducted an investigation of Premier and found that Premier advertised preneed sales without the benefit of licensure and engaged in the practice of activities regulated under Chapter 497, Florida Statutes, with a delinquent license. Respondent has entered into a proposed settlement stipulation. The proposed stipulation provides that Respondent shall pay a \$2,000 fine and have his license placed on probation for twelve (12) months. The Department requests that the Board accept this settlement stipulation.

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

Mr. Williams – Madam Chair?

Chair Peeples – Mr. Williams?

Mr. Williams – Madam Chair, I need to recuse myself as I served on Probable Cause Panel B for this case that we're hearing today.

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

Ms. Simon – I'm not sure if Mr. Eady is here or a representative of Mr. Eady is on the call today.

Mr. Andre Eady – Andre Eady is here.

Ms. Simon – Thank you, sir.

Chair Peeples – Thank you, Mr. Eady. Would you like to be sworn in to address the Board or are you just participating silently?

Mr. Eady – I would like to be sworn in.

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?

Mr. Eady – I do.

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

Mr. Eady – Andre Lamar Eady, E-A-D-Y.

Ms. Simon – Thank you, sir.

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

Mr. Eady – Yes, I would. There was a Batesville website that was set up and there, I guess, the model has all of that on it. We did request, or when I did speak with the Batesville representative, I did request that there be no preneed advertised because we were not a preneed agency, and we did not have the intentions of beating a preneed agency. I never did go back and inspect the website for any inconsistencies to what the Batesville representative and I had discussed.

Chair Peeples – Thank you, sir. We appreciate that. Board members, do you have any questions for Mr. Eady or what is your pleasure on this item?

MOTION: Mr. Jones moved to accept the stipulation which provides that Respondent shall pay a \$2,000 fine and have his license placed on probation for twelve (12) months. Ms. Liotta seconded the motion.

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

Mr. Jensen – Yes. Question for Mr. Eady, please. Mr. Eady, is it your contention to accept this Settlement Stipulation or are you refuting that? I didn't quite understand from your comment.

Chair Peeples – Mr. Eady?

Mr. Eady – I would like to dispute it. It was an honest mistake. If I don't have to be punished, I wouldn't like to be punished, but it was an honest mistake, an oversight on my part.

Mr. Jensen – Madam Chair, may I?

Chair Peeples – Yes, sir.

Mr. Jensen – Maybe I'll ask it in this way. Are you stating that you're not willing to accept the Settlement Stipulation now and that you would like to refute the claims?

Mr. Eady – Yes.

Chair Peeples – Mr. Woliver, if we may ask you a question, sir. It is my understanding from reviewing this information that Mr. Eady has already agreed to a Settlement Stipulation, so we need to go forward with the item that he's already agreed to. Is that correct?

Mr. Woliver – Yes. This is something that has been consented to and brought before the Board at this time. However, if Mr. Eady is now contesting these charges, because I'm not the attorney that negotiated this agreement, the only other recommendation that I could make to the Board is to table this for Mr. Griffin to have an opportunity to correspond with potentially Mr. Eady, potentially his retained counsel.

Chair Peeples – And Ms. Munson, I see you are agreeing.

Ms. Munson – Yes. The Department has the complete authority to withdraw it from this agenda, tabling it for additional review.

Chair Peeples – Thank you, Ms. Munson. Mr. Eady, did you hear the comments by Mr. Woliver, representing the Department?

Mr. Eady – Yes, ma'am, I did.

Chair Peeples – Thank you. Is it your request to have this item tabled until Mr. Griffin can speak with you? And Mr. Woliver, it would be Mr. Griffin to Mr. Eady, is that correct?

Mr. Woliver – That's right.

Mr. Eady – Yes.

Chair Peeples – So, you would like us to table it today and let you and Mr. Griffin converse?

Mr. Eady – Yes, please.

Chair Peeples – Thank you. So, Mr. Woliver, if you'll make a note for Mr. Griffin that this item is tabled and if he will, at his pleasure, get in touch with Mr. Eady. Thank you, Mr. Eady.

Mr. Eady – Thank you very much. Have a great day.

Chair Peeples – Ms. Simon?

Ms. Simon – Madam Chair, I'm sorry, I didn't know whether a motion needed to be taken and Ms. Munson would be able to speak to that.

Ms. Munson – It does not. The Department actually requested that it was tabled. Because it is their document to present and now, they're requesting that it be pulled from the agenda. So, there's no motion needed.

Ms. Simon – Just checking. Thank you.

Chair Peeples – Thank you, Ms. Simon. We appreciate that. Ms. Simon, if you'd like to go to the next item or Mr. Woliver?

Ms. Simon – Yes, ma'am.

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

(a) Graham, Elliott Maurice: DFS Case No.: 291149-22-FC, 315384-23-FC, 320264-23-FC, 320331-23-FC, 320328-23-FC, 323179-24-FC, 325283-24-FC; Division Case Nos. ATN-36979, ATN-41266, ATN-41621, ATN-41642, ATN-42066, ATN-42649, ATN-42737 (F045310)

Ms. Simon – Is Mr. Graham on the call today or a representative of Mr. Graham's? Hearing no response. Mr. Woliver for the Department.

Mr. Woliver – Jared Woliver for the Department and I appreciate you all for bearing with me on this. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Elliott Maurice Graham (Respondent). At all times material to the complaints filed in this matter Respondent was the funeral director in charge of Marion Graham Mortuary, a formerly licensed funeral establishment licensed under chapter 497, Florida Statutes, license number F040391.

The Division alleges in ATN-36979, ATN-41266, ATN-41621, ATN-41642, and ATN-42066, Respondent employed an apprentice embalmer without receiving approval to operate as an embalmer apprentice training facility, failed to obtain written permission to embalm a body within a reasonable period of time, received funds for payment on four (4) preneed contracts without possessing a valid preneed license, failed to make the premises freely and immediately available for Department inspection, failed to return preneed funds within the statutorily mandated period, withdrew deposited preneed funds held in preneed trust prior to the death of the consumer, and produced an FSI transmittal report to prematurely withdraw deposited preneed trust funds.

Additionally, The Division alleges in ATN-42649 Respondent failed to timely deliver on funeral, burial, or cremation contracts, failed to place required identification on containers of cremated human remains, failed to treat a body with dignity and respect, failed to store an un-embalmed body at a temperature of 40 degrees Fahrenheit or below, filed a death certificate known by Respondent to be false, failed to make the premises freely and immediately available for Department inspection, failed to provide cremation authorization when required by the Department, and failed to make its funeral director in charge reasonably available during normal business hours.

Furthermore, The Division alleges ATN-42737, Respondent failed to deliver on three (3) funeral, burial, or cremation contracts, failed to treat four (4) bodies in its care with dignity and respect, failed to timely honor four (4) contracts for cremation, failed to place required identification on two (2) containers of cremated human remains, and failed to obtain two (2) death certificates within five (5) days of the decedent's death.

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

Chair Peeples – Mr. Woliver, would the first motion be that the Respondent has failed to respond, and they've been properly served and we're waiving the informal hearing?

Mr. Woliver – Yes. Ms. Peeples. Sorry, I was just switching over.

Chair Peeples – That's okay. Board members? Mr. Jones?

Mr. Jones – Just to let you know, I was on Probable Cause Panel A and will recuse myself from D (2) and 3.

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

MOTION: Mr. Jensen moved to proceed as an informal hearing since Respondent has been properly served with the Administrative Complaint and has failed to timely respond, and thus waived its right to elect a method of resolution in this matter. Mr. Ferreira seconded the motion, which passed unanimously.

Chair Peeples – Mr. Woliver?

Mr. Woliver – The Department asks the Chair to entertain a motion determining that there are no material facts in dispute of this case.

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

Chair Peeples – Mr. Woliver?

Mr. Woliver – As there are no material facts in dispute in this matter, the Department asks the Chair to entertain a motion to adopt the allegations of fact set forth in the Administrative Complaint.

Chair Peeples – Board members?

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

Chair Peeples – Mr. Woliver, I think we're in the violations of 497 phase.

Mr. Woliver – The Department offers into evidence the investigative report with exhibits, a copy of which has been previously furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. And as the Board has adopted the findings and fact in this case, the Department asks the Chair to entertain a motion finding that these facts constitute a violation of Florida statutes as set forth in the Administrative Complaint.

MOTION: Mr. Ferreira moved that that these facts constitute a violation of Florida statutes as set forth in the Administrative Complaint. Mr. Jensen seconded the motion, which passed unanimously.

Mr. Woliver – Yes, Ms. Peeples. Because Mr. Graham has already been permanently revoked by this Board and this matter is to resolve all subsequently prosecuted cases against Mr. Graham and Elliot Graham Mortuary, my recommendation for penalty would not include further fine. It would merely include restitution against the individuals that lost their money or were defrauded in some way. I could include those now.

Chair Peeples – We're in the penalty recommendation. Board members?

MOTION: Mr. Jensen moved for restitution against the individuals that lost their money or were defrauded in some way. Mr. Ferreira seconded the motion, which passed unanimously.

Ms. Munson – Madam Chair?

Chair Peeples – Yes, Ms. Munson?

Ms. Munson – Just to clarify for this Order. When you say the penalty is restitution, are there any other details or just a general statement of restitution?

Mr. Woliver – I have names of consumers and restitution amounts to provide if that's preferred.

Ms. Munson – You broke up for me. Say it one more time, please.

Mr. Woliver – I have names of consumers and contract amounts to be refunded, if that's more straightforward.

Ms. Munson – Yes, I'm thinking you may want that information in the Order. I don't know, but I would just say as identified by the Department and please send me that information.

Mr. Woliver – Okay. Then I won't read it here, but I'll make sure that you get that information sent to you.

Ms. Munson – Thank you.

Mr. Woliver – Okay. Excellent.

Chair Peeples – Thank you, Ms. Munson. Mr. Woliver, does that complete this agenda item?

Mr. Woliver – Yes, it does.

Chair Peeples – Ms. Simon?

Ms. Simon – Thank you, ma'am.

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

(a) Marion Graham Mortuary: DFS Case Nos. 291146-22-FC, 315383-23-FC, 320262-23-FC, 320330-23-FC, 320327-23-FC, 322688-24-FC, 325276-24-FC; Division Case Nos. ATN-36979, ATN-41266, ATN-41621, ATN-41642, ATN-42066, ATN-42649 (Panel B), ATN-42737 (F040391)

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

Mr. Williams – Madam Chair?

Chair Peeples – Yes, Mr. Williams?

Mr. Williams – I need to recuse myself on this case as well, as I served on Probable Cause Panel B.

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

Ms. Clay – Madam Chair, before we move forward?

Chair Peeples – Yes, ma'am?

Ms. Clay – Does that constitute two (2) recusals?

Chair Peeples – We have Mr. Jones was on one of the Probable Cause Panels and Mr. Williams was on the other. So, they have both recused themselves from this case.

Ms. Clay – And may I get the quorum number qualified?

Chair Peeples – We have six (6). Six (6) of the eight (8).

Ms. Clay – That is the quorum?

Chair Peeples – Yes ma'am. Because we have nine (9) total Board members and Mr. Lyons is excused today. Is that correct Ms. Simon, that we have a quorum?

Ms. Simon – Yes, ma'am.

Ms. Munson – I think there was some concern that maybe seven (7) members were required for quorum, but I don't know for this Board {inaudible}.

Ms. Clay – You broke up, Ms. Munson.

Ms. Munson – I'm sorry.

Ms. Simon – I believe that six (6) members is a quorum for this Board.

Ms. Munson – Agreed.

Ms. Clay – Thank you.

Chair Peeples – Are we okay Ms. Munson and Ms. Simon?

Ms. Simon – Yes, ma'am.

Chair Peeples – Thank you. Mr. Woliver?

Mr. Woliver – Jared Woliver for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Marion Graham Mortuary (Respondent). The Division alleges in ATN-36979, ATN-41266, ATN-41621, ATN-41642, and ATN-42066, Respondent employed an apprentice embalmer without receiving approval to operate as an embalmer apprentice training facility, failed to obtain written permission to embalm a body within a reasonable period of time, received funds for payment on four (4) preneed contracts without possessing a valid preneed license, failed to make the premises freely and immediately available for Department inspection, failed to return preneed funds within the statutorily mandated period, withdrew deposited preneed funds held in preneed trust prior to the death of the consumer, and produced an FSI transmittal report to prematurely withdraw deposited preneed trust funds.

Additionally, The Division alleges in ATN-42649, Respondent failed to timely deliver on funeral, burial, or cremation contracts, failed to place required identification on containers of cremated human remains, failed to treat a body with dignity and respect, failed to store an un-embalmed body at a temperature of 40 degrees Fahrenheit or below, filed a death certificate known by Respondent to be false, failed to make its premises freely and immediately available for Department inspection, failed to provide cremation authorization when required by the Department, and failed to make its funeral director in charge reasonably available during normal business hours.

Furthermore, The Division alleges in ATN-42737, Respondent failed to deliver on three (3) funeral, burial, or cremation contracts, failed to treat four (4) bodies in its care with dignity and respect, failed to timely honor four (4) contracts for cremation, failed to place required identification on two (2) containers of cremated human remains, and failed to obtain two (2) death certificates within five (5) days of the decedent's death.

The Motion demonstrates Respondent has failed to make an election of proceeding, and, as such, no material facts are in dispute, for this matter to proceed as an informal hearing before the Board, and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty. At this time, it would be appropriate for the Chair to entertain a motion determining that Respondent has been properly served with the Administrative Complaint and has failed to timely respond, and thus waive the right to elect a method of resolution in this matter.

Chair Peeples – Thank you, Mr. Woliver. Board members, we need to go forward that the Respondent's been properly served, and they failed to reply, and they are waiving the right for a hearing.

MOTION: Mr. Ferreira moved to proceed as an informal hearing since Respondent has been properly served with the Administrative Complaint and has failed to timely respond, and thus waived its right to elect a method of resolution in this matter. Ms. Liotta seconded the motion, which passed unanimously.

Mr. Woliver – The Department asks that the Chair entertain a motion determining that there are no material facts in dispute in this case.

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

Mr. Woliver – Now that the Board has determined that there are no material facts in dispute in this matter, the Department asks the Chair to entertain a motion to adopt the allegations of fact as set forth in the Administrative Complaint.

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

Mr. Woliver – The Department offers into evidence the investigative report with exhibits, a copy of which has been previously furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. And as the Board has adopted the findings and fact in this case, the Department asks the Chair to entertain a motion finding that these facts constitute a violation of Florida statutes as set forth in the Administrative Complaint.

MOTION: Mr. Ferreira moved that that these facts constitute a violation of Florida statutes as set forth in the Administrative Complaint. Ms. Clay seconded the motion, which passed unanimously.

Mr. Woliver – And as for penalty recommendation just to match the previous matter, I would not recommend any further fines being imposed here as this entity has been permanently revoked as of March. And just ask that restitution to five (5) consumers be included in the Final Order, which I'll communicate to Ms. Munson.

MOTION: Mr. Ferreira moved for restitution to the five (5) consumers included in the Final Order. Ms. Clay seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Mr. Woliver.

Mr. Woliver – Thank you, Board members.

Chair Peeples – Ms. Simon?

Ms. Simon – Thank you, ma'am.

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

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

F. Application(s) for Continuing Education

- (1) *Course Approval - Recommended for Approval without Conditions – Addendum B*
 - (a) *Continuing Vision LLC (52610)*
 - (b) *Cremation Association of North America (16008)*
 - (c) *National Funeral Directors Association (49609)*
 - (d) *Selected Independent Funeral Homes (137)*
 - (e) *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 Peeples – Board members?

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

G. Application(s) for Embalmer Apprenticeship

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum C*
 - (a) *Addair, Stella Rae F782577*
 - (b) *Calixte, Cassandra F782072*
 - (c) *Feagle, Landen D F779661*
 - (d) *Lamb, Joseph T F776938*

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 C.

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

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum D*
 - (a) *Embalmer*
 - 1. *Woodard, Audra L Yukon*
 - (b) *Funeral Director (Endorsement)*
 - 1. *Lisovetsky, Alla*
 - (c) *Funeral Director (Internship)*
 - 1. *Hernandez, Mabiely*
 - (d) *Funeral Director and Embalmer (Endorsement)*
 - 1. *Cross, Kelly Ann*
 - 1. *Layhew, Daniel J*
 - 2. *Moloney, Conner N*
 - 3. *Quinn II, William E*
 - (e) *Funeral Director and Embalmer (Internship and Exam)*
 - 1. *Dorsett, Kristina Lyn*
 - 2. *Eberly, Jessica L*
 - 3. *Fields, Michael A*
 - 4. *Raymer Jr, Mark*
 - 5. *Soto, Brittany K*
 - 6. *Williams, Shelly S*

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 D.

I. Application(s) for Internship

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum E*
 - (a) *Funeral Director & Embalmer (Concurrent)*
 - 1. *Cox, Rachel A F782736*
 - 2. *Elliott, Ruel D F775536*

3. *Fox, Natalie L F779640*
 4. *Garcia, Isabella A F781291*
 5. *Hollis, Vanessa M F779650*
 6. *Lewis, Jennifer N F777557*
 7. *Sheppard, Victoria L F412327*
 8. *Tucker, Edward H F697647*
- (b) *Funeral Director*
1. *Harper, Kiera F779651*
 2. *Lee, Nalani A F774943*
 3. *Mizell, Lajeane S*

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) *Request(s) to Renew Internship*
- (a) *Recommended for Approval without Conditions*
1. *Limage, Gerald Y F681232*

Ms. Simon – An application to renew the internship due to illness, hardship, or awaiting results was received on May 31, 2024, prior to the expiration of the current internship that ended June 20, 2024. The application was complete when received. In accordance with 69K-18.003(6), Florida Administrative Code, which specifically states “No person shall be issued more than one concurrent internship license in their lifetime.” In accordance with 69K-18.003(3b & 3c), Florida Administrative Code, which allows for an internship to be renewed if received prior to the expiration of the internship. The Division recommends approval.

Chair Peeples – Is there anyone on the call today representing Mr. Gerald Y Limage? Hearing no response. Board members? I see a photo, a camera of Mr. Limage, but we cannot hear you, sir. We still can't hear you, sir. It shows a green microphone, but we can't hear you. I think I see a finger. One moment. We still can't hear you, sir. Mr. Limage, if you would like to maybe call into the meeting, there is a phone number that you can call into. And Ms. Simon, can we go to the next agenda item while he's trying to connect?

Ms. Simon – We can.

2. *McGoldrick, Joseph L*

Ms. Simon – Is Mr. McGoldrick here today?

Mr. Joseph McGoldrick – Yes.

Ms. Simon – Thank you, sir. An application to renew an internship due to illness, hardship, or awaiting results was received on June 17, 2024. The application was complete when received. Mr. McGoldrick was licensed as a funeral director and embalmer concurrent intern and his internship expired on June 16, 2024. In accordance with 69K-18.003(3c & 3d), Florida Administrative Code, which requires the application to renew an internship to be filed before the initial internship period ends. The Division recommends approval.

Chair Peeples – Thank you, Ms. Simon. Mr. McGoldrick, is that how you pronounce it, sir?

Mr. McGoldrick – Yes, ma'am.

Chair Peeples – Thank you. If you would like to address the Board, we need to have you sworn in please, sir.

Mr. McGoldrick – Sure.

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

Mr. McGoldrick – Yes, ma'am.

Ms. Simon – Please state your name and spell that name for the Board.

Mr. McGoldrick – Yes, ma'am. Joseph L. McGoldrick. Last name M-C-G-O-L-D-R-I-C-K.

Ms. Simon – Thank you, sir.

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

Mr. McGoldrick – I am here just in case questions arise.

Chair Peeples – Thank you, sir. Board members?

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

Chair Peeples – Thank you, Mr. McGoldrick.

Mr. McGoldrick – Thank you.

Chair Peeples – Mr. Limage, have you joined/reconnected to the meeting? We still can't hear you, sir. Mr. Limage, I would suggest that you call in to the meeting. There is a telephone number included and we're going to go on with our agenda items. Ms. Simon?

Ms. Simon – Thank you, ma'am.

- J. Application(s) for Registration as a Training Facility**
- (1) Informational Item (Licenses Issued without Conditions) – Addendum F**
 - (a) Callahan Property Holdings d/b/a Nassau Funeral Home (Macclenny)**
 - (b) Heinz Funeral Home & Cremation (Inverness)**
 - (c) Osceola Memory Gardens II LLC (Kissimmee)**

Ms. Simon – This is an informational item. The Division has reviewed the applications listed on Addendum F and found them to be complete in that the applicants have met the requirements to be a training agency. Pursuant to Rules 69K-1.005, Florida Administrative Code, the Division has previously approved these applications. I'd like to note that the only change from the Addendum is the Callahan Property Holdings d/b/a Nassau Funeral Home is located in Callahan, not Macclenny.

- K. Notification(s) of Change in Location**
- (1) Informational Item (Licenses Issued without Conditions) – Addendum G**
 - (a) Ganderson Brothers Mortuary (Longwood)**
 - (b) The Richardson Venture Organization Inc dba The Richardson Group Funerals & Cremations (Tallahassee)**

Ms. Simon – This is an informational item. The establishment listed on Addendum G 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.

- I. Application(s) for Internship**
- (2) Request(s) to Renew Internship**
 - (a) Recommended for Approval without Conditions**
 - 1. Limage, Gerald F681232**

Ms. Simon – Madam Chair?

Chair Peeples – Yes, ma'am. Let's see. Has Mr. Limage joined the meeting?

Mr. Gerald Limage – Hello? Yes, I'm on the phone right now.

Chair Peeples – Mr. Limage, there is a technical issue with your phone and your computer, so will you please disconnect from your computer because you have to address the Board right now.

Mr. Limage – Okay.

Chair Peeples – Thank you, sir.

Mr. Limage – I disconnected from the computer.

Chair Peeples – Thank you. So, Ms. Simon, will you swear Mr. Limage in, please?

Ms. Simon – Yes. Please raise your right hand. And do you agree to speak the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Limage – Yes.

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

Mr. Limage – Gerald Limage, L-I-M-A-G-E.

Ms. Simon – Thank you, sir.

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

Mr. Limage – Actually, I was asking for a renewal of my internship license because I was going to take the Science test on July 23rd. And that's why I was asking for a little bit of extension because I wanted the combo license, but unfortunately, I did not pass the Science. I passed the Arts. And yes, if I can get the internship, that's fine, but I'm going to apply for the funeral director license this week.

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

Ms. Clay – Madam Chair, maybe it's me, but I didn't understand his statement.

Chair Peeples – Mr. Limage?

Mr. Limage – Yes, ma'am?

Chair Peeples – Will you please restate your comment, sir?

Mr. Limage – Yes. What I was saying that I applied for an extension for my internship license and the reason why, is because I was going to take my Science exam like a month later, so I thought that I was going to pass the Science exam, but I did not. So that's the reason why I did apply for an extension. That way I could have the combo license, but I did not pass the Science exam, but I did pass the Arts and if I can have the extension, I would appreciate it, but I will also apply for the funeral director license.

Chair Peeples – So Mr. Limage, you're speaking of the National Board testing that you have taken the Arts section and passed, but you need to retake the Science portion, correct?

Mr. Limage – That's correct.

Chair Peeples – And, you have completed your education. Is that correct?

Mr. Limage – The education for Chapter 497?

Chair Peeples – Well, your education to go as part of one of the requirements to become licensed?

Mr. Limage – Not yet. I'm in the process of it.

Chair Peeples – So you've taken the National Board, but you haven't had any college, any mortuary college?

Mr. Limage – No. I only take the Arts section, and I passed.

Chair Peeples – I'm not sure if I'm not presenting my question correctly. One of the reasons that we have folks that come before us with a request like you have for a renewal or a continuation of your internship, is because the way that the items read is you only get one in a lifetime, and you have to kind of let us know kind of a hardship that's there. So that's what I was just getting clarification for sir.

Mr. Limage – But that was part of it too. Thank you.

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

Mr. Jensen – Yes. Yes. I would like to ask Mr. Limage, to basically piggyback on your question, Ms. Peeples. Mr. Limage, how were you able to take the Arts section if you don't have a mortuary degree?

Mr. Limage – I do have a mortuary degree. I graduated from Miami Dade College.

Mr. Jensen – Okay, very good. I think that's what Ms. Peeples was asking.

Mr. Limage – Oh, I'm so sorry. I misunderstood the question. You know, I'm on the phone. That's why. Yes.

Mr. Jensen – And one other question. How long are you requesting an extension forward? So, what do you need? Like sixty (60) days?

Mr. Limage – I would say six (6) months because the thing is I just took the Science exam, and I failed the Science exam. You know, when you fail you have to it for thirty (30) days before you can register to take the exam again.

Mr. Jensen – Okay. So, are you asking for an extension?

Mr. Limage – Yes. Extension, so I can take the test.

Mr. Jensen – Okay. And you do have mortuary science degree?

Mr. Limage – Yes.

Mr. Jensen – Okay. Very good.

MOTION: Mr. Jensen moved to approve the application for a six-month extension. Mr. Ferreira seconded the motion.

Chair Peeples – So we're on discussion. Ms. Clay?

Ms. Clay – I just need clarification. I'm not in the industry and so I'd like to know the difference between an extension versus a renewal of the internship. Are they the same?

Chair Peeples – Ms. Simon?

Ms. Simon – My understanding is they would not be the same. Just as a mere definition, a renewal would mean I think that the applicant would start again, and extension means, in this case, I think that they're actually synonymous, extension, renewal. What the applicant was asking for was more time. So, you could have that via a renewal or an extension. The application in this matter is for I believe it's called an extension. And regardless I think that they would be synonymous.

Chair Peeples – Ms. Simon, if I may ask a clarification, you mentioned about starting over. Would he have to start his internship over again?

Ms. Simon – No, ma'am. I was thinking of the legal definition of the term, and it's only if a Board member actually requested that. I would think it would be clearer if that statement was made. If not, then it would be simply an extension of time of his internship to give him an opportunity to continue working as an intern while he is trying to successfully pass the Science part of the exam.

Chair Peeples – Thank you, Ms. Simon. Mr. Jensen, would you amend your motion to include that terminology?

Mr. Jensen – I think it did, you know. I've given an extension for six (6) months.

Chair Peeples – Okay. Thank you, sir. And Mr. Ferreira, you have a second? Do you agree?

Mr. Ferreira – I'm not sure I want to put a six (6) months' time frame on it. I mean, if we do a renewal, it's renewed for a year, is that right? When you renew the internship, is it for a year?

Ms. Munson – The Department's recommendation was that it's just a flat-out approval without any other stipulation, and I think that would give this particular applicant up to a year.

Mr. Ferreira – My concern would be if something came up and maybe he didn't pass it, so for me, I'd prefer it to be for that year.

Chair Peeples – Mr. Jensen, will you amend your motion?

Mr. Jensen – Yes, I'm fine with that.

Chair Peeples – And Mr. Ferreira, you're okay with the second?

Mr. Ferreira – Yes, ma'am.

Chair Peeples – So, for the Board members, the motion's amended for the year for approval of the application request to Mr. Limage. Is there any other discussion or questions for Mr. Limage?

Ms. Munson – Just to clarify, it's just a flat-out approval without condition?

Chair Peeples – Yes, ma'am. Thank you, Ms. Munson.

Ms. Clay – Madam Chari?

Chair Peeples – Yes, Ms. Clay?

Ms. Clay – And it's an approval for a renewal?

Chair Peeples – Correct, Ms. Clay.

Ms. Clay – Thank you.

Chair Peeples – Any further discussion? Hearing none. All in favor of the motion, say Yes.

Board members – Yes.

Chair Peeples – All opposed, say No. Motion carries. Good luck, Mr. Limage.

Mr. Limage – Thank you so much. Thank you.

Chair Peeples – Ms. Simon?

- L. Application(s) for Broker of Burial Rights**
 - (1) Recommended for Approval without Conditions**
 - (a) Ducasse Saintil (Boynton Beach)**

Ms. Simon – Is Mr. Saintil, or a representative here today?

Mr. Ducasse Saintil – Yes, I'm here.

Ms. Simon – Thank you, sir. An application for broker of burial rights licensure was received on May 30, 2024. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The Division recommends approval.

Chair Peeples – Board members?

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

- M. Application(s) for Direct Disposal Establishment**
 - (1) Recommended for Approval with Conditions**
 - (a) Tampa Cremations of Sun City Center, LLC (Tampa)**

Ms. Simon – An application for direct disposal establishment licensure was received on May 19, 2024. The application was incomplete when submitted. A completed application was received on June 3, 2024. The funeral director in charge will be Shannon Marie Rebello (F022382). 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. Is there a representative of Tampa Cremation of Sun City Center on the call today?

Ms. Shannon Rebello – Yes. This is Shannon Rebello.

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

Chair Peeples – Thank you, Ms. Simon. Ms. Rebello would you like to be sworn in, in case there are questions?

Ms. Rebello – Please.

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. Rebello – Yes, I do.

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

Ms. Rebello – It's Shannon Rebello. R-E-B-E-L-L-O.

Ms. Simon – Thank you, ma'am.

Chair Peeples – Thank you, Ms. Rebello. Would you like to address the Board or just for here for questions?

Ms. Rebello – Just for questions, yes.

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

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

Chair Peeples – Ms. Rebello, good luck.

Ms. Rebello – Thank you.

Chair Peeples – Ms. Simon?

N. Application(s) for Funeral Establishment

(1) Recommended for Approval with Conditions

(a) Family Owned Service Company dba Coastal Cremations & Funeral Care (New Port Richey)

Ms. Simon – An application for funeral establishment licensure, based on change of ownership, was received on May 6, 2024. The application was incomplete when submitted. A completed application was received on June 12, 2024. The funeral director in charge will be Norma Johnson (F099002). 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. Is there a representative of Family Owned Service Company Incorporated here today? Hearing no response. Madam Chair?

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

MOTION: Mr. Jones 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.

(b) Harrison and Myles Funeral and Cremation Services Inc. (Orlando)

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

Ms. Verna Du Pont – Yes.

Ms. Simon – Thank you, ma'am. An application for funeral establishment licensure was received on May 17, 2024. The application was incomplete when submitted. A completed application was received on May 22, 2024. The funeral director in charge will be Ruben Bell (F073090). 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. Is there a representative of Harrison and Myles Funeral and Cremation Services Incorporated on the call?

Ms. Du Pont – Yes.

Chair Peeples – Who is this, please?

Ms. Du Pont – Verna Du Pont.

Chair Peeples – Will you please let Ms. Simon swear you in, in case there are questions, please?

Ms. Du Pont – Of course.

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. Du Pont – I affirm.

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

Ms. Du Pont – My name is Verna Du Pont. The last name is D-U P-O-N-T.

Ms. Simon – Thank you, ma'am.

Chair Peeples – Thank you, ma'am. Would you like to address the Board or are you just available if questions arise?

Ms. Du Pont – I'm available if there are questions needed.

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

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

Chair Peeples – Good luck Ms. Du Pont. Thank you.

Ms. Du Pont – Thank you.

- O. Application(s) for Preneed Main**
 - (1) Recommended for Approval without Conditions*
 - (a) Citrus Grove Affordable Cremation LLC (DeLand)*

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

Mr. Erik Perry – Yes.

Ms. Simon – Thank you, sir. The Department received an application for preneed main licensure on June 6, 2024, and no deficiencies were noted on the application. The members of the LLC are Erik and Lindsey Perry. A completed background check of all officers was returned to the Division without criminal history. Applicant is submitting this application for a new preneed main license, and the qualifying direct disposal establishment license (License # F757769) is also located at the same address as Citrus Grove Affordable Cremation LLC. If approved, Applicant will sell insurance-funded preneed through Great Western Insurance Company (GWIC) and utilize their approved pre-arranged funeral agreement forms. The Division recommends approval without conditions.

Chair Peeples – Thank you. Ms. Simon. Who is representing Citrus Grove Affordable Cremation LLC on the call today?

Mr. Perry – Erik Perry, P-E-R-R-Y.

Chair Peeples – Mr. Perry, if you will be sworn in case of questions, sir?

Mr. Perry – Yes, ma'am.

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

Mr. Perry – Yes, ma'am.

Ms. Simon – Please state your name and spell your last name.

Mr. Perry – Erik Perry. P-E-R-R-Y.

Chair Peeples – Thank you, sir. Would you like to address the Board or just available if questions arise?

Mr. Perry – Just available if questions arise.

Chair Peeples – Thank you, sir. Board members?

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

Chair Peeples – Good luck, Mr. Perry. Thank you for attending. Board members, it's 12:21. Let's take a restroom break till 12:30, then we'll come back and complete the remainder of our agenda. Thank you.

*****BREAK*****

Chair Peeples – Ms. LaTonya, are you still recording?

Ms. Bryant – Yes, I am.

Chair Peeples – Thank you, Ms. LaTonya.

Ms. Simon – The meeting is still being recorded.

Chair Peeples – Thank you, ma'am. Ms. Simon, can we go onto the agenda item of O (1)(b), please?

Ms. Simon – Yes, ma'am.

(b) Concierge Mortuary Inc (Bartow)

Ms. Simon – The Department received an application for preneed main licensure on May 3, 2024, and no deficiencies were noted on the application. The owners of the corporation are Kieron P. Speights, Sr, and Tracy N. McGill-Speights. A completed background check of all officers was returned to the Division without criminal history. Applicant's qualifying funeral establishment license (License # F651484) is also located at the same address. If approved, Applicant will sell insurance-funded preneed through Great Western Insurance Company (GWIC) and utilize their approved pre-arranged funeral agreement forms. Applicant's principal, Kieron Speights, disclosed that he filed for Chapter 7 bankruptcy in 2010. The bankruptcy was discharged as of July 14, 2010, by the Middle District Court of Florida. This was a personal bankruptcy action that occurred more than ten (10) years ago and has been discharged with all debts having been fully satisfied. The Division recommends approval without conditions.

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

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

(c) Cremation Services of America LLC (Pensacola)

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

Ms. Wendy Wiener – Yes. Wendy Wiener.

Ms. Simon – Thank you. Ms. Wiener. The Department received an application for preneed main licensure on June 14, 2024, and no deficiencies were noted on the application. The members of the LLC are Stephen Carnly and CSA Holding Group LLC. A completed background check was returned to the Division without criminal history. The qualifying direct disposal establishment license (License # F757768) is also located at the same address. If approved, Applicant will sell trust-funded

preneed through Funeral Services Inc (FSI) and utilize their approved pre-arranged funeral agreement forms. The Division recommends approval without conditions.

Chair Peebles – Thank you, Ms. Simon. Good morning, Ms. Wiener. Would you like to address the Board or just available for questions?

Ms. Wiener – No, ma'am. Just available for questions. Thank you.

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

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

Chair Peebles – Mr. Jensen?

Mr. Jensen – I do have some questions from Ms. Wiener, if I may?

Chair Peebles – Yes, sir?

Mr. Jensen – Yes. Is there not a representative of this company with you or are you answering all those questions as well?

Ms. Wiener – I don't know what your questions will be, but I will answer them. I don't believe that there's another representative on the call.

Mr. Jensen – Okay. I have a couple of questions. One is Mr. Carnly, who did the application, it shows on his historical sketch that he's currently employed in Michigan in the automotive industry. Is that correct?

Ms. Wiener – I couldn't say, but I don't think that that would be an impediment to licensure.

Mr. Jensen – Okay. Well, another question. I noticed Mr. Carnly did the application, but someone else signed the thing with FSI of Mr. Anderson, I believe. So, who is responsible to make sure everything gets trusted?

Ms. Wiener – Well, Caleb Anderson is the person that runs the operation, and he'll be utilizing the FSI platform for contracts. So, unless they were to sell a contract that was unknown to FSI, which is possible, but frankly quite difficult because of the way that FSI keeps track of the contracts that it issues out, then as soon as that contract comes to FSI, FSI actually goes into the bank account of the licensee and gets the correct amount of money out of their account and puts it into trust.

Mr. Jensen – Okay. One other question, if I may, Madam Chair?

Ms. Wiener – Yes, sir.

Mr. Jensen – Yes. Ms. Wiener does this entity currently offer pre-planning?

Ms. Wiener – On their website, you can click on a pre-planning, not a pre-planning tab, but like you can go on to their website and click around as though you are going to possibly be able to buy a contract, which you could buy at-need, but you cannot buy a preneed contract. We did change our definition of preneed sales about a year or so ago, so that a preneed contract is only one that involves the exchange of funds. You are not able at this time to buy a preneed contract from this funeral home on its website or direct disposal establishment.

Mr. Jensen – Okay. So, you're saying it's on their website? So, the consumer might think they can pre-plan. Is that correct?

Ms. Wiener – No. Well, they could think that for a moment, but they cannot do so. They would only think that for a second and then they would not think that anymore.

Mr. Jensen – For a second? Well, what do you mean by that?

Ms. Wiener – They can sell at-need on their website. And so, if you were to go to their website and click on trying to buy a contract, you could in theory think that you were going to be able to buy a preneed contract, but you're not able to do that. Only an at-need contract.

Mr. Jensen – Since you brought up the website, am I allowed to speak on that, Ms. Simon?

Chair Peeples – We can't hear you, Ms. Simon.

Ms. Munson – While Ms. Simon is waiting, if I may?

Chair Peeples – Yes, ma'am.

Ms. Munson – You have the opportunity to ask the representative questions about any issue that the representative raised.

Chair Peeples – Thank you. Ms. Wiener, speaking of the website, since you mentioned it, I also noticed on there that there's several other things that hold themselves out to be funeral directors as well. Have you seen that?

Ms. Wiener – I haven't. I mean, that's not the issue that we're in front of you on today. If there are concerns that you have with regard to the operation of the business then you can certainly make those concerns known to the Division, as you certainly know, and the Division will undertake the appropriate investigation.

Mr. Jensen – Okay. I have one other question here. I do notice on the other licensing form that there's mentioned of a direct disposer. Mr. Carnly mentions that, but they don't, and I noticed Mr. Carnly {inaudible} removal service is Caleb Anderson, and there's nothing mentioned about having a removal service license there. Is that just an oversight?

Ms. Wiener – I believe that is operated under a different business that is not the applicant in this matter.

Mr. Jensen – Okay. So, the applicant and the person responsible is actually whom? That's what I'm trying to figure out.

Ms. Wiener – The applicant is the business entity, Cremation Services of America. That is the applicant in this case. The business principles don't have to disclose other businesses that they are involved in that would have other licenses. The other licenses form is for other licenses held by the entity. So, if you, Mr. Jensen today wanted to form a brand-new entity and apply for a license, it would be that entity that would fill out the other licenses form. And so, if it had no other licenses because it was a brand-new entity, the answer would be none.

Mr. Jensen – I got you. Okay. Very good. My biggest concern here was, you know, the advertising of pre-planning and I think that's a {inaudible} consumers and this place has only had its license [inaudible]. And you mentioned the website has been up since then advertising pre-planning and it is a click through. I've seen it done where you click through about five (5) or six (6) pages, and it advises you that they will respond to you. So, I was just a little concerned about that. Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

Chair Peeples – Board members any other questions or comments? We have a motion and a second. Hearing none all in favor of the motion, say yes.

Board members – Yes.

Chair Peeples – All opposed? All opposed, say no. Motion carries. Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

Ms. Simon – Madam Chair, are you able to hear me now?

Chair Peeples – Yes, ma'am.

Ms. Simon – Thank you.

(d) Joseph J Brister d/b/a Brister Funeral Home (Immokalee)

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

Mr. Joseph Brister – Yes ma'am. It's Mr. Brister.

Ms. Simon – Thank you, Mr. Brister. The Department received an application for a preneed license on June 11, 2024, and no deficiencies were noted on the application. The sole owner of the corporation is: Joseph J. Brister. A completed background check was returned to the Division without criminal history. Applicant is submitting this application for a new preneed license, and the qualifying funeral establishment license (License # F041219) is also located at the same address. If approved, Applicant will sell trust-funded preneed through Funeral Services Inc (FSI) and utilize their approved pre-arranged funeral agreement forms. The Division recommends approval without conditions.

Chair Peeples – Thank you, Ms. Simon. Mr. Brister, would you like to be sworn in, in case there are questions, sir?

Mr. Brister – Yes, ma'am.

Chair Peeples – Ms. Simon?

Ms. Simon – Please raise your right hand.

Mr. Brister – Yes, ma'am.

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

Mr. Brister – Yes, ma'am.

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

Mr. Brister – Joseph J. Brister, B-R-I-S-T-E-R.

Ms. Simon – Thank you, sir.

Chair Peeples – Thank you, Mr. Brister. Board members, are there any questions for Mr. Brister, or what is your pleasure?

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

Chair Peeples – Thank you, Mr. Brister.

Mr. Brister – Thank you.

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

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. The Department received an application for preneed main licensure on May 17, 2024, and deficiencies were noted on the application. All deficiencies were resolved as of July 18, 2024. The members of the LLC are Jeremy and Wendy Taylor. A completed background check of all officers was returned to the Division without criminal history. Applicant is submitting this application for a new preneed main license, and the qualifying funeral establishment license (License # pending) is also located at the same address. If approved, Applicant will sell insurance-funded preneed through Great Western Insurance Company (GWIC) and utilize their approved pre-arranged funeral agreement forms. The Division recommends approval without conditions.

Chair Peeples – Board members?

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

P. Application(s) for Preneed Branch

- (1) *Recommended for Approval without Conditions – Addendum H*
 - (a) *Guerry Funeral Home of Macclenny LLC (F019322) (Lake City)*
 - (b) *SCI Funeral Services of Florida LLC (F019227) (Jacksonville)*
 - (c) *SCI Funeral Services of Florida LLC (F019227) (Hollywood)*
 - (d) *SCI Funeral Services of Florida LLC (F019227) (Hollywood)*
 - (e) *SCI Funeral Services of Florida LLC (F019227) (Hollywood)*
 - (f) *SCI Funeral Services of Florida LLC (F019227) (Hollywood)*
 - (g) *SCI Funeral Services of Florida LLC (F019227) (Lighthouse Point)*

Ms. Simon – Madam Chair, if I can, I'd like to skip over the applications for preneed branch licensure for the moment and move on to Q?

Chair Peebles – Yes, ma'am.

Q. Application(s) for Removal Service

- (1) *Recommended for Approval with Conditions*
 - (a) *Firstcal 24/7 LLC (Tampa)*

Ms. Simon – An application for removal service licensure, based on change of location, was received on May 23, 2024. The application was complete when submitted. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff. Is there a representative of this entity on the call today? Hearing no response. Madam Chair?

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

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

R. Collective Applications

- (1) *Recommended for Approval with Conditions*
 - (a) *SCI Funeral Services of Florida LLC*
 - 1. *Application for Cinerator Facility (Hollywood)*
 - 2. *Application for Direct Disposal Establishment (Hollywood)*
 - 3. *Application for Funeral Establishment (Jacksonville)*
 - 4. *Application for Funeral Establishment (Ft. Lauderdale)*
 - 5. *Application for Funeral Establishment (Hollywood)*
 - 6. *Application for Funeral Establishment (Davie)*
 - 7. *Application for Funeral Establishment (Lighthouse Point)*
 - 8. *Application for Authority to Acquire Control of an Existing Cemetery Company (Hollywood)*
 - 9. *Application for Authority to Acquire Control of an Existing Cemetery Company (Hollywood)*

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

Ms. Wiener – Yes, Wendy Wiener.

Ms. Simon – Thank you, Ms. Wiener. SCI Funeral Services of Florida LLC has submitted the following: one (1) application for licensure as a cinerator facility, one (1) application for licensure as a direct disposal establishment, five (5) applications for licensure as a funeral establishment, two (2) applications to acquire control of existing cemetery companies, and six (6) applications for preneed branch licensure which will operate under Family Owned preneed main license (which will be resolved later on in the agenda via the preneed branch addendum) which, if approved, will operate, at the below listed locations. More specifically, the entities being acquired are as follows:

- 1) Fred Hunter Memorial Services Inc d/b/a Fred Hunter Crematory, a licensed cinerator facility, license # F040527, physical address: 6301 Taft Street, Hollywood, FL 33081
- 2) Cremation Society of America Inc, a licensed direct disposal establishment, license #F057666, 6281 Taft Street, Hollywood, FL 33024
- 3) Corey-Kerlin Funeral Home PA, a licensed funeral establishment, license F00358, 940 Cesery Boulevard, Jacksonville, FL 32211
- 4) Fred Hunter's Blackburn Homes, a licensed funeral establishment, license #F040521, physical address: 718 Federal Highway, Ft. Lauderdale, FL 33316
- 5) Fred Hunter's Funeral Home & Crematory, a licensed funeral establishment, license #F040511, physical address: 6301 Taft Street, Hollywood, FL 33081
- 6) Fred Hunter's University Drive Home, a licensed funeral establishment, license #F040520, physical address: 2401 S. University Drive, Davie, FL 33324
- 7) Horizon Funeral & Cremation Services of Florida LLC, a licensed funeral establishment, license #091699, physical address: 4650 North Federal Highway, Lighthouse Point, FL 33064
- 8) Fred Hunter's Memorial Services Inc d/b/a Fred Hunter's Hollywood Memorial Gardens, a licensed cemetery company, license # F039596, physical address: 6301 Taft Street, Hollywood, FL 33024
- 9) Fred Hunter's Memorial Services Inc d/b/a Fred Hunter's Hollywood Memorial Gardens North, a licensed cemetery company, license # F039597, physical address: 3001 N 72nd Ave, Hollywood, FL 33024

Included in your Board package are separate applications for each of the aforementioned entities. The officers of the corporation will be Noble L. Longino, Keith L. Gruendl, Sara Labeth, Michael G. Triesch, Angela M. Lacour, Sterling C. Bocage, Brenda K. Gibbs, Maria E. Bateman, Maria E. Bateman, Manuel Guara, Katie M. Walker, Steven Miller, and Janet S. Key. All fingerprints for the principals were returned without 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, SCI Funeral Services of Florida LLC. The Division recommends approval of the applications referenced above, subject to the following conditions:

- 1) That the closing on the transaction to acquire ownership shall occur within sixty (60) days of the date of this Board meeting.
- 2) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within seventy-five (75) days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, Stock Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 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.

Chair Peeples – Board members, questions for Ms. Wiener, or your pleasure?

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

Chair Peeples – Thank you Ms. Wiener.

Ms. Wiener – Thank you.

(b) Seabreeze Funeral Services (Jacksonville Beach)

- 1. Application for Cinerator Facility*
- 2. Application for Funeral Establishment*
- 3. Application for Training Agency*
- 4. Petition for Waiver of Rule 69K-18.004, Florida Administrative Code*

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

Ms. Darlene Smith – Yes.

Ms. Simon – Thank you, ma'am. Seabreeze Funeral Services LLC has submitted the following applications for change of ownership through asset purchase: one (1) application to for a cinerator facility and one (1) application for a funeral establishment license with an application for training agency designation and a Petition for Variance or Waiver of the rule. More specifically, the entities that are being acquired is as follows:

- 1) Quinn-Shalz Cremation Centre, a licensed cinerator facility, license # F041637, physical address: 3600 3rd Street South, Jacksonville Beach, FL 32250
- 2) Quinn-Shalz A Family Funeral Home, a licensed funeral establishment, license # F041481, 3600 3rd Street South, Jacksonville Beach, FL 32250
- 3) Quinn-Shalz A Family Funeral Home, a training agency designation for funeral establishment license # F041481, 3600 3rd Street South, Jacksonville Beach, FL 32250

Included in your Board package are the separate applications regarding the above listed licenses, twelve (12) months of Bodies Handled Reports, and a Petition for Waiver of Rule 69K-18.004, Florida Administrative Code. The officer of the corporation will be Darlene Smith. A background check 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. The Division recommends approval of the applications referenced above, subject to the following conditions:

- 1) The Board approve the Petition for Waiver;
- 2) The Board approve the applications referenced above, subject to the following conditions:
 - a) That the closing on the transaction to acquire ownership shall occur within sixty (60) days of the date of this Board meeting.
 - b) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
 - c) 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.
 - d) 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.
 - e) 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.
 - f) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
 - g) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities, (if any), of the location(s) being acquired.

The Division would like to make their recommendations separate and distinct for the moment. The first recommendation is that the Board approve the petition for waiver.

Chair Peeples – Ms. Smith, do you need to be sworn in? Would you like to address the Board or are you here and if questions arise?

Ms. Smith – If questions arise.

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

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

Ms. Simon – And next, the Division recommends that you approve the remaining two (2) applications for a cinerator facility and funeral establishment license, subject to the conditions outlined within your Board package.

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

Chair Peeples – And Ms. Simon, what about the training agency?

Ms. Simon – Well, I meant for the last vote to include the application for licensure as a training agency and I apologize for not mentioning that.

Chair Peeples – Okay. Let's go back Board members. Mr. Ferreira, - let's do an amended motion. You had a motion to approve the cinerator and funeral establishment. Will you include the training agency?

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Thank you. Ms. Liotta, do you confirm as a second?

Ms. Liotta – Yes.

Chair Peeples – Thank you. So, let's re-vote. All in favor of the motion for approval of these three (3) applications, say yes.

Board members – Yes.

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

Ms. Smith – Thank you.

Ms. Simon – Madam Chair, I just want to confirm, have we dealt with the petition for waiver? Was that part of the motions under that the Board granted?

Chair Peeples – Yes, ma'am. Ms. Simon, would you want to go back to that agenda item?

P. Application(s) for Preneed Branch

- (1) Recommended for Approval without Conditions – Addendum H**
- (a) Guerry Funeral Home of Macclenny LLC (F019322) (Lake City)**
- (b) SCI Funeral Services of Florida LLC (F019227) (Jacksonville)**
- (c) SCI Funeral Services of Florida LLC (F019227) (Hollywood)**
- (d) SCI Funeral Services of Florida LLC (F019227) (Hollywood)**
- (e) SCI Funeral Services of Florida LLC (F019227) (Hollywood)**
- (f) SCI Funeral Services of Florida LLC (F019227) (Hollywood)**
- (g) SCI Funeral Services of Florida LLC (F019227) (Lighthouse Point)**

Ms. Simon – Yes. If we could go back to item P, which are the applications for preneed branch licensure, which are submitted to you via Addendum H. The applicants listed on that addendum have applied for preneed branch licensure. The applications were complete without reportable criminal or disciplinary history. The record indicates the applicants qualify for branch licensure and it is recommended that they be approved for the branch licensure sought after.

MOTION: Mr. Clark moved to approve the applications. Mr. Jones seconded the motion.

Chair Peeples – Mr. Ferreira, do you have your hand up, sir?

Mr. Ferreira – The only question that I have is regarding the first item there. To have a branch office, does the branch office have to be owned by the same person as the main branch? Can two (2) different names, but different owners be?

Chair Peeples – Can you give us a little bit more clarification, Mr. Ferreira, of who you're referring to with what entity?

Mr. Ferreira – Yes. So, with Guerry Funeral Home, recently we approved a new ownership with that particular office, I'm not so sure if that same person owns the Lake City branch. So, my question is do you have to have the same ownership to have a branch?

Chair Peeples – Ms. Simon, I think it's going to come under your designation, under your hat. The item that Mr. Ferreira is speaking of, has it been verified in the office before it became a part of Addendum I, under this agenda item?

Ms. Simon – I'm thinking.

Chair Peeples – Yes, ma'am. Take your time.

Ms. Simon – There may be different ownership. As the Division read it, the applicant was Guerry Funeral Home of Lake City, LLC. The sponsoring entity was Guerry Funeral Home of Macclenny, LLC, assuming they have a preneed license; otherwise, this wouldn't be valid. And we found that Guerry Funeral Home of Lake City, LLC could be a branch of Guerry Funeral Home of Macclenny's preneed license.

Chair Peeples – So, Mr. Ferreira, I'll come back to you. Does that complete your question, or do you still have a question, sir?

Mr. Ferreira – My question, I guess, and I'm just giving a scenario. I'll say Mrs. Peeples has a preneed branch. She has {inaudible} open a branch, preneed branch office under her license.

Chair Peeples – Okay. You blanked out a little bit, Mr. Ferreira at the beginning of your question. So, could you restate that please?

Mr. Ferreira – So if Mrs. Peeples owned a preneed main license and I wanted to branch out from her license and I'm a totally different owner, is that allowed?

Chair Peeples – Ms. Simon or if Ms. Munson, would you like to interject.

Ms. Simon – I think that that is a great question, and obviously that circumstance would not be allowed, Mr. Ferreira.

Mr. Ferreira – So, the first item there, unless something has changed, are owned by two (2) different people. Lake City is owned by one person and Macclenny is owned by another person.

Ms. Simon – Well, it's the principals for each, and I think you're correct that the principal for Guerry Funeral Home of Lake City LLC, and I think it's the only principal, is Ms. Milton. The principal for Guerry Funeral Home of Macclenny, LLC is Mr. Guerry.

Mr. Luke Grabowski – Madam Chair, this is Luke Grabowski. I represent the Guerry Funeral Home.

Chair Peeples – Thank you, Mr. Grabowski. Thank you for being a part of the call today. Would you like to address Mr. Ferreira's question?

Mr. Grabowski – Sure. I can at least address that the facts that have been inquired about. There was an application that has been approved by this Board for the change in ownership of the Macclenny location. The Board did approve that application.

We have not gone through with that transaction as of yet because the Final Order has not been received. So, that transaction has not technically occurred. So, I believe Mr. Guerry is actually still an owner, at least part owner, of both locations. So, there is common ownership currently. Obviously, that transaction will occur, and Ms. Milton will be the primary owner of Macclenny and Mr. Guerry will be the owner of the Lake City branch, which is actually going to be changing in the future as well, but as it currently exists, there is common ownership.

Chair Peeples – Okay. Mr. Grabowski, and I'm kind of tagging on Mr. Ferreira's question. I have a question for you. If we're going to be having a change in ownership, then how can the Macclenny branch and the Lake City branch, if they're going to be two (2) separate and noncommon ownership, how can they continue operating if within a few days or a few weeks or a couple of months that ownership is going to change, if we grant this item?

Mr. Grabowski – Well, there will be that change eventually. I didn't believe that the branch had to share common ownership. Obviously, they are affiliated entities, and they always have been through common ownership, but absent the common ownership, it's going to be the same individuals involved. To be honest with you, that's not really an issue I've addressed before if there has to be common ownership to have a branch license. So, I'm a little, I guess, I'm unable to answer that legal question at this point.

Chair Peeples – Ms. Simon?

Ms. Simon – Yes, ma'am. I just did a cursory search and immediately what came out was every preneed licensee that is part of a common business enterprise and elects to operate under a different name. So, I don't know if there is a common business enterprise. That's just what is provided in rule.

Chair Peeples – Thank you, Ms. Simon. So, I think we kind of go back to Mr. Grabowski. If Mr. Guerry is at one location and Ms. Milton is at one location, but they're two separate LLCs, if they're two separate LLCs, how can one be a branch of another? Is that what you're trying to ask Mr. Ferreira?

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Thank you. Does that make sense, Mr. Grabowski?

Mr. Grabowski – I apologize, Madam Chair. Again, that's not an issue, to be honest with you, that I'm familiar with. I wasn't aware if there was any precedent that there had to be a common enterprise or common ownership, in order for a branch to qualify under a preneed main license. Certainly, if there's concern here, we'd be happy to look into it further and we can, I guess, potentially table this matter to the next meeting and we can do our due diligence. I guess that's the only solution I can offer absent some legal precedent that there has to be a common ownership for the licensees.

Chair Peeples – And just a comment before I go to Ms. Simon, then Mr. Ferreira. Mr. Grabowski, because we have had situations this year that have come before the Board for this entity, Guerry Funeral Home, which has an establishment Macclenny and one in Lake City, they had the cinerator item that also came up. And because we're changing owners, I think that's where our concern is, from that perspective. So that's just a comment. Ms. Simon then Mr. Ferreira?

Ms. Simon – If the Board is inclined to table this matter, we would request a deemer of the provisions of the applicable provisions of Section 120.60, Florida Statutes.

Chair Peeples – Thank you, Ms. Simon, and I will go back to Mr. Grabowski in a second. Mr. Ferreira, you're next. Then I see Ms. Wiener has her hand up.

Mr. Ferreira – Yes. So, a few months ago we approved new ownership for that location. Okay. So, Mr. Grabowski, are you suggesting that's not the case?

Mr. Grabowski – No, Mr. Ferreira. That change of ownership is going to occur. However, we did not receive a Final Order after that meeting. So, once we received that Order, within thirty (30) days, that transaction will be effectuated. It has not yet occurred.

Mr. Ferreira – That was months ago.

Mr. Grabowski – I believe there was an issue where there were actually two (2) applications. One (1) for a funeral establishment, one (1) for the preneed main. We worked with Division staff and the final inspection has not yet occurred at that facility for that single transaction to occur for both licenses. So once the Final Order on the preneed main is issued, a final inspection will occur, and once that is approved, the transaction will have occurred. But it has not yet occurred.

Mr. Ferreira – Okay.

Chair Peeples – Ms. Munson, I saw you. Were you going to give a comment?

Ms. Munson – I was trying to determine what meeting that actual Order took place. Sorry.

Chair Peeples – Would you like a moment, ma'am?

Ms. Munson – No. I don't think it's relevant to the discussion.

Chair Peeples – Okay. Thank you. Ms. Wiener?

Ms. Wiener – Simply to point out, unfortunately for Mr. Grabowski, common business enterprise is a defined term under Chapter 497, and it means a group of two (2) or more business entities that share common ownership in excess of 50%. So, the branch concept is intended to be an owner that wants to operate under a different name, but co-owned. So, just a public service announcement. Thank you.

Mr. Grabowski – Thank you.

Chair Peeples – So, Ms. Wiener, if you'll pop back on, please. You mentioned common ownership, but we approved a change of ownership, which is going from Mr. Guerry to Ms. Milton and Ms. Milton to Mr. Guerry. One is moving from Macclenny to Lake City, and Lake City to Macclenny, if I'm recalling correctly. So, it's going to be two (2) separate owners, but not common ownership.

Ms. Wiener – Correct and historically, you can only be a branch if you are engaged in a common business enterprise, which is defined as common ownership in excess of 50%, or maybe it says 50% or more. It says in excess of 50%. So, once they're no longer co-owned pursuant to that statute I don't know that they cannot be a branch pursuant to the definitions in the statute.

Chair Peeples – Thank you, ma'am. I appreciate your public service announcement.

Ms. Wiener – Sure.

Chair Peeples – Ms. Simon, did you have your hand up, ma'am?

Ms. Simon – I did not.

Chair Peeples – Okay. We'll come back to Ms. Munson.

Ms. Munson – I was just noting to answer the question that the meeting that was in question was one of those two (2) June meetings. It was a June 18th meeting with the change of ownership involving the Macclenny location.

Chair Peeples – Thank you, Ms. Munson. Mr. Grabowski, would you agree to waive the deemer clause on this if we were to table this item, sir?

Mr. Grabowski – Yes, Madam Chair. I'd like to discuss it with the client, and I think if we could have that period to come back for the Board and either come up with a solution, or just withdraw the application. So, we would like to table this.

Chair Peeples – Thank you, Mr. Grabowski. We appreciate that. Ms. Simon agenda item P(1)(a) Guerry Funeral Home of Macclenny, LLC under Addendum H we're going to table.

Ms. Simon – Okay. Then the remaining applicants for preneed branch licensure remain on Addendum H and I would request the Board take action on that.

Ms. Munson – They already did.

Ms. Simon – We already did that?

Chair Peeples – We already have a motion, and we took it as a whole, because Mr. Clark made the motion and Mr. Jones. I think we would need an amended motion.

Ms. Munson – Correct.

Chair Peeples – That if we table the agenda item P(1)(a) because the waiver has been agreed to. So going back to Mr. Clark, you made the motion. Do you agree to the amended motion that we're just approving items P(1)(b) through (g) and that we're going to table P(1)(a) since we have a deemer clause?

Mr. Clark – Yes, that's fine. Yes, I do.

Chair Peeples – Mr. Jones, you were the second. Do you confirm that?

Mr. Jones – I do.

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

Board members– Yes.

Chair Peeples – All opposed, say no. Motion carries. Is that all you need, Ms. Munson for that one?

Ms. Munson – Yes.

Chair Peeples – Okay. Thank you.

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

(1) Recommended for Approval with Conditions

(a) Monument Establishment Retailer Sales Agreement

1. J.E. Rainford Services Corp. d/b/a Annette's Burial Vault & Monument Svcs (Tampa)

Ms. Simon – The monument establishment retailer sales agreement was submitted by J.E. Rainford Services Corp. The applicant's name J.E. Rainford Service Corp, d/b/a, Annette's Burial Vault and Monument Services located in Tampa, Florida. The Division recommends approval subject to the condition that two (2) full-sized print-ready copies of the monument establishment retailer sales agreement are received by the Department within sixty (60) days of this Board meeting.

Chair Peeples – Board members?

MOTION: Mr. Ferreira moved to approve the agreement subject to the condition that two (2) full-sized print-ready copies of the monument establishment retailer sales agreement are received by the Department within sixty (60) days of this Board meeting. 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 (Altamonte Springs) (F019227)

Ms. Simon – SCI submits the attached revised preneed sales agreement forms for approval: Guaranteed Insurance Funded Prearranged Funeral Agreement and Guaranteed Prearranged Funeral Retail Installment Contract. If approved, these agreements will be used for the sale of preneed by 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 – Board members?

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

T. Related Items

(1) Recommended for Approval with Conditions

(a) Affordable Monument LLC (Jacksonville)

1. Application for Monument Establishment Retailer

Ms. Simon – Is there a representative of that entity on the call today? Hearing no response. An application for monument establishment retailer licensure was received on June 14, 2024. The application was incomplete when submitted. A completed application was received on June 28, 2024. 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 Peebles – Thank you, Ms. Simon. Is there anyone here representing Affordable Monument LLC on the call today? Hearing no response. 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. Ms. Liotta seconded the motion, which passed unanimously.

2. Sales Agreement

Ms. Simon – This is a monument establishment sales agreement submitted by my previous aforementioned Affordable Monument, LLC. The Division recommends approval subject to the condition that two (2) full-size print-ready copies are received by the Department within sixty (60) days of the final order execution.

MOTION: Ms. Clay 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. Clark seconded the motion, which passed unanimously.

(2) Recommended for Denial (Criminal History)

(a) Prestigious Monument Company LLC

1. Application for Monument Establishment Builder

Ms. Simon – An application for monument establishment builder licensure was received on May 30, 2024. The application was incomplete when submitted. A completed application was received on June 23, 2024. A background check of the principals revealed criminal history for Jeffery E. Merthie. On May 7, 2010, Jeffery E. Merthie Sr. was adjudicated guilty on one count of possession of controlled substance, a felony of the third degree. Merthie was sentenced to four (4) months in Orange County Jail, with credit of thirty-nine (39) days timed served, and two (2) years suspension of driver’s license. The Division recommends denial. Is there a representative of Prestigious Monument here today?

Ms. Jennifer Mangum – Yes, ma'am. We're here. My name is Jennifer Mangum. I'm also here with Mr. Merthie.

Ms. Simon – Thank you, Ms. Mangum.

Chair Peeples – Ms. Mangum, are you representing the entity as legal counsel?

Ms. Mangum – No ma'am. I'm the officer.

Chair Peeples – Okay. So, if we can have both of you sworn in, please, in case there are questions. Ms. Simon, if you'll swear both of them in.

Ms. Simon – Please raise your right hands.

Ms. Mangum – We have them up. Yes, ma'am.

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

Ms. Mangum – Yes, ma'am.

Mr. Jeffery Merthie – Yes, we do.

Ms. Simon – If you can both, please state your name and spell your last names for the record.

Ms. Mangum – My name is Jennifer Mangum, M-A-N-G-U-M.

Mr. Merthie – My name is Jeffrey Merthie. M-E-R-T-H-I-E.

Ms. Simon – Thank you.

Chair Peeples – Thank you, folks, for being a part of this meeting today. Board members do you have any questions regarding this application for Prestigious Monument Company LLC, for Ms. Mangum or Mr., do you pronounce it Mr. Murray?

Mr. Merthie – Merthie.

Chair Peeples – Merthie. Thank you, sir. Board members, do you have any questions for these folks. Mr. Ferreira?

Mr. Ferreira – Yes. What is your experience in the monument profession?

Ms. Mangum – So, we don't really have per se any experience in the monument profession. Just to give you a little backstory of how we got to a monument company. We lost our daughter that was five (5) months old a while back. Both of the companies that we dealt with were unlicensed. After dealing with Investigator Brimmer, of the Department, it led us to the eye-opening that, you know, we need a monument company that's licensed and insured in our community.

Mr. Ferreira – So neither one of you have ever worked in the profession?

Ms. Mangum – No, sir.

Mr. Merthie – No, sir.

Chair Peeples – Mr. Ferreira, do you have any follow-up questions, sir?

Mr. Ferreira – Not at this time.

Chair Peeples – Thank you. Ms. Mangum and Mr. Merthie, do you all have your hand up or was that previously, because I think we may have a delay transmission?

Ms. Mangum – I believe it's a delay.

Chair Peebles – Okay. Thank you. I just want to make sure I recognized you if you had a question. Thank you. Board members, does anyone else have a question for these individuals. Mr. Jensen?

Mr. Jensen – Yes, just a quick question. If there's no experience, are you going to make your own monuments, or are you going to just be a dealer?

Ms. Mangum – Oh, no. We're going to be a dealer. We have reached out to several other companies particularly the one in Georgia who is going to be our supplier.

Mr. Jensen – I got you. I mean, are they going to sandblast them and everything for you?

Ms. Mangum – Yes, sir.

Mr. Merthie – One-stop shop. Yes, sir.

Mr. Jensen – Okay. Thank you.

Chair Peebles – Any other Board members with any questions? Hearing no other questions what's the pleasure of the Board? We are on agenda item T(2)(a)(1), which is the application for monument establishment builder for Prestigious Monument Company LLC.

MOTION: Ms. Liotta moved to approve the application.

Chair Peebles – Mr. Jones?

Mr. Jones – Ms. Liotta, would you be willing to make that motion approval with a one-year probation, due to lack of experience, just to make sure, if that's acceptable?

Ms. Liotta – That's acceptable to me.

Mr. Jones – I'll second that.

Chair Peebles – So, we have a motion by Ms. Liotta for approval with a one-year probation due to lack of experience in the industry. We have a second by Mr. Jones. Is there any discussion on the motion. Mr. Ferreira?

Mr. Ferreira – Yes, this would be for Ms. Simon. The purpose for denial, what was the thought process there?

Ms. Simon – Thank you. Mr. Ferreira, the thought process there was the criminal history of one of the principles of the establishment.

Chair Peebles – Mr. Ferreira does that completes your question, sir?

Mr. Ferreira – Yes, ma'am.

Chair Peebles – Thank you. So, we have a motion and a second. Is there any further discussion Mr. Jensen?

Mr. Jensen – Just for the record. So, Mr. Merthie looks like here, so all this happened in 2010. You're completely done with all that, correct?

Mr. Merthie – Yes, sir.

Mr. Jensen – And I assume I know the answer to this, but you're done with the cocaine, right?

Mr. Merthie – Yes, sir.

Mr. Jensen – Thank you.

Chair Peeples – Mr. Ferreira, do you have a question?

Mr. Ferreira – Yes, really quick and I just don't remember the answer, Ms. Simon. Our look back clause or the years that we look back, is it fifteen (15) years?

Ms. Simon – An excellent question. When it comes to felonies, it is twenty (20) years.

Mr. Ferreira – Okay.

Chair Peeples – So, let's do a roll call vote. If you are approving this application, you'll vote yes. If you're not approving, you'll vote no.

Ms. Simon – Mr. Jones?

Mr. Jones – Yes.

Ms. Simon – Mr. Williams?

Mr. Williams – Yes.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yes.

Ms. Simon – Ms. Liotta?

Ms. Liotta – Yes.

Ms. Simon – Ms. Clay?

Ms. Clay – Yes.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Yes.

Ms. Simon – Mr. Clark?

Mr. Clark – Yes.

Ms. Simon – Madam Chair?

Chair Peeples – I'm a no.

Ms. Simon – That motion passes.

Chair Peeples – Thank you. So, folks, if you all want to stay on the call, because you've already been sworn in. We have two (2) other items for this company. So, Ms. Simon, if you'll go to the next agenda item, please.

Ms. Simon – Yes.

2. Sales Agreement

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

MOTION: Ms. Clay moved to approve the agreement subject to the condition that two (2) full-sized print-ready copies of the monument establishment sales agreement are received by the Department within sixty (60) days of this Board meeting. Mr. Ferreira seconded the motion, which passed with one (1) dissenting vote.

Chair Peeples – Thank you. Ms. Simon, next item, please.

3. Application for Monument Sales Agent
a. Jeffery Merthie Sr.

Ms. Simon – An application for monument establishment sales agent licensure was received on May 30, 2024. The application was incomplete when submitted. A completed application was received on June 23, 2024. A background check of the applicant revealed relevant criminal history. On May 7, 2010, Jeffery E. Merthie was adjudicated guilty on one count of for possession of controlled substance, a felony of the third degree. Merthie was sentenced to four (4) months in Orange County Jail, with credit of thirty-nine (39) days timed served, and two (2) years suspension of driver’s license. The Division recommends denial.

Chair Peeples – Board members?

Mr. Ferreira – I’ll make a motion to accept.

Chair Peeples – Mr. Ferreira, is that motion to accept?

Mr. Ferreira – Is this for a sales agent?

Chair Peeples – Yes, sir. We have a motion by Mr. Ferreira.

Ms. Clay – Madam Chair, can we get some clarification? Is the motion based on the recommendation? So, is the motion to deny or accept the recommendation of that was just stated?

Chair Peeples – Mr. Ferreira, would you like to clarify, please your motion?

Mr. Ferreira – I want to withdraw my motion, please.

Chair Peeples – So, Mr. Ferreira has withdrawn, which withdraws Ms. Liotta’s second. What is the Board’s pleasure on this agenda item?

MOTION: Mr. Clark moved to approve the application, subject to the condition of a one-year probation. Mr. Jones seconded the motion, which passed with three (3) dissenting vote.

Chair Peeples – Good luck, folks. Thank you for being part of the call today.

Ms. Mangum – Thank you all so much.

Mr. Merthie – Appreciate it.

U. Executive Director’s Report
(1) Operational Report (Verbal)

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

Ms. Mary Schwantes – Good afternoon, Board members, and welcome back to our regular monthly Board meetings. I hope everybody here enjoyed having the July month off, after the back-to-back meetings that occurred in June. I know our staff

appreciated the break, because it gave them, particularly our licensing team, more time to attend and assist the licensees at various association conferences. So, we were able to enjoy and participate in those conferences.

During recent Board meetings, I have several times referenced a planned legislative workshop to take place in August. Our Department sponsors these workshops, which are coordinated and directed by the Department's Office of Policy and Legislative Affairs. After further consideration, the Department has decided to handle legislative issues involving the funeral profession as it does its other regulated professions. In lieu of having a legislative workshop, the Legislative Affairs team will plan independent meetings with representatives from the profession's various associations. However, particularly to allow those licensees who are not members of an association to have input in the process, any interested persons who want to propose legislative changes should email to me their written proposals by close of business on Friday, August 30th. I will provide the proposals, all proposals, to our Legislative Affairs office and coordinate with it as to any additional information that might be needed. And this is the time of year, I know I've talked about this before, but this is the time of year when the Department begins its legislative planning for the next legislative session. I hope everyone who's interested will take advantage of the opportunity to provide input on desired legislation by submitting their written proposals to me as indicated or by working with their industry associations to combine proposals and discuss them with our Legislative Affairs office.

I know that we're all very pleased to see EDRS up with the new system and I just wanted to and apologize that I didn't give him an advance notice on this, but I just wanted to ask Mr. Jones if he had any comments that he wanted to add during this section about the EDRS' success.

Mr. Jones – Not right now, really. We are working to get the system up. We are working with, of course, all EDRS users. We have a new method of getting access. We're using the multifactor authentication. Emails have gone out. So, any funeral director, medical examiners, or physicians that have not received that we're following up with. If they've not logged in, we're busy helping everyone get in. So far, you know, we've had a few comments. We will continue to make changes as they are brought up. If you see any or have any concerns with the system, let us know and we'll work on that, but that's it. Thank you very much. And again, we apologize for being down and appreciate the patience while we were bringing up the new system.

Ms. Schwantes – Thank you, Mr. Jones. I know I didn't give you advance notice on that, but again, I'm sorry about that, but I did not want the opportunity to pass by in case you had comments you wanted to make.

So, our next Board meeting will be a video conference call on Thursday, September 5th, and as always, details regarding all Board meetings are posted on our website. This ends the portion of the Executive Director's report and thank you. Thank you, Madam Chair.

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

Ms. Simon – This is informational only.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 Date of Board meeting: August 1, 2024
 Date report was prepared: July 23, 2024

	Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
	Horace Barrett	5/1/2024	305194-23-FC	\$3,000	17-Jul-24	Paid in Full	
	Allen Richardson	5/1/2024	Paid in	\$750	17-Jul-24	Paid in Full	
	FPG Florida, LLC	5/1/2024	300720-22-FC	\$1,250	17-Jul-24	Paid in Full	
	Foundation Partners of Florida, LLC d/b/a Sun City Funeral Home	5/1/2024	300711-22-FC	\$750	17-Jul-24	Paid in Full	
	Edens Cremation Society, LLC d/b/a Guiding Light Cremations	5/1/2024	311849-23-FC	\$500	17-Jul-24	Paid in Full	

Mikara Elyse Bell	5/1/2024	311848-23-FC	\$500	17-Jul-24	Paid in Full	
Broadus-Raines Family Funeral Home:	2/1/2024	306791-23-FC	\$750	15-Apr-24	Paid in Full	
Dignity Funeral Services, Inc. db/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 db/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		Referred to the OGC for administrative action
Homes Funeral Directors	1/4/2024	307465-23-FC	\$8,250	8-Mar-24	\$4300 paid 7-15-24	Referred to the OGC for administrative action
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 7-22-24						

V. Chair's Report (Verbal)

Ms. Simon – Madam Chair?

Chair Peeples – Thank you, Ms. Simon. I would like to do kind of three (3) short sections. Mr. Jones, even though Ms. Schwantes touched on that, I just want to let you know as one of our fellow Board members, thank you for all you all are doing. We appreciate you all. You've got a great team. Appreciate you and your team for kind of working through these things with EDRS and I have heard that there's a lot of younger professionals in our industry that never knew about paper death certificates that are learning very well. And hopefully we won't have to have this available for hurricanes this year.

Mr. Jones – I agree and, you know, we just wanted to let the younger people know what the older folks had to go through. So, we're glad we could share that experience.

Chair Peeples – Well, thank you, sir. And those of us that went through that experience first and now like the EDRS, we greatly appreciate you letting us know what we like now, and we didn't like then. So, thank you for that, but thank you for all you're doing.

There's three (3) Board members I have not acknowledged, and I know that one (1) of them is not on the meeting today, so I may acknowledge him next month, but they are Mr. Lyons, Mr. Ferreira, and Ms. Clay. Thank you all for what you do as well as our whole team. We have a good composite here and we appreciate it.

We're only as good as those that support us at the office and we greatly appreciate everyone from Ms. Schwantes to Ms. Simon, but there's three ladies in particular that have really worked on some licensing issues this month: LaShonda Morris works with the cemetery licenses; Crystal Grant works with the individual licenses; and Nicole Singleton works with

establishments. So, I just want to call those three (3) ladies out. Thank you. We appreciate you. I appreciate all you do and I'm sure you get a lot of emails and phone calls, so thank you. And that ends my report. Ms. Simon?

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

Ms. Simon – Ms. Munson?

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

BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
AUGUST 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.

X. Public Comments (Verbal)

Ms. Simon – Are there any public comments to be voiced during this section of the meeting? Hearing no response.

Chair Peeples – We have Mr. Ferreira.

Ms. Simon – Oh, excuse me.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – This is probably for Ms. Munson. Am I understanding that the legislative meeting that we discussed a few months ago is not going to happen? Is that correct?

Ms. Munson – It's actually for the Department, but Ms. Schwantes reported today that no, sir, it's not going to happen.

Mr. Ferreira – Okay.

Ms. Munson – However, Ms. Schwantes is on the camera. I think she's willing and able to accept any recommendations for legislative review that you or any member may want to offer.

Mr. Ferreira – Well, my concern is in those meetings, when those of us members are there, we can talk about things. Are we able to talk about those things?

Ms. Munson – Not with each other unless it's a public meeting. So, I'll turn it over to Ms. Schwantes.

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

Chair Peeples – Yes, ma'am.

Ms. Schwantes – Thank you. Just again, to clarify, it is the Department and the Department's Office of Policy and Legislative Affairs that sponsors and controls legislative workshops, different from the Board's Rules Committee. So again, any proposals that you want to make, please submit to me by email by the end of business on Friday, the 30th of August. And as always, I encourage people to work with their associations, those who are members of associations. The associations work very hard to combine efforts and interests in discussions with our Legislative Affairs office. So, that's what was decided to do in lieu of the legislative workshop and again, that is, it basically conforms with the way all of the other regulated entities by the Department are handled.

Mr. Ferreira – It just cuts us, in our minds, out from getting together. You see what I mean? It cuts us out as, you know, kind of putting our minds together too to present to you guys. So that's all. I mean, you understand.

Ms. Schwantes – And Mr. Ferreira, I'd be glad to raise that concern with our Legislative Affairs office.

Mr. Ferreira – Okay.

Chair Peeples – And Ms. Wiener?

Ms. Wiener – Thank you. I just wanted to offer/ask during this Public Comment a clarification to Mr. Ferreira's concern. There is no concern against Board members being together and discussing general issues related to the industry, legislation, things that are good, things that are bad. The Board cannot get together in a party of two (2) or more and talk about matters before the Board. That is the prohibition, correct?

Ms. Munson – If I may? Or that are likely to come before the Board.

Ms. Wiener – Sure. So, if you are aware of an issue that might come before the Board, then you certainly can't come together and talk about it. But general ideas as to legislation, how the laws should read, how the laws should not read, those are topics that Board members can discuss whether in their association meetings or wherever they happen to find themselves discussing those issues. Thank you.

Chair Peeples – Thank you. Ms. Munson?

Ms. Munson – I would only follow up with just a cautionary tale. I don't know to what extent some of those discussions may take place, but I'd also like to underscore that if the Board wants to get together and discuss rules that is outside of the Department, Board rules, specifically, rules workshops are always permitted. You can always set a meeting for those types of workshops, and you'll be more than welcome to come together as a collegial body and look at whatever rules that are in play that may have some impact on legislation, of course, tangentially which you'll have an opportunity to discuss those as well.

Chair Peeples – Thank you, Ms. Munson. Thank you, Ms. Wiener. Mr. Ferreira, does that complete your comment?

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Thank you. Mr. Jensen?

Mr. Jensen – Is what Ms. Munson said up for the Chairman of the Board to maybe set a rules workshop? Can we do that? I kind of agree with Mr. Ferreira here that we, you know, there would be some things that I'd like to bounce off some other Board members because of their knowledge.

Chair Peeples – That kind of goes back to Ms. Schwantes. Ms. Schwantes, what would be kind of the timeframe that something would have to be noticed for, like a Rules Committee meeting or Rules Workshop?

Ms. Schwantes – You would need to notice it several weeks in advance. We'd have to confirm calendars with a couple of people, but again, when you have a Rules Committee meeting, you're talking about rules, not legislation. The legislation workshop is completely different, and that, again, has been sponsored by the Department in the past.

Chair Peeples – Thank you. And Mr. Jensen, thank you for bringing up this question and kind of comment. I think what I'd like to do, if I may as Chair, is I'd like to talk with Ms. Schwantes and kind of give a couple of thoughts to her about us possibly getting together because there are some rules that have come up end of last year, during different meetings this year that I think would be good for us to kind of, and as I mentioned this in prior meetings when I was appointed to the 470 Board many years ago, we had rules workshops at least once if not twice a year. So, I think it would be something good that we could all come together. So, thank you for that comment, and Ms. Schwantes, I'll just get with you after the meeting if I may. Please ma'am?

Ms. Schwantes – Absolutely. I'll be glad to.

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

Mr. Jensen – Yes, ma'am.

Chair Peeples – Ms. Simon, do you want to continue on, or would you like me to finish? Okay. I kind of see you nodding back and forth. Is that a yes, or a no? Are you good, Ms. Simon?

Ms. Simon – Yes, ma'am. I'm sorry. I apologize for that computer audio.

Y. Administrative Report as July 21, 2024

The information was provided on the agenda.

Z. Disciplinary Report

The information was provided on the agenda.

AA. Upcoming Meeting(s)

- (1) September 5th (Videoconference)
- (2) October 10th (Videoconference)
- (3) November 7th (Videoconference)
- (4) December 5th (Videoconference)

BB. Adjournment

Chair Peeples – That's okay. It's 1:39. How about we call this meeting adjourned? Thank you all kindly for participating today.

Ms. Simon – Thank you, Board members.

The meeting was adjourned at 1:39.