

MINUTES
BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
SEPTEMBER 5, 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 September 5, 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 September 5, 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 V 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
Darrin Williams

Also noted as present:

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

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

Chair Peebles – Thank you, Ms. Simon.

B. Action on Minutes

- (1) *June 27, 2024*
- (2) *August 1, 2024*

Ms. Simon – It would be appropriate at this time for a Board member to make a motion to accept those minutes if appropriate.

Ms. Sanjena Clay – Madam Chair?

Chair Peebles – Yes, Ms. Clay?

Ms. Clay – I know I asked this question last time, but I'm ashamed to say I don't remember the answer. Do we accept them separately or collectively? Move for the acceptance.

Chair Peebles – Ms. Munson, can we take these as one (1) motion for both sets of minutes?

Ms. Rachelle Munson – You may if no one has any objection to any item on either one.

Chair Peebles – Thank you.

MOTION: Ms. Clay moved to adopt the minutes of both meetings. Ms. Janis Liotta seconded the motion, which passed unanimously.

C. Old Business

- (1) *Application(s) for Preneed Main License Renewal*
 - (a) *Recommended for Approval without Conditions*
 - 1. *Timothy E Kitchens Funeral Home Inc (F059562) (Riviera Bch)*

Ms. Simon – This application for renewal of a preneed license was presented at the August 1, 2024, Board meeting but was tabled for consideration of the licensee's financial statements which were submitted late to the Division as of July 31, 2024. The licensee has demonstrated that it meets the net worth requirement for renewal. Board members, unfortunately, this morning, Mr. Kitchens was involved in an accident, and he alerted the Division that he would be unable to be present for today's meeting.

Mr. Timothy Kitchens – I'm present. I'm present. I'm here.

Ms. Simon – Thank you, Mr. Kitchens. Thank you, sir. Licensee has demonstrated that it meets the net worth requirement for renewal, therefore, the Division recommends that the Board approve the preneed renewal without conditions.

Chair Peeples – Thank you, Ms. Simon. Mr. Kitchens, would you like to be sworn in? Do you have any comments you would like to make to the Board? If so, we'd like to swear you in, sir.

Mr. Kitchens – No, there are no comments at this time. Like I said, I've just been involved in a car accident, but I was able to call in.

Chair Peeples – Thank you, sir. Board members?

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

Chair Peeples – Mr. Kitchens, thank you for being a part of the meeting.

Mr. Kitchens – Thank you all so much and please keep us in prayer. Thank you very much. Have a good day.

Chair Peeples – Thank you.

Mr. Darrin Williams – Madam Chair, this is Darrin Williams.

Chair Peeples – Yes, sir?

Mr. Williams – I just want to state for the record that I served on Probable Cause Panel B for the cases coming up, so I need to recuse myself.

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

Ms. Simon – Thank you, ma'am.

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

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

Mr. DeBarris James – Yes, good morning, Board. My partner and I are present.

Ms. Simon – The original application for funeral establishment licensure was received on March 12, 2024. The application was incomplete when submitted. A completed application was received on May 29, 2024. On the initial application form, DeBarris James answered “no” to the criminal history questions. In corrections to the form, he has since changed that answer to “yes” and provided additional information. A background check of the principals revealed relevant criminal history for DeBarris James, to wit, on February 13, 2009, DeBarris James was adjudicated guilty of Grand Theft in the 3rd Degree and Impersonating a Bail Bond Agent, both felonies of the 3rd Degree. DeBarris James was sentenced to five (5) years confinement in Florida State Prison. He was released on May 12, 2013. On June 27, 2024, the application was presented to the Board of Funeral, Cemetery, and Consumer Services at a regularly scheduled meeting. The Board requested to table the application until ownership documents were received. The application was last heard at the August 1, 2024, meeting when Mr. James chose to withdraw the application in order to update his address and present at a future meeting. A new application for funeral establishment licensure was received on August 1, 2024. The application was incomplete when submitted; however, a corrected application was subsequently received. Based solely on the criminal history, and the fact that Mr. James did not reflect the criminal history when first submitting the application, the Division recommends denial.

Chair Peeples – Thank You Ms. Simon. Mr. Johnson and Mr. James, thank you for being a part of the meeting today. We appreciate it. Would you like to be sworn in so if there's any questions that need to be asked, we'll have you in the proper format?

Mr. James – Yes, ma 'am.

Chair Peeples – Ms. Simon?

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 – Would you please state your names 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 – Thank you, gentlemen. Board members, do you have any questions? And what I'd like to do is I'd like to open it up to Mr. James and Mr. Johnson to see if they have any items before Board members ask questions. Gentlemen, do you have any information you'd like to share with us?

Mr. James – Yes, ma 'am. This is DeBarris James. So, since the last meeting, we have updated all necessary information, meaning the address. As we stated before, you know, we're just looking for an opportunity to continue and further. Mr. Johnson has been in the business for a very long time as a licensed funeral director and embalmer, and we just want to continue to do for the community.

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

Mr. Jones – Yes. Mr. James, at the first meeting, there was some question as to ownership, and Ms. Simon mentioned that in her opening statement. Was that resolved to the Division's satisfaction, or did you provide additional information?

Mr. James – Yes, the information was provided. That was resolved. It all went back onto my history of eighteen (18) plus years ago.

Mr. Jones – Thank you.

Chair Peeples – Mr. Jensen, did I see your hand, sir?

Mr. Chris Jensen – Yes, ma 'am. I don't particularly have a question, but I do have a couple of observations, if I may.

Chair Peeples – Yes, sir.

Mr. Jensen – If you look at your Board packet on the bottom of Page 5, a couple of issues with the application. One is under refrigeration there, it says that he's going to make arrangements for, but where it says where he's going to make arrangements for, he's got "no" checked. So, I'm curious about what he plans to do for refrigeration. And, also embalming, the whole embalming section there on Page 6 of your packet is, is not filled out. It says it's going to make arrangements for, but there's nothing attached as to where or anything like that. So, I'm just trying to get a sense of what's going to happen there with that. And then I will have a follow up.

Chair Peeples – Thank you, Mr. Jensen. On Page 10 of our packet, there is a statement from Anthony R Manuel Funeral Home Central that states that they will be allowing Freeman Funeral Home and Cremation Services to use their facility for embalming needs, which did not specifically answer refrigeration. So, as we go into this request, that could be made as a

condition, if needed, that a statement be submitted for refrigeration. Would that be an item that you would be comfortable with?

Mr. Jensen – Possibly so. I mean, you know, within twenty-four (24) hours you have to be embalmed, refrigerated or buried. So, we would need to know where the refrigeration is going to occur.

Chair Peeples – Yes, sir. Did you have some other concerns or questions?

Mr. Jensen – I do. I would like to address the theft part of this just briefly. I mean, this was grand theft in 2006. Apparently, Mr. James didn't show up for some stuff there and got rearrested in 2009. He was in charge of a business where he actually represented himself as a false representation of ball bond's agent. Also, this involves money. The last part of our Board does say Consumer Services. And one (1) of our tasks is to protect the public from this. I find it really hard that, you know, we've been talking a lot about the ownership of the funeral home, but we really didn't address the theft part of it, which is the sole reason the Department is suggesting that we deny this application. I would like to point that out that there is a big issue here of money, and I would hate to think that we let someone out there who's already been convicted and served time for this thing, grand theft, and we let them go back out there to possibly do it again. So, I just see here the 2006 arrest didn't do anything for Mr. James, because he was rearrested in 2009 for not even showing up. So, I just don't see this as a pliable avenue for this gentleman to apply his trade. We need to protect consumers and their money that they entrust to funeral homes, whether it be on an at-need basis or a preneed basis. Thank you, Madam Chair.

Chair Peeples – You're welcome. Mr. James, would you like to comment?

Mr. James – Yes, Madam Chair. So, 2006 is when all this occurred. As I stated in the last meeting, I wouldn't go into details because of what it was, but I will say that there were other people involved. 2006 to 2009, the courts offered time served. From the beginning, it was actually a setup, and that's why I stated there were other people involved. 2009, I wasn't rearrested, I was actually sentenced, because I took it to trial and lost trial. So, I wasn't rearrested, I never missed a court date, I was always there. Again, this is 2006 to 2009, they offered time served. I didn't take the time served, because I wasn't guilty of what was being said. I was a part of what happened, but I wasn't guilty of what was being said. I went to trial, and I lost my trial. I was never rearrested for it. I lost the trial and that's what happened in 2009. I've always complied with the courts. Again, as I stated before, I'm not perfect but I've done nothing but right since then. I learned my lesson. I did serve my time. All my rights have been reinstated. Every single one of them. You know, I'm a different person. I'm a person for the community. I made a mistake by being a part of something I shouldn't have been and that won't happen again. I'm looking for a better life. I'm looking to continue doing what I'm doing positive.

Chair Peeples – Thank you, sir. Mr. Jensen, a follow-up?

Mr. Jensen – Yes, a quick follow-up on something Mr. James said. So, Mr. James, you stated you were part of this, but you were innocent in the situation, but it's my understanding you were in charge of the business. Is that correct?

Mr. James – The business was doing security. We did bounty hunting. That was a completely different thing. It had nothing to do with bail bonding at all. Money was given to me. I handed it to the next person. Because it was given to me, that's how all of this happened.

Mr. Jensen – So who was in charge of the business? Was that you or was it someone else?

Mr. James – I had the security company. I had nothing to do with the bail bonds company. We just did a little bit of bounty hunting. Our company did bounty hunting for different bail bond companies.

Mr. Jensen – Well, this states you can't even be a bounty hunter, that you were impersonating a bounty hunter.

Mr. James – No. It says it was impersonating a bail bondsman.

Mr. Jensen – Oh, a bail bondsman. Is that not the same?

Mr. James – I was not being a bail bondsman, like I said, money was received. I handed it on to the next person, but the fact that it was given to me.

Mr. Jensen – But it was your company?

Mr. James – No. The security company was mine. The bail bonds company, I had nothing to do with the bail bonds company as an employee whatsoever. We just did bounty hunting. They called us, we went to pick people up, brought them in.

Mr. Jensen – So why did you accept money if it wasn't yours?

Mr. James – Because I thought I was doing a favor for someone taking the money to one (1) of the bail bonds officers there. That's how everything got mixed up. Like I said, it's a long story.

Mr. Jensen – The money didn't make it there, is that correct?

Mr. James – The money got to them, but the money was not given to the person it should have been given to. That was the issue. {Inaudible} the person that we reported.

Mr. Jensen – They gave you five (5) years for that?

Mr. James – They gave me the max because I lost trial. They offered time served from day one. As of today, even after doing that time that I did, the four (4) years and three (4) months, I only have forty-four (44) points, which is not even enough to go to prison, but because I lost trial, they gave me the max. They offered time served from day one.

Mr. Jensen – I mean, I have to go by what's in the packet, and I see five (5) years, so I don't know about all that other stuff. Thank you, Madam Chair.

Chair Peeples – You're welcome. Mr. Lyons, did you have a question? Or Mr. Ferreira, did I see your hand?

Mr. Todd Ferreira – No, ma'am

Chair Peeples – Ms. Clay?

Ms. Clay – Mr. Jensen also brought up a point about the refrigeration. I'd like for Mr. James to answer that question regarding refrigeration since that was not mentioned in the packet.

Mr. James – Yes, ma'am. Mr. Johnson?

Chair Peeples – Mr. Johnson?

Mr. Johnson – My name is Johnny Johnson, the licensed funeral director. The reason we don't need refrigeration is because when we get our bodies, we always embalm them within the twenty-four (24) hours. So, we never really have to refrigerate a body. And I've been in the business over like thirty (30) years as an embalmer and funeral director. So, when we pick a body up, we always get permission to embalm, and most, you know, black funeral homes, we embalm the body when we receive it, because we always get permission. So, we really don't have to refrigerate a body.

Chair Peeples – If I may, Ms. Clay? Mr. Johnson, if I may kind of update you. As you saw on the application, that is a question and it's always best to have that situation set up because you may have a family that declines embalming. So, if they decline embalming the remains have to be refrigerated. So, when we begin our discussion on the application request today, as we go forward, whenever we have a motion and a second, we may make that a condition for you to get that confirmed. If you're going to be using the same firm that you would utilize for embalming purposes. we would just need a statement from them that they will be offering refrigeration services for you also. So, I hope that updates you, Mr. Johnson and Ms. Clay, I hope that gives you an answer.

Ms. Clay – Madam Chair, it does give me an answer, but I guess I'm curious as to if the establishment that is being used does have the means to provide refrigeration, if necessary.

Mr. Johnson – Yes.

Chair Peeples – Mr. Williams?

Mr. Williams – Yes, ma 'am. Madam Chair, I need to retract my previous statement. Ms. Munson, if I may? I was looking at the old Board agenda and not the updated, revised one. I'm not recused from this case. I'm recused from D (1) (a). So, I just wanted to go to the record and make that statement. My apologies.

Chair Peeples – Thank you, Mr. Williams. We appreciate that. Are there any other Board questions for Mr. James or Mr. Johnson? Mr. Clark?

Mr. Clark – Yes. Mr. James, just a follow-up to Mr. Jones's question. You said that the issues around transfer of ownership have been resolved. So, are you saying that Mr. Macon's family does not contest ownership any longer?

Mr. James – Mr. Macon's family? That was for something completely different. They have nothing to do with what we have going on here. Nothing whatsoever.

Mr. Clark – Okay. That's all I have, Madam Chair.

Chair Peeples – Board members, do we have any other questions for Mr. James or Mr. Johnson? If not, what would be your pleasure? Ms. Munson?

Ms. Munson – I just have a point of clarification, and this is for Mr. James. I mean, there's been some statement or some mention about these five (5) years. How much time did you physically spend in jail, sir?

Mr. James – Four (4) years, three (3) months.

Ms. Munson – Okay.

Mr. James – No probation. Nothing. Just four (4) years, three (3) months.

Ms. Munson – Thank you.

Mr. James – You're welcome, ma 'am.

Chair Peeples – Board members, what would be your preference?

MOTION: Mr. Jensen moved to deny the application based solely on the grand theft that had involved the public's funds. Mr. Ferreira seconded the motion.

Chair Peeples – Is there any discussion on the motion? Let's take a roll call vote, Ms. Simon, if you would, please. We're not able to hear you, Ms. Simon. We're not able to hear you. We're going to take just a moment.

Mr. Lyons – Madam Chair?

Chair Peeples – Yes, Mr. Lyons?

Mr. Lyons – Am I allowed to ask a question in between the motion and waiting for the vote?

Chair Peeples – No, sir. Let's wait for Ms. Simon to come back on if you would, sir.

Mr. Lyons – I have a question for Mr. James.

Chair Peeples – Yes, sir. If you'll please give us just a moment. Thank you.

Ms. Simon – Can you hear me?

Chair Peeples – Yes, ma'am. Mr. Lyons had a question for Mr. James, while you stepped away. So, if we can have him complete his question, please.

Ms. Simon – Thank you, ma'am.

Mr. Lyons – Yes, just really quick. Is it your intent to have a preneed license, if you were to be approved?

Mr. James – If we were approved, we would definitely go for the option. Yes, sir.

Mr. Lyons – Thank you.

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

Mr. Lyons – Yes.

Chair Peeples – Thank you. Ms. Simon?

Ms. Simon – Thank you. All of those that agree with Mr. Jensen's motion, please respond by saying yes. Mr. Clark?

Mr. Clark – Yes.

Ms. Simon – Ms. Clay?

Ms. Clay – No.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Yes.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yes.

Ms. Simon – Mr. Jones?

Mr. Jones – No.

Ms. Simon – Ms. Liotta?

Ms. Liotta – No.

Ms. Simon – Mr. Lyons?

Mr. Lyons – No.

Ms. Simon – Mr. Williams?

Mr. Williams – No.

Ms. Simon – Madam Chair?

Chair Peeples – Yes.

Ms. Simon – Madam Chair, that motion fails.

Chair Peeples – Okay. I have four (4) Yeses that go with the motion: myself, Mr. Clark, Mr. Ferreira, and Mr. Jensen. I have five (5) Nos: Ms. Clay, Mr. Jones, Ms. Liotta, Mr. Lyons, and Mr. Williams. So, I have that the motion passes. We have we have five (5) Nos and four (4) Yeses.

Ms. Munson – You had a yes to agree with the denial and a no to disagree.

Chair Peeples – Correct. So, we have five (5) disagrees and four (4) agree.

Mr. Williams – Motion fails.

Ms. Munson – So, the motion fails.

Chair Peeples – Correct.

Ms. Munson – I thought you said passes. I'm sorry.

Chair Peeples – I'm sorry. It fails. So, the motion fails, so we need to come back.

Ms. Clay – Madam Chair?

Chair Peeples – Yes, Ms. Clay?

Ms. Clay – I would like to offer a motion for approval with conditions of proof of refrigeration, as well as, and I'm not sure how to state it, but I want to include that Mr. James will not be re-arrested for any reason, or something of that sort. Somebody will need to help me with that.

Mr. Lyons – We could put him on probation preemptively.

Chair Peeples – Ms. Munson, would you like to interject on Ms. Clay's comment?

Ms. Clay – Or I may not be able to even do that.

Ms. Munson – I don't know if you can guarantee someone will not violate a law. I mean, because if they violate a law, they're going to subject themselves again to the scruples.

Ms. Clay – Then I would like to offer the motion that the preneed license be afforded to them with the condition of proof of the conditions for refrigeration.

Chair Peeples – Ms. Clay, this item on the agenda is for a funeral establishment, so we're not discussing a preneed license application, because that would come after this.

Ms. Munson – We can modify the statement just instead of saying preneed say funeral establishment.

Ms. Clay – I apologize.

Chair Peeples – That's okay.

MOTION: Ms. Clay moved to approve the application subject to the condition that the applicant provides the Division with proof of refrigeration.

Chair Peeples – So before we get into any discussion, we have a motion by Ms. Clay. Board members, I can't do any raising of hands and having y'all come before until I have a second aspect to this motion.

Mr. Williams – I have question.

Chair Peeples – I need a second for us to go to a discussion, please.

Mr. Lyons – If we amend the motion?

Ms. Munson – They may want to clarify the motion.

Chair Peeples – The motion by Ms. Clay is for approval of the funeral establishment license requesting proof of refrigeration and we're not talking about anything with a preneed license because that's not a part of the funeral establishment application. So do we have a second?

Mr. Williams – Madam Chair, may I make a second with a friendly amendment to Ms. Clay's motion?

Chair Peeples – Okay.

Mr. Williams – I'd like to add a two-year probation to those conditions, if she accepts that.

Ms. Clay – That's fine.

Chair Peeples – So, Mr. Williams has made an amendment that Ms. Clay has accepted to the motion for approval of the funeral establishment license, proof of refrigeration agreement, and a two-year probation. Is that correct, Ms. Clay and Mr. Williams?

Ms. Clay – Yes.

Mr. Williams – Yes.

Chair Peeples – Okay. Now, let's go for discussion. Mr. Jones, I saw your hand and then I saw Mr. Lyons.

Mr. Jones – Thank you. Mine was to add two (2) years' probation. So, I'm good.

Chair Peeples – Thank you. Mr. Lyons?

Mr. Lyons – Yes. I was going to say something like that. I guess maybe what I would bring up for discussion is would we want to limit this? If the fear is, because the nature of the crime had to do with money, if the fear is money, I can see how that's a greater fear if they would have a preneed license because now, we're dealing with money, you know, holding money with the promise of doing something with it in the future. So, would the Board be more comfortable if they were not able to obtain a preneed license for the duration of the probation?

Ms. Munson – You could not do that with this license application. If they came before you again for a preneed, you may have that discussion, but you're not attached to this.

Chair Peeples – These are two (2) separate application requests.

Mr. Lyons – Right. Okay. Then I'm good.

Chair Peeples – Thank you. Mr. Jensen?

Mr. Jensen – Just to expound on the discussion a little bit. I realize there's a lot of ways, without a preneed license, that someone can take money. Just like the real world, in our business there's a couple of crimes that are worse than others. In our business, grand theft of the consumer's money falls probably at number two, right behind mistreating a deceased human being. I don't know, I mean, this is grand theft. This is not an instance where they had some weed at age eighteen (18). This is serious stuff. And just like the real world, in our business, this is one of the most trusted things that we are trusted with. People give us money all the time. And I mean, I can see Channel 9 News getting after this later. Oh, well, we let someone back out there who was convicted of grand theft and now this has happened. I'm not saying that will happen. I'm just saying this is a serious thing in our business. Maybe not in the real world, but in our business, this is in the top two. Thank you, Madam Chair.

Chair Peeples – You're welcome. Mr. Williams?

Mr. Williams – Mr. Jensen, is there anything in the motion that you would like to add that would maybe possibly help you with your concerns? I mean, I hear your concerns, and I don't disagree. I just want to know if there's anything in the motion that you'd possibly like to see added into there?

Mr. Jensen – Madam Chair, may I?

Chair Peeples – Yes, sir.

Mr. Jensen – Mr. Williams, thank you for the question, but, you know, we've given a lot of reprieves over the years to people who have had crimes in the past. And we all look at those on an individual type of basis. One that deals with taking the consumers money in the entrusted position that we're in. I mean, as a funeral director on this Board, the statute says we can't even get a license, much less have an establishment and be in charge of a business. If this gentleman was going to work at a funeral home, I might be inclined to say, okay, because he's not in charge, but he's in charge. And he showed when he was in charge of another business, he took money. I mean, it can't be any clearer for me. So, I don't really understand. If it was anything other than grand theft or body mutilation, I would certainly look at that. I do believe in second chances; however, you know, we have a responsibility to the public and that's really what I'm thinking about here. If you've ever sat with a family and they're bereaved, a lot of times they just hand you money and expect you to do the right thing with it. And we are bound by law to do that, and the law says that this gentleman should not be able to have an establishment license, and that's where I'm at. So, to answer your question, long story short, I don't know that anything added to it would help me. No, sir. Thank you.

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

Mr. Johnson – Yes. I've been in the business for over thirty (30), forty (40) years, and as being the funeral director, I'm the one that's going to be in charge of the money, you know, not Mr. James. You know, so you should give me credit for not having no criminal record about money as being the funeral director. The funeral director is the one that make the arrangements, and you know, and the money part.

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

Mr. Ferreira – So, if that's the case, sir, what is the gentleman doing sitting next to you?

Mr. Johnson – Because he's going to be part owner, but he doesn't make arrangements and he's not the one that's going to be holding the money. And as funeral director I'm the one that's going to be in charge of the money.

Mr. Ferreira – Well he's part owner so he's just as in charge as you are.

Mr. Johnson – Not as a funeral director.

Mr. Ferreira – For the money.

Mr. Johnson – That's not how it works in the funeral home. The funeral director is the one that's in charge of the money, not the owner. I'm the one that's going to be held liable for the money.

Mr. Ferreira – Are you, his employee?

Mr. Johnson – No, we are part owners. I'm not the employee. I'm a part owner of the business. And as funeral director, I'm the one that's going to be in control of the money.

Chair Peeples – And Mr. Johnson, I think where Mr. Ferreira is coming from is Mr. James is your partner, part owner of the firm. He may receive funds from a family. You don't have to be a funeral director to receive a check, money, cash, credit card. It could be anyone on your team that receives that. And you are correct, that the funeral director and funeral director in charge is the one who has the license, and the legality portion falls on them, which it will fall on you for this particular establishment. But Mr. James is part of this equation, in which his criminal history came as a part of the application process. That is why the questions have been asked and the comments have been made. Mr. Ferreira, does that complete your comments, sir?

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Thank you. Mr. Jensen?

Mr. Jensen – Yes, I thought of something when they were talking there. So back to what Mr. Williams asked me a few minutes ago, why doesn't Mr. James just take his name off and let Mr. Johnson apply for the license? I'd feel a lot more comfortable having a vetted funeral director in charge of the money. Because when that money gets taken by the funeral director, it goes to the bookkeeper. And the owner's got all access to the accounts and so forth. I mean, a lot of us own our own funeral homes, and I mean, a lot of times, I don't even ever see the money, but a lot of times, I do. I take it to the bank. So, you know, that's just not a good argument. If the gentleman's going to be in charge, he's in charge of what goes on. When we administer punishment, it's usually the FDIC and the establishment. Thank you, Madam Chair.

Chair Peeples – Yes, sir. Mr. Jensen. Mr. Lyons?

Mr. Lyons – Yes, I guess I'm just trying to understand what Mr. Jensen is suggesting. Are you suggesting that Mr. James step away from the business?

Mr. Jensen – May I, Madam Chair?

Chair Peeples – Yes, sir.

Mr. Jensen – Mr. Lyons, I'm not suggesting he step away from the business. I'm suggesting he become maybe an employee. I don't know that ownership and being in charge of the money is it. Mr. James is the one applying for the funeral establishment. He's representing himself as the one in charge. I do not feel with a grand theft charge that this particular individual should be in charge of a business that is entrusted with the care of other people's money. If someone else was in charge, I would probably feel better about it. That's pretty much what I'm saying.

Chair Peeples – Thank you, Mr. Jensen. We have a motion by Ms. Clay and a second by Mr. Williams. Ms. Schwantes?

Ms. Mary Schwantes – Thank you, Madam Chair. As the Board considers the motion and this issue with conditions, I would ask that an additional condition be added to the motion for the passing of an on-site inspection by Division staff. I heard something about probation, and I heard proof of refrigeration, but I did not hear that.

Chair Peeples – Thank you, Ms. Schwantes. Ms. Clay, will you amend your motion?

Ms. Clay – Yes, I will amend it.

Mr. Williams – Yes, I'll accept it. Also, Madam Chair, I want to know if this would be in order. I heard what Mr. Jensen stated to offer another friendly amendment to the original motion asking could a condition of approval, along with what Ms. Schwantes has stated, be that the sole ownership is Mr. Johnson in a matter of approval.

Chair Peeples – Ms. Munson, this is going to come under your item here.

Ms. Munson – The application is presented as it is. I believe Mr. James, with Mr. Johnson's permission, is requesting that this Board give him consideration to serve, to receive a funeral establishment license. So, by asking him not to have that opportunity is what you would be doing by asking him to remove his name. So, either you're going to vote for him to have that opportunity or deny him the opportunity. There is no "in between" to that. So, his partner is willing to move forward with them. If the Board feels that that's too high of a risk for the Board to be comfortable with in that partnership, then the Board, of course, has the authority to deny. But to ask him to remove his name is asking him to just withdraw his application, essentially.

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

Mr. Williams – Yes, ma'am.

Chair Peeples – So let's call a vote. We have a motion by Ms. Clay for approval of the funeral establishment license. They need to provide proof of refrigeration agreement. There would be a two-year probation, and they would need to pass an on-site inspection. Mr. Williams has seconded that motion, so I'd ask for a roll call vote by Ms. Simon. If you agree with the approval of the funeral establishment license request, you'll vote yes. If you do not approve, you'll vote no.

Ms. Simon – Thank you. Mr. Clark?

Mr. Clark – No.

Ms. Simon – Ms. Clay?

Ms. Clay – Yes.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – No.

Ms. Simon – Mr. Jensen?

Mr. Jensen – No.

Ms. Simon – Mr. Jones?

Mr. Jones – Yes.

Ms. Simon – Ms. Liotta?

Ms. Liotta – Yes.

Ms. Simon – Mr. Lyons?

Mr. Lyons – Yes.

Ms. Simon – Mr. Williams?

Mr. Williams – Yes.

Ms. Simon – Ms. Peeples?

Chair Peeples – No. So, we have five (5) Yeses and four (4) Noes, so the motion carries and passes. Thank you, gentlemen, for being a part of the meeting today.

Mr. James – Thank you, Madam Chair.

Mr. Johnson – Thank you, Board.

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

Chair Peeples – Yes, ma 'am.

Ms. Clay – Madam Chair?

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

Ms. Clay – I am having connection issues. I'm going to turn my camera off and reposition myself.

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

D. Disciplinary Proceeding(s)

(1) Settlement Stipulation (Probable Cause Panel B)

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

Ms. Simon – Is Mr. Eady or a representative of Mr. Eady on the call today? Hearing no response. Mr. Griffin?

Mr. Marshawn Griffin – Marshawn Griffin for the Department. 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 – Board members? Mr. Lyons?

Mr. Lyons – Morning, sir. How are you doing? Can you go through the basis behind the numbers?

Chair Peeples – Is that a question to Mr. Griffin?

Mr. Lyons – Yes. Question for Mr. Griffin.

Mr. Griffin – Each one (1) of these offenses had a penalty guideline of \$1000 - \$2500 fine. We're resolving three (3) cases. With three (3) cases, I think we kind of just decided it seemed based off the violations that \$2,000 was the appropriate amount, but for each one (1) of these cases they could have been resolved for a \$1,000 - \$2,500 fine.

Chair Peeples – Does that complete your question Mr. Lyons?

Mr. Lyons – Yes.

Chair Peeples – Board members, your preference?

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. Mr. Clark seconded the motion, which passed unanimously.

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) Colibri Healthcare (113)

(b) Continuing Vision LLC (52610)

(c) Education Workers Group (11208)

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

(e) International Order Of The Golden Rule (2201)

(f) National Funeral Directors Association (49609)

(g) WebCE (43)

(h) Wilbert Funeral Services (39408)

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

Chair Peeples – Board members?

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

G. Consumer Protection Trust Fund Claims

(1) Recommended for Approval without Conditions – Addendum C

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

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

Chair Peeples – Is there any discussion on the motion? Hearing none.

Mr. Lyons – I have a question.

Chair Peeples – Mr. Lyons?

Mr. Lyons – Thank you. Is there a connection between Jay Funeral Chapel and Jay Funeral Home? I guess it's a question for Ms. Simon. The claimant and the defaulting seller have very similar names in one (1) of items.

Ms. Simon – I do not believe there is a connection between the two (2). I believe there are two (2) distinct parties in ownership current ownership and past ownership.

Mr. Lyons – Okay.

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

Mr. Lyons – Yes.

Chair Peeples – We have a motion and a second any further discussion on the motion. Hearing none. All in favor of the motion say Yes.

Board members – Yes.

Chair Peeples – All oppose say No. Motion carries.

H. Application(s) for Embalmer Apprentice

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

- (a) Barkley, Tiffany C F789296*
- (b) Calhoun Jr., Kelvin D F787594*
- (c) Intriago, Simon B F783350*
- (d) Milhomme, Shatoya C F790180*
- (e) Noel, Nicholas A F788698*
- (f) Tazumi, Heather T F7878569*
- (g) Sablan, John P F087668*
- (h) Seitz, Aspen T F789709*

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

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

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

- (a) Funeral Director (Internship)*
 - 1. Bryant, Sonya Y*
 - 2. Duarte, Karyna*
- (b) Funeral Director and Embalmer (Endorsement)*
 - 1. Baran, Christine*
 - 2. Elder, Jack R*
 - 3. Music, Glyndon Lee*
- (c) Funeral Director and Embalmer (Internship and Exam)*
 - 1. Bliefernich, Jennifer*
 - 2. Pardee, Lisa*
 - 3. Phillip II, Bernard S*
 - 4. Prindle, Tyler S*
 - 5. Sosa, Dayana*

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.

Mr. Williams – Madam Chair?

Chair Peeples – Yes, Mr. Williams?

Mr. Williams – I have a question. I know it's an informational item, but what is this stating? Because I have a concern after reviewing this, in reference to a probable cause case, and I'm trying to be careful with that, if Ms. Munson can help me. I don't want to spell it out, but I just want to know what we are saying this item is for.

Chair Peeples – Mr. Williams are you asking for clarification on the informational item?

Mr. Williams – Yes ma'am.

Chair Peeples – Okay. Are you asking what the process is at the Board office?

Mr. Williams – If I see that it's someone that may be going through probable cause, how does this impact that? That is what I'm trying to figure out.

Chair Peeples – This will be a question that either Ms. Simon or Ms. Munson can address. Ms. Simon?

Ms. Simon – Yes. Mr. Williams, what this item is, is that the individuals listed are given permission to take the Laws and Rules examination. That's already been done. Once they take the Laws and Rules examination, and successfully pass it, they will be entitled to be given their licensure.

Mr. Williams – Okay.

Chair Peeples – I know it's a very broad answer, Mr. Williams, but it doesn't involve any other case or situation right now. This is just a license application that's come through the Board office and the team has done their due diligence and has seen that these individuals are ready now to be approved for the Florida Laws and Rules exam.

Mr. Williams – Okay, maybe I'll contact the Board office. I have some concerns that I want to raise based on something else.

Chair Peeples – Yes, that would be great if you would contact them after the meeting. Thank you. Ms. Simon?

Ms. Simon – Thank you, Madam Chair.

- (2) *Recommended for Approval with Conditions (Adverse Licensing History)*
- (a) *Funeral Director (Endorsement)*
- 1. *DeVoe, Mark M*

Ms. Simon – An application for a funeral director license by endorsement was received by the Division on July 17, 2024. The application was deemed complete once reviewed and processed. A Board notification was sent via email on August 13, 2024. In review of Mr. DeVoe's application he answered "Yes" to the adverse licensing history questions and submitted an adverse licensing action history form. Mr. DeVoe submitted a letter via email on August 14, 2024, citing the details of this adverse licensing history. Mr. DeVoe currently holds a New Jersey mortuary science, mortuary practitioner license which is valid as of June 1, 1983, and expires February 28, 2025, and Mr. DeVoe was registered and the former manager of DeVoe Funeral Home in New Jersey. Mr. DeVoe was the subject of a consumer complaint investigation which included allegations of not having a sibling sign a cremation authorization. In or about April 2023, the Applicant was assessed a \$500 civil penalty, which has been paid. The Division is recommending approval, but slightly different than the approval on your coversheet. We are recommending approval with a one (1) year probation, due to the adverse licensing history. However, we are recommending during that probation that the applicant not act as FDIC. Is Mr. DeVoe present today or a representative of Mr. DeVoe present? Hearing no response, Board members?

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

MOTION: Mr. Lyons moved to approve the application subject to the condition of a one (1) year probation, during which time the applicant may not act as FDIC. Ms. Liotta seconded the motion, which passed unanimously.

- J. *Application(s) for Internship*
- (1) *Informational Item (Licenses Issued without Conditions) – Addendum F*
- (a) *Funeral Director & Embalmer (Concurrent)*
- 1. *Awbrey, Angela C F533827*
- 2. *Cespedes, Eddy N F787980*

3. *Collins, Alexis F F649786*
 4. *Collins, Anna G F649785*
 5. *Henryk, Lee F787917*
 6. *Hodge, Cheryl A F786305*
 7. *Kenny, Amaris S F501639*
 8. *Shores, Carmen N F789245*
 9. *White, Shaunna A F387435*
 10. *Woods, Christie J F735383*
- (b) *Funeral Director*
1. *Arthur, Jimmy Lee F712169*
 2. *Manoulian, Maggie F789078*
 3. *McNeil, James C F787544*
 4. *Doe, jane*

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

- (2) *Petition for Waiver of Rule 69K-18.003 and Application for Concurrent Intern License*
- (a) *Recommended for Approval with Conditions*
1. *Turner, Jon*

Ms. Simon – Is Mr. Turner or a representative of Mr. Turner on the call today?

Mr. Jon Turner – Yes.

Ms. Simon – Thank you. An application for concurrent licensure and a petition for waiver of rule 69K-18.003, F.A.C., was received by the Division on July 29, 2024. The applicant previously held a funeral director and embalmer (concurrent) intern license which expired February 26, 2021, and rule 69K-18.003 (6), Florida Administrative Code, only permits one (1) internship in a lifetime. The applicant was outside of the timeframe to submit a request to renew internship. The applicant does not have any reportable criminal history. This matter was previously presented at the April 4, 2024, Board meeting (minutes included within the Board packet) and was withdrawn by the applicant for resubmission at a later date to include more supporting documentation. The applicant has not completed the one-year internship that previously expired and did not request to renew the internship timely. The applicant is petitioning the Board for waiver of rule 69K-18.003(6), Florida Administrative Code, to obtain licensure as a concurrent intern. Please note if denied this applicant cannot apply for a funeral director and embalmer license without meeting this requirement. The Division recommends approval based upon the Petition for Waiver. However, the internship must begin again as if anew with no credit for time spent on previous internship. As a result, the Board members need to take a motion on both the Petition for Waiver and this application. Therefore, the Division requests the Board make a motion on the Petition of Waiver first.

Chair Peeples – Board members?

MOTION: Mr. Clark moved to approve the Petition for Waiver. Ms. Clay seconded the motion, which passed unanimously.

Ms. Munson – Madam Chair?

Chair Peeples – Yes?

Ms. Munson – Just clarifying. So, we approved the petition and the application?

Chair Peeples – No ma 'am. We're doing the application now.

Ms. Munson – Okay thanks.

Chair Peeples – Yes ma 'am. Ms. Simon.

Ms. Simon – The next item is the application for a funeral director and embalmer concurrent internship. This is an application, and the internship would begin anew as if there were no credit for time spent on previous internship. That is the Division's recommendation.

Chair Peeples – Thank you, Ms. Simon. Mr. Turner, if you would like to address the Board, we need to swear you in, sir. Would you like to address us?

Mr. Turner – Yes, please.

Chair Peeples – Ms. Simon?

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

Mr. Turner – Yes.

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

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

Ms. Simon – Thank you, sir.

Chair Peeples – Thank you, Mr. Turner. If you'd like to address the Board, please.

Mr. Turner – Again, I just want to say thank you to the Board for allowing me to withdraw my application back in April. As I stated back in April that I was preparing to take the National Boards again, which I did. I think about a month or two (2) later I took the funeral director's National Board which I passed, and I submitted that as part passed application. I'm now working on get ready to take the embalmer's National Board and then hopefully everything will be all well. I do appreciate that the Board has given me an opportunity to fulfill a dream of mine that I have had for a long time. That's it.

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

Mr. Jensen – Madam Chair?

Chair Peeples – Yes, Mr. Jensen?

MOTION: Mr. Jensen moved to approve the application for internship, but it must begin again as if anew with no credit for time spent on previous internship. Mr. Clark seconded the motion, which passed unanimously.

Chair Peeples – Good luck, Mr. Turner.

Mr. Turner – Thank you all very much.

- K. Application(s) for Monument Establishment Sales Agent**
(1) Informational Item (Licenses Issued without Conditions) – Addendum G
(a) Ashley Chateauf

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

- (2) Recommended for Denial*
(a) Melissa Chateauf

Ms. Simon – Is Ms. Chateaufeuf or a representative of Ms. Chateaufeuf present?

Ms. Melissa Chateaufeuf – Yes, ma 'am, I'm here.

Ms. Simon – Thank you. An application for monument establishment sales agent licensure was received on June 18, 2024. The application was incomplete when submitted. A completed application was received on August 14, 2024. A background check of the applicant revealed relevant criminal history, to wit, on June 11, 2010, Ms. Chateaufeuf was sentenced to twenty-four (24) months of drug offender probation for the offense of possession of over twenty (20) grams of cannabis and one (1) year of probation for use or possession of drug paraphernalia. Both counts were concurrent, and adjudication was withheld at the time of sentencing. Ms. Chateaufeuf's probation terminated early on August 9, 2011. This Division recommends denial.

Chair Peeples – Thank you, Ms. Simon. Am I pronouncing it correctly, Ms. Chateaufeuf?

Ms. Chateaufeuf – It's Chateaufeuf. Yes, ma 'am.

Chair Peeples – Thank you, ma 'am. If you will allow Ms. Simon to swear you in, please, ma 'am.

Ms. Chateaufeuf – 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?

Ms. Chateaufeuf – Yes, ma'am.

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

Ms. Chateaufeuf – Melissa Chateaufeuf, C-H-A-T-E-A-U-N-E-U-F.

Chair Peeples – Thank you ma 'am. Would you like to address the Board?

Ms. Chateaufeuf – Yes ma 'am. I would just like to say I'm thirty-seven (37) now. I was nineteen (19) when that happened. It was foolish and stupid. Since then, I have not been in any other trouble, and I would just hate for something that happened when I was nineteen (19) to affect my career now that I'm in my thirties.

Chair Peeples – Thank you, ma 'am. Board members, do you have any questions for Ms. Chateaufeuf? If not, what is the preference of the Board? Mr. Lyons?

Mr. Lyons – All right, thanks. Okay, so just to be clear, you've been clean and sober since 2010?

Ms. Chateaufeuf – Yes, sir. I was nineteen (19) years old when that took place. I'll be thirty-seven (37) this coming up Friday.

Mr. Lyons – Yes, and we're talking about monument sales license here, right?

Ms. Chateaufeuf – Correct. Yes, sir.

Mr. Lyons – Right.

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

Chair Peeples – Good luck, ma 'am.

Ms. Chateaufeuf – Thank you so much Board. I appreciate all of you. Have a wonderful day.

Chair Peeples – Thank you.

L. Application(s) for Preneed Branch

- (1) *Recommended for Approval without Conditions – Addendum H*
 - (a) *RJ Gainous Funeral Home Inc (F019406) (Daytona)*

Ms. Simon – Pursuant to section 497.453, Florida Statutes, the entities referenced on Addendum H have applied for preneed branch licensure. The application was complete without reportable criminal or disciplinary history and accompanied by the required fee. It is recommended that the entity referenced on Addendum H be approved for the branch licensure applied for.

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

M. Application(s) for Registration as a Training Facility

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum I*
 - (a) *Compassionate Cremations and Memorials LLC (Tampa)*

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

N. Notification(s) of Change in Location

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum J*
 - (a) *Stonemor Florida Subsidiary LLC d/b/a Cardwell, Baggett and Summers Funeral Home & Crematory*

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

Chair Peeples – Ms. Simon, if we can go ahead and take a break here. It's 11:08. Let's come back at 11:20 and complete the agenda. Please, ma'am?

Ms. Simon – Thank you.

Chair Peeples – Thank you.

*****BREAK*****

Chair Peeples – Is Ms. LaTonya back with us?

Ms. Simon – We are still recording.

LaTonya Bryant – Yes, I am recording.

Chair Peeples – Okay, perfect. It is 11:22 on September 5th, so let's bring the meeting back to order, Ms. Simon.

Ms. Simon – Yes, ma'am.

O. Application(s) for Funeral Establishment

- (1) *Recommended for Approval with Conditions*
 - (a) *Aaron A. Cooper Mortuary LLC (Tamps)*

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

Mr. Aaron Cooper – Yes, Aaron Cooper is present.

Ms. Simon – Thank you, sir. An application for funeral establishment licensure was received on July 19, 2024. The application was incomplete when submitted. A completed application was received on July 26, 2024. The funeral director in charge will be Eric Drews (F042169). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff.

Mr. Cooper – Yes, I passed. I had an inspection on last month on the 28th, and it was passed.

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

Chair Peebles – Thank you. 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. Ferreira seconded the motion, which passed unanimously.

Chair Peebles – Good luck, sir.

Mr. Cooper – Thank you.

(b) Alex Louis Williams 2002 d/b/a DCW Affordable Family Funeral Services (Chiefland)

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

Ms. Daphina Williams – Yes, ma 'am. Daphina Williams. I'm present.

Ms. Simon – Thank you, Ms. Williams. An application for funeral establishment licensure was received on July 19, 2024. The application was incomplete when submitted. A completed application was received on July 26, 2024. The funeral director in charge will be Daphina Williams (F045303). 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. Williams, if you will allow Ms. Simon to swear you in. I have a question and there may be other questions for you. Please, ma 'am.

Ms. Simon – Please raise your right hand.

Ms. Williams – Yes, ma 'am.

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

Ms. Williams – Yes, ma 'am.

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

Ms. Williams – Daphina Williams, last name spelled W-I-L-L-I-A-M-S.

Ms. Simon – Thank you, ma 'am.

Chair Peebles – Thank you, ma 'am. Thank you for being present today. I have a question. On our application, which happens to be Page 6, because we have a cover page, which would be Page 5 for you, Ms. Williams. Under the (6), Funeral Director in Charge, under 6a, you checked “No”. Under 6b it says state the name of the person who will be the FDIC. It says Daphina Williams. Then under 6C it says is this person named above licensed as a combination funeral director and embalmer, and

"Yes" is checked. On 6d it gives your license number. On 6e it asks do you understand that you will need to update the Board office within twenty (20) days for change of FDIC? You marked "Yes". On 6f it asks if you understand that the funeral establishment must have a licensed funeral director reasonably available during normal business hours, and you checked "Yes." Can you tell me why on 6a you marked "No" or was that marked incorrectly?

Ms. Williams – It was marked incorrectly.

Chair Peeples – So, it should be a "Yes" instead of a "No"?

Ms. Williams – Yes, ma'am.

Chair Peeples – Thank you. Board members, do you have any questions for Ms. Williams? Ms. Williams, do you have any comments to the Board before we go further?

Ms. Williams – Yes, Madam Chair, I would like to speak.

Chair Peeples – Please.

Ms. Williams – I was expected on last Thursday, Ms. {inaudible} did come out, and she passed the facility, but I don't know if she submitted you all the information.

Chair Peeples – Thank you for that information and that will be kind of an item that the team at the Board office will be in touch with you about, depending on how the Board votes on this application request.

Ms. Williams – Yes, ma'am.

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

Mr. Jensen – Question, Madam Chair?

Chair Peeples – Yes, Mr. Jensen.

Mr. Jensen – Yes, I noticed that on 6a as well. I'm just curious, and maybe Ms. Munson can help me here. What is the procedure on this? Can we approve this and say a mistake was made or do we have to have an application resubmitted or what is the procedure on that?

Ms. Munson – I believe the applicant is indicating it's a Scrivener's error. As you've noted, it's an official application. I don't know what the Department would care to accept. You can actually make a motion with the condition that she correct the application in addition to the on-site inspection. I guess that would be the cleanest way to do it. She's indicated on the record that was a Scrivener's error.

Mr. Jensen – Okay.

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

Mr. Jensen – It does. Thank you.

Chair Peeples – Thank you, Ms. Munson. Board members, what's your pleasure?

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

Chair Peebles – Ms. Williams, you can be in touch with the Board office regarding the item that is a condition for licensure. Thank you, ma'am.

Ms. Williams – Okay. Thank you so much. Have a great day.

Chair Peebles – Thank you. Ms. Simon?

(c) Emmanuel Funeral Home of Central Florida (Orlando)

Ms. Simon – An application for funeral establishment licensure was received on March 27, 2024. The application was incomplete when submitted. A completed application was received on July 24, 2024. The funeral director in charge will be Daryl Schofield (F046547). 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 Emmanuel Funeral Home of Central Florida on the call today?

Ms. Myrtho Cherichel – Yes, ma'am. Myrtho Cherichel.

Ms. Simon – Thank you ma'am.

Chair Peebles – 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.

Chair Peebles – Good luck ma'am.

Ms. Cherichel – Thank you. Thank you, Board.

(d) Gratitude & Compassion d/b/a Coast to Coast Cremations (The Villages)

Ms. Simon – An application for funeral establishment licensure, based on change of ownership, was received on July 16, 2024. The application was complete when submitted. The funeral director in charge will be Allen Storms (F045730). 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 this applicant on the call today?

Ms. Wendy Wiener – Yes, Wendy Wiener. Thank you.

Ms. Simon – Thank you.

Chair Peebles – Good morning, Ms. Wiener.

Ms. Wiener – Good morning.

Chair Peebles – Would you like to address the Board or are you here for questions?

Ms. Wiener – Just for questions. Thank you.

Chair Peebles – Thank you. Board members? Mr. Clark?

Mr. Clark – I just need to state for the record that I have a prior affiliation with the proposed FDIC, but that affiliation will not prevent me from rendering a fair and impartial decision.

Chair Peeples – Thank you Mr. Clark. Ms. Wiener, I have a quick question. On Page 9 of our packet, under 10b, Change of Ownership, that area was not completed. Did it need to be completed, since this is a change of ownership request, or is this a new establishment request?

Ms. Wiener – This is a new establishment request, I believe. I stepped into someone else's office, so I do not have the Board packet in front of me, but I believe that is a new application. My paralegal Liz, who did submit the application, is on and may pop on an answer. Or text me and tell me the answer.

Ms. Simon – Madam Chair, it appears that this is a new application. And the mention of a change of ownership appears to be an error.

Chair Peeples – Thank you, Ms. Simon. I appreciate that. Ms. Weiner, that takes care of that question. Board members?

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

Mr. Ferreira – I have a question.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – So, what's the difference, Ms. Wiener, when it comes to change of ownership or new establishment? Is a new establishment something from the ground up? How is that defined?

Ms. Wiener – It can be one (1) of two (2) things. Either you buy someone's existing location, but you don't buy their business, so you shut down their business and start a new business yourself. Or it can literally be opening a new establishment, renting space, and starting from the ground up.

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

Mr. Ferreira – Yes, ma 'am.

Chair Peeples – Thank you. We have a motion, and a second. Is there any other discussion on the motion? Hearing none. All in favor of the motion say yes.

Board members – Yes.

Chair Peeples – All opposed, say no. Motion carries. Thank you, ma 'am.

Ms. Wiener – Thank you.

(e) Neptune Management Corp d/b/a Neptune Society (Lady Lake)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. An application for funeral establishment licensure was received on June 26, 2024. The application was incomplete when submitted. A completed application was received on August 7, 2024. The funeral director in charge will be Donald Knop II (F071965). A background check of the principals revealed no relevant criminal history. The applicant, when placing her address on the application, omitted a number. So, the correct business address is 510 County Road 466. The 466 is missing off of the original application. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff.

Chair Peeples – Board members?

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

Chair Peeples – Mr. Lyons?

Mr. Lyons – Ms. Simon, this is the same Neptune Society that's a part of SCI, the big company?

Ms. Simon – Yes, sir.

Chair Peeples – Mr. Lyons, that was an affirmative.

Mr. Lyons – Thank you. I appreciate that.

Chair Peeples – Perfect. We have a motion. We have a second. Is there any other discussion? Hearing none. All in favor of the motion say yes.

Board members – Yes.

Chair Peeples – All opposed say no.

Mr. Lyons – No.

Chair Peeples – Please let the record reflect that Mr. Lyons is negative or a no on the motion. Motion carries. Thank you. Ms. Simon?

P. Application(s) for Removal Service

(1) Recommended for Approval with Conditions

(a) Grace Removal and Transport LLC (Haines City)

Ms. Simon – An application for removal service licensure, based on change of location, was received on July 10, 2024. The application was incomplete when submitted. A completed application was received on August 10, 2024. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the removal service must pass an inspection conducted by a member of Division staff. Is there a representative of this entity on the call today? Hearing no response. Madam Chair?

Chair Peeples – 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. Mr. Lyons seconded the motion, which passed unanimously.

(b) Gregory's Funeral Transport LLC (Plantation)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. An application for removal service licensure, based on change of location, was received on June 5, 2024. The application was incomplete when submitted. A completed application was received on July 25, 2024. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the removal service must pass an inspection conducted by a member of Division staff.

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

(c) Wright Way Removal Service (Miami Gardens)

Ms. Simon – An application for removal service licensure was received on June 25, 2024. The application was incomplete when submitted. A completed application was received on August 6, 2024. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the removal service must pass an inspection

conducted by a member of Division staff. Is there a representative of this entity on the call today? Hearing no response. Madam Chair?

Chair Peeples – Thank you. Board members?

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

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

(1) Recommended for Approval without Conditions

(a) Preconstruction Performance Bond

1. SCI Funeral Services of Florida, LLC d/b/a Caballero Rivero Dade North (Miami)

Ms. Simon – Is there a representative of SCI Funeral Services on the call today?

Ms. Lisa Coney – Yes, ma'am. Lisa Coney.

Ms. Simon – Thank you. SCI Funeral Services of Florida, LLC d/b/a Caballero Rivero Dade North intends to build a new mausoleum consisting of 65 single spaces and 806 tandem spaces, pursuant to section 497.272, Florida Statutes. Typically, a preconstruction trust must be put in place if sales are going to occur prior to completion. However, section 497.272, Florida Statutes, provides that in lieu of the preconstruction trust fund, a cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator. This licensee has submitted for approval a performance bond. The mausoleum project, and the bond is summarized on the coversheet presented to the Board. The cemetery agrees to complete the construction in accordance with the terms of the construction agreement with Mausoleums USA, which is included in your Board package. The Division recommends approval of the preconstruction performance bond without conditions.

Chair Peeples – Board members?

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

Ms. Coney – Thank you, Board.

(2) Recommended for Approval with Conditions

(a) Preneed Sales Agreement(s)

1. American Memorial Life Insurance Company (Rapid City, SD)

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

Ms. Wiener – Yes, Wendy Wiener.

Ms. Simon – Thank you. American Memorial Life Insurance Company submits a revised preneed sales agreement for approval: Prearranged Funeral Contract. If approved, this agreement will be used for the sale of preneed by various preneed establishment locations. The Division recommends approval subject to the condition that two (2) full-sized print-ready copies of the preneed 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 revised preneed sales agreement are received by the Department within sixty (60) days of this Board meeting. Ms. Liotta seconded the motion, which passed unanimously.

Chair Peebles – Thank you Ms. Weiner.

Ms. Wiener – Thank you.

2. StoneMor Florida Subsidiary LLC (F038725 and F050433) (Altamonte Springs)

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

Ms. Danielle Mehallo – Yes, Danielle Mehallo.

Ms. Wiener – And Wendy Weiner.

Ms. Simon – StoneMor submits a revised preneed cemetery sales agreement for approval: Retail Installment Contract for Cemetery Interment Rights, Merchandise & Services. If approved, this agreement will be used for the sale of preneed by this entity and its preneed branch 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 the Final Order issued in this matter.

Chair Peebles – And Ms. Simon also for the record, this was an amended agenda item that we added to the agenda, just to make sure everybody was able to review the information. So, Board member, what’s your pleasure?

MOTION: Mr. Jones moved to approve the agreement subject to the condition that two (2) full-sized print-ready copies of the revised preneed sales agreement are received by the Department within sixty (60) days of the Final Order issued in this matter. Ms. Clay seconded the motion, which passed unanimously.

Chair Peebles – Thank you, ladies.

Ms. Wiener – Thank you.

(b) Request for Approval of Trust Agreement and Trust Transfer

1. Family-Owned Funeral Service Company Inc d/b/a Brewer & Sons Funeral, Cremation and Cemetery Services (F019425) (Brooksville)

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

Ms. Wiener – That will be me again, Wendy Wiener.

Ms. Simon – Family Owned seeks approval of the below proposed trust asset transfer as more specifically set forth in correspondence included in your Board packets.

Exhibit B) - Trust Agreements

Family-Owned requests approval of the following:

Attachment 1 hereto is a new preneed trust agreement, entitled, “Preneed Funeral and Cemetery Merchandise and Services Trust Agreement of Family-Owned Service Company Inc” (70/30 trust, dated 7/31/2024); and Attachment 2 hereto is a new alternative preneed funeral trust agreement, entitled, “Alternative Preneed Funeral and Cemetery Merchandise and Services Trust Agreement Family-Owned Service Company Inc” (90/10 trust, dated 7/31/2024) Attachment 3 hereto is a new cemetery care and maintenance trust agreement, entitled, “Cemetery Care and Maintenance Trust Agreement of Family-Owned Service Company Inc”.

Exhibit C) - Proposed Trust Transfers

Family Owned now seeks approval of the transfer of the funds of the following: the Treasured Memories Master Preneed Funeral Trust Agreement for Florida (70/30 trust, dated 5/31/18), and the Treasured Memories Master Preneed Alternative Funeral Trust Agreement for Florida (90/10 trust, dated 5/31/18) under WesBanco Bank Inc (Attachment 4), to the to the Preneed Funeral and Cemetery Merchandise and Services Trust Agreement of Family Owned Service Company Inc (70/30

trust, dated 7/31/24), and the Alternative Preneed Funeral and Cemetery Merchandise and Services Trust Agreement of Family Owned Service Company Inc (90/10 trust, dated 7/31/24), respectively, under Argent;

The First Amended and Restated Agreement and Declaration of Trust of Independent Funeral Directors of Florida Inc Master Trust Fund (70/30 trust, dated 2/1/19), the FSI Master Trust Agreement (70/30 trust, dated 2/6/78), the FSI 88 Trust Agreement (70/30 trust, dated 7/2/90), and the FSI 1993 Trust Agreement (70/30 trust, dated 11/4/16) to the Preneed Funeral and Cemetery Merchandise and Services Trust Agreement of Family Owned Service Company Inc (70/30 trust, dated 7/31/24); and the First Amended and Restated Agreement and Declaration of Trust of Independent Funeral Directors of Florida Inc Master Trust Fund A (90/10 trust, dated 2/1/19) and First Florida Trust Agreement (90/10 trust, dated 11/4/16), all under Argent (Attachment 5) to the Alternative Preneed Funeral and Cemetery Merchandise and Services Trust Agreement of Family Owned Service Company Inc (90/10 trust, dated 7/31/24) all under Argent; and

And lastly, the Agreement and Declaration of Trust of Independent Funeral Directors of Florida Care and Maintenance Trust Fund (dated 1/13/99) (Attachment 6), to the Cemetery Care and Maintenance Trust Agreement of Family-Owned Service Company Inc, (dated 7/31/24) under Argent.

Additionally, Argent will continue as trustee for those funds currently a part of IFDF and FSI Master trusts. If approved, Argent is or will be trustee, all as more specifically set out in correspondence included in your Board packets. The Division recommends approval of the trust agreements as well as the trust transfers subject to the conditions set forth below, the FCCS Division recommends:

Approval of the proposed trust transfers as identified above; and

- 1) That the representations of Family Owned, as set forth in Representative's correspondence dated August 6, 2024, be deemed material to the Board's decisions herein.
- 2) That within ninety (90) days of this Board Meeting Argent provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - ⦿ A letter signed and dated by one (1) of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b), to act as trustee of the trust to be transferred pursuant to Representative's correspondence, dated August 6, 2024.
 - ⦿ A letter signed and dated by one (1) of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified under Exhibit C, Attachments 4 -6, as referenced in in Representative's attached correspondence, dated August 6, 2024 (Exhibit A, hereto).
 - ⦿ Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified under Exhibit C, Attachments 4-6, as referenced in in Representative's attached correspondence, dated August 6, 2024 (Exhibit A, hereto).
 - ⦿ That a fully executed copy of the trust documents as identified under Exhibit B, Attachments 1-3 above be provided to the Division within (60) days of this Board meeting.
 - ⦿ That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional ninety (90) days.

Chair Peeples – A lot of information. Thank you, Ms. Simon. Board members?

Mr. Jensen – So now may be time for my question, Ms. Peeples?

Chair Peeples – Yes, sir.

Mr. Jensen – So, Ms. Simon, under part two (2) of your suggestion to approve with conditions, has everything been met there? I see some of the stuff in the attachments, but I just want to make sure the Department's good with all this, because there is a lot of information.

Ms. Simon – I'm not sure if everything has been received yet. However, we are requesting that within ninety (90) days, not of this Board meeting, but of the Final Order issued in this case, that all the items be provided to the Division. That would be a condition of these trust transfers being approved, as well as the trust agreements being approved.

Mr. Jensen – Okay. Thank you.

MOTION: Mr. Jensen moved to approve the requests subject to conditions recommended by the Division. Ms. Liotta seconded the motion.

Chair Peeples – Mr. Ferreira, I saw your hand.

Mr. Ferreira – Well, I was just going to ask, whether they are starting their own trust? Is that what they're doing, Ms. Wiener?

Ms. Wiener – So, Brewer and Sons, or Family-Owned Service Company, acquired new locations that was on your agenda at the last two (2) meetings. They've acquired those locations. This is the transfer of all of the trust monies associated with their existing locations. They have money with the IFDF Master Trust, and in some FSI Master Trusts, and the money associated with the properties that they purchased that are in the Treasured Memories Master Trust. All of that, they are bringing together for one series of master trusts that will be held at Argent and administered by FSI. Yes.

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

Mr. Ferreira – Yes ma 'am.

Chair Peeples – Thank you. Any other questions for Ms. Wiener? Hearing none. All in favor of the motion say yes.

Board members – Yes.

Chair Peeples – All opposed say no. Motion carries. Thank you, ma 'am.

Ms. Wiener – Thank you.

R. Related Items

(1) Recommended for Approval with Conditions

(a) Heath Monument Company (Vero Beach)

1. Application for Monument Establishment Builder

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

Ms. Wiener – Still me, Wendy Wiener. Yes.

Ms. Simon – Thank you. An application for monument establishment builder licensure was received on July 14, 2024. The application was incomplete when submitted. A completed application was received on July 31, 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 Peeples – Board members?

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

Chair Peeples – Thank you ma 'am.

Ms. Wiener – Thank you.

2. Monument Establishment Sales Agreement

Ms. Simon – 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 issued in this matter.

MOTION: Mr. Lyons 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 the Final Order issued in this matter. Mr. Jones seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Ms. Wiener.

Ms. Wiener – Thank you Board. I am going to leave now.

(b) Lighthouse Monument & Vault Company LLC (Wewahitchka)

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 July 11, 2024. The application was incomplete when submitted. A completed application was received on July 25, 2024. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the establishment must pass an inspection conducted by a member of Division staff.

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

2. Monument Establishment Sales Agreement

Ms. Simon – 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 issued in this matter.

MOTION: Mr. Lyons 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 the Final Order issued in this matter. Ms. Liotta seconded the motion, which passed unanimously.

(c) Luxury Funeral, Cremation, & Trade Services (Orlando)

1. Application for Cinerator Facility

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

Ms. Raymonde Fontil – Yes, Board, Raimondi Fontil.

Ms. Simon – Thank you, ma'am. An application for cinerator facility licensure was received on July 9, 2024. The application was incomplete when submitted. A completed application was received on August 1, 2024. The funeral director in charge will be Raymonde Fontil (F53748). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the facility must pass an inspection conducted by a member of Division staff.

Chair Peeples – Board members?

MOTION: Ms. Liotta moved to approve the application subject to the condition that the facility passes an inspection by a member of Division Staff. Mr. Clark seconded the motion, which passed with one (1) dissenting vote.

Mr. Jensen – Madam Chair, can I ask a question?

Chair Peeples – Yes, Mr. Jensen.

Mr. Jensen – Are we too late for that? I just saw something that came to my attention here.

Chair Peeples – Yes, sir. We've already voted and had an approval. Thank you, sir.

2. Application for Funeral Establishment

Ms. Simon – An application for funeral establishment licensure was received on July 9, 2024. The application was complete when submitted. The funeral director in charge will be Raymonde Fontil (F53748). 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 – Mr. Jensen, would you like to ask a question here, sir?

Mr. Jensen – Yes. I had a question on the last one. When it asks if they will cremate anything other than human remains, they put “yes”. So, I just want a little clarification to that.

Chair Peeples – Ms. Munson, since we've already had the previous application voted on and approved, we can't go back on the application even though the applicant is on the call. Is that correct?

Ms. Munson – Yes, you can. And if there's a question that comes up that needs answering and it will affect anyone's vote, then that vote can be rescinded.

Chair Peeples – Thank you, ma'am. Ms. Fontil, are you on the call?

Ms. Fontil – Yes, I am, ma'am.

Chair Peeples – If you will allow Ms. Simon to swear you in, please.

Ms. Simon – Please raise your right hand.

Ms. Fontil – I don't have my camera on. Is that all right?

Ms. Simon – Yes, ma'am. As long as you raise your right hand.

Ms. Fontil – Yes ma'am.

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

Ms. Fontil – Yes ma'am.

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

Ms. Fontil – Raymonde Fontil, F-O-N-T-I-L.

Ms. Simon – Thank you, ma'am.

Chair Peeples – I'm sorry, I mispronounced your name. Would you like to answer the question Mr. Jensen posed, ma'am?

Ms. Fontil – Yes, ma'am. Is animal, such as dog cremation different? I'm trying to understand what he means in regard to other than human. Having dog cremations, is there a separate application that must be done for that?

Chair Peeples – Human remains, and animal bodies cannot be cremated in the same retort chamber. They're two (2) different areas. Our Division does not oversee animal cremations. That's something with another Department, another Division. So that is the reason for the question, I think. Mr. Jensen, and I don't want to put words in your mouth, so please correct me, sir, but that is the reason for the question. You cannot cremate an animal in the same retort chamber as you cremate human remains,

whether it be a child, an infant or an adult.

Ms. Fontil – Yes. But I can have two (2) retorts, one (1) for animal, one (1) for human? That's a different application?

Chair Peeples – Ms. Munson?

Ms. Munson – I was just going to try to just assist. Ma'am that's a completely different issue. This information that you presented to this body is just regarding human remains. That's what this Board actually oversees. Any questions you may have about what you can do with non-human remains needs to be directed to the proper authority, of which this is not.

Ms. Fontil – Okay, I understand. So, no. There is only one (1), and only human remain would be cremated with this application.

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

Mr. Jensen – Yes, ma'am, it completes my question, but due to the discussion, I would maybe ask that she just send in an amended page to include with this application that has “no” one there.

Ms. Fontil – I can definitely do that. I guess I didn't understand question correctly.

Chair Peeples – Ms. Munson, because that was the previous R (c) 1., the first Luxury application that we have, would it be your suggestion that we go back, and we amend the motion?

Ms. Munson – If that is the pleasure of this body, you would need to amend it, because it was just approved outright previously.

Chair Peeples – Thank you. So, let's go back to in the agenda to R. (c) 1.

(c) Luxury Funeral, Cremation, & Trade Services (Orlando)
1. Application for Cinerator Facility

Chair Peeples – We had a motion by Ms. Liotta. We had a second by Mr. Clark. So, Ms. Liotta, would you like to amend your motion to include that the application needs to be corrected and submitted to the Division office?

Ms. Liotta – Yes, that's fine.

Chair Peeples – Mr. Clark, are you good with the second?

Mr. Clark – Yes.

Chair Peeples – Okay, Mr. Williams and then Ms. Clay. I see questions.

Mr. Williams – So I have a question. Mr. Jensen just brought up something. So, are we sure that the applicant knows that clearly? Because from the indication of the response, it may seem that they were under the impression that you can cremate human remains along with animal remains. So, is there any purview that we could add in terms of conditions to ensure that that doesn't happen? I'm understanding from them, they did not know that human remains, and animal remains could not be in the same retort. I'm just curious about that.

Chair Peeples – Ms. Munson?

Ms. Munson – I was just going to note that that's an educational issue. If this applicant were to violate the laws that governs this particular body, that's a discipline issue. We can't require them not to violate the law. We have to move forward, assuming everyone will actually follow the law. So, that's as far as we can go with it.

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

Mr. Williams – Yes, ma'am.

Chair Peeples – Ms. Clay, did you have a question, ma'am?

Ms. Clay – My question was similar to Mr. Williams. I was just going to say, I'm not certain that the applicant is sure she is not doing what she said she's doing on the application.

Chair Peeples – Ms. Fontil, are you following the comments that are being made by the Board members, and are you receiving the information that you cannot use the same retort chamber for human remains and for an animal body?

Ms. Fontil – Yes, ma'am. I am very well listening and comprehending and learning this knowledge right now. Yes, I am.

Chair Peeples – Thank you. Ms. Simon?

Ms. Simon – For further assurance, this is something that can be checked during the inspection of the facility.

Chair Peeples – Thank you for that, Ms. Simon. That's a great comment. Mr. Jensen?

Mr. Jensen – May I address the lady? I do have some information on this subject, if I may.

Chair Peeples – Yes, sir, please.

Mr. Jensen – Yes. I happen to also own a pet cremation business. The rules are they have to be kept separate. You can have a pet crematory on the same property, however, you must have a log in between any pet cremation devices or refrigeration devices. So, they cannot be stored together, and they cannot be cremated together. That's human and animals. Just to help the applicant out so that she might know the rules in the future.

Ms. Fontil – Thank you, sir.

Ms. Munson – And if I may, ma'am, please? I appreciate the information just shared by the Board member, but it's incumbent upon you to please familiarize yourselves with the laws and rules for any area of profession that you are interested in working. So should you do something, of course, you're not going to have the opportunity to say, well, we talked about it at the meeting and that portion of it wasn't discussed, it's really incumbent upon you to learn and be completely familiar with the laws and rules that govern whatever area that you are conducting business. It's on your own.

Ms. Fontil – Yes. Yes, ma'am.

Chair Peeples – Thank you, Ms. Munson. So, we have an amended motion on R. (c) 1. Motion by Ms. Liotta, second by Mr. Clark. Is there any further discussion or questions for the applicant before we take a vote?

Ms. Clay – Madam Chair, would you repeat the motion now?

Chair Peeples – Yes ma'am. Originally the motion was to approve the application request with the condition of an onsite inspection. We voted on that motion, then we went to the next agenda item. We've come back to this item, and Ms. Liotta has amended her motion to state that the applicant will submit an amended application to state where she had the item where it was marked that yes that there would be other items cremated with human remains, she's going to mark that application "no" and submit it into the Division, and Mr. Clark made a second.

Ms. Munson – Number 8 of the application.

Chair Peeples – Thank you, Ms. Munson.

Ms. Munson – You're welcome.

Ms. Clay – Thank you.

Chair Peebles – All in favor of the motion say yes.

Board members – Yes.

Chair Peebles – All opposed say no. Motion carries. So now, Ms. Simon, let's go to R (c) 2., please.

2. Application for Funeral Establishment

Ms. Simon – And I believe that I have already read that application into the record, and we are at the time for voting, if I'm correct.

Chair Peebles – Board members?

Mr. Jensen – Are we on number one or number two on that? It's both the same name.

Chair Peebles – It is R (c) 2., is where we are, which is the funeral establishment license request.

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

Chair Peebles – Good luck, ma 'am.

Ms. Fontil – Thank you, Board. Have a good day.

Chair Peebles – Thank you.

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

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

Ms. Mary Schwantes – Madam Chair, may I?

Chair Peebles – Yes ma 'am.

Ms. Schwantes – Thank you, ma 'am. So, I can almost say good morning. I have to say good afternoon now, but we're close. Just a few items on the Operational Report today.

First, I want to thank all of those who submitted legislative proposals by the August 30th deadline. I'll provide a summary of those proposals at a later date. I know that the Department's Legislative Affairs office has already begun planning for the next legislative session and I will share those proposals with that office as well. And again, for any who did not submit a proposal to us, there is of course still time to work with your industry associations on these matters. The Department's Legislative Affairs office will also be meeting with the associations on proposals in the next several months.

Just a reminder that we are still in the middle of this year's hurricane season. Hurricane preparedness tips for our licensees are posted on our website and we, as always, recommend that licensees review these and stay prepared and hopefully we won't need them.

We have two (2) new employees on our Licensing Team, Alex Washington and Grace Lockhart. I just want to welcome them to the team. Both of these employees will initially be working on tasks supporting the work of the remaining Licensing Team,

which includes handling consumer and licensee calls on our main phone line. So, we're delighted to have them and also delighted to see our licensing team reach full staffing.

Our next Board meeting will be a videoconference call on Thursday, October 10th. Details regarding all Board meetings are posted on our website, and that ends this portion of the Executive Director's Report. Thank you.

Chair Peeples – Ms. Simon?

Ms. Simon – Yes, ma'am.

(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: September 5, 2024
 Date report was prepared: August 20, 2024

Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
Tabatha Kaley	18-Jun-24	311906-23-FC	\$2,000			
Legacy Funeral Holdings of Florida LLC d/b/a Collison Carey Hand Funeral Home	18-Jun-24	311883-23-FC	\$2,000			
Leon White	18-Jun-24	315262-23-FC	\$500	2-Sep-24		
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	
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
Home Funeral Directors	1/4/2024	307465-23-FC	\$8,250	8-Mar-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
Ruben Rojas	13-Jul-23	292034-22-FC	\$6,000	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
8-26-24

(3) Annual Regulatory Plan (Action)

Ms. Simon – This matter was prepared by Ms. Munson. It would be appropriate at this time for a Board member to make a motion to approve this ARP.

Ms. Munson – It would, but it might be helpful to understand the information on it. I don't know if any Board members have questions about the report. First of all, we know what the Annual Regulatory Plan is. It's just any rulemaking that's anticipated for the next calendar year. The Executive Office requires that we do this every year, usually sometime in September. So, for this year, we have included information in Section 1 requiring the repeal of 69K-7.022, because in the previous legislative session, pursuant to language in 497.469, it appears that language was included that would require the repeal of the existing

7.022. So, that is why we are needing to repeal the particular rule is indicated, and that is why it is included in Section 1 of the Annual Regulatory Plan. You see that the rest of the areas are left blank, because it has not been determined what specific rules that we anticipate rulemaking for, for this upcoming year. The fact that there's nothing indicated there does not prohibit this body from entering into rulemaking. If rules were listed there, it did not require this body to actually complete those for rulemaking. This plan is exactly what it is by definition, a plan. So, I just wanted to explain what the document was in its entirety and why the information in Section 1 was included as it has been.

**Board of Funeral, Cemetery, and Consumer Services
2024-2025 Annual Regulatory Plan**

Section 1

Laws Enacted or Amended within the previous 12 months which create or modify the duties or authority of the Board.

Law	Mandatory rulemaking? Yes/No	Is rulemaking necessary? Yes/No	Notice of Development Published? Yes/No If Yes, Citation	Expected publication date for NPRM	If rulemaking is not necessary? Explain
Section 497.469, F.S. Rule 69K-7.022, F.A.C.	Yes	Yes	No	TBD	Legislation enacted in section 497.469, F.S., requires the repeal of rule 69K-7.022, F.A.C.

Section 2

Laws not listed above that the agency expects to implement by rulemaking by the following July 1.

Law	Is rulemaking intended to:	Simplify	Clarify	Increase efficiency	Improve coordination with other agencies	Reduce regulatory costs	Delete obsolete, unnecessary or redundant rules

Section 3:

**Updates to 2023-24 Annual Regulatory Plan.
(120.74(1)(c), Florida Statutes)**

There are no updates to the prior year's regulatory plan.

Section 4: Certification.

Pursuant to Section 120.74(1)(d), Florida Statutes, I hereby certify that I have reviewed this Annual Regulatory Plan and that the Board regularly reviews all of its rules to determine if the rules remain consistent with the Board's rulemaking authority and the laws being implemented, with the most recent comprehensive review having been completed July 1, 2024.

/s/ Jill Peoples

Jill Peoples, Chair
Board of Funeral, Cemetery, and Consumer Services

Date:
9/xx/24

/s/ Rachelle Munson

Rachelle Munson, Senior Assistant Attorney General
Office of Attorney General
Board Counsel, Board of Funeral, Cemetery, and Consumer Services

Date:
9/xx/24

Chair Peoples – Thank you, Ms. Munson. Board members?

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

Ms. Munson – Thank you. If I may, Madam Chair, I'll just note that what you see in this material is a draft. It will be presented to the Department in final form, dated today, showing electronic signatures for Chair Peeples and myself, as that is the date that this actual document has been approved and ratified by the body.

Chair Peeples – Thank you, ma'am.

Ms. Munson – Yes, thanks.

T. Chair's Report (Verbal)

Ms. Simon – Madam Chair?

Chair Peeples – Thank you, ma'am. I appreciate that. I always want to say atta boy, atta girl, thank y'all. Appreciate all your due diligence and your hard work. Everybody comes prepared. So, thank you for all that you do and for the supporting team there at the office, but I want to recognize two (2) individuals. Susan Harris, in the Division office, leads our Licensing Team, and she does an excellent job with coordinating the personnel and task involved in handling license types, which there's approximately 10,000 licensees. In addition, she's responsible for working with the Accounting and Budgeting office of Department, and helping with the financial needs, including the budget. So, she's a very big part of the office. Also, Miriam Del Valle, an Inspection Team manager. Last year the Division completed 1,600 inspections, as a result of her leadership and coordination efforts. So, these are some behind the scenes that I just want to call out and give them a thank you and we appreciate all that they do. Ms. Simon?

Ms. Simon – Thank you ma'am.

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

Ms. Simon – Ms. Munson?

Ms. Munson – Thank you Ms. Simon. I just wanted to also note that the Rules Report shows no rule making activity, however, based on the information that was presented in the Annual Regulatory Plan, and we can do this administratively at the next meeting. I guess it's in October. I would need to make sure that this body knows we will need to open up 7.022 for rulemaking. Even though we are needing to repeal it, we can't just eliminate a rule. We have to go through the rulemaking process to do so. So, I mean, you don't see the printed language in front of you in this particular material, so if you're more comfortable in seeing the language that's being repealed, we can include it in the next agenda, but that will need to be done. It will need to be voted on for the Board to actually repeal it. I'm going to have to still ask those three (3) questions, even though it seems nonsensical, it's just protocol. And I will have to submit a packet through the rulemaking process until the repeal is actually adopted and removed from the books. You may be comfortable if you can see the language, so we'll include 7.022 in the next packet of materials so that you can see it, vote to repeal it, since by statute it is required.

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

Chair Peeples – Thank you. Ms. Simon?

V. Public Comments (Verbal)

Ms. Simon – Are there any public comments to be voiced during this section of the meeting?

Mr. Lyons – Madam Chair?

Chair Peeples – Yes, Mr. Lyons?

Mr. Lyons – So I actually have a comment. A situation came up with a funeral director friend of mine, which is, and you know, we've had it at our cemetery, which is guidance on what to do about a disinterment. I realize that burial is final disposition in Florida, but what we end up with is you have a very sensitive issue of disinterring a body from one (1) cemetery and burying it in another, or in this case, I think the funeral director was trying to transport the body to a different country and the council was asking for paperwork. And it's like there's no paperwork, right? And there doesn't seem to be a whole lot of guidance to the disinterring cemetery or to receiving cemetery. I know whenever we've received a disinterred or disinterred body, we've been given the original death certificate or burial transit permit. And it just it seems that was such a sensitive topic that there should be something. Even if it's a matter of not even necessarily like a permit from the Department but maybe there's just a form on the website that you can fill out and submit it to the Department so it's like okay like at least we told somebody about it, or something of that effect. It's definitely the purview of this Department. Florida statutes require a licensed funeral director to be present at a disinterment, so it's not that while it's final disposition, so now it's not our issue. I think it is our issue. And just some type of guidance or something for the funeral directories and for the cemeteries.

Chair Peeples – Ms. Simon?

Ms. Simon – Yes. Mr. Lyons, if you would like to call me after the meeting, I'd be pleased to discuss this matter with you.

Mr. Lyons – Great.

Chair Peeples – Thank you. Does that complete your question, Mr. Lyons?

Mr. Lyons – Well, I'll have to let you know after the phone call.

Chair Peeples – Thank you. Ms. Simon?

Ms. Simon – Yes, I'm going back to one matter on the Executive Director's Report. The vote on the Annual Regulatory Plan had to let the Board members know that Mr. Jones is no longer on the meeting. He lost his connection. So, that vote did not include him.

Chair Peeples – Okay. I see that he's on the camera, but it says waiting for name. So, I think his connection is not good.

Ms. Simon – That is right. I just want to let the Board members know, and Madam Chair.

Chair Peeples – Thank you.

W. Administrative Report as August 26, 2024

The information was provided on the agenda.

X. Disciplinary Report

The information was provided on the agenda.

Y. Upcoming Meeting(s)

- (1) October 10th ([Videoconference](#))
- (2) November 7th ([Videoconference](#))
- (3) December 5th ([Videoconference](#))

Z. Adjournment

Chair Peebles – It is 12:19. Thank you for all your hard work and participation today. This meeting is adjourned. Have a great day.

Ms. Simon – Thank you, Board members.

The meeting was adjourned at 12:19.