

MINUTES
BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
OCTOBER 9, 2025 - 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 October 9, 2025. I'd like to call this meeting to order and turn it over to Ms. Simon.

Ms. Ellen Simon – Thank you, Madam Chair. Good morning. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is October 9, 2025, and it is approximately 10:00 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 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 W 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. 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
David Chapman {Delayed}
Sanjena Clay
Vincent "Todd" Ferreira
Christian "Chris" Jensen

Kenneth "Ken" Jones
Janis Liotta
William "Bill" Quinn
Darrin Williams

Also noted as present:

Rachelle Munson, Board Legal Advisor
Marshawn Griffin, Department Legal Counsel
Kimberly Marshall, Department Legal Counsel
Greg Caracci, Department Legal Counsel
Nicole Eldeb, Department Legal Counsel
LaTonya Bryant, Department Staff

Ms. Simon – Madam Chair, we have a quorum for the business of the Board.

Chair Peeples – Thank you, Ms. Simon.

B. Action on the Minutes

(1) September 4, 2025

Ms. Simon – It would be appropriate at this time for somebody on the Board to make a motion to adopt the minutes of this September 4, 2025, Board meeting.

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

Mr. Bill Quinn – Madam Chair?

Chair Peeples – Yes, Mr. Quinn?

Mr. Quinn – May I add something to the record?

Chair Peeples – Yes, sir.

Mr. Quinn – As a Board member affiliated with SCI, I want to assure this Board that my approach to decision-making will be guided by impartiality, fairness, and objectivity. After thoroughly reviewing the agenda, I will make my decisions based on facts and the information presented. Thank you.

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

Ms. Simon – Yes, ma'am. I did notice Mr. Chapman has joined the meeting. Is that correct, sir?

Mr. David Chapman – Yes.

C. Rules Committee Items

Ms. Simon – For these items, I will turn this meeting over to Ms. Schwantes, our Executive Director.

Chair Peeples – Thank you, ma'am.

Ms. Mary Schwantes – Thank you. Good morning. As you know, Senate Bill 108 resulted in several new reports and processes surrounding rule review requirements. The Board's Rules Committee has now met three (3) times to deal with these matters with additional meetings planned in the future. Over the next several months, the Board will be presented with the results of those Committee meetings for its review and hopefully approval.

Last month, you saw and approved the minutes of the Committee for its July 9th and 10th meeting. As a result of that approval, Board counsel was able to file the first of the required reports, which is the Annual Regulatory Plan, by the October 1st deadline. The Regulatory Plan listed the Chapter 69K rules, which are being reviewed this year, and also a 5-year plan for the review of all 69K Rules prior to July 1, 2030. The Committee has since been working on the information that we require for the January 1st Report. That report must provide the results from the review of the rules this year and also set out what the Board's plan is with regard to each of the rules reviewed, whether each rule review needs to be changed, left alone, or repealed.

(1) Action on the Minutes

(a) August 19, 2025

Ms. Schwantes – These are the minutes from the committee meeting which took place in Tallahassee on August 19th. The Committee has previously approved these minutes. Board action is needed on these minutes. Madam Chair?

Chair Peeples – Board Members?

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

Ms. Schwantes – Thank you.

(2) Report and Recommendations from Meeting on August 19, 2025

Ms. Schwantes – The first few pages set out the purpose of the meeting and the Committee's recommendations regarding the fifty (50) rules, which were revisited that day, details provided on the process, and results of the Committee's review of each rule. Board action is recommended as follows: The Committee determined that no substantive changes are needed to twenty-two (22) of the fifty (50) rules revisited at that meeting. Those rules are listed on Pages 3-4 of the report. Again, for the Shared Rules, the Committee's recommendations are not only the final review, the Department may still elect to initiate action as needed on issues within its responsibility, for example, issues relating to those processes. Assuming Board approval, the Committee's response on these rules as set out in the report will be incorporated into the reports that are due by January 1, 2026, from the Board, under new section 120.543(5), Florida Statutes. Board action is needed on the recommendation. Madam Chair?

Chair Peeples – Board members?

MOTION: Ms. Clay moved to approve the Committee's response on these rules. Mr. Ferreira seconded the motion, which passed unanimously.

Ms. Schwantes – And finally, Board action is required to approve the Report and Recommendations in its entirety.

MOTION: Mr. Ferreira moved to approve the report and recommendations in its entirety. Mr. Darrin Williams seconded the motion, which passed unanimously.

Ms. Schwantes – The remaining twenty-eight (28) of the fifty (50) rules discussed at the August 19th meeting were scheduled for additional consideration by the Committee. Sixteen (16) of those rules, the Shared Rules, were discussed at a meeting on September 30th. The report for that meeting will be presented at the November Board meeting. The remaining twelve (12) Board Rules for additional consideration are scheduled to be reviewed at an upcoming Committee meeting on October 20th. This will be a videoconference meeting, and details as always are posted on our internet under Recent News. Thank you, Board members. That ends the Rules Committee Issues, Madam Chair.

Chair Peeples – Thank you, Ms. Schwantes. Before we go to agenda item D, I'd like to congratulate Ms. Nicole Eldeb, who has been a qualified representative that has been participating in some of our meetings. She has passed the bar exam and is an attorney now, so I'd like to congratulate her. So, Ms. Eldeb, thank you, and I think she's going to be participating today. So just wanted to give her a shout out today. Ms. Simon?

Ms. Simon – Thank you, ma'am.

D. Old Business

(1) *Request to Renew Funeral Director and Embalmer License*
(a) *Recommended for Denial (Adverse Licensing History)*
1. *Garfield, Todd Preston F042410*

Ms. Simon – This matter was originally heard by the Board in August 2025. Mr. Garfield submitted a license renewal application and payment on June 6, 2025, and answered “yes” to the criminal history question. A deficiency letter was issued on June 10, 2025. On July 23, 2025, the Division received a criminal history form and court documents submitted by Mr. Garfield. On or around February 19, 2025, Mr. Garfield entered a plea of nolo contendere to *petit theft*, a first-degree misdemeanor. This *petit theft* occurred at Fountainhead Funeral Home in 2022. Adjudication of guilt was withheld. Mr. Garfield was sentenced to one (1) year probation, court cost, and restitution to Fountainhead Funeral Home for \$401.78 to be paid in full within thirty-seven (37) days which has been paid timely. Additional special conditions of Applicant's probation are as followed:

- No contact with the victim, Fountainhead Funeral Home
- Early termination for the defendant may apply after six (6) months if all conditions are met and there are no violations.
- Enroll in shoplifter/theft course within sixty (60) days
- Successfully completion of shoplifters/thief course to be completed in-person

Prior criminal history previously presented to the Board in relation to another matter includes a matter that occurred in March 2009. At that time, in Collier County, the licensee pled nolo contendere to one (1) count of Organized Fraud under \$20,000. The offense occurred while the licensee was employed by Fuller Funeral Home in Naples, Florida, and it involved using a business credit card for personal purchases over the course of a year. The personal purchases totaled just under just under \$7,000. Based upon these criminal charges, in 2015, a Consent Order was issued against the licensee. The Board requested that this matter be tabled as the applicant was still on criminal probation. Applicant indicated his criminal probation would be terminated in a matter of days, and waived the deemer provisions found in Chapter 120, F.S. Since the time that the Board agenda was disseminated, Mr. Garfield has submitted an order terminating his probation, that was dated October 8, 2025. That order was submitted to the Division office. The Division is recommending denial based upon the 2025 criminal plea to *petit theft*, as well as the pattern of conduct in relation to theft from funeral establishments. If I may, may I swear in Mr. Garfield at this point? I believe he's here.

Chair Peeples – Yes, ma'am.

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

Mr. Todd Garfield – I do.

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

Mr. Garfield – My name is Todd Garfield, G-A-R-F-I-E-L-D.

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

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

Mr. Garfield – I'm happy to address questions. I feel like where we left off was that seemed like there was a consensus that if I was off criminal probation by this time with a two-year division probation that my license could be renewed.

Chair Peeples – Board members, any questions or any items for Mr. Garfield? Hearing none. What is the Board member's pleasure? Mr. Jensen?

MOTION: Mr. Chris Jensen moved to deny the application based on the Department's recommendation. Mr. Ferreira seconded the motion, which passed with one (1) dissenting vote.

Chair Peeples – Thank you for participating, Mr. Garfield.

Mr. Garfield – Thank you.

E. Disciplinary Proceeding(s)

(1) *Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel B)*
(a) *Kotrady-Hudgins Funeral Services LLC d/b/a St. Johns Crematory: DFS Case No. 346962-25-FC; Division No. ATN-44854 (F050417)*

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

Mr. Randy Hudgins – Yes.

Ms. Simon – Thank you, sir. Presenting for the Department is Ms. Marshall.

Ms. Kimberly Marshall – Thank you, Ms. Simon. Good morning, Board members. This matter is presented to the Board for consideration of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Kotrady-Hudgins Funeral Services LLC, d/b/a St. Johns Crematory (Respondent). The Division alleges conducted an investigation of Respondent and alleges as follows: Respondent is a licensed cinerator facility, holding license number F050417. Respondent's license expired on December 1, 2024, due to non-renewal. Respondent did not renew the license until February 6, 2025. In the intervening time, Respondent cremated one (1) or more bodies. The disciplinary guideline for this violation is as follows:

- *Count I: attempting to or using a suspended, revoked, inactive, or delinquent license: If delinquent, \$250 per month.*

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

Mr. Williams – Madam Chair?

Chair Peeples – Yes, Mr. Williams?

Mr. Williams – I need to acknowledge I served on Probable Cause Panel B for this case, so I need to recuse myself.

Chair Peeples – Mr. Williams, is that for cases (a) and (b) of agenda item E(1)?

Mr. Williams – Yes, ma'am. E(1)(a) and (b). Thank you.

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

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

MOTION: Ms. Janis Liotta moved that Respondent was properly served with the Administrative Complaint and has timely submitted a request for an informal hearing. Ms. Clay seconded the motion, which passed unanimously.

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

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

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

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

Ms. Marshall – Now would be an appropriate time to hear from the Respondent's representative if he would like to speak.

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

Mr. Hudgins – Sure.

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

Mr. Hudgins – I do.

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

Mr. Hudgins – Yes, it's Randy Hudgins, H-U-D-G-I-N-S.

Ms. Simon – Thank you, sir.

Chair Peeples – Mr. Hudgins, would you like to address the Board and or answer any questions?

Mr. Hudgins – Yes, I do not dispute the allegations. There's obviously no disrespect to the statute, the Board or the Division. It was simply an oversight. I really missed the days when renewals came in an envelope, and we wrote a check and sent it back. We did that you know over twenty (20) years you know with no problem. I know I have to become a part of the modern world, and that's a bit of a struggle, but we have created a calendar with every license that our funeral home has and it's going to I believe help us to prevent this in the future.

Chair Peeples – Thank you, sir. Board members, any questions for Mr. Hudgins? Mr. Jensen?

Mr. Jensen – A question for Mr. Hudgins. Mr. Hudgins, are you okay with the \$250 a month that the Department is suggesting?

Mr. Hudgins – Yes, I don't have a problem with it.

Mr. Jensen – Madam Chair, I'll make a motion to accept the Department's recommendation at \$250 a month.

Chair Peeples – Ms. Marshall?

Ms. Marshall – I'm sorry, we are not quite to that phase yet. I have one more motion to make.

Chair Peeples – Thank you. Ms. Munson, I saw your hand up.

Ms. Rachelle Munson – Handled.

Chair Peeples – Got you. Thank you. Any other questions for Mr. Hudgins? Ms. Marshall?

Ms. Marshall – Thank you, Madam Chair. The Department offers into evidence the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish a *prima facie* case for the violations alleged in the Administrative Complaint. Now that the Board has adopted the findings of fact in this case, the Department asks the Chair to

entertain a motion finding that these facts constitute a violation of Florida Statutes, as set forth in the Administrative Complaint.

MOTION: Mr. Ferreira moved that Respondent is in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Marshall – Now as to penalty, the recommendation is \$250 per month. They were expired for the entirety of December and January and then renewed in early February. So, we would recommend \$500 penalty.

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

Chair Peeples – Mr. Hudgins, if you'll stay with us, since you're sworn in for the next case, please. Ms. Marshall?

Ms. Marshall – Thank you, Madam Chair. I think Ms. Simon needs to introduce the case.

Chair Peeples – Thank you. Ms. Simon?

(b) Kotrady-Hudgins Funeral Services LLC, d/b/a St. Johns Family Funeral Home and Crematory: DFS Case No. 346964-25-FC; Division No. ATN-44855 (F050418)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. Presenting for the Department is Ms. Marshall.

Ms. Marshall – Thank you, Ms. Simon. This matter is presented to the Board for consideration of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Kotrady-Hudgins Funeral Services LLC, d/b/a St. Johns Family Funeral Home and Crematory (Respondent). The Division alleges conducted an investigation of Respondent and alleges as follows: Respondent is a licensed funeral establishment and apprentice/intern training agency, holding license number F050418. Respondent's funeral establishment license expired on December 1, 2024, due to non-renewal. Respondent did not renew the license until February 6, 2025. In the intervening time, Respondent handled funeral arrangements for one (1) or more individuals. The disciplinary guideline for this violation is as follows:

- *Count I: attempting to or using a suspended, revoked, inactive, or delinquent license: If delinquent, \$250 per month.*

The Motion demonstrates Respondent has alleged that there are no material facts in dispute and for this matter to proceed as an informal hearing before the Board, and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty. At this time, it would be appropriate for the Chair to entertain a motion determining that the Respondent was properly served with the Administrative Complaint and has timely submitted a request for an informal hearing.

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

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

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

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

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

Ms. Marshall – Now would be an appropriate time to hear from the Respondent's representative if he'd to speak.

Chair Peeples – Mr. Hudgins?

Mr. Hudgins – I don't dispute these allegations. And again, it was an oversight.

Chair Peeples – Thank you, sir.

Mr. Hudgins – You're welcome.

Chair Peeples – Ms. Marshall?

Ms. Marshall – Thank you, Madam Chair. The Department offers into evidence the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish a *prima facie* case for the violations alleged in the Administrative Complaint. Now that the Board has adopted the findings of fact in this case, the Department asks the Chair to entertain a motion finding that these facts constitute a violation of Florida Statutes, as set forth in the Administrative Complaint.

MOTION: Mr. Ferreira moved that Respondent is in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Jones seconded the motion, which passed unanimously.

Ms. Marshall – And then as to penalty again, because they were expired for approximately two (2) months, we're recommending a penalty of \$500.

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

Chair Peeples – Thank you for participating, Mr. Hudgins.

Mr. Hudgins – Thank you.

(2) Settlement Stipulation(s) (Probable Cause Panel A)

(a) Foundation Partners of Florida LLC d/b/a Charlotte Memorial Cemetery: DFS Case No. 320338-23-FC; Division No. ATN-42307 (F364726)

Ms. Simon – Is there a representative of the licensee here?

Ms. Wendy Wiener – Yes, Wendy Wiener for Foundation Partners.

Ms. Simon – Good morning, Ms. Wiener. Presenting for the Department is Ms. Marshall.

Ms. Marshall – Thank you, Ms. Simon. Foundation Partners of Florida LLC, d/b/a Charlotte Memorial Cemetery ("Respondent") is a cemetery licensed under Chapter 497, Florida Statutes, license number F364726. The Department conducted an inspection of Respondent and found that Respondent failed to ensure that its grounds, structures, and other improvements are well cared for and maintained in a proper and dignified condition. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$500.00. Respondent's license shall be placed on probation for a period of one (1) year. Within sixty (60) days of the entry of a Consent Order in this matter, Respondent shall provide proof to the Department that the identified care and maintenance issues have been addressed. The Department requests that the Board accept this Settlement Stipulation in resolution of this matter and I'm available for questions. Thank you.

Chair Peeples – Mr. Jones?

Mr. Jones – Yes, I served on Probable Cause Panel A, so I'd like to be recused from E(2)(a) through (f).

Chair Peeples – Thank you, Mr. Jones. Ms. Wiener, would you like to address or for questions only?

Ms. Wiener – I'm just here for questions. Thank you.

Chair Peeples – Thank you, ma'am. Mr. Ferreira?

Mr. Ferreira – Ms. Marshall, as I was going through this part of the packet, I looked at the fine and I thought, you know, over years, this has been going on. How do we come up with \$500? Why not \$5,000?

Ms. Marshall – I would have to pull up the guidelines. They do not go that high for this violation and truthfully, in the Department's perspective, we would rather see them spend that money on, you know, care and improvement of their premises than assessing a large fine.

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

Mr. Ferreira – They're going to spend a couple \$100,000 based on the breakdown. I just feel like \$500 is way too low for this. This has been going on for years.

Chair Peeples – Ms. Wiener?

Ms. Wiener – Yes. Thank you. Mr. Ferreira, the ongoing nature of that particular mausoleum's troubles had not been ignored by the licensee. They had been working to get contractors and take action. We described that a little bit in our response. And at this point in time, all of the matters that need to be addressed have been addressed except for the installation of certain pieces of hardware in Garden Mausoleum Section One. The reason for that is because the company that sold that particular hardware is a Matthews company that was then acquired. And so, they kept sending the wrong pieces to the cemetery. They finally have the right pieces and are undertaking that. So, we feel that in this circumstance, where this was restricted to a particular mausoleum that the fine is appropriate and that's what's been agreed to.

Mr. Ferreira – Thank you.

Chair Peeples – Thank you, Ms. Wiener. Any other comments by the Board members? Mr. Jensen?

Mr. Jensen – Just out of curiosity, what is the range of fine here? You said you didn't have it up, but can someone at the Department tell me what the range is?

Chair Peeples – Ms. Marshall?

Ms. Marshall – Sorry, one moment. I am pulling it up.

Chair Peeples – Thank you, Ms. Marshall.

Ms. Marshall – So, because there's not a specific guideline for the care and maintenance issues, it's going to be a general guideline under 497.152(1)(a), because I believe is their first violation. So, the guidelines call for a reprimand, a fine of \$250 to \$2,500 plus costs. It can also include probation six (6) months to one (1) year, suspension up to two (2) years, permanent revocation and or restitution. But again, that's a very broad guideline that covers from some of the most benign violations to some of the most very serious. So that needs to be taken into account when considering how to charge this.

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

Mr. Jensen – I would like one (1) more comment if I might.

Chair Peeples – Sure.

Mr. Jensen – The thing that bothers me about this is it was made by a family, and these families are promised when they buy these things that it will be up kept forever. And I tend to side with Mr. Ferreira that \$500 seems a little low for as long as this has been going on. I just don't quite understand that. That's my comment, Madam Chair.

Chair Peeples – Thank you, Mr. Jensen. Ms. Marshall, I have a question. When we have an agreement of a Settlement Stipulation between a Respondent and your office, if there is a counter stipulation, then we have to go back, unless counsel agrees to it today. We'd have to go back, present it, and then it would have to come back before the Board. Is that correct?

Ms. Marshall – Yes, that's correct. So, if the Board wants to reject the offer that we've currently worked out, you can, you're free to do so. You can make a counteroffer if you'd like. They can accept it on the record, or otherwise we'd be back to negotiating.

Chair Peeples – So possibly it could go back and then it would have to for discussion and then it would have to come back to us for another agenda item at another meeting?

Ms. Marshall – Correct.

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

Ms. Clay – Madam Chair, just for clarification.

Chair Peeples – Yes, ma'am.

Ms. Clay – It can be resolved here if both parties agree to the alternate agreement. Is that true or am I misunderstanding?

Chair Peeples – Ms. Marshall, would you like to address Ms. Clay's comment?

Ms. Marshall – That is correct. If the Board would like to reject this offer and make a counteroffer, and if both parties are agreeable to it on the record today, then certainly it could be resolved today.

Mr. Williams – Madam Chair?

Chair Peeples – Yes.

Ms. Munson – Chair Peeples?

Chair Peeples – Who is that?

Mr. Williams – Go ahead, Ms. Munson.

Ms. Munson – I was just going to note that Ms. Wiener would just need to identify that she has the authority to speak on behalf of her client with regard to whatever counter is being offered or could be offered.

Ms. Wiener – I don't at this moment have any authority to accept a counteroffer, so if you wish to reject this stipulation, then this will go back and come back before you another day.

Ms. Munson – However, it's not going to be tabled. An Order will be issued that this settlement was rejected.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – I just want to make a comment. A few moments ago, Ms. Marshall laid out the different aspects of the fine. I think it's important to realize that this was brought to us by a customer and that customer is important. This customer cares.

Okay. So, I don't want us, in the future to shrug these types of cases off because we have it in our Board packet. It's obvious what has been going on. And when you have a hurting family that feels like they do in this letter, I think we ought to take a little bit more pride in looking at this. So, I'm just saying for the future, I think it's important. We do not need to discount how vital and how important this scenario is. That's all my comment.

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

Mr. Williams – Yes, ma'am. Thank you, Madam Chair. Just a question to Mr. Ferreira. Do you have a recommendation that maybe we can have counsel go back so they can negotiate so it will at least get them to a starting point?

Mr. Ferreira – Well, the first thing I think is what's this going to cost to start this process over again. So, I'm not sure that we need to do that. I think I would like to do that, but we've got hours into this already, so we're going to have more and more time. That's where I'm at, Mr. Williams.

Mr. Williams – Okay, just curious. Thank you.

Chair Peeples – Thank you. Ms. Wiener, I see your hands up and I have a question for you, ma'am. You had mentioned that a lot of the issues have been corrected. Is that correct?

Ms. Wiener – That is correct.

Chair Peeples – Thank you. And you wanted to make a comment?

Ms. Wiener – Yes, I do. All of the issues have been corrected. So, the time period in which these mausoleums were in disrepair is also I think extremely relevant. The complaint from the family is from November of 2022. I know that this industry remembers what it was like during the height of the pandemic, but it was very hard to get repairmen, especially in South Florida. It was very hard to get items ordered. It was very hard to get things done. I think most of you on this Board know Rick Tuss, who ran Charlotte Memorial for years and years and years and is still involved Charlotte Memorial. This is not a cemetery that is regularly in disrepair. It has a stellar record of being a beautiful cemetery in its community. And I would hope that that was part of what the Division was taking into consideration when, as Ms. Marshall mentioned, this is a first violation. This was right after, really still during the height of the pandemic. And so, I would hope that you would take that into consideration. By the time that this complaint was even brought, most of the issues were resolved or on their way to being resolved. And as I said, they've been done, it's been done. And we've been waiting for this stipulation to get approved so that we can, in compliance with the stipulation, provide the proof of all of the things that have been done. And so, I actually have the photographs of all of the repairs on my computer screen as we speak and if the Board approves this stipulation, then we'll move this forward and immediately we will submit those. Well, when the order comes then we will submit back our responses to the State and that can be that. But we're talking about Charlotte Memorial. We're not talking about a troublesome licensee. And we're talking about problems that were occurring during the pandemic and shortly thereafter, but they have been resolved.

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

Mr. Ferreira – I guess, Ms. Wiener, what kind of bothers me about this is a year later, this gentleman went back and nothing had been changed. Remember, he went back in '23, and I think that's the biggest concern to me. Once you've been given notice and then a year later you go back and it's still the same, that was my rub. So that's just a comment.

Chair Peeples – Board members, what is your pleasure? Mr. Jensen?

Mr. Jensen – Question for Ms. Wiener. Just knowing her diligence on most of these cases, why don't we have the photos of everything being repaired? Because if we're supposed to make a decision on our Board packet fully and not something that might be out there, I mean, the photos are pretty damaging that we have.

Ms. Wiener – So we responded to this complaint in 2023. The repairs were not completed at that point in time. These matters take a very, very long time to get from an issue all the way to the Division and then all the way to you. The stipulation actually

requires that within ninety (90) days of the stipulation that the repairs have to be completed. So pursuant to the actual agreement, the repairs didn't even have to be completed until the stipulation was approved. Of course, the repairs are all completed, and they have been completed for some time, but it's the nature of the wording in the stipulation which comes to us as we find it.

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

Mr. Jensen – Yes, ma'am.

Chair Peeples – Thank you. Ms. Clay?

Ms. Clay – I understand Ms. Munson's comments regarding if we reject this and they have to come back. And then the comment. I just want some clarification. Can we table this until next month, awaiting those photographs so that we have some proof that things are moving forward, or would we have to reject it in order to get a new packet with those pictures being included?

Ms. Munson – If I may? This is a case that was brought to you by the Department. If the Department chooses to pull this matter, the Department has the authority to pull the matter. If the Department presents the matter before you, then it needs to be voted on. It will be rejected, accepted, countered, or however you want to look at it. Tabling it is not necessarily an option unless it's made by the Department, which is equivalent to them pulling the matter - not for your consideration today.

Ms. Clay – Thank you.

Chair Peeples – Ms. Clay, would you like to make that question to Ms. Marshall and see if Ms. Marshall has a comment?

Ms. Clay – Yes, please. Ms. Marshall?

Ms. Marshall – Yes, I would actually defer to Ms. Simon on that.

Chair Peeples – Ms. Simon?

Ms. Simon – I apologize for stuttering before the Board. I'm thinking of a couple of things right now. The Department considered this a lot in discussions with Ms. Wiener and made a determination as to what would be the proper settlement with awareness of what was being done at the cemetery, and that is why we have come forward to you with a settlement agreement today. I am loath to have the case pulled only to bring it back forward before the Board. At this point, I believe the Board can either reject the stipulation and we can move forward and perhaps have it back at another meeting or the Board could choose to {inaudible}.

Ms. Clay – Madam Chair?

Chair Peeples – Ms. Clay?

Ms. Clay – May I?

Chair Peeples – Yes, ma'am.

Ms. Clay – So I understand that the people in the industry are concerned, and that the concern is not only because of the information presented by staff, but the concern is the cost that will be incurred by rejecting this and bringing it back. And so, I guess my concern as a consumer is that we resolve this amicably and not cause any more hardship on the firm. So that's my comment. I'm just hesitant to say based on what I've heard from those individuals who are in the industry that we don't have all the information, so there lies my concern. I'll wait to hear from those who are in the industry, on how they feel now that we've received information and a feeling of not receiving all of the information.

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

MOTION: Mr. Ferreira moved to accept the stipulation which provides that Respondent shall pay a fine of \$500, the Respondent's license shall be placed on probation for a period of one (1) year and provide proof to the Department that the identified care and maintenance issues have been addressed within sixty (60) days of the entry of a Consent Order in this matter. Mr. Chapman seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

(b) *Sheffield, Alexis Marie: DFS Case No. 320267-23-FC; Division No. ATN-42302 (F521122)*

Ms. Simon – Is Ms. Sheffield, our representative, on the call? Hearing no response. Ms. Marshall?

Ms. Marshall – Thank you, Ms. Simon. Alexis Marie Sheffield ("Respondent") is a preneed sales agent, licensed under Chapter 497, Florida Statutes, license number F521122. The Department conducted an inspection of Respondent and found as follows: Respondent entered a plea of guilty to Criminal Use of Personal Identification, which is a crime related to Respondent's practice as a preneed sales agent. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent's license shall be revoked. The Department requests that the Board accept the Settlement Stipulation and resolution of this matter and I'm available for questions.

Chair Peeples – Board members?

MOTION: Mr. Williams moved to accept the stipulation which provides that Respondent's license shall be revoked. Ms. Liotta seconded the motion, which passed unanimously.

(c) *Vierling, Ralph: DFS Case No. 334803-24-FC; Division No. ATN-43675 (F020574)*

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

Mr. Luke Grabowski – Good morning, Madam Chair. Luke Grabowski on behalf of Ralph Vierling.

Chair Peeples – Thank you, sir.

Ms. Simon – Thank you, Mr. Grabowski. Presenting for the Department is Mr. Caracci.

Mr. Greg Caracci – Thank you. Ralph Vierling ("Respondent") is a funeral director, licensed under Chapter 497, Florida Statutes, license number F020574. Respondent was the funeral director in charge of Phillip & Sons the Funeral Directors, Inc. ("PSFD"), a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F749929. The Department conducted an investigation of Respondent and found that PSFD aided and abetted unlicensed activity. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$1,500 fine and be subject to one (1) year of probation. The Department requests that the Board accept this Settlement Stipulation and I'm available for any questions.

Chair Peeples – Thank you, Mr. Caracci. Mr. Grabowski, would you like to address the Board or here for questions only?

Mr. Grabowski – I'm just here for questions, Madam Chair.

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

Mr. Jensen – Yes, question here for Mr. Caracci. What are the penalty guidelines here? I notice you have a thing here, but it's just a little, I mean, we all know this is going on all over the place, and I think we need to set an example, so I'm curious as to

what the guidelines are here.

Mr. Caracci – I'll have to pull that up. Give me one second and I'll have that for you. The guidelines go up to \$2,500. Any departure downward I think would be due to Mr. Vierling not having any prior discipline. This being a single incident.

Chair Peeples – Mr. Jensen?

MOTION: Mr. Jensen moved that Respondent shall pay a fine of \$2,500 fine and be subject to one (1) year of probation.

Chair Peeples – Ms. Munson, would we need to have a rejection of the Settlement Stipulation than a motion for a counter stipulation?

Ms. Munson – You would need that, and you would also need to have an understanding from Attorney Grabowski whether he can speak on behalf of his client with regard to any change in terms that this stipulation as presented.

Mr. Grabowski – Madam Chair, if I may?

Chair Peeples – Yes, sir.

Mr. Grabowski – I do not have authority to agree to that today, and I would also like to add while we are not disputing facts, I can tell the Board in fact the few facts in this case unfortunately the only other individual that could corroborate my client's story passed away before the investigation could be completed and this complaint was filed. So, that's really why we've even accepted the Settlement Stipulation as it was drafted was simply because we couldn't rely on the person we needed to challenge the facts. And again, he has no prior disciplinary history, so we do believe this was sufficient.

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

Mr. Williams – Yes, thank you so much, Madam Chair. Two (2) questions. The first question is counsel is there any suspension, or anything attached to the \$2,500 or is it just \$2,500 only?

Mr. Caracci – There was no suspension. There was a term of probation.

Mr. Williams – I guess where I'm going with this is to agree with Mr. Jensen. We have to set an example, because this is happening for various licensees that have not had issues or any troubles with the Division. However, we keep giving a pass to those licensees when they have unlicensed activity under their umbrella per se. And so, I was just wondering, is there any kind of suspension because if we just keep passing the buck, we will never address the issue with unlicensed persons performing licensed director's duties and responsibilities.

Chair Peeples – Mr. Caracci?

Mr. Caracci – I believe that would go for a second offense. We'd attach a suspension, but not a first offense for a person that's no prior disciplinary history.

Mr. Williams – So, if they have not had another incident, we have to go with the guidelines of the first incident?

Mr. Caracci – I believe that's the appropriate course of action. And I think another mitigating factor could be like the time in which the licensee has held the license and had no disciplinary history.

Mr. Williams – One of the last, I'm sorry. Where I was going is I wanted to go further if Mr. Jensen would accept a friendly amendment. I wanted to go further with that recommendation on the counter. I do know counsel doesn't have the authority to make that decision, but that's where I'm going with this process.

Chair Peeples – Mr. Williams, is that a question for Mr. Caracci or a final statement?

Mr. Williams – Yes, ma'am. I'm sorry, Madam Chair. Yes, ma'am. I just want to know if our options are greater, or we just have to stick with what's prescribed for the first offense.

Chair Peeples – Mr. Caracci?

Mr. Caracci – I maintain what I said before.

Chair Peeples – Thank you. Ms. Simon?

Ms. Simon – Yes, thank you, Madam Chair. In this situation, what I anticipate happening, and I'm not telling you what to do or not to do, I'm just giving you a picture of what will happen next. If the Board chooses to reject the stipulation and you indicate on the record that what you're looking at is a suspension. I expect that what will happen is Mr. Grabowski said he would be unable to accept that today. So, the stipulation would be rejected today, it would go back to the Department, and it would most likely go to the Division of Administrative Hearings. That's a possibility. What Mr. Williams says is correct. However, that you could look for suspension in this matter. I believe it is even in the disciplinary guidelines for the first offense, it goes up there. We don't typically do that, but it does. One last thing I wanted to present to the Board members. In this situation, it's a little different only in that the unlicensed person is not necessarily needed, will no longer be a witness to any proceeding that could occur, because the unlicensed person has passed. I understand the Board members that this is a very serious offense, as are many, and the Division is very serious about the offense that occurred. I would just like to give you those parameters as a Board, so you know what to expect next with whatever occurs, whatever the Board chooses to do today.

Chair Peeples – Thank you, Ms. Simon. Mr. Ferreira, you had your hand up, then Mr. Jensen.

Mr. Ferreira – Thank you, Ms. Simon, for those comments. I want to make a motion to accept the stipulation.

Mr. David Chapman – Second.

Chair Peeples – We have a motion and a second. Mr. Jensen, discussion?

Mr. Jensen – I had already made a motion, Madam Chair, before that for \$2,500 and the one-year probation.

Chair Peeples – Yes, sir. And we did not receive a second on your motion, sir, so it failed.

Mr. Jensen – Oh, it did? Well, okay. I don't remember voting on that.

Chair Peeples – We didn't vote, sir. We just didn't have a second on your motion. No one seconded it. Is that correct process, Ms. Munson?

Ms. Munson – That is the correct process. I don't know if we asked if there was a second.

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

Mr. Williams – I was going to second Mr. Jensen's motion if he accept my friendly amendment of a suspension versus a probation.

Chair Peeples – Well, that was prior, and we didn't have a second.

Mr. Jensen – {Inaudible}.

Chair Peeples – So, Mr. Jensen, one second, sir. That was prior, we didn't have a second, and then we had the discussion, and then Mr. Ferreira has made a motion, and Mr. Chapman has seconded it. So, Ms. Munson, would you like to give us direction, ma'am?

Ms. Munson – I believe if there's a question as to whether or not Mr. Jensen made a motion that was properly seconded, we go back to that, just have it properly determined whether or not it was seconded with a question and then move forward based on that response.

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

Ms. Simon – Yes, I just would like to add that in this situation with what Mr. Jensen's motion is, what I think practically speaking, what would happen is he is motioning to reject the stipulation and change the terms of anything that would come back. There would be no way to simply make a motion for a \$2,500 fine and/or suspension and have that accepted today by the Board unless Mr. Grabowski could accept on behalf of his client, and he has already said he cannot.

Ms. Munson – Yes, this is a discussion about a settlement. It's not an informal or a waiver or anything like that. So that motion that Mr. Jensen is suggesting would require that you first reject the settlement agreement as presented and he is also presenting a friendly counter for consideration.

Chair Peeples – So we have a motion and a second. So, Mr. Ferreira and Mr. Chapman, because Mr. Jensen stated he made a previous motion, do you rescind your motion and your second?

Mr. Jensen – Madam Chair, may I?

Chair Peeples – As soon as Mr. Ferreira updates me really quick, Mr. Jensen.

Mr. Ferreira – So, we need to rescind our motion and deal with his first, is that what we're saying?

Chair Peeples – Yes, sir. Because Mr. Jensen stated he made a motion, then I need to see if there's a second on his.

Mr. Ferreira – Okay. I'll do so.

Ms. Munson – And to clarify his motion is to reject the settlement.

Chair Peeples – Mr. Chapman, do you rescind your second?

Mr. Chapman – Sure. Yes, Madam Chair, I will.

Chair Peeples – Okay, so now let's go back to Mr. Jensen. Mr. Jensen, what would you like? We will have to have two (2) motions. We'll have to first reject the Settlement Stipulation. Then we'll have to come back with a counteroffer as a second motion. So, what is your first motion, sir?

Mr. Jensen – I'd like to comment first and respond to what Mr. Williams said just for the record.

Chair Peeples – Sure.

Mr. Jensen – So Mr. Williams, the reason I didn't seek suspension, I do not want to stop the firm from operating in business. But if you notice, this complaint from this individual that went in, clearly stated they never saw this other person that was supposedly licensed or anything. I mean, when people go into a funeral home, they expect the Department and the State to make sure that they're dealing with a licensed funeral director. So that's how I came up with the added money. So, I do respect your friendly motion. However, I don't really want to stop the firm from doing business. I just am not, you know, this is happening all over the place, and we do need to set some sort of an example. So, I appreciate the friendly motion, but I will stick with my original to deny this settlement agreement. So, Madam Chair, one more comment. Today we've had people on here and can't make the decision. Lawyers on here that can't make the decision. So, can we just not, do we then just act like no one's here representing them or what? I mean, I don't know why that has a factor. If no one showed up, we wouldn't be talking about all this.

Chair Peeples – Mr. Jensen, Mr. Grabowski is here representing Mr. Vierling. So, he is here, and he has also stated that he cannot accept a counteroffer if this particular Settlement Stipulation is rejected. He already made that comment on the record. So, he is representing the Respondent.

Mr. Jensen – Well, that's what I was saying, Madam Chair. If the lawyers come to the meeting and they have no authority to accept anything outside the guidelines, then why are we even voting? If the Department makes it and if we don't go along with it, then it creates a big hub bug. So, you know, it doesn't make sense to me.

Chair Peeples – Thank you. Ms. Munson?

Ms. Munson – If I may. The only difference with these types of cases is that these are contracts that were entered into with the Department and the Respondent with their representative. Where we can make decisions with the absence of other parties for other types of hearings such as the informal hearings, these contracts have already been made. So, we can't override them without allowing the other party who may be involved to discuss. So even if Attorney Grabowski was not here, we have the opportunity to reject it, and that contract would have to go back for the Department and Attorney Grabowski and his client to come to different terms. We just can't ignore the fact that the contract, which as you know, contracts is in existence. So, both parties have a viable rule in the contract. You have the opportunity as the Board to review the contract and say whether or not you like it or don't. And if you don't, you get to reject it. But then it's on them to see if they can come back with terms that you do approve of.

Mr. Jensen – Well said, Ms. Munson. Thank you. That clears it up for me, Madam Chair.

Chair Peeples – We have a motion by Mr. Jensen. What is the Board's pleasure on his motion?

Mr. Williams – I'll second it.

Chair Peeples – Mr. Williams, is that a second, sir?

Mr. Williams – Yes, ma'am.

Chair Peeples – Thank you. Mr. Ferreira, you had your hand up.

Mr. Ferreira – My only concern, Mr. Jensen, is the only witness in this case, like Ms. Simon says, is deceased. So, you know, we've got a deal here. I don't know where it goes because are we having to relitigate again and all of these things when the witness has passed? That's my only concern, you know. Do we get do we get anywhere? We got a deal here. I don't know. That's just a comment.

Mr. Quinn – Madam Chair?

Chair Peeples – Mr. Quinn?

Mr. Quinn – It may be more appropriate if we're more proactive when it comes to this. I agree with the comments that Mr. Jensen is making, but should we consider, would it be more appropriate if we consider approving this and making it known in the future that we want maybe the right word is some more due diligence in the recommendations that come to us on these stipulations? And again, while I agree that maybe we need to set an example, are we picking on the wrong person, if this person, number one, has no priors and has had a funeral director's license for an extended period of time?

Chair Peeples – Does that complete your comment, Mr. Quinn?

Mr. Quinn – Yes, Madam Chair. Thank you.

Chair Peeples – Thank you. We have a motion to reject the Settlement Stipulation by Mr. Jensen and a second by Mr. Williams. Is there any other discussion before we vote? Hearing none, Ms. Simon, will you do a roll call vote, please?

Ms. Simon – Yes, ma’am. All of those in favor of Mr. Jensen’s motion please respond by saying yay. Mr. Clark?

Mr. Clark – Yes.

Ms. Simon – Mr. Quinn?

Mr. Quinn – No.

Ms. Simon – Ms. Clay?

Ms. Clay – No.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – No.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yes.

Ms. Simon – Mr. Jones? I’m sorry, was he on this Panel?

Chair Peeples – Mr. Jones is recused.

Ms. Simon – Thank you. Sorry about that.

Ms. Simon – Ms. Liotta?

Ms. Liotta – No.

Ms. Simon – Mr. Chapman?

Mr. Chapman – No.

Ms. Simon – Mr. Williams?

Mr. Williams – Yes.

Ms. Simon – Madam Chair?

Madam Chair – No.

Ms. Simon – Madam Chair, that motion fails.

Chair Peeples – I’d like to make a motion.

MOTION: Chair Peeples moved to accept the stipulation which provides that Respondent shall pay a fine of \$1,500 fine and be subject to one (1) year of probation. Ms. Clay seconded the motion, which passed with two (2) dissenting votes.

Chair Peeples – Thank you, Mr. Grabowski. Ms. Simon, if we can, it’s 11:10. Let’s take a five (5) minute restroom break and we’ll come at 11:15. Thank you.

Ms. Simon – Thank you.

*****BREAK*****

Chair Peeples – Ms. Simon, I think we have all ten (10) of us here.

Ms. Simon – Yes, ma'am. Mr. Ferreira has his hand up.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – I just wanted to say, Madam Chair, you brought up a really good point earlier in the meeting. I didn't realize and I don't know how many of us realized with these Settlement Stipulations, you know, the process. We didn't know what the process was if we deny, and it is lengthy and costly. I appreciate you giving us that information.

Chair Peeples – Thank you, sir. I appreciate your comment. Ms. Simon, we will proceed with the agenda.

(d) White, Anthony: DFS Case No. 338195-25-FC; Division No. ATN-44038 (F058190)

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

Mr. Anthony White – Yes.

Ms. Simon – Thank you, Mr. White. Presenting again for the Department is Mr. Caracci.

Mr. Caracci – Thank you. Anthony White ("Respondent") is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F058190. Respondent was the funeral director in charge of Duncan Brothers Funeral Home PA ("Duncan Brothers"), a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F040331. The Department conducted an investigation of Respondent and found that Duncan Brothers aided and abetted unlicensed activity. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$1,500 fine and be subject to one (1) year of probation. The Department requests that the Board accept this Settlement Stipulation and I'm available for any questions.

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

MOTION: Mr. Ferreira moved to accept the stipulation which provides that Respondent shall pay a \$1,500 fine and be subject to one (1) year of probation. Ms. Liotta seconded the motion.

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

Mr. Jensen – I would like to direct the Board to Page 18 of our packet in the last paragraph here where the person admitted that they are not a funeral director and there was not a funeral director around. They admitted it to Investigator Brimmer. Again, I'd like to point out this is probably the number one complaint we get in our industry and if we just keep approving them and approving them and approving them, it's just not going to stop. So, I know you said, who is the right one to make an example with, Mr. Ferreira. Is this one the right one? I guess not. So, who is the right one? Thank you, Madam Chair.

Chair Peeples – Thank you, Mr. Jensen. I appreciate your comments, Mr. Jensen. As a licensee, I also am concerned when there's aiding and abetting of unlicensed activity, but for some, you know, there is a situation from the Department with the Respondent that there has been an agreement of a Settlement Stipulation. So, as Mr. Ferreira made a comment, it is a process to go back. But if that's your comment, if you would like to, we'll take a vote on this motion in a second, and if it fails, then you can make a counter. Ms. Munson?

Ms. Munson – I just wanted to note that only because I've heard the comment a couple of times. Just to make sure that the Board understands that when you have a settlement agreement, the reason it's before you is because they can't move forward without the Board's approval of it. If there's a feeling that the settlement is so far outside of your conscience or what you feel should be legally within legal bounds, you have an opportunity to speak about it. I don't want you to feel that settlement agreements come before you just for the purpose of you seeing them. They're before you because you really have to look at

them and vote on them whether you agree or not. And you're right, there is cost involved in sending it back. There's cost involved if you have other cases that are tabled and need additional investigation. There's cost involved in all of it, but I want to make sure that the underlying clarity is that as the arbiter and decider of these cases, that your authority is what your authority is, and I don't want the Board to feel differently. You're not the Department. You're not the Respondent. You're the Board for that reason. I appreciate your indulgence. Thank you, Madam Chair.

Chair Peeples – Thank you, Ms. Munson, for your comments. Mr. Ferreira?

Mr. Ferreira – Mr. Jensen, I share your frustration completely. But I just want to correct in saying, I didn't say who do we make an example. I think that was Mr. Williams that said that. Right? It wasn't me.

Mr. Jensen – I did hear that but yes, sir. You may be correct.

Mr. Quinn – I believe it was me.

Mr. Ferreira – Oh, okay.

Mr. Williams – I didn't say that, for the record.

Mr. Ferreira – I'm sorry, for record.

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

Mr. Ferreira – Yes, ma'am, it does.

Chair Peeples – Okay. Mr. Jensen, do you have further discussion, sir?

Mr. Jensen – Yes, ma'am. Just one more comment. I do understand the cost and I do understand what all's going into it already, but I guess, if I'm looking at it and we propose a higher settlement, would that not that not cover the cost? They have the papers already there. It's not like they got to redo it again. They're just going to put them right back in with a different Settlement Stipulation and that would certainly cover the cost. That's my comment, Madam Chair. Thank you.

Chair Peeples – Ms. Simon, would you like to address Mr. Jensen's comment, please?

Ms. Simon – I would like to address, and I do understand the frustration of Board members. I just want to say that I'm not sure that that is exactly what the next step would be, Mr. Jensen. I'm not sure the next step is you reject a stipulation and another stipulation comes back. I'm not sure. I'm not trying to impede the flow of whatever the Board wants to do, but simply acknowledge that if the stipulation is rejected, the next step may be that we need to go to the Division of Administrative Hearings (DOAH). I'm not sure. And that shouldn't be a reason to stop you from rejecting the stipulation. That shouldn't be a reason at all. It's just that as a matter of course, that could be one of the steps are if the licensee does not accept the counter stipulation. I just want to have full disclosure to the Board members of what is going on here.

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

Ms. Munson – Again, I want to clarify, and I can turn this over to the Office of General Counsel, because this is their presentation. But procedurally speaking, if the Board rejects a stip and it goes back to the Department and it goes back to the other party for consideration, they may not come to an agreement. However, going to DOAH, it may not be the avenue either. You only go to the Division of Administrative Hearings if you have a disputed issue of material facts. If they're not disagreeing on the material facts, it may come before you as an informal where there's a different type of presentation by this body from the Office of General Counsel. They may be able to agree and come back before you with another stipulation. But I don't want there to be a concern that if it goes back to the Department, it may go to DOAH. It can only go to DOAH if there's a disputed issue of material facts.

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

Mr. Jensen – Just a question here, maybe for Ms. Munson. So, I do understand wanting to be efficient here, and I can appreciate all that. Mr. Quinn, I believe, made a comment earlier about, is there some way we could encourage the Department that if we approved this, in the future we would like to see higher fines. Would that be appropriate or not?

Ms. Munson – So in complete disclosure, every case is fact-specific, right? So, there may be certain nuances about a certain case that causes the settlement to look like what the settlement looks like. Even if the situations are similar, there are probably going to be some degree of differences, and the Department has deference into considering those differences. The closest I could think the Board can possibly suggest is that you indicate that these concerns are very real, and you are concerned about the impact to the public and to your profession, and they still have their full authority to do what they want to do with it. With settlements, however, you can often expect lower penalty ranges, lower penalty dispensation, because it's both parties coming together, and there's some give and take. If this came before you as an informal, then you would probably say, this is too low, and we're not negotiating but, in a settlement, there's been a lot of negotiating that went on before it ever came to you. And that could be, and I can't speak for the Office of General Counsel, but usually in settlements that's sometimes why these penalties may look a little different than perhaps if it came before you in a different format of a disciplinary case, because they kind of agree so that they can move the case forward. Again, the Board retains their authority to do what the Board chooses to do.

Chair Peeples – So we have a motion. We have a second. Mr. Ferreira?

Mr. Ferreira – Mr. Caracci, I want to make sure, Ms. Munson, that this is a fair question, okay that I'm getting ready to ask. {Inaudible} is based on Anthony White, and I don't see a case based on the funeral home establishment. Is that right, Mr. Caracci?

Mr. Caracci – The funeral home, we do have a case against them. I'd have to go look at what the status of that is.

Mr. Ferreira – Okay.

Mr. Caracci – {Inaudible}. I know they are typically considered together. {Inaudible}.

Chair Peeples – Mr. Caracci, you kind of blanked out there. Could you restate your comment please?

Mr. Caracci – Yes, there was an Election of Proceeding at hand. Duncan Brothers is represented by a law firm. Mr. White is not. Mr. White didn't dispute the material facts. We're sort of at a point where there was prior action against Duncan Brothers itself that's going to sort of impede us coming to a settlement with them quite yet. So that's why this matter isn't before the Board right now and they weren't dealt with concurrently.

Mr. Ferreira – That's all, Madam Chair.

Chair Peeples – Thank you. We have a motion to approve the Settlement Stipulation with a second. Is there any other discussion? All in favor of the motion say Yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed, say No.

Mr. Jensen – No.

Mr. Williams – No.

Mr. Chapman – No.

Chair Peeples – So we have three (3) Nos. So, the motion is approved. Thank you.

(e) Related Cases - Division No. ATN-45138

1. *Bowden, Michael Wayne: DFS Case No. 345085-25-FC; Division No. ATN-45138 (F043391)*

Ms. Simon – Is Mr. Bowden or a representative of Mr. Bowden's on the call today? Hearing no response, presenting for the Department is Mr. Caracci.

Mr. Caracci – Thank you. Michael Wanye Bowden (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F043391. Respondent is the funeral director in charge of Scobee-Combs-Bowden Funeral Home, a funeral establishment and apprentice/intern training agency, license number F039796. The Department conducted an investigation of Respondent and found that Respondent's funeral establishment took on cases with an inactive/expired license. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$750 fine. The Department requests that the Board accept this Settlement Stipulation.

MOTION: Mr. Ferreira moved to accept the stipulation which provides that Respondent shall pay a \$750 fine. Ms. Clay seconded the motion, which passed unanimously.

2. Scobee-Combs-Bowden Funeral Home: DFS Case No. 345084-25-FC; Division No. ATN-45138 (F039796)

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

Mr. Caracci – Thank you. Scobee-Combs-Bowden Funeral Home (“Respondent”) is a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F039796. The Department conducted an investigation of Respondent and found that Respondent operated as a funeral establishment while its license was in an inactive/expired status. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$750 fine and be subject to one (1) year of probation. The Department requests that the Board accept this Settlement Stipulation.

MOTION: Mr. Ferreira moved to accept the stipulation which provides that Respondent shall pay a \$750 fine and be subject to one (1) year of probation. Mr. Jensen seconded the motion, which passed unanimously.

(f) Related Cases - Division No. ATN-42347

1. *Carlson, Concetta DeGirolamo: DFS Case No. 333189-24-FC; Division No. ATN-42347 (F042399)*

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

Ms. Wiener – Yes, Wendy Wiener.

Ms. Simon – Thank you. Presenting for the Department is Ms. Eldeb.

Ms. Nicole Eldeb – Thank you, Ms. Simon. Concetta DeGirolamo Carlson (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F042399. The Department conducted an inspection of Respondent and found as follows that S.E. Cemeteries of Florida LLC d/b/a Orlando Personal Care Center (“S.E.C.”) failed to properly identify human remains and cremated the wrong infant. As funeral director in charge of S.E.C., Respondent failed to ensure that S.E.C. complied with all applicable statutes and rules. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,000, and Respondent's license shall be placed on probation for a period of one (1) year. The Department requests that the Board accept this Settlement Stipulation.

Chair Peeples – Thank you, Ms. Eldeb. Ms. Wiener, questions only or present to the Board?

Ms. Wiener – Very brief correction of the record, Madam Chair, if you'll indulge me for a moment.

Chair Peeples – Yes, ma'am.

Ms. Wiener – Thank you. I would just call the Board's attention to Page 17 of the Board packet. In this packet and the next three (3), it says in the middle of the page that the cremation of Baby Sintzenich occurred and then the staff tried to cover up

the mistake by making a false certificate cremation. That did not happen in this case. The cremation certificate was corrected once these two (2) infants with oddly difficult and similar names where their identifications were conflated, and this baby was cremated before Baby Olivia was cremated before they were able to get the and the fingerprints and take a lock of hair. And so that was the actual error that occurred here. In this case, both infants were to be cremated, but I don't want the record to reflect that this licensee in any way tried to cover up this situation. And so, we would request that you accept the Settlement Stipulations.

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

Mr. Williams – Yes, ma'am, Madam Chair. Thank you so much for that, Ms. Wiener, because I was trying to get some clarity on that. I guess my question for Ms. Simon is have your investigators verified or can they confirm what Ms. Wiener said to correct the record? Because I guess this is their investigation report, and I wanted to make sure that if investigation report that it is accurate.

Ms. Simon – Thank you. Madam Chair?

Chair Peeples – Yes, ma'am?

Ms. Simon – Thank you, Mr. Williams. At this point, I can only confirm the investigative report. I cannot deviate from it or support deviating from it at all.

Mr. Williams – Okay. And follow-up, Madam Chair?

Chair Peeples – Yes, sir.

Mr. Williams – I guess, and my point, Madam Chair, I'm just trying to look for direction. If this is an official document and we're basing our decision on what we read, and what we have in our possession, is there an addendum that we should make or whatever so that it's going into the record of actual facts? I guess that's where I'm going with it.

Chair Peeples – Ms. Simon?

Ms. Simon – At this point, where we're at is the settlement agreement. Argument is being made right now, but the Department has no reason to believe that the facts that are in the investigative report are false. This is argument. This is why there is a settlement agreement. A settlement agreement was decided upon after reviewing the facts of the case. Both the defense and the State reviewed the matter and discussed it amongst themselves and agreed upon this settlement agreement. A discussion of the facts of the case and having the facts of the case change for the record purposes was never part of this equation unless Ms. Eldeb has reason to state otherwise that I'm unaware of.

Chair Peeples – Thank you, Ms. Simon and Mr. Williams. Ms. Munson may have some wisdom for you. Ms. Munson?

Ms. Munson – This is for the purposes of this record. Mr. Williams' question is asking, was this settlement based on incorrect information. It's a valid question to ask. If the Department was aware of Ms. Wiener's notes at the time or during the discussions of this settlement, that can be clarified for the record. So, I just, that information is not as unimportant as individuals may think. So, when you say this is the investigation that's been provided, it would be helpful to know if in making this settlement that that information was material or would make a difference otherwise. So, if it would not, then, because that's a core reason for the settlement, right? So, and that would be something that could be clarified perhaps on the record.

Chair Peeples – Thank you. And Mr. Williams, let's see if Ms. Wiener has a follow-up. I saw her hand.

Ms. Wiener – I was simply going to note for the Board members that this write-up is not the actual evidence that the investigator looked at in the case. He doesn't cite to a specific exhibit for any of his interpretations of the evidence. Was the cremation certificate changed? It absolutely was because there was a confusion about the two (2) very similar names of these two (2) babies. Was it done to cover up? Absolutely not. And I think if you look a little further down on the page, it indicates

that Ms. Coney advised that there was an attempt to hide the outcome, also did not happen. When this baby was cremated, immediately, as soon as this came to light, there was an immediate investigation. The investigation by SCI was extremely thorough. It resulted in the termination of every single employee that had anything to do with the cremation of Baby Olivia and ultimately, this is a situation where it was not a wrongful cremation. It was a fact that there was not the capacity for the family to have their goodbye, to have their fingerprints and lock of hair taken. That is incredibly significant to SCI, and that's why they come to you today requesting approval of these settlements. But simply to call these to the attention of the Board because these are facts that will sit in the record and indicate that there was an attempt to cover up when there was no attempt to cover up. In fact, the family was notified by SCI, by the licensees of this situation, and the family actually asked them not to contact them again, asked for privacy, asked that this matter not be disclosed any further at that point. So, I think if you read through all 111 pages, what you will not find is anything that supports this note in the coversheet, the investigation write-up, and that's why I call it to your attention, because it's not of record in the 111 pages.

Chair Peeples – Thank you. Ms. Marshall.

Ms. Marshall – Thank you, Madam Chair. I would just like to note in this case and in the other related ones. What the Board is looking at here in terms of what this settlement agreements are resolving is the way the case is presented in the Administrative Complaint, and these Respondents have been charged with simply a failure to properly identify the remains, which it sounds like they have acknowledged upfront has happened. We, of course, in reviewing all of these cases, took into account the issues that, you know, what potentially arose concerning the cremation certificates and that was ultimately not charged. It's simply the failure to properly identify the remains. The settlement that we negotiated was intended to address that issue and nothing else.

Chair Peeples – Thank you, Ms. Marshall. Mr. Williams, does that give you closure, sir, or any follow-up?

Mr. Williams – Yes, ma'am. Thank you so much for that information.

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

Mr. Ferreira – Well, one of the things I see here is the individual being placed on probation for one (1) year. This happened two (2) years ago. This individual, I assume, is still working, so I'm not on Board with a one-year probation. It makes no sense to me that we're going to put someone under probation three (3) years after something happens, or two (2) years after something happens. That's my comment.

Chair Peeples – Thank you, Mr. Ferreira, would you like to make a motion? Or would you like me to address Ms. Wiener? She has her hand up and then I'll come back to you.

Mr. Ferreira – I'll wait.

Chair Peeples – Thank you. Ms. Wiener?

Ms. Wiener – Thank you. I would also note that the two (2) individuals that are under the Settlement Stipulations actually had nothing whatsoever to do with this cremation situation. And again, to Mr. Ferreira's point, years have long passed since this grave error occurred, and so, I would certainly have authority to accept a stipulation that does not contain a probationary period for either of the individuals.

Chair Peeples – Thank you, Ms. Wiener. Mr. Ferreira, I'm coming back to you.

Mr. Ferreira – I just would like to go ahead and make a motion.

MOTION: Mr. Ferreira moved that Respondent shall pay a fine of \$1,000. Ms. Liotta seconded the motion.

Chair Peeples – Is there any discussion? Mr. Quinn, I saw your hand. Ms. Munson?

Ms. Munson – Just for formality purposes, the motion should be to reject it and you can do the friendly amendment to just remove the probation, but the order will say rejected stipulation, counter and if Ms. Wiener has the approval to approve that, then it will say what the counter was, which was accepted.

Chair Peeples – Thank you Ms. Munson. If you all will indulge me just a minute. Let me go to another piece paper so I can write right down where we are. So, Mr. Ferreira would you like to amend your motion to reject the Settlement Stipulation?

Mr. Ferreira – Yes ma'am.

Chair Peeples – Ms. Liotta do you accept that?

Ms. Liotta – Yes.

Chair Peeples – So we have a motion to reject the Settlement Stipulation by Mr. Ferreira seconded by Ms. Liotta. Is there any other discussion on motion. Hearing none, all in favor of the motion say yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed say No. Motion carries. So now we need a motion.

Ms. Munson – For a counter.

Chair Peeples – Thank you Ms. Munson.

MOTION: Mr. Ferreira moved to counter the stipulation providing that Respondent shall pay a fine of \$1,000. Chair Peeples seconded the motion.

Chair Peeples – Is there any discussion on the motion. Ms. Wiener?

Ms. Wiener – I think Ms. Munson is going to say that I need to formally accept that counteroffer on behalf of the licensee, and I do. Thank you.

Chair Peeples – Thank you, Ms. Wiener. We appreciate that. Any other discussion before we take a vote? Hearing none, all in favor of the motion say Yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed say No. Motion carries.

2. *S.E. Cemeteries of Florida LLC d/b/a Orlando Personal Care Center: DFS Case No. 333187-24-FC; Division No. ATN-42347 (F265872)*

Ms. Simon – Ms. Wiener is still representing, and presenting for the Department is Ms. Eldeb.

Ms. Eldeb – Thank you, Ms. Simon. S.E. Cemeteries of Florida LLC d/b/a Orlando Personal Care Center (“Respondent”) is a centralized embalming facility and apprentice/intern training agency, licensed under Chapter 497, Florida Statutes, license number F265872. The Department conducted an inspection of Respondent and found that Respondent failed to properly identify human remains, leading to the cremation of the wrong body. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,000, and Respondent’s license shall be placed on probation for a period of one (1) year. The Department requests that the Board accept this Settlement Stipulation.

Chair Peeples – Board members?

MOTION: Mr. Jensen moved to accept the stipulation which provides that Respondent shall pay a fine of \$1,000, and the Respondent's license shall be placed on probation for a period of one (1) year. Mr. Williams seconded the motion.

Chair Peeples – And if I may gentlemen, as Mr. Ferreira stated prior, this is the companion case and I want to make a comment because of the timeframe that's gone of reducing the period of probation. Mr. Jensen, would you agree to reject the Settlement Stipulation and then we'll do a counter? And Mr. Williams, would you agree to that as a second? Or gentlemen, do you want to proceed with the approval motion to accept the Settlement Stipulation with a \$1,000 fine and one-year probation.

Mr. Jensen – May I, Madam Chair?

Chair Peeples – Yes sir.

Mr. Jensen – I would like to stick with my motion. I like the probation for the simple fact this one here covers the cemeteries, and everything involved with the crematory. And everybody's already agreed to it so why in the world will we take the out? I think they need to be looked at. I mean I understand why the fines only \$1000 because I assume there's probably a civil penalty going on here somewhere of some sort. If they agree to it and they're okay with it then let it ride. Thank you, Madam Chair.

Chair Peeples – Mr. Williams do you have any comments, sir?

Mr. Williams – I'm fine with that as well.

Chair Peeples – Thank you. Ms. Clay, did I see your hand up, ma'am?

Ms. Clay – No, ma'am.

Chair Peeples – Okay, thank you. We have a motion to accept the Settlement Stipulation as presented. We have a second. Is there any other discussion? All in favor of the motion, say Yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed, say No. I would like to be on the record as a No. And was there another No?

Mr. Ferreira – No.

Chair Peeples – Please let the record reflect that Chair Peeples and Mr. Ferreira are Nos, but the motion does carry. Thank you, Ms. Wiener.

3. *Smith, Liam Bleasdale: DFS Case No. 333186-24-FC; Division No. ATN-42347 (F045605)*

Ms. Simon – Presenting again for the Department is Ms. Eldeb.

Ms. Eldeb – Thank you, Ms. Simon. Liam Bleasdale Smith ("Respondent") is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F045605. The Department conducted an inspection of Respondent and found that S.E. Cemeteries of Florida LLC d/b/a Orlando Personal Care Center ("S.E.C.") failed to properly identify human remains and cremated the wrong infant. As funeral director in charge of S.E.C., Respondent failed to ensure that S.E.C. complied with all applicable statutes and rules. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,000, and Respondent's license shall be placed on probation for a period of one (1) year. The Department requests that the Board accept this Settlement Stipulation.

Chair Peeples – Mr. Ferreira?

MOTION: Mr. Ferreira moved to reject the stipulation. Ms. Liotta seconded the motion.

Chair Peeples – Is there any discussion on the motion? And Ms. Wiener, would you like to address the Board during discussion or are you here for questions?

Ms. Wiener – I'm available for questions, if any. Thank you.

Chair Peeples – Thank you. Any other discussion of Board members? Hearing none, all in favor of the motion say Yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed say No. Motion carries. Mr. Ferreira?

MOTION: Mr. Ferreira moved to counter the stipulation providing that Respondent shall pay a fine of \$1,000. Ms. Liotta seconded the motion, which passed unanimously.

Ms. Wiener – Chair Peeples?

Chair Peeples – Yes, ma'am?

Ms. Wiener – I think Ms. Munson's going to say that I need to officially accept that counteroffer and I do. Thank you.

Chair Peeples – Thank you, Ms. Wiener. Thank you for keeping us on track. We appreciate that. Ms. Simon?

4. Woodlawn Crematory: DFS Case No. 333182-24-FC; Division No. ATN-42347 (F040270)

Ms. Simon – Presenting again for the Department is Ms. Eldeb.

Ms. Eldeb – Thank you, Ms. Simon. Woodlawn Crematory (“Respondent”) is a cinerator facility licensed under Chapter 497, Florida Statutes, license number F040270. The Department conducted an inspection of Respondent and found that Respondent failed to properly identify human remains and cremated the wrong body. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,000, and Respondent's license shall be placed on probation for a period of one (1) year. The Department requests that the Board accept this Settlement Stipulation.

MOTION: Mr. Ferreira moved to reject the stipulation. Mr. Clark seconded the motion.

Mr. Jensen – No.

Mr. Williams – No.

Mr. Chapman – No.

Ms. Clay – No.

Chair Peeples – So, I have Mr. Jensen's hand up. I have Mr. Chapman's hand up. I have Mr. Williams and Ms. Clay. Is that correct for the Nos? I see Ms. Clay shaking her head. Mr. Williams, is that what your hand is raised for too?

Ms. Williams – Yes.

Chair Peeples – Thank you. So, we have four (4) Nos, and the motion carries because we have a majority. Board members, your pleasure on a counter?

MOTION: Mr. Ferreira moved to counter the stipulation providing that Respondent shall pay a fine of \$1,000. Chair Peeples seconded the motion.

Chair Peeples – Is there any discussion on the motion. And Ms. Wiener, do you accept?

Ms. Wiener – Yes. Thank you.

Chair Peeples – Thank you. Any discussion on the motion? Hearing none, all in favor the motion, say Yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed say No.

Mr. Jensen – No.

Mr. Williams – No.

Mr. Chapman – No.

Ms. Clay – No.

Chair Peeples – Let's see, we got Mr. Jensen, we have Mr. Chapman, we have Mr. Williams and Ms. Clay. Is that correct? Great. Thank you.

Ms. Simon – I'm just wondering here, who is not on this matter as a result of PCP?

Chair Peeples – That would be Mr. Jones.

Ms. Simon – Well, if that is Mr. Jones and there are four (4) people that voted No, then that motion fails.

Chair Peeples – So, both of these motions will fail because we had four (4) Nos on each.

Ms. Munson – That can't be. Is everyone not voting?

Mr. Williams – There are ten (10) members.

Ms. Simon – There are ten (10) members and there were four (4) that voted to reject the motion, and Mr. Jones.

Chair Peeples – Let us work it out really quick, okay?

Ms. Simon – There were only four (4) people that would be able to vote. I'm sorry, math is not why I went to law school. I'm trying to figure out the math in this situation. So, if there was a motion, Ms. Munson, can you help me?

Ms. Munson – Yes. So, there are ten (10) individuals. If everyone voted, then four (4) voted yes, four (4) voted no, one (1) couldn't vote, that's nine (9). So, did someone not vote? Ms. Simon, am I saying something wrong?

Ms. Simon – No, I'm not. Votes.

Chair Peeples – It was five (5) in favor and four (4) in the opposition.

Ms. Munson – I don't know if the minutes will reflect who voted Yes and who voted No, so that needs clarifying.

Mr. Williams – Chair Peeples is correct in reference to her analysis.

Chair Peeples – Ms. Munson, I denoted on both of these motions who voted No for the record. Mr. Jensen, Mr. Williams, Ms. Clay, and Mr. Chapman, where the four (4) Nos.

Ms. Munson – Did everyone else say Yes?

Chair Peeples – We did, and Mr. Jones is recused, so that's why Ms. Simon is making the comment that it would fail because it's five (5) and five (5). It's five (5), four (4), and one (1), so we need your guidance.

Ms. Munson – Oh, if you have five (5) in favor and four (4) in gains, it passes.

Ms. Simon – Like I said, math was never my forte. I apologize for bringing it up.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Madam Chair, I'd just like to point out, I'd like to know Mr. Clark's vote because he was on mute during both of those votes, please.

Mr. Clark – I'm not on mute, Mr. Jensen. I don't know why the computer shows me as mute, but I am not on mute.

Mr. Jensen – My apologies.

Chair Peeples – Yes, sir. And also, Mr. Jensen, because I tried to look at everybody's picture, I saw kind of that he had voted in the affirmative on each of those. Plus, he has joined on his phone, I think, instead of the computer. I'm not sure if that's correct, Mr. Clark.

Mr. Clark – I have. I've connected the two (2) multiple times. It keeps dropping. But I am here. I'm not on mute.

Mr. Jensen – Thank you.

Chair Peeples – So, we had two (2) motions. We had a rejection of the Settlement Stipulation, which passed. Then we had a counter stipulation, and it passed. So, we are complete with these two (2) cases. Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

Ms. Simon – May I move on with the agenda?

Chair Peeples – Yes, please.

(3) Settlement Stipulation(s) (Probable Cause Panel B)

(a) Related Cases - Division No. ATN-42930

1. Clark & Norris Home of Funerals LLC: DFS Case No. 325245-24-FC; Division No. ATN-42930 (F070353)

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

Mr. Henry Thompson – Yes, Hank Thompson.

Ms. Simon – Thank you, Mr. Thompson.

Mr. Williams – Madam Chair?

Chair Peeples – Yes, Mr. Williams?

Mr. Williams – I need to recuse myself as I served on Probable Cause Panel B for 3(a), 3(b), 3(c), and 3(d).

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

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

Mr. Caracci – Thank you. Clark & Norris Home of Funerals LLC (“Respondent”) is a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F070353. The Department conducted an investigation of Respondent and found that Respondent failed to pay an approval fee for cremation in a timely manner. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$500 fine and be subject to one (1) year of probation. The Department requests that the Board accept this Settlement Stipulation and I'm available for any questions.

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

Mr. Thompson – No questions at this time.

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

Mr. Ferreira – Madam Chair?

Chair Peeples – Yes?

Mr. Ferreira – Obviously, we've talked about the first count over many months, and I've come to the purpose for that and the reason for that thanks to Ms. Simon. The second count, I see no reason for it. As I read through. The as I read through the ad, I didn't see any reason for it maybe Mr. Caracci can share that with me what he saw because I didn't see anything.

Mr. Caracci – Department did wind up dropping that count. I should have clarified it first.

Mr. Ferreira – All right.

MOTION: Mr. Ferreira moved to reject the stipulation. Mr. Jones seconded the motion, which passed unanimously.

Chair Peeples – Mr. Ferreira?

MOTION: Mr. Ferreira moved to counter the stipulation providing that Respondent shall pay a fine of \$250, based on Count One.

Chair Peeples – And that is minus the one-year probation, correct, Mr. Ferreira?

Mr. Ferreira – Yes, ma'am. I'm sorry.

Chair Peeples – Board members? Ms. Simon?

Ms. Simon – Yes, Madam Chair. I just wanted to ask Mr. Caracci, and I apologize for not asking him before now. Did the settlement agreement take into account that that other count was dropped?

Mr. Caracci – Yes, it did.

Ms. Simon – It did?

Mr. Caracci – I may not have stated explicitly in the settlement it did, but that was part of the negotiations.

Ms. Simon – Thank you.

Chair Peeples – Ms. Munson?

Ms. Munson – as there an amended AC done on this one? I guess that's to the Department because if an order is done, the AC is going to be attached and I just wanted to confirm whether an amended AC was completed.

Mr. Caracci – There was no amended Administrative Complaint.

Ms. Munson – I would only suggest that if there is none that there be an amended AC to confirm that there are not two (2) counts in consideration.

Mr. Caracci – Understood.

Chair Peeples – Mr. Jones?

Mr. Jones – Yes, if I may, I have a question for Mr. Thompson.

Chair Peeples – Yes, sir. Mr. Jones?

Mr. Jones – Does he need to be sworn in, or can I ask?

Chair Peeples – Well, he's an attorney, so he doesn't need to be. He's with Ms. Wiener's practice.

Mr. Jones – I did not realize that. Thank you. The question is whether the failure to pay the ME fee an oversight or what happened?

Mr. Thompson – My understanding is that it was an oversight. I know the ME had reached out a few times, but I don't think my client got them. Let me double-check the investigative file. I believe the day the ME filed the complaint, before my client ever received the ATN, my client sent him a check and it was received two (2) days later by the ME. If I'm remembering correctly, I think I'm trying to pull up the investigative file.

Chair Peeples – Ms. Simon?

Mr. Thompson – I think it was an oversight.

Ms. Simon – While I appreciate Mr. Jones' question, the facts in the investigative report are pretty replete with what the Department's investigation found and what is stated in the Administrative Complaint {inaudible}.

Mr. Jones – Thank you.

Chair Peeples – Mr. Jones, did you comply with what Ms. Simon just stated?

Mr. Jones – Yes, that's fine. Thank you.

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

Mr. Jensen – Two (2) questions, Madam Chair. One (1) for Mr. Thompson. Mr. Thompson, this whole thing involves the funeral home paying the county, correct?

Mr. Thompson – Correct.

Mr. Jensen – Madam Chair, I'll second Mr. Ferreira's motion of \$250.

Chair Peeples – Did we get an answer from Mr. Thompson to your question, Mr. Jensen?

Mr. Jensen – Yes, ma'am. I heard him say correct.

Chair Peeples – Okay, I'm sorry. I did not hear that. Thank you. Okay, we have motion, and we have a second for a counteroffer. Is there any other discussion on the motion and Mr. Thompson do you accept this on behalf of your client? Is

that a yes ma'am?

Mr. Thompson – Yes ma'am.

Chair Peeples – Thank you, sir. I appreciate that. So, we have motion second. Any other discussion? Hearing none. All in favor the motion, say Yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed say No. Motion carries.

2. *Lewis, Eileen Y: DFS Case No. 325247-24-FC; Division No. ATN-42930 (F043195)*

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

Mr. Caracci – Thank you. Eileen Y Lewis ("Respondent") is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F043195. Respondent is the funeral director in charge of Clark & Norris Home of Funerals LLC, a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F070353. The Department conducted an investigation of Respondent and found that Respondent's funeral establishment failed to pay an approval fee for cremation in a timely manner. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$500 fine and be subject to one (1) year of probation. The Department requests that the Board accept this Settlement Stipulation and I'm available for any questions.

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

Mr. Ferreira – This question is for Mr. Thompson. The check for \$161, do you know who signed that check by chance?

Mr. Thompson – I can find out really quick.

Mr. Ferreira – I just can't read the signature.

Mr. Thompson – I believe it was Mr. Clark the owner but I would have to confirm that.

Mr. Ferreira – Okay.

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

Mr. Ferreira – Yes, ma'am. I had one other comment really quick. I'm looking at something.

Chair Peeples – Yes, sir.

MOTION: Mr. Ferreira moved to reject the stipulation. Mr. Jensen seconded the motion.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Just quick discussion here. I don't know if everybody on the Board is quite familiar with exactly how this works. State law mandates that all medical examiners have to sign off on the cremation. The counties have taken it upon themselves and passed some legislation and every local county in the State of Florida, except two (2), I believe, Mr. Jones, if you want to correct me on that, that they can collect fees, and it varies county by county. I don't know that funeral homes are happy about this, but I certainly don't think the individuals should be held liable, possibly the accountant for the funeral home or something like that. Thank you, Madam Chair.

Chair Peeples – Thank you. We have a motion by Mr. Ferreira, a second by Mr. Jensen to reject the Settlement Stipulation. Any other discussion? Hearing none, all in favor of the motion say Yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed say No. Motion carries. Mr. Ferreira?

Mr. Ferreira – I have nothing else.

Chair Peeples – Well, you rejected this Settlement Stipulation.

Mr. Ferreira – I'm sorry. Well, Mr. Jensen?

Mr. Jensen – I can make a motion if you want me to.

Mr. Ferreira – Go ahead.

Chair Peeples – Mr. Jensen?

MOTION: Mr. Jensen moved for no fine and no probation in this case. Mr. Ferreira seconded.

Ms. Munson – If I may?

Chair Peeples – Ms. Munson?

Ms. Munson – So, we're on Eileen Lewis, correct? I want to make sure.

Chair Peeples – Yes, ma'am.

Ms. Munson – Okay. And rejecting the settlement with no fine and no probation, no other statement or presentation of a penalty counter. Are you asking the Department to just dismiss this Administrative Complaint?

Mr. Jensen – May I, Madam Chair?

Chair Peeples – Yes, sir.

Mr. Jensen – Ms. Munson, in effect, yes. That's what I'm asking. I just don't feel the funeral director has control over if the county's getting paid. Thank You.

Ms. Munson – And the reason I'm asking is, again, pro forma, an order will be issued. And just like I said, you have the authority as a Board to reject, to counter, to accept, but you also have the authority to dismiss the AC. So, if you're asking there be no discipline regarding this issue, then the order will be dismissing the Administrative Complaint. It is not something new, it's just an avenue also available to you because no penalty is a dismissal. Department, Office of the General Counsel may have other comments.

Chair Peeples – Mr. Jensen, is that your motion, sir?

Mr. Jensen – Yes ma'am, in effect, that was what I was trying to say. Thank you.

MOTION: Mr. Jensen moved to dismiss this Administrative Complaint. Mr. Ferreira seconded the motion.

Chair Peeples – Thank you. Any other discussion? Ms. Simon?

Ms. Simon – Yes, I just want to make sure to clarify Ms. Munson's comments. At first, I thought you were indicating that this was asking the Department to dismiss the complaint, but that's not what this motion is, correct? It's just the Board moving to dismiss the complaint in this case.

Ms. Munson – Yes, it's the Board deciding they do not want to move forward with discipline on this matter and they are dismissing this AC. I guess when you say complaint, you mean Administrative Complaint.

Ms. Simon – Yes, ma'am.

Ms. Munson – Dismissing the AC.

Ms. Simon – Thank you, Madam Chair.

Chair Peeples – You're welcome. We have a motion. We have a second. Any other discussion? Hearing none, all in favor of the motion say Yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed say No.

Mr. Jones – No.

Chair Peeples – Mr. Jones is a No. Is there any other member or member for a No? Please let the record reflect that Mr. Jones is a No and the motion carries.

(b) *Related Cases - Division No. ATN-44498*

1. *Fields, David Keith: DFS Case No. 344226-25-FC; Division No. ATN-44498 (F043022)*

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

Ms. Wiener – Wendy Wiener, representing Mr. Fields and the licensee in the case that follows as well.

Ms. Simon – Thank you. Mr. Caracci for the Department.

Mr. Caracci – Thank you. David Keith Fields ("Respondent") is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F043022. The Department conducted an investigation of Respondent and found that Respondent's funeral establishment failing to provide a contract for private family viewing for a decedent prior to the decedent's cremation and failing to provide a contract that lists in detail the prices for the items and services provided. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$750 fine and be subject to one (1) year of probation. The Department requests that the Board accept this Settlement Stipulation and I'm available for any questions.

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

Ms. Wiener – Questions only, ma'am.

Chair Peeples – Thank you. Board Members?

MOTION: Mr. Jones moved to accept the stipulation which provides that Respondent shall pay a fine of \$750, and the Respondent's license shall be placed on probation for a period of one (1) year. Ms. Clay seconded the motion, which passed unanimously.

2. *Foundation Partners of Florida LLC d/b/a Oak Ridge Funeral Care: DFS Case No. 344225-25-FC; Division No. ATN-44498 (F555616)*

Ms. Simon – Ms. Wiener is again representing and presenting for the Department is Mr. Caracci.

Mr. Caracci – Thank you. Foundation Partners of Florida d/b/a Oak Ridge Funeral Care (“Respondent”) is a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F555616. The Department conducted an investigation of Respondent and found that Respondent failed to provide a contracted for private family viewing for a decedent prior to the decedent’s cremation and failed to provide a contract that lists in detail the prices for the items and services provided. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$750 fine and be subject to one (1) year of probation. The Department requests that the Board accept this Settlement Stipulation and I’m available for any questions.

Chair Peeples – Board members?

MOTION: Ms. Clay moved to accept the stipulation which provides that Respondent shall pay a fine of \$750, and the Respondent’s license shall be placed on probation for a period of one (1) year. Mr. Ferreira seconded the motion, which passed unanimously.

Chair Peeples – Thank you Ms. Wiener.

Ms. Wiener – Thank you.

- (c) *Related Cases - Division Nos. ATN-40542, ATN-43614, ATN-44908*
 - 1. *Kim-Ken Developments, Inc. d/b/a Mitchell’s Funeral Home: DFS Case No.: 309702-23-FC; 334868-24-FC; 341305-25-FC; Division Nos. ATN-40542, ATN-43614, ATN-44908 (F465624)*

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

Ms. Lauren Pettine – There is. Lauren Pettine.

Ms. Simon – Thank you. Presenting for the Department is Ms. Marshall.

Ms. Marshall – Thank you, Ms. Simon. Kim-Ken Developments, Inc., d/b/a Mitchell’s Funeral Home (“Respondent”) is a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F465624. The Department conducted an inspection of Respondent and found as follows: This establishment provided a consumer with an incomplete contract, presented the wrong body to a family at a viewing, and operated on an expired license for approximately two and a half (2 1/2) months. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$2,800.00, and Respondent’s license shall be placed on probation for one (1) year. The Department requests that the Board accept this Settlement Stipulation in resolution of these matters and I’m available for questions. Thank you.

Chair Peeples – Board members?

MOTION: Mr. Ferreira moved to accept the stipulation which provides that Respondent shall pay a fine of \$2,800, and the Respondent’s license shall be placed on probation for a period of one (1) year, subject to particular terms and conditions. Mr. Jensen seconded the motion, which passed unanimously.

- 2. *Mitchell, Kimberley Laurice: DFS Case Nos.: 309703-23-FC, 334869-24-FC, 341307-25-FC; Division Nos. ATN-40542, ATN-43614, ATN-44908 (F045452)*

Ms. Simon – Ms. Pettine is also representing this individual and presenting for the Department as Ms. Marshall.

Ms. Marshall – Thank you, Ms. Simon. Kimberley Laurice Mitchell (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F045452. The Department conducted an inspection of Respondent and found as follows: At all times material to these cases, Respondent was the funeral director in charge of Kim-Ken Developments, Inc., d/b/a Mitchell’s Funeral Home, a licensed funeral establishment holding license number F465624. This establishment provided a consumer with an incomplete contract, presented the wrong body to a family at a viewing, and

operated on an expired license for approximately two and a half (2 ½) months. As funeral director in charge, Respondent failed to ensure that the establishment complied with all applicable laws and rules. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$2,800.00, and Respondent's license shall be placed on probation for one (1) year. The Department requests that the Board accept this Settlement Stipulation in resolution of these matters and I'm available for questions. Thank you.

Chair Peeples – Ms. Pettine, I apologize I didn't ask you on the prior case if you would you like to address the Board or questions only.

Ms. Pettine – Just here for questions only.

Chair Peeples – Thank you ma'am.

MOTION: Ms. Liotta moved to accept the stipulation which provides that Respondent shall pay a fine of \$2,800, and the Respondent's license shall be placed on probation for a period of one (1) year, subject to particular terms and conditions. Ms. Clay seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Ms. Pettine.

Ms. Pettine – Thank you, Board members.

(d) Related Cases - Division No. ATN-42014

1. Veterans Funeral Care Florida LLC: DFS Case No. 320310-23-FC; Division No. ATN-42014 (F040002)

Ms. Simon – Is there a representative of Veterans Funeral Care present today?

Ms. Wiener – Yes, Wendy Wiener representing the licensee.

Ms. Simon – Presenting for the Department is Ms. Marshall,

Ms. Marshall – Thank you, Ms. Simon. Veterans Funeral Care Florida LLC ("Respondent") is a preneed main, licensed under Chapter 497, Florida Statutes, license number F132560. The Department conducted an inspection of Respondent and found as follows: Respondent received written requests for cancellation of preneed contracts from two (2) consumers. Respondent failed to provide the requested refunds until approximately five (5) months later. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,500.00, and Respondent's license shall be placed on probation for a period of one (1) year. The Department requests that the Board accept this Settlement Stipulation in resolution of these matters and I'm available for questions. Thank you.

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

Ms. Wiener – Just for questions. Thank you.

Chair Peeples – Thank you. Board members?

MOTION: Ms. Clay moved to accept the stipulation which provides that Respondent shall pay a fine of \$1,500, and the Respondent's license shall be placed on probation for a period of one (1) year. Ms. Liotta seconded the motion.

Chair Peeples – Any questions or discussion?

Mr. Ferreira – I got a question.

Chair Peeples – Yes, Mr. Ferreira?

Mr. Ferreira – I'm sorry, and I should know this. Is this a trust, Ms. Wiener?

Ms. Wiener – Yes, it was.

Mr. Ferreira – Okay.

Ms. Wiener – They literally just simply missed the deadline to issue the cancellation. It's just purely an oversight, but it happened.

Mr. Ferreira – Yes, ma'am. Thank You.

Chair Peeples – Is there any other discussion? Hearing none, all in favor of the motion say Yes.

Board members [Unison] – Yes.

Chair Peeples – Opposed say No. Motion carries.

2. *Veterans Funeral Care, Inc.: DFS Case No. 320309-23-FC; Division No. ATN-42014 (F040002)*

Ms. Simon – Presenting again for the Department is Ms. Marshall.

Ms. Marshall – Thank you, Ms. Simon. Veterans Funeral Care, Inc. ("Respondent") is a funeral establishment and apprentice/intern training agency, licensed under Chapter 497, Florida Statutes, license number F040002. The Department conducted an inspection of Respondent and found as follows: Respondent received written requests for cancellation of preneed contracts from two (2) consumers. Respondent failed to provide the requested refunds until approximately five (5) months later. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,500.00, and Respondent's license shall be placed on probation for a period of one (1) year. The Department requests that the Board accept this Settlement Stipulation in resolution of these matters and I'm available for questions. Thank you.

Chair Peeples – Board members?

MOTION: Mr. Ferreira moved to accept the stipulation which provides that Respondent shall pay a fine of \$1,500, and the Respondent's license shall be placed on probation for a period of one (1) year. Mr. Jensen seconded the motion, which passed unanimously.

Chair Peeples – It is 12:30. Let's take a 10-minute break and then we'll come back and try to complete the rest of the agenda at 12:40. Thank you.

*****BREAK*****

Chair Peeples – Ms. Simon?

F. 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.

G. Application(s) for Continuing Education

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

- (a) Funeral Directors Life 57408**
- (b) Ged Lawyers, LLP 17408**
- (c) International Cemetery, Crematory and Funeral Association 51609**

- (d) *Kavod - Independent Jewish Funeral Chapels 51808*
- (e) *National Funeral Directors Association (49609)*
- (f) *Wilbert Funeral Services (39408)*

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

Chair Peeples – Board members?

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

- (2) *Provider Approval - Recommended for Approval without Conditions – Addendum C*
 - (a) *Physicians Mutual Insurance Company (58408)*

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

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

H. Consumer Protection Trust Fund Claims

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

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

Chair Peeples – Board members?

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

I. Application(s) for Embalmer Apprentice

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum E*
 - (a) *DeLarge-Jackson, Johari F890400*
 - (b) *Edwards, Evan G F888343*
 - (c) *Osteen, Malcom A F887430*
 - (d) *Peters, Brooke E F890497*
 - (e) *Sonier, Fiona K F887932*
 - (f) *Sullivan, Amy F890664*

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

- (2) *Application for Embalmer Apprentice License*
 - (a) *Recommended for Approval with Conditions (Criminal History)*
 - 1. *Childers, Alexis*

Ms. Simon – Is Ms. Childers, or a representative of Ms. Childers on the call today? Hearing no response. Ms. Childers submitted an application for an embalmer apprentice license, which was received by the Division on July 24, 2025. The application was incomplete when received, and a deficiency letter was issued. After a response was submitted, the application was deemed complete on September 2, 2025. On her application, Ms. Childers answered “Yes” to the criminal history question. Her application was reviewed by the Board on May 29, 2025, but was verbally withdrawn at that meeting, as reflected in the prior cover sheet, as well as the applicable minutes included within your Board package. An order for withdrawal of application was subsequently executed on July 16, 2025, is also included within your Board package. On or around June 25, 2024, Ms. Childers was found guilty and convicted of a misdemeanor offense for reckless driving with

adjudication. She was sentenced to pay \$1,600 in fines and court costs, attend DUI school and a Victim Impact Panel, complete a drug and alcohol evaluation, serve twelve (12) months of probation, perform forty (40) hours of community service and serve twenty-four (24) hours in jail with credit for time served. Based on the foregoing, the Division recommends approval of Ms. Childers' embalmer apprentice license with six (6) months of probation due to the recentness of the charge.

Chair Peeples – Board Members?

MOTION: Mr. Jones moved to approve Ms. Childers' embalmer apprentice license with six (6) months of probation. Mr. Ferreira seconded the motion, which passed unanimously.

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

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

(a) Funeral Director (Internship)

1. *Hodge, Cheryl A*
2. *Manoulian, Maggie C*
3. *McNeil Jr., James C*
4. *Perez, Vaneeva*

(b) Funeral Director and Embalmer (Endorsement)

1. *Heavin Jr., Ronald G*
2. *Simmons, Tonya*

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

1. *Alexander, Samantha M*
2. *Hatcher, Natalia A*
3. *Locklear, Krystal M*
4. *Long, Tacara F*
5. *Millar, Amanda M*
6. *Romero, Nicole L*
7. *Wilkinson, Ryan*

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.

K. Application(s) for Internship

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

(a) Embalmer Intern

1. *Young, Stacy M F709211*

(b) Funeral Director

1. *Gracia, Willine F890726*

(c) Funeral Director & Embalmer (Concurrent)

1. *Bostic, Jerome M F135349*
2. *Chambliss, MaryElizabeth O F889220*
3. *Glenn, Derek T F739744*
4. *Karney-Trull, Mikaela K F887193*
5. *Labus, Jamie J F701408*
6. *Lewis, Rhonda L F052405*
7. *Morales, Stephen F891818*
8. *Noel, Nicholas F788698*
9. *Wise, Alexis A F890413*

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

L. Applications(s) for Registration as a Training Facility

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

(a) Torres Sanchez Funeral Homes (West Palm Beach)

Ms. Simon – This is an informational item. The Division has reviewed the applications on addendum H and has found it to be complete and that the applicant has met the requirements to be a training agency. Pursuant to Rule 69K-1.005, Florida Administrative Code, the Division has previously approved the application.

M. Application(s) for Funeral Establishment

(1) Recommended for Approval without Conditions

(a) Omega Mortuary & Cremation Services LLC (Jacksonville)

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

Mr. Erickson McConnell – Yes, ma'am.

Ms. Simon – Thank you. An application for funeral establishment licensure was received on August 14, 2025. The application was complete when received. The funeral Director in charge will be Mr. Erickson L. McConnell (F730032). A background check of the principal, Mr. Erickson L. McConnell, did not reveal any relevant criminal history. The Division has considered the application complete on August 21, 2025. An inspection was completed on September 5, 2025, with no deficiencies noted. The Division recommends approval without conditions.

Chair Peeples – Mr. McConnell, if you would like to address the Board or be available for questions, we would need to swear you in, sir.

Mr. McConnell – Yes, ma'am.

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

Mr. McConnell – Yes, ma'am.

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

Mr. McConnell – My name is Erickson McConnell, M-C-C-O-N-N-E-L-L.

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

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

Mr. McConnell – I'm here for questions only.

Chair Peeples – Thank you, sir. Board members. Ms. Liotta?

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

Chair Peeples – Good luck sir. Thank you for participating today.

Mr. McConnell – Yes, thank you, Madam Chair, and thank you Board.

N. Application(s) for Preneed Main

(1) Recommended for Approval without Conditions

(a) Weems & Sons Funeral Homes LLC (Chiefland)

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

Mr. Roy Weems – Yes, ma’am. This is Roy Weems.

Ms. Simon – Thank you, Mr. Weems. The Department received an application for a new preneed license on August 26, 2025, and a deficiency was sent to Applicant as of September 2, 2025. All deficiencies were resolved as of September 15, 2025. The sole owner and member of the LLC is Roy E. Weems, Jr. A completed background check of the principal was returned to the Division without criminal history. Applicant obtained its qualifying funeral establishment license as of February 17, 2025, under license # F839566. If approved, Applicant will sell trust and insurance-funded preneed through Funeral Services Inc (FSI) and Great Western Insurance Company and utilize their approved pre-arranged funeral agreement forms. The Division recommends approval without conditions.

Chair Peeples – Thank you, Ms. Simon.

Mr. Clark – Madam Chair

Chair Peeples – Mr. Clark?

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

Chair Peeples – Thank you, Mr. Clark. And Mr. Weems, thank you for participating, but we're going to see if there's any questions and if so then we'll swear you in sir okay.

Mr. Weems – Thank you.

Chair Peeples – Thank you. Board members?

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

Chair Peeples – Thank you sir for participating today.

Mr. Weems – Thank you.

O. Application(s) for Removal Service

(1) Recommended for Approval with Conditions

(a) Bay Area Mortuary Transport, LLC (Tampa)

Ms. Simon – Is there a representative of this entity on the call today? Hearing none. An application for removal service licensure was received on May 28, 2025. The application was incomplete when received. A background check of the principals, Ms. Andretta Graham and Mr. Willie F. Graham, did not reveal any relevant criminal history. The Division has considered the application complete on September 17, 2025. The Division recommends approval with the condition that the removal service passes an inspection by a member of the Divisions Staff

Chair Peeples – Ms. Simon, did we hear if there was a representative on the call today representing Bay Area Mortuary Transport LLC?

Ms. Simon – I asked, Madam Chair, and nobody stood up.

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

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

(b) Bay Area Removal Services, Inc (Tampa)

Ms. Simon – Is there a representative of Bay Area on the call today?

Mr. Darryl Townsend – Yes.

Ms. Simon – Thank you, sir. An application for removal service licensure was received on August 4, 2025. The application was incomplete when received. The Division received the required information to complete the application on September 17, 2025. A background check of the principal, Mr. Darryl Townsend did not reveal any relevant criminal history. The Division recommends approval with the condition that the removal service passes an inspection by a member of the Divisions Staff

Chair Peeples – Thank you, Ms. Simon. Mr. Townsend, if we have any questions, we will swear you in. Okay, sir?

Mr. Townsend – Yes, ma'am.

Chair Peeples – Thank you. Board members?

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

Chair Peeples – Mr. Townsend, we will have to swear you in, sir, if you'd like to ask a question. Ms. Simon?

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

Mr. Townsend – Yes ma'am.

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

Mr. Townsend – Darryl Townsend, T-O-W-N-S-E-N-D.

Ms. Simon – Thank you sir. Madam Chair?

Chair Peeples – Thank you. Mr. Townsend would you like to address the Board, sir?

Mr. Townsend – Yes ma'am. I was just wanting to let you know I've already been inspected and passed the inspection. I don't know if you guys have a record of that. Do I need to do anything, or send it to the Board? But it was already done. They came by this week to do an inspection.

Chair Peeples – Thank you, sir. We are going by the cover sheet that we have that was prepared prior to the meeting agenda. So, thank you for the update that. We're going to go with the agenda item, but you can be in touch with the Division office after the meeting.

Mr. Townsend – Yes, ma'am. Thanks so very much.

Chair Peeples – Thanks. Mr. Ferreira?

Mr. Ferreira – Mr. Townsend, is that a van you're in?

Mr. Townsend – It's a 450.

Mr. Ferreira – Okay. All right. I thought maybe it was a van. I was wondering why those seats were still up.

Mr. Townsend – No, sorry. I have a transport company as well.

Mr. Ferreira – Thank you. That's it.

Chair Peeples – So we have a motion by Ms. Clay, a second by Mr. Ferreira. Is there any other discussion on the motion? Hearing none. All in favor of the motion say Yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed say No. Motion carries. Good luck, sir. Thank you for participating today.

Mr. Townsend – Thank you, Board. Thank you so much.

P. Application(s) for Transfer of Preneed Main

(1) Recommended for Approval without Conditions
(a) Eden Funeral Services LLC (Pompano Beach)

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

Ms. Wiener – Yes, Wendy Wiener.

Ms. Simon – Thank you. The Department received an application for transfer of a preneed license on July 18, 2025, due to a change of ownership of the funeral establishment, and deficiencies were noted on the application. All deficiencies were resolved as of September 2, 2025. The sole owner and member of the LLC is Joseph Goldberger. A completed background check of the principal was returned to the Division without criminal history. The application for the qualifying funeral establishment license for the above listed location was approved at the September 4, 2025, Board meeting subject to conditions. If approved, Applicant will sell trust-funded preneed through Funeral Services Inc (FSI) and utilize their approved pre-arranged funeral agreement forms. The Division recommends approval without conditions.

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

Ms. Wiener – Yes, ma'am.

Chair Peeples – Thank you. Board members?

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

Chair Peeples – Thank you ma'am.

Ms. Wiener – Thank you.

Q. Collective Application(s)

(1) Change in Ownership
(a) Northwood Funeral Home & Crematory, LLC (West Palm Beach)
1. Recommended for Approval with Conditions
• Crematory Facility
• Funeral establishment
• Transfer of Preneed Main

Ms. Simon – Representing the entity on the call today is Mr. Grabowski. Northwood, a limited liability company, has submitted the following: an application for a funeral establishment license, a n application for a crematory facility license, and an application for transfer of a preneed main license. If approved, the licenses will be at the location listed below:

- 1) Northwood Funeral Home & Crematory LLC, a licensed funeral establishment, license # F620128, physical address: 5608 Broadway, West Palm Bch, FL 33407
- 2) Northwood Funeral Home & Crematory LLC, a licensed crematory facility, license # F620129, physical address: 5608 Broadway, West Palm Bch, FL 33407

3) Northwood Funeral Home & Crematory LLC, a licensed preneed main, license # F620128, physical address: 5608 Broadway, West Palm Bch, FL 33407

Included within your Board packages are the applications regarding the above listed property. The change of ownership is the result of the transfer of ownership formerly held by husband and wife, Gene P. and Nicole Nelson to Mr. Nelson as the sole owner and member of the LLC as specified in the attached letter from Attorney, Luke J. Grabowski, dated 8-11-2025. The sole member and owner of the LLC will be Gene P. Nelson. The background check for the principal was returned without criminal history. It should be noted that Applicant reported adverse licensing history (please see attached documentation under 'Adverse Licensing History') which occurred in 2022 and which resulted in the Applicant being placed on twelve (12) months' probation and fined \$2500. All conditions of this disciplinary action have been resolved and there are no other current actions or issues in relation to the Applicant. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these locations, the obligation to fulfill those preneed contracts will be assumed by the new ownership. The Division recommends approval subject to the following conditions:

- 1) That the closing on the transaction to acquire ownership shall occur within sixty (60) days of the date of this Board meeting.
- 2) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- 3) That Applicant shall assure receipt by the Division within seventy-five (75) days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, Stock Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- 4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to ninety (90) days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.
- 7) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities, (if any), of the location(s) being acquired.

Chair Peeples – Thank you Ms. Simon. Mr. Grabowski, questions only?

Mr. Grabowski – Yes ma'am.

Chair Peeples – Thank you sir. Board members?

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

Chair Peeples – Thank you Mr. Grabowski.

Mr. Grabowski – Thank you, Madam Chair.

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

(1) Recommended for Approval with Conditions

(a) Preneed Sales Agreement

1. Independent Funeral Directors of FL (IFDF) (Tallahassee)

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

Mr. Grabowski – Luke Grabowski on behalf of IFDF.

Ms. Simon – Thank you, Mr. Grabowski. The revised preneed sales agreement included within your Board package is submitted for approval: Cemetery Interment Rights, Merchandise and Services Purchase Agreement. If approved, this agreement will be used for the sale of preneed by various licensed preneed establishments. The Division recommends approval with 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 being issued.

MOTION: Mr. Ferreira moved for 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 being issued. Mr. Chapman seconded the motion.

Chair Peeples – Any discussion on the motion? Mr. Jensen?

Mr. Jensen – A quick discussion and I may be missing this, but I see where it says purchasers right to cancel, but it doesn't state that the purchaser can cancel services at any time. I'm just wondering, is that not required on these contracts, these trust contracts?

Chair Peeples – Mr. Grabowski?

Mr. Grabowski – I apologize. Madam Chair, I'm trying to pull it up right now on my computer.

Chair Peeples – Thank you, sir.

Mr. Jensen – I see here on Page 5 where it says, you know, refunds a purchaser only has thirty (30) days.

Ms. Simon – This is something the Department looks for. We're just trying to find that language right now.

Chair Peeples – Thank you, Ms. Simon.

Mr. Jensen – I'm on Page 5 of our packet under Services. It says by providing written notice to sell or purchase may cancel these services portion of this agreement at any time, so I think that covers it. We're good. Thank you.

Chair Peeples – Thank you, Mr. Jensen. Any other items for discussion on this motion? Hearing none, all in favor of the motion say Yes.

Board members [Unison] – Yes.

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

Mr. Grabowski – Thank you, Madam Chair.

(b) Request for Transfer of Trust
1. Millennium Crematory LLC (F390731) (Vero Beach)

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

Ms. Wiener – Yes, Wendy Wiener.

Ms. Simon – Thank you, Ms. Wiener. Millennium seeks approval of the below proposed trust asset transfer as more specifically set forth in correspondence from Justin Wilson, representative, dated September 15, 2025. Millennium seeks approval of the transfer of the following trust: the Forethought Federal Savings Bank Florida Preneed Master Trust Agreement for Stonemor Florida Subsidiary LLC (*as it relates formerly to Seawinds Funeral Home and Crematory in Okeechobee*) (dated 8/1/13) (70/30 trust) under Regions Bank, N.A. (Regions) to the FSI 1993 Trust Agreement (dated 11/7/24) (70/30 trust) under Argent Trust Company (Argent). If approved, Argent will be the trustee, all as more specifically set out in attached correspondence

from Mr. Wilson. The Division recommends approval of the proposed trust transfers as identified above subject to the following conditions:

- 1) That the representations of Millennium as set forth in the representative's correspondence dated September 15, 2025, be deemed material to the Board's decisions herein.
- 2) That within 90 days of this Board Meeting Argent provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b), to act as trustee of the trust to be transferred pursuant to the representative's correspondence, dated September 15, 2025.
 - A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in the representative's attached correspondence, dated September 15, 2025.
 - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in the representative's attached correspondence, dated September 15, 2025.
- 3) 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 – Thank you Ms. Simon. Ms. Wiener, questions only?

Ms. Wiener – Yes.

Chair Peeples – Thank you. Board members?

Mr. Ferreira – I have a question.

Chair Peeples – Yes, Mr. Ferreira?

Mr. Ferreira – Ms. Wiener, Forethought Federal Savings Bank? I've just never heard of it.

Ms. Wiener – You would not have. This was an old, old name before it became Clearpoint. So back in the day, Forethought Life Insurance Company, actually a bank called Forethought Federal Savings Bank. And then later on when the insurance company and the bank split, the trust company, the bank, the trust company became Clearpoint. So, that's why Ms. Simon made a reference to Clearpoint.

Mr. Ferreira – Thank you.

Chair Peeples – Board members?

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

Chair Peeples – Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

S. Related Items

- (1) *Recommended for Approval with Conditions*
 - (a) *Monument Establishment Retailer*
 - 1. *Jacksonville Memorials, LLC d/b/a/ Southern Monument Company (Tampa)*

Ms. Simon – Is there a representative of that entity on the call today? Hearing no response. An application for monument establishment licensure was received on August 19, 2025. The application was incomplete when received. A background check of the principals, Mr. Stephen G. Pinter, Mr. Brian C. Grossetto, and Ms. Mary Grossetto, did not reveal any relevant criminal history. The Division has considered the application complete on September 16, 2025. The Division recommends approval with the condition that the establishment passes an inspection by a member of the Divisions Staff

MOTION: Mr. Ferreira 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.

(b) *Monument Sales Agreement*

1. *Jacksonville Memorials, LLC d/b/a/ Southern Monument Company (Tampa)*

Ms. Simon – In conjunction with that application for licensure, the entity also proffers a monument establishment sales agreement. The Division recommends approval subject to the condition that two (2) full-sized print-ready copies of the revised monument sales agreement are received by the Department within sixty (60) days of the Final Order executed in this matter.

Chair Peeples – Board members?

MOTION: Mr. Jensen moved to approve the agreement subject to the condition that two (2) full-sized print-ready copies of the revised monument sales agreement are received by the Department within sixty (60) days of the Final Order executed in this matter. Mr. Ferreira seconded the motion.

Chair Peeples – Mr. Clark?

Mr. Clark – There was a typo on Page 2 in the name of the Company.

Chair Peeples – Thank you, sir. So, we have a motion, a second, and a comment. Ms. Simon?

Ms. Simon – We can make that a condition of approval that the name on the form be changed to reflect the truth of the establishment.

Chair Peeples – Mr. Jensen, do you agree with that addition to your motion?

Mr. Jensen – Yes, ma'am.

Chair Peeples – Mr. Ferreira, do you accept?

Mr. Ferreira – I do.

Chair Peeples – Thank you, Mr. Clark. We have a motion a second. Any other discussion on the motion? Hearing none, all in favor of the motion say Yes.

Board members [Unison] – Yes.

Chair Peeples – Any opposed? Motion carries

T. *Executive Director's Report*

(1) *Operational Report (Verbal)*

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

Chair Peeples – Ms. Schwantes?

Ms. Schwantes – Good afternoon. Thank you, ma'am. First thing I want to talk about is the Board member application process. We have five (5) Board Members whose terms expired on September 30th. As always, Board members are authorized and encouraged to continue serving on the Board until they are reappointed or replaced. We expect that the application process for these five (5) positions will be posted on our website and otherwise announced within the next several days. In the meantime, if any of you have questions on the appointment process or the available positions please contact me directly.

The next Rules Committee meeting is set to take place by videoconference beginning at 10 a.m. on October 20th. The purpose of that meeting will be to revisit twelve (12) of the Board Rules in more depth, possibly arriving at proposed language for each of these rules which the Committee finally determines require changes. As always, all Board members are encouraged to attend. I do want to thank Board members who have attended the last Committee meetings, and particularly the Committee members, very much for their participation.

The next full Board meeting will take place by videoconference on November 6th at 10 a.m. Additional details on all Board meetings and any scheduled Rules Committee meetings are found on our website. That ends this portion of the Operational Report. Thank you.

Chair Peeples – Thank you, ma'am.

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

Ms. Simon – This is informational only.

Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
Efren Lamar Johnson II	September 4, 2025	334748-24-FC & 343499-25-FC	\$500			
Johnson & Family Life Celebration Center LLC	September 4, 2025	334714-24-FC & 343278-25-FC	\$1,500			
Randy Straghin	September 4, 2025	343612-25-FC	\$500			
Straghin & Son Tri-City	September 4, 2025	33605-25-FC	\$1,000			
Cremations of Tampa LLC	September 4, 2025	344117-25-FC	\$2,500			
Alan Orr	September 4, 2025	344128-25-FC	\$1,750			
Travis Gibson	August 7, 2025	316203-23-FC	\$500			
Travis Gibson	August 7, 2025	318823-23-FC	\$5,000			
Travis Gibson	August 7, 2025	318756-23-FC	\$2,500			
Richard Mengeling	August 7, 2025	258609-20-FC	\$500			
Charles Chestnut IV	August 7, 2025	334936-24-FC & 346917-25-FC	\$4,000			
Michael Bowden	August 7, 2025	344259-25-FC	\$1,000		Paid in Full	
Scobee-Combs Crematory	August 7, 2025	344257-25-FC	\$1,000		Paid in Full	
Westside Funeral Home Inc.	August 7, 2025	328217-24-FC	\$1,500			
George Woodie	August 7, 2025	328221-24-FC	\$1,500			
Jerry Nackson	June 26, 2025	311622-23-FC	\$1,500			
Sarah Noble	June 26, 2025	334752-24-FC	\$2,000			
Gloria Castillo	June 26, 2025	333147-24-FC & 333151-24-FC	\$1,250			
Integrity Funeral Services of Tampa FL, Inc.	June 26, 2025	333146-24-FC & 333149-24-FC	\$1,250			
Roderick Stevens	May 29, 2025	338272-25-FC	\$1,750	August 18, 2025		
D A Jackson Funeral Home	May 29, 2025	338271-25-FC	\$3,500	August 18, 2025		
Michael O'Brien	May 29, 2025	320333-23-FC	\$5,500	August 18, 2025	Paid in Full	
Jeb Stuart Turner	May 29, 2025	309706-23-FC & 334886-24-FC	\$1,500	August 18, 2025	Paid in Full	
Jarrod Theodore Campbell	May 29, 2025	320816-23-FC	\$1,500	August 18, 2025	Paid in Full	
JT Campbell Funeral Home and Cremation Services Macedonia Chapel LLC	May 29, 2025	320813-23-FC	\$1,500	August 18, 2025	Paid in Full	
Albert Morrison	May 29, 2025	320814-23-FC	\$1,500	August 18, 2025	Paid in Full	
Paradise Funeral Chapel, LLC	May 1, 2025	292042-22-FC	\$2,000	August 18, 2025	Paid in Full	
Melinda Mezeline Jackson	May 1, 2025	316674-23-FC & 316677-23-FC	\$4,000 + \$2,500	August 18, 2025		Suspended until fines are paid
Donna Summerour McRae	May 1, 2025	325260-24-FC	\$2,000	August 18, 2025		Sent to OGC
Joyce Wynelle Williams	May 1, 2025	316197-23-FC	\$3,000	August 18, 2025	Paid in Full	
River City Crematory Inc.	May 1, 2025	312544-23-FC	\$3,000	August 18, 2025	Paid in Full	
SCI Funeral Services of Florida LLC - Manasota d/b/a Manasota Memorial Park	May 1, 2025	303160-22-FC	\$2,000	August 18, 2025	Paid in Full	
Douglas Eric Hasley	May 1, 2025	330950-24-FC	\$1,750	August 18, 2025	Paid in Full	
Stonemor Florida Subsidiary, LLC d/b/a Forrest Hills- Memorial Park	May 1, 2025	300643-22-FC	\$750	August 18, 2025	Paid in Full	
Stonemor Florida Subsidiary, LLC d/b/a Forrest Hills- Palm City Chapel	May 1, 2025	293062-22-FC & 300644-22-FC	\$24,000	August 18, 2025	Paid in Full	
Ruben Rojas	March 6, 2025	320710-23-FC	\$8,000	May 5, 2025		Suspended until fines are paid
Geronimo Mena Jr.	February 6, 2025	311851-23-FC	\$2,000	March 31, 2025		Sent to OGC
Ronald Dolinar	January 2, 2025	325255-24-FC	\$1,500	March 13, 2025		Sent to OGC

ES 9-19-25

U. Chair's Report (Verbal)

Ms. Simon – Madam Chair?

Chair Peeples – Thank you, Ms. Simon. First, I'd like to thank the Department and the Office of General Counsel for starting to get the cases moving that we have had pending. So, I appreciate all their work, and as I mentioned earlier congratulations to Ms. Eldeb on passing the bar. Also, I'd like to thank the Division team. We're kind of short-handed, short-staffed at the Division office and I appreciate all that they're doing to try to get applications and items processed. Also, thank you to the Rules Committee. Mr. Clark, as Chair, thank you. Ms. Clay, Mr. Williams, and Mr. Jensen, thank you for what you are doing because you are making the process go a little bit easier, so I appreciate your participation. As always, thank you to all the

Board members. Ms. Simon?

Ms. Simon – Thank you.

V. Office of Attorney General's Report

(1) Attorney General's Rules Report (Informational)

Ms. Simon – Ms. Munson?

Ms. Munson – Yes, good afternoon. The first information you see on the report is the rules report. It is informational. It is blank. It won't be blank much longer.

BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
OCTOBER 2025

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.

So that's going to lead me into the discussion on the Annual Regulatory Plan.

(2) Annual Regulatory Plan (Action)

Ms. Munson – This document is included for this Board's ratification. You may recall that every year we're required to do some type of anticipated rulemaking information to provide to the Executive Office and also reviewed by our Legislature. It does not mean that we will not have additional rulemaking not listed. It also does not mean that if any rules are identified, we cannot, and we choose not to do them, we were forced to do them. The difference with this Annual Regulatory Plan, and I'd like to extend sincere gratitude to the staff under the leadership of Ms. Simon and Ms. Schwantes, and to our Board Chair, Ms. Peeples, in doing a very comprehensive review of this particular document. As a result of Senate Bill 108, as Director Schwantes has referenced a few times over the last several weeks, we are required, as is every other state agency, to take a very comprehensive look at our Board Rules. Departments have to look at their Department Rules. And we have to identify a five-year plan under which all of our rules will be reviewed, make decisions about whether we're going to make changes to them, have them repealed. That's the process that the Rules Committee has been doing for the past several weeks. This document is a memorialization of that five-year plan. It is a new section to the Annual Regulatory Plan. As you will see in Pages 3-9 of it, it's section five. We thought it easier, because the Senate bill required that we identify by October 1st. Coincidentally the same date that the Annual Regulatory Plan is due, our five-year comprehensive rules review plan.

So, what you will see beginning on Page 3 of this document is a list of the rules, the year that the rule number is titled, and it's scheduled fiscal year review. First of those beginning in 2026. You will also note by the final page of this document that the Board currently has a total of 152 rules that are required to review at least 20% of them every year over the next five (5) years. This body has indicated by executive review that we're going to try to review a line and share of them upfront, but you will see the breakdown as to when each of these rules are expected to be reviewed. There may be some modification because the legislation allows us to, every year if we need to make adjustments to it, we have the opportunity to do so. But I'm pretty sure that we're going to stick to this as closely as possible. You will notice that year five, 2030, we're just leaving the Disciplinary Guidelines on table because that rulemaking effort will be very labor intensive, not that the others won't, but that in and of itself is labor intensive by its own nature.

So, this document is provided for you to know what the five-year plan looks like, what the Annual Regulatory Plan looks like. It's already been signed by the Chair, as the authority has previously been delegated for the Chair to do. It was reviewed and signed on September 19th. You'll see a copy of it on our website because we are required by October 1st to have a copy of it on

our website. We're required by October 1st to notice that by publication that it exists with the link to the website, and we have complied with each of those requirements. So, the document before you for your ratification, if you have any questions about it, it will be referenced as we move forward, particularly because of the five-year plan, that's section five of this, to see how closely we are sticking to it. You'll notice that some of the rules as Director Schwantes has indicated are Shared Rules, some are just Board Rules, but the Shared Rules of which the Board has some type of investment in have been included in our collective Board rule review and the breakdown of it will be referenced throughout this comprehensive rulemaking process. If you have any questions this is a good time to ask. Short of that this is an opportunity for a motion to be made to ratify it and with full ratification this will be filed away until we need to revisit it again. Thank you.

Chair Peeples – Thank you, Ms. Munson.

Ms. Clay – Madam Chair?

Chair Peeples – Yes, Ms. Clay?

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

Ms. Munson – That concludes my report. Thank you.

W. Public Comments (Verbal)

Ms. Simon – Are there any public comments to be made today?

Ms. Andretta Graham – Yes. Good afternoon. Madam Chair and Board members, my apologies. I am Andretta Graham, with Bay Area Mortuary Transport LLC. I did miss when you got to my name. I am a nurse, so I was with one of my patients and couldn't be on. Is there any way you can please give me the update as to the status of the application that was submitted?

Chair Peeples – Thank you Ms. Graham for connecting with us, but if you will please call the Division office after this meeting. They can update you and answer any questions you have.

Ms. Graham – Yes, ma'am. Thank you.

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

Ms. Simon – Are there any other public comments to be made at this time?

Chair Peeples – Ms. Apolonio?

Ms. Elizabeth Apolonio – Hi, my name is Elizabeth Apolonio. I just have a question when it comes to issuance of the final orders. We haven't gotten any from the June 26th meeting, and so I was just hoping to know when we can anticipate those being released. We have people who want to make sure that they get everything paid and taken care of, so I want to try to help them out with that.

Chair Peeples – Thank you, Ms. Apolonio. If you will direct your question to the Division office after the meeting, they'll be glad to get you any information you need.

Ms. Apolonio – Thank you so much.

Chair Peeples – Thank you.

Ms. Simon – At this time, are there any additional public comments to be made?

Chair Peeples – Is that Mr. Chestnut? You are muted, sir.

Mr. Christopher Chestnut – I'm sorry, Madam Chair. Can you hear me now?

Chair Peeples – Yes, sir. Thank you.

Mr. Chestnut – Thank you. I just want to salute you and all of the Board members. Thank you for your time and your hard work. I just wanted to follow up with the Board and invite or ask that maybe they make some inquiry into the disciplinary processes effectuated by the Division. I presently have about three (3) cases that are open with {inaudible} that are kind of {inaudible}. So, I found the Chapter 119 public records request for records involving our funeral home. Those have not been responded to. And so then in the pending complaints, I would, under 28-106.206 be entitled to discovery, but I can't get to discovery because we've been in a holding pattern. I mean, that holding pattern is that a hearing officer has not been appointed at DOAH. The recommendation from the Division has not come through. And so, my point is, Board members, is that at the end of the day, I think we're all trying to get to truth and we're all trying to improve the profession. I'm in embalming school. I've tried everything I can to be a possible rule model as a student, as someone who's a citizen of Florida. But I think what is happening, certainly to our funeral home and I think some others, is just wrong. All we want to do is get to the truth and we're consistently being berated with complaints and the complaints where we hire investigators who then find the solution or the answers to the complaint. If it's not adverse to our interest, right? If it's not against us, then it just goes silent.

Chair Peeples – Mr. Chestnut, thank you for participating. Thank you for your comments.

Mr. Chestnut – Yes, ma'am. I wasn't finished though. If I may continue?

Chair Peeples – If I may, sir? I've got Ms. Marshall, who has a hand up. So, if I may recognize her, please, sir? Ms. Marshall.

Mr. Chestnut – Are you terminating my time, ma'am or can I {inaudible}?

Chair Peeples – No, sir. I'm going to come back to you, but I have Ms. Marshall's hand up, so I'll come back to you. Thank you, sir.

Ms. Marshall – Thank you, Madam Chair. If Mr. Chestnut's comments are concerning pending cases, those are not appropriate to be heard by the Board at this time.

Chair Peeples – Thank you Ms. Marshall. Mr. Chestnut, we greatly appreciate you participating. We appreciate your concern, your comments, but as Ms. Marshall stated, anything that's a pending situation is not a part of public comments here and we're trying to due diligence to kind of get cases addressed and appropriately handled. So, thank you for your concern. Thank you for your participation.

Mr. Chestnut – If I may just ask, because I've repeatedly tried to ask. I volunteer my services. How can we address the process? What mechanism do you recommend, right?

Chair Peeples – Well, Mr. Chestnut, asking a question for me...

Mr. Chestnut – Hold on, ma'am. Hold on. I'm not concerned and I'm not speaking to or asking about individual cases. I'm not speaking factually to any open case right now. What I am speaking to is a modus operandi, a pattern of practice of behavior, acts, omissions, or misbehavior by perhaps investigators, perhaps other people within the Division that I don't think many Board members know about. I think that the Board is comprised of a lot of honest, hardworking people. That's what most morticians are. And so, what I'm really asking, ma'am, is what is the appropriate medium or forum for me to get answers and perhaps other firms to...

Chair Peeples – And, Mr. Chestnut, I've got to cut you off, sir. It is not appropriate right now for these questions to be addressed right now. I'm going to turn it over to Ms. Schwantes.

Ms. Schwantes – Thank you. Mr. Chestnut, in our last meeting, I suggested that you contact me directly. I have not heard from you and would appreciate it if you would do so, and we can talk then.

Mr. Chestnut – I'll happily do so again, Ms. Schwantes. I did reach out to you and Ms. Simon, but I'll do it again.

Ms. Schwantes – Thank you.

Chair Peeples – Thank you, Mr. Chestnut. We appreciate you participating today. Ms. Simon?

Ms. Simon – I do not see any other members of the public on today's call. As a result of that Madam Chair, I believe that concludes today's Board meeting.

Chair Peeples – Thank you, Ms. Simon.

X. Administrative Report as September 23, 2025

A.	New Cemetery Applications	0
	Recommended for Approval	0
	Pending	0
B.	Cemetery Acquisition Applications	0
	Recommended for Approval	0
	Pending	0
C.	Preneed License Applications	2
	Active Preneed Licenses	314
	Presented to the Board at this Meeting	2
	Pending	2
D.	Preneed License Branch Applications	0
	Active Preneed License Branches	396
	Recommended for Approval	0
	Pending	0
E.	Preneed Sales Agent Applications	52
	Active Sales Agents	3591
	Recommended for Approval	56
	Temporary Licenses Issued Pending Permanent	20
F.	Monument Establishment Applications	1
	Active Monument Establishments	74
	Pending	1
G.	Broker of Burial Rights Applications	0
	Active Brokers of Burial Rights	23
	Pending	0
H.	Exempt Cemetery Reports	0
	Active Exempt Cemeteries	50
	Pending	0
I.	New Establishment Applications	11

	Pending	11
	Completed	0
J.	New Individual Applications	25
	Pending	2
	Completed	23
K.	Request for Training Facility Applications	2
	Pending	2
	Completed	0
L.	Request for Continuing Education Providers and Courses	9
	Pending	0
	Completed	9
M.	Initial Inspections	2
	Completed	2
N.	Inspections	99
	Completed	99
O.	Initial Licenses Issued	23
	Renewal Licenses	1591

Y. Disciplinary Report

Notices of Non-Compliance Issued Since Last Meeting (September 4, 2025)	0
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Z. Upcoming Meeting(s)

- (1) *October 20th Rules Committee (Videoconference)*
- (2) *November 6th (Videoconference)*
- (3) *December 4th (Videoconference)*
- (4) *January 8th (Videoconference)*
- (5) *February 5th (In-Person – Tallahassee TBD)*
- (6) *March 5th (Videoconference)*
- (7) *April 2nd (Videoconference)*
- (8) *May 7th (Videoconference)*
- (9) *June 25th (Videoconference)*
- (10) *July 23rd (In-Person – Aventura – FCCFA Annual Conference)*
- (11) *September 3rd (Videoconference)*
- (12) *October 8th (Videoconference)*
- (13) *November 5th (Videoconference)*
- (14) *December 3rd (Videoconference)*

AA. Adjournment

Chair Peeples – Board members, I appreciate your due diligence. I appreciate Ms. Munson, Ms. Simon, Ms. Schwantes, the team at the Division office, as well as the Department office at general counsel. And it is 1:28 and we will be adjourned. Thank you and have a great afternoon.

Ms. Simon – Thank you, Board members.

The meeting was adjourned at 1:28.