

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES**  
**VIDEOCONFERENCE MEETING**  
**NOVEMBER 6, 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 Thursday, November 6, 2025. It is 10 o' clock, and I will call the meeting to order and turn it over to Ms. Schwantes.

Ms. Mary Schwantes – Thank you, Madam Chair. Good morning. My name is Mary Schwantes. I am the Director for the Division of Funeral, Cemetery, and Consumer Services. Today is November 6, 2025, and it is approximately 10:00 a.m. 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 the public as well. 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 as well as 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 U on your agenda, which is Public Comment. Public Comment is reserved for general comments by the public and not for re-litigation of any matter before the Board. Please be aware that if Public Comment is used as an attempt to relitigate 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. Madam Chair, before going on to call roll, I wanted to point out, Ms. Simon has laryngitis, unexpectedly. This is sort of a last-minute transfer over to me for handling this, but she is in the office with me and, if necessary, I would like permission from you to call upon her for input as we go through the meeting.

Chair Peeples – Yes, ma'am. Please proceed.

Ms. Schwantes – Thank you. And at this point I will call the roll:  
Jill Peeples, Chair

Andrew Clark, Vice Chair  
David Chapman  
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  
Kimberly Marshall, Department Legal Counsel  
Nicole Eldeb, Department Legal Counsel  
LaTonya Bryant, Department Staff

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

Chair Peeples – Thank you, Ms. Schwantes.

**B. Rules Committee Items**

Ms. Schwantes – This agenda item is a continuation of our reports on the actions and recommendations of the Board's Rules Committee. At various times during this fiscal year, we will be reporting on the eighty-seven (87) rules contained in Chapter 69K, Florida Administrative Code, which were reviewed by the Rules Committee this year pursuant to Senate Bill 108, and the newly created Section 120.5435, Florida Statutes.

*(1) Action on the Minutes*  
*(a) September 30, 2025*

Ms. Schwantes – The first Rules Committee item on today's agenda is the minutes from the Committee meeting, which took place via videoconference on September 30<sup>th</sup>. The Committee has previously approved these minutes. Board action is needed on the minutes. Madam Chair?

Chair Peeples – Yes, ma'am. Board members, what's your pleasure?

**MOTION:** Mr. Todd Ferreira moved to adopt the minutes. Mr. Andrew Clark seconded the motion, which passed unanimously.

Chair Peeples – Ms. Schwantes?

Ms. Schwantes – Thank you, Madam Chair.

*(2) Report and Recommendations from Meeting on September 30, 2025*

Ms. Schwantes – The report sets out the results of the Committee's revisit of sixteen (16) rules last month. The sixteen (16) rules revisited were all Shared Rules, which means that responsibility for information contained in those Shared Rules belongs to both the Board and the Department. Your approval of the report, information contained therein, and decisions made on each of the reviewed rules will be incorporated in the Board's report, which is due by January 1<sup>st</sup> to the Joint Administrative Procedures Committee. That report must provide the results from the review of the rules this year. It will set out the Board's plan with regard to each of the rules that were reviewed whether each rule reviewed needs to be changed, repealed, or left alone. The first few pages of the report presented today set out the purpose of the September 30<sup>th</sup> meeting and the Committee's recommendations regarding the sixteen (16) rules, which were revisited that day. Detail is provided on the process and results of the Committee's review of each rule.

First recommendation: Of the sixteen (16) Shared Rules revisited during the meeting, the Committee determined that no changes were needed to seven (7) of the rules. Those rules are listed on Page 3 of the report. The Committee therefore recommends that the Board approve the Committee's review results on the seven (7) total Shared Rules listed in the report. I wanted to note for the Board that this action will not impact the Department's ability to take action as needed on issues in these seven (7) Shared Rules that are within its purview. For example, issues relating to forms or processes. Board action is needed on this recommendation. Madam Chair?

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

**MOTION:** Mr. Darrin Williams moved to approve the Committee's review results on the seven (7) total Shared Rules listed in the report. Ms. Sanjena Clay seconded the motion, which passed unanimously.

Chair Peeples – Ms. Schwantes?

Ms. Schwantes – Thank you, Madam Chair. The next recommendation for the Board's consideration is that the Committee determine that nine (9) of the sixteen (16) Shared Rules should be open for changes or repeal. The nine (9) rules, which the Committee recommends be open for development are listed on Page 3 of the report. Two (2) of the nine (9) rules are recommended to be opened solely for the purpose of repealing the rule. The Committee therefore recommends that the Board approve the Committee's review results on the nine (9) total Shared Rules listed in the report. Board action is again needed on this recommendation. Madam Chair?

Chair Peeples – Thank you. What is the Board's pleasure?

**MOTION:** Mr. Ferreira moved to approve the Committee's review results on the nine (9) total Shared Rules listed in the report. Mr. Williams seconded the motion, which passed unanimously.

Ms. Schwantes – Finally, Board action is required to approve the report and recommendations in its entirety. Again, Madam Chair?

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

Ms. Schwantes – To give you an update, at its October 20<sup>th</sup> meeting, the Rules Committee revisited the twelve (12) Board Rules which have been designated for further review. We expect that that report and the recommendations from that meeting will be presented to the Board at its December meeting. At this time, no additional Rules Committee meetings are planned until early next year. I want to thank Board members and Committee members, of course, for their participation during the Committee meetings. Madam Chair, this ends the Rules Committee issues. With your permission, I'll move on to Old Business.

Chair Peeples – Yes, ma'am.

**C. Old Business**

- (1) Application to Organize a New Cemetery Company**
  - (a) Recommended for Approval with Conditions**
    - 1. Our Lady of the Holy Rosary Catholic Cemetery Inc – Phase II (Oxford)**

Ms. Schwantes – The application for cemetery in Phase 1, was presented at the February 1, 2024, Board meeting, and was approved subject to the conditions as set forth in the attached Board minutes from the February 1<sup>st</sup> meeting. In response to the stated conditions by the Board for approval, the applicant has provided all the requested documentation in compliance with ss. 497.263(3). (Our Lady) herein submits the following documentation to satisfy conditions for Phase 2 of an application to Organize a New Cemetery Company for the above-named cemetery property located at: 5010 Holy Rosary Loop, Oxford, FL 34484. Applicant has provided information that it has complied with the following statutory criteria and conditions of approval, as set forth in section 497.263(3), which provides as follows:

- 1) That applicant establishes a care and maintenance trust fund containing not less than \$50,000, certified by a trust company operating pursuant to Chapter 660, F.S., a state or national bank holding trust powers, or a savings and loan association holding trust powers, pursuant to a Board approved trust agreement.
- 2) Receipt by the Division of an opinion or certification from a Florida title company or a letter signed by applicant's attorney, certifying that the Applicant holds unencumbered fee simple title to all land as described to the Board in the materials provided to the Board herewith.
- 3) Receipt by the Division from Applicant or Applicant's attorney of evidence of approval of local zoning authorities if approval is required. If no approval is required, Applicant may provide evidence of approval from residents adjacent to the proposed cemetery location.
- 4) That Applicant provides notification to the Division of the designated general manager of the cemetery who has 3 years of cemetery management experience, and the ability to operate a cemetery. (Please see Exhibit D of Attachment 4).
- 5) That Applicant provides to the Division satisfactory evidence that it has fully developed at least 2 acres for use as burial space, and such development includes a roadway(s) to the developed section(s) within the first 12 months of operation.
- 6) Receipt by the Division from Applicant's attorney, a written and signed attestation that the cemetery land identified in the application has been recorded in the public records of real estate in the county in which the cemetery land is located. Such notice must be clearly printed in at least 10-point type on the face of the deed or in a separate document containing a description of the property, the following language: "The property described herein shall not be sold, conveyed, leased, mortgaged, or encumbered without the prior written approval of the Department of Financial Services, as provided in Chapter 497, Florida Statutes."

If Phase 2 of Applicant's Application to Organize a Cemetery is approved, the applicant will operate under the name of Our Lady of the Holy Rosary Catholic Cemetery Inc.

Chair Peeples – Thank you, Ms. Schwantes. Ms. Wiener, are you representing this entity?

Ms. Wendy Wiener – I do. And I have just a quick question/clarification, which might be what gave Ms. Schwantes pause for just a moment. The conditions have already been met. The things that are listed that say that they are conditions, those are the things that we submitted to get to this point. So, I think that the recommendation would be for approval without conditions.

Ms. Schwantes – We agree. And thank you, Ms. Wiener, for pointing that out. I actually did pause at that, but I didn't have a chance to go through all of the conditions that were listed. And as you will see, the Division's recommendation on the coversheet does say subject to the above stated condition. So, to clarify, we are recommending approval of Phase 2 for the application organizing new cemetery.

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

Chair Peeples – Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

**D. Disciplinary Proceeding(s)**

- (1) *Department's Motion for an Order Dismissing Petition Without Prejudice (Probable Cause Panel B)*
  - (a) *Carnegie Funeral Home: DFS Case No. 312545-25-FC; Division No. ATN-40474 (F040948)*

Ms. Schwantes – This involved Probable Cause Panel B. If anybody needs to recuse themselves, now would be a time.

Mr. Williams – Madam Chair?

Chair Peeples – Yes, sir, Mr. Williams.

Mr. Williams – I need to recuse myself as I served on probable cause, panel B from D (1), D (2), and D (4).

Chair Peeples – Thank you, Mr. Williams. So noted.

Ms. Schwantes – Presenting for the Department, Kimberly Marshall.

Ms. Kimberly Marshall – Thank you, Ms. Schwantes. And good morning, Board members. This matter is being presented to the Board for consideration of the Department's Motion for an Order Dismissing Without Prejudice. On or about March 22, 2024, the Department filed an Administrative Complaint against Carnegie Funeral Home, Respondent in this case, alleging Violations of Chapter 497 Florida Statutes. On or about March 28, 2024, the Respondent timely submitted a petition stating he was not disputing material facts and requesting a hearing pursuant to Section 120.572, Florida Statutes. On or about September 25, 2025, the Respondent filed a formal petition requesting a formal hearing pursuant to Section 120.571, Florida Statutes. However, the petition failed to identify any disputed issues of material fact. As such, the Respondent's petition failed to meet the requirements for a formal hearing as outlined in Rule 28-106.2015, Florida Administrative Code. Accordingly, this motion requests that the Board dismiss the Respondent's petition without prejudice and enter an order providing Respondent with an additional twenty-one (21) days in which to file a facially sufficient petition for a formal hearing or to request an informal hearing. Furthermore, the Department requests that the order provide that if the Respondent fails to provide a timely response, the Respondent will have waived its right to a hearing in this matter, and I am available for questions. Thank you.

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

**MOTION:** Ms. Janis Liotta moved to dismiss the Respondent's petition without prejudice and enter an order providing Respondent with an additional twenty-one (21) days in which to file a facially sufficient petition for a formal hearing or to request an informal hearing. Furthermore, the Department requests that the order provide that if the Respondent fails to provide a timely response, the Respondent will have waived its right to a hearing in this matter. Ms. Clay seconded the motion, which passed unanimously.

**(b) *Related Cases - Division No. ATN-41079***

- 1. Carnegie, Al Jr.: DFS Case No. 312544-25-FC; Division No. ATN-41079 (F069178)**

Ms. Schwantes – Presenting again for the Department, Kimberly Marshall.

Ms. Marshall – Thank you. So, this matter is being presented to the Board for consideration of the Department's Motion for an Order Dismissing Without Prejudice On or about March 22, 2024, the Department filed an Administrative Complaint against Al Carnegie Jr. (Respondent), alleging violations of Chapter 497 Florida Statutes. On or about March 28, 2024, the Respondent timely submitted a petition stating he was disputing material facts and requesting a hearing pursuant to Section 120.57(2), Florida Statutes. On September 25, 2025, the Respondent filed a formal petition requesting a formal hearing pursuant to Section 120.571 Florida Statutes. However, the petition failed to identify any disputed issues of material fact. As such, the Respondent's petition failed to meet the requirements for a formal hearing as outlined in Rule 28-106.2015, Florida Administrative Code. Accordingly, this motion requests the Board dismiss the Respondent's petition without prejudice and enter an order providing Respondent with an additional twenty (21) days, in which to file a facially sufficient petition for a formal hearing or to request an informal hearing. Furthermore, the Department requests the order provided if the Respondent fails to provide a timely response, the Respondent will have waived its right to a hearing in this matter and I'm available for questions. Thank you.

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

**MOTION:** Mr. Ferreira moved to dismiss the Respondent's petition without prejudice and enter an order providing Respondent with an additional twenty-one (21) days in which to file a facially sufficient petition for a formal hearing or to request an informal hearing. Furthermore, the Department requests that the order provide that if the Respondent fails to provide a timely response, the Respondent will have waived its right to a hearing in this matter. Ms. Liotta seconded the motion, which passed unanimously.

- 2. Carnegie Funeral Home: DFS Case No. 312543-25-FC; Division No. ATN-41079 (F040948)**

Ms. Schwantes – Presenting for the Department, Kimberly Marshall.

Ms. Marshall – Thank you, Ms. Schwantes. This matter is being presented to the Board for consideration of the Department's Motion for an Order Dismissing Without Prejudice. On or about March 22, 2024, the Department filed an Administrative Complaint against Carnegie Funeral Home alleging violations of Chapter 497 Florida Statutes. On or about March 28, 2024, the Respondent timely submitted a petition stating he was not disputing material facts and requesting a hearing pursuant to Section 120.57(2), Florida Statutes. On September 25, 2025, the Respondent filed a formal petition requesting a formal hearing pursuant to Section 120.57(1), Florida Statutes. However, the petition failed to identify any disputed issues of material fact. As such, the Respondents petition failed to meet the requirements for a formal hearing as outlined in Rule 28-106.2015, Florida Administrative Code. Accordingly, this motion requests that the Board dismiss Respondent's petition without prejudice and entering order providing Respondent with an additional twenty (21) days, in which to file a facially sufficient petition for a formal hearing or to request an informal hearing. Furthermore, the Department requests that the order provide that if the Respondent fails to provide a timely response, the Respondent will have waived its right to a hearing in this matter and I'm available for questions. Thank you.

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

**MOTION:** Mr. Ferreira moved to dismiss the Respondents petition without prejudice and enter an order providing Respondent with an additional twenty-one (21) days in which to file a facially sufficient petition for a formal hearing or to request an informal hearing. Furthermore, the Department requests that the order provide that if the Respondent fails to provide a timely response, the Respondent will have waived its right to a hearing in this matter. Mr. Chris Jensen seconded the motion, which passed unanimously.

- (2) *Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel B)*
  - (a) *Benn, Trina Salter: DFS Case No. 325253-24-FC; Division No. ATN-42134 (F043382)*

Ms. Schwantes – Presenting for the Department, Nicole Eldeb.

Ms. Nicole Eldeb – Thank you, Ms. Schwantes. The above referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and Request for Informal Hearing and For Final Order by Hearing not Involving Dispute Issues of Material Fact, in the matter of Trina Salter Benn, the Respondent in this case. The Department conducted an inspection of Respondent and found that at all times, material to the allegations herein, Respondent was licensed as a funeral director and embalmer employed at Integrity Funeral Home and Cremations Inc. (IFH). IFH aided, assisted, procured, employed or advised Ronald Dolinar to perform embalming without a currently active embalmer license. Respondent as funeral director in charge for IFH failed to ensure that IFH complied with all applicable laws and rules. The disciplinary guidelines for these violations are as follows:

- *Count I: engaging in negligence, incompetency, or misconduct in the practice of a regulated profession: Reprimand, fine of \$1,000 to \$2,500 plus costs. In addition, probation for 6 months to one (1) year, suspension up to two (2) years, permanent revocation of license, and/or restitution may be imposed.*

The Motion demonstrates that Respondent failed to timely file a responsive pleading contesting the factual allegations in the Administrative Complaint, request that the Board adopt the factual allegations in the Administrative Complaint, and request that the Board issue an appropriate penalty in this matter. 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 failed to timely respond or has thus waived the right to elect a method of resolution in this matter.

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

**MOTION:** Mr. Ferreira moved that Respondent was properly served with the Administrative Complaint and has failed to timely respond or has thus waived the right to elect a method of resolution in this matter. Mr. Jones seconded the motion, which passed unanimously.

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

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

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

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

Ms. Eldeb – Now would be an appropriate time to hear from the Respondent, if she would like to speak.

Chair Peeples – Thank you. Ms. Benn, if you would like to address the Board, we need Ms. Schwantes to swear you in, please, ma'am.

Ms. Trina Salter Benn – Yes.

Ms. Schwantes – Please raise your right hand.

Ms. Benn – Ok.

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

Ms. Benn – I do.

Ms. Schwantes – Please state your name and spell your last name for the benefit of the record.

Ms. Benn – My name is Trina Salter Benn. Last name Benn, B-E-N-N.

Chair Peeples – Thank you, Ms. Benn. If you'd like to address the Board, please, ma'am.

Ms. Benn – Yes, I will. Thank you so much. At the time that this was carried out, Greg Williams was the owner of the funeral home. I was not informed that the individual did the embalming came into the facility. From my understanding, he was no longer with the establishment. And when I found out it was after this incident took place. At that time, I terminated my employment there with the funeral home due to the fact that they did not disclose to me that he allowed someone to come into the facility who wasn't a part of our team. And that's what, you know, happened into the incident. I truly hate that it happened to the family, but I resigned from the funeral home after I found out that this incident took place. And when I found out, it was because I received the documents.

Chair Peeples – Thank you, ma'am. Board members, are there any questions for Ms. Benn? Mr. Ferreira?

Mr. Ferreira – Ms. Benn, so you were not present when this embalming took place?

Ms. Benn – That is correct. That's correct. I was not in place when the embalming took place. Basically, I was working virtually for Greg, and I would go into the facility and transfer cremains and things like that. From what I was told, this was a former employee. He had relocated to North Carolina, moved out of the area. And then when this incident took place, I was not aware of it, didn't even know it happened until after it happened. And I resigned from the facility at that point.

Mr. Ferreira – That's it.

Chair Peeples – Thank you. Mr. Jones?

Mr. Jones – Yes, Ms. Benn, when you say you were working remotely, how many hours a week were you actually at the funeral home and visibly there?

Ms. Benn – Probably, on a weekly basis, I probably would be there maybe three (3) to four (4) times a week, because he had two (2) locations, one (1) in Amelia Island and one (1) on Stockton Street. So, primarily, I would basically meet with families online and then go in and just transfer cremains as needed and do paperwork and documents and things like that. So, on an average, no more than twenty (20) hours at the most in person.

Chair Peeples – Mr. Jones?

Mr. Jones – And that was twenty (20) hours for both locations?

Ms. Benn – All between the two (2), because the most I would be there was to meet families, release remains and give death certificates when needed.

Mr. Jones – You were the FDIC?

Ms. Benn – Yes. Yes, sir, I was.

Mr. Jones – Thank you.

Chair Peeples – Thank you. Ms. Clay?

Ms. Clay – Ms. Benn, were you aware that this gentleman was employed by the establishment previously before this incident?

Ms. Benn – I took over his place, far as the job went, because I relocated back to the Jacksonville area at that time and I was told that I took over, you know, his place, he was no longer with the company, he had moved to North Carolina, and that's all that I knew. And then when this incident took place, I was really surprised because I didn't even know that he had been anywhere back in the area or embalmed the body. And what I got from the owner at that time was that he had an emergency, and he called him in, and he wasn't aware that his license wasn't active, but that wasn't good enough for me because I don't operate that way. So, I just let him know that I no longer want to be a part of his establishment, and I move forth, and I have not been in the funeral service industry.

Ms. Clay – Thank you.

Chair Peeples – Mr. Jensen?

Mr. Jensen – A question for Ms. Benn. Ms. Benn, whether remotely or part time, I mean, you're still responsible as the FDIC. Did you not understand your responsibilities to make yourself aware of what was going on?

Ms. Benn – I truly understand my responsibilities. This is not the first time that I've been at FDIC, but I had no idea that this gentleman took place in the facility or was even on the grounds of the facility when this happened. I currently live in Kingsland, Georgia. I was remotely working, meeting with families online as calls came in. When I got informed of this was well after it had even taken place, and I was furious when it happened. So, again, I was not there every day at the location. I would only go in to transfer remains after they were delivered to the location and released to family's death certificates and cremains. And when I found this out was when I received the packet in the mail. And he didn't tell me anything. And he apologized and took full responsibility and say he didn't even know that his license was expired. So, I never even saw the gentleman that did the embalming, never met him before and didn't even know that he was back in the area. And I do fully understand the responsibilities of the FDIC.

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

Mr. Jensen – Yes, ma'am. I'm fine. Thank you.

Chair Peeples – Thank you. Before I get to Mr. Ferreira, I'd like to ask a question of Ms. Benn. I have not heard that you have completed any embalming or who was underneath you as a license embalmer to complete embalmings, other than Mr. Dolinar. Were any embalmings completed under Integrity Funeral Home and Cremations? Can you please elaborate on that?

Ms. Benn – From what I understood was if Greg had an embalmings, he would get with another licensed company and have the person transported to that facility to have the embalming took place. But primarily we did over 80% or 90% of cremations. No one rarely did embalmings. We didn't even have services for the most part of it. So, he would use another funeral home to do the embalmings. He would not do them there at the facility.

Chair Peeples – So the entity is Integrity Funeral Home and Cremations. Did you all not prepare remains, embalm them for funeral services? Was that done at remote locations also?

Ms. Benn – That was done at remote locations also. The only time that I ever saw like, you know, if someone basically because the facility where it's at on Stockton Street, there is a table there, you know, like where you can dress people and things like that, but I never saw anyone do embalmings there at that facility. No one was never there to do embalmings. And I was told from him that he would use a third-party carrier and send them out to be embalmed if he needed to utilize someone.

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

Mr. Ferreira – I'm fine. Thank you.

Chair Peeples – You're welcome. Is there any other Board member with a question for Ms. Benn? Ms. Eldeb?

Ms. Eldeb – Thank you. The Department offers into evidence the investigative report with exhibits, a copy of which has been previously furnished to the Board, to establish a *prima facie* case for the violations alleged in the Administrative Complaint. 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. Eldeb – The Department's penalty recommendation is a \$1,250 fine to be paid within thirty (30) days of the Board Order and six (6) months of probation with standard conditions.

**MOTION:** Mr. Jensen moved that Respondent shall pay a fine of \$1,250 fine to be paid within thirty (30) days of the Board Order and six (6) months of probation with standard conditions. Mr. David Chapman seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Ms. Benn, for being a part of the meeting today. Ms. Schwantes?

*(b) Carnegie, Al Jr.: DFS Case No. 312546-23-FC; Division No. ATN-40474 (F069178)*

Ms. Schwantes – Again, presenting for the Department, Kimberly Marshall.

Chair Peeples – Ms. Marshall, before you start. I noticed that Mr. Carnegie has raised his hand in the online virtual meeting, and we will be able to have him be sworn in as we get through the first three (3) motions. So, I'd like Mr. Carnegie to know that we will get to him. Ms. Marshall?

Ms. Marshall – Thank you, Ms. Peeples and Ms. Schwantes. This matter is being presented to Board for consideration of the Motion for Determination of Waiver for Final Order by Hearing not Involving Disputed Issues of Material Fact in the matter of Al Carnegie Jr., the Respondent in this case. Respondent is the funeral director in charge of the Carnegie Funeral Home, funeral established licensed under Chapter 497 Florida Statutes. The Division alleges that Carnegie Funeral Home engaged in the following: Failed to provide a written agreement listing in detail all charges assessed and failed to disclose all fees and costs to a consumer. As funeral director in charge of Carnegie Funeral Home, the Respondent is subject to discipline based upon violations of the establishment. The Motion demonstrates the Respondent failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint and request that the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty. I will move on to my motions. 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 failed to timely respond, thus waiving the right to elective breath of resolution in this matter.

**MOTION:** Mr. Ferreira moved that Respondent was properly served with the Administrative Complaint and has failed to timely respond thus waiving the right to elect a method of resolution in this matter. Mr. Chapman 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 matter.

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

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

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

Ms. Marshall – Now would be an appropriate time to hear from Mr. Carnegie, if he would like to speak.

Chair Peeples – Mr. Carnegie, are you connected via camera to the meeting today, sir, or only by telephone?

Mr. Al Carnegie – I'm on a computer.

Chair Peeples – Ok. Would you like to make your camera active, sir?

Mr. Carnegie – Yes.

Chair Peeples – Thank you.

Mr. Carnegie – Did it come up?

Chair Peeples – Yes, sir. Thank you, sir. If you would let Ms. Schwantes swear you in, please, sir?

Ms. Schwantes – Mr. Carnegie, if you'll raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Carnegie – Yes.

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

Mr. Carnegie – My name is Al Joseph Carnegie, Jr., C-A-R-N-E-G-I-E.

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

Mr. Carnegie – Yes, I would.

Chair Peeples – Please, sir.

Mr. Carnegie – Ok. So, when I originally fill out these papers, once again, I'm not a lawyer, so I didn't quite understand, so that's why I came back, and I disputed. The main one that I was disputing was the preneed. I don't sell preneed. I stay away from preneed. That website was put up before I took over. My sister is no longer here, she has her own firm, so I knew nothing about it. I made a totally different page. So, when I got the complaint, that was my first time seeing it as well, because

I took over completely in 2013, so I knew nothing about it. When I got the complaint, I'm like, what is this? I made a whole separate page. I knew nothing about it. So, you know, with that being said, that's what I came back, and I tried to dispute it so I can have my chance to speak on it, because, once again, I knew nothing about it. I don't sell preneed. I sent them to insurance reps, I knew nothing about it.

Chair Peeples – Mr. Carnegie, this particular case here is regarding an issue with a person by the initials PG who passed away on November 2, 2021, and that contract was entered into.

Mr. Carnegie – Oh, Ok.

Chair Peeples – So, would you like to address anything about this case?

Mr. Carnegie – Yes, ma'am. Now with this case, the family came in and got approximately \$9,400. There were three (3) of them. And we did it through Refund Funeral. And then on the contract, Refund Funeral mistakenly sent an extra \$150. The family sent the complaint in stating that we had them took like \$40,000, or something like that. That's where the original complaint came from, which was totally false. What it was, they came in and they got refund of over \$9,000 and it's on the paperwork. So, when the investigator went through it, he seen that they paid us an extra \$150. That was what was paid. So, in response, we talked to the family. We gave them a headstone, a panel and a blanket to cover the \$150. That's all it was. He said it's kind of the original complaint, they were trying to say \$40,000, something like that, a crazy number. But in response, when we got that saying it was \$150 that we overpaid by Refund Funerals, we turned around and gave them a marble headstone, a blanket and a panel. I thought that was going to be it, and then we started getting this paperwork of \$150, and we cleaned that up with a headstone, a panel and a blanket.

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

Mr. Ferreira – So I noticed that on the contract, Mr. Carnegie, you guys charge 7% on your general price list. It says that you charge 7% for an insurance assignment. And I didn't see where you charged that to this family.

Mr. Carnegie – No, we didn't. We waived it. That's what I'm saying. We gave them a lot of stuff. We aren't going to take anything from anybody.

Mr. Ferreira – So, my point is, based on your general price list, the family knew about that price of 7% and was not charged.

Mr. Carnegie – Correct.

Mr. Ferreira – Ok.

Mr. Carnegie – Even after they found the \$150 differential, we still gave them stuff. We don't take. We don't take it. That's why I was just like \$150, like for real. And that's why I didn't dispute. I thought they was going to throw it out. And then I get the paperwork. So, then that's when I came back and I'm trying to dispute it because it's like \$150, I mean, that's crazy. We don't take. We give away so much stuff. Everybody knows it.

Mr. Ferreira – Ok. So, I'd like to just make a motion to throw this case out.

Chair Peeples – Well, Mr. Ferreira, we're not at that area yet. We'll have to turn it back over to Ms. Marshall. So, if you'll give us just a minute to see if there's any other questions by the Board members for Mr. Carnegie. Board members, are there any other questions for Mr. Carnegie? Hearing none, Ms. Marshall we'll turn back to you, ma'am.

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

**MOTION:** Chair Peeples 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 as to penalty, the Department is seeking a fine of \$1,750 and six (6) months of probation.

Mr. Ferreira – Is this when I make my motion?

Ms. Rachelle Munson – This is a proper time to make it, anyway. But I just wanted to note that the motion is to dismiss the Administrative Complaint. I know you said throw the case out, but technically that's what an order would show, if the Board so, votes to do that.

Chair Peeples – Mr. Ferreira, would you like to make a comment, sir?

Mr. Ferreira – I just want to make sure I'm doing it at the right time, so I don't want to get ahead of what we're doing, but I think this needs to be thrown out. That's my motion.

**MOTION:** Mr. Ferreira moved to dismiss the case.

Chair Peeples – Mr. Ferreira, what do you base this on, sir?

Mr. Ferreira – I've done the numbers. I feel I've crunched all these numbers. I've gone through all of this and the \$150, again, when I looked at the general price list, the general price list says that they charge 7%, so I went back to their contract that the family signed, and the funeral home signed. Now, on that contract, there was not 7%, and 7% of that fee would have been \$769.79, which would have brought our total for this funeral, \$11,766.79. And that was not charged. And then this gentleman is also suggesting that he gave three (3) other items, so I feel like this is a moot point.

Chair Peeples – Thank you, sir. Board members, do we have any other comment? Ms. Clay?

Ms. Clay – I don't have a comment. I just have a logistical question. There is a motion on the floor before the motion to throw it out, right?

Chair Peeples – No, ma'am. The only motion is by Mr. Ferreira, but we do not have a second yet, so we're kind of in the middle of it.

Mr. Jones – Second, Jones.

Chair Peeples – Ok. We have a motion by Mr. Ferreira. Mr. Ferreira, instead of using the language, are you saying to dismiss the case?

Mr. Ferreira – That's better language, I assume. Yes.

Chair Peeples – Ok. And Mr. Jones, you agree with that?

Mr. Jones – Yes.

Chair Peeples – Is there any other discussion by any Board members, any other items before we take a vote? Ms. Schwantes, will you take a roll call vote on this, please, ma'am?

Ms. Schwantes – Yes, ma'am. Give me one second.

Chair Peeples – Thank you.

Ms. Schwantes – OK. Taking the vote now. And Chair Peeples, I'll come to you at the end. Todd Ferreira?

Mr. Ferreira – Yes.

Ms. Schwantes – Andrew Clark?

Mr. Clark – Yes.

Ms. Schwantes – Bill Quinn?

Mr. Quinn – Yes.

Ms. Schwantes – Janis Liotta?

Ms. Liotta – Yes.

Ms. Schwantes – Chris Jensen?

Mr. Jensen – Yes.

Ms. Schwantes – Mr. Jones?

Mr. Jones – Yes.

Ms. Schwantes – Mr. Williams?

Chair Peeples – Mr. Williams is recused.

Ms. Schwantes – Oh, I'm sorry. Ms. Clay?

Ms. Clay – Yes.

Ms. Schwantes – Mr. Chapman?

Mr. Chapman – Yes.

Ms. Schwantes – Madam Chair?

Chair Peeples – I'm a No.

Ms. Schwantes – Ok. So, this motion carries.

Chair Peeples – Perfect. Thank you, Mr. Carnegie, for participating today. Ms. Schwantes?

(c) *Oaklawn Park, Inc. d/b/a Greenwood Cemetery: DFS Case No. 334849-24-FC; Division No. ATN-42888 (F039556)*

Ms. Schwantes – Presenting for the Department is Nicole Eldeb.

Ms. Eldeb – Thank you, Ms. Schwantes. The above referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing not Involving Disputed Issues of Material Fact in the matter of Oaklawn Park Inc. d/b/a Greenwood Cemetery, the Respondent in this case. The Department conducted an inspection of Respondent and found as follows. At all times, material to the allegations herein, Respondent was licensed as a cemetery, license number F039556. Respondent performed two (2) disinterments without proper authorization. Respondent cemetery license expired on January 1, 2024, and I would like to make an oral amendment, this should say and was renewed on November 5, 2025. I would like to also note for the record that it should say November 5, 2025, under bullet

21, and that would be Page 8 of the PDF, and I apologize for that mistake. During that time, Respondent continued operating as a cemetery. The disciplinary guidelines for these violations are as follows:

- *Count I-II: failing to obtain written authorization from a legally authorized person before disinterment. Reprimand, fine of \$2,500 to \$5,000 plus costs. In addition, probation for up to two (2) years with conditions, suspension up to two (2) years, or permanent revocation of license may be imposed.*
- *Count III: attempt to or use a suspended, revoked, inactive or delinquent license, second violation. If delinquent, fine of \$1,000 to \$2,500.*

The Motion demonstrates that Respondent failed to timely file a responsive pleading contesting the factual allegations in the Administrative Complaint, request that the Board adopt the factual allegations in the Administrative Complaint and request that the Board issue an appropriate penalty in this matter. 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 failed to timely respond and has thus waived the right to elect a method of resolution in this matter.

**MOTION:** Ms. Liotta moved that Respondent was properly served with the Administrative Complaint and has failed to timely respond and has thus waived the right to elect a method of resolution in this matter. Mr. Ferreira seconded the motion, which passed unanimously.

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

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

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

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

Ms. Eldeb – Now would be an appropriate time to hear from the Respondent if he would like to speak.

Chair Peeples – Mr. Letter, if you will allow Ms. Schwantes to swear you in, please, sir?

Ms. Schwantes – Please raise your right hand. Do you promise to tell the truth, the whole truth and nothing but the truth, so help you God? Mr. Letter, I'm sorry, we could not hear you. We have an audio problem, at least I cannot hear him. Can anybody else hear him?

Chair Peeples – No, ma'am. Mr. Letter, would you like to call into the meeting? You can still use your camera, but you will need to mute your computer, please, sir, because there'll be some interference between your phone and your computer. So, if you'd like to call in, please feel free. And we'll give you a minute, sir.

Mr. Robert Letter – Can you hear me now?

Chair Peeples – We have a lot of interference, Mr. Letter.

Mr. Letter – How about now?

Chair Peeples – Yes, sir. That is great. Thank you. Let's allow Ms. Schwantes to swear you in, please, sir.

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

Mr. Letter – I do.

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

Mr. Letter – Robert Michael Letter, L-E-T-T-E-R.

Chair Peeples – Mr. Letter, if you wouldn't mind walking away from your computer with your telephone, because I think the two are interfering. Maybe if you could walk out of the room, walk away from the camera. We'll just have you connected by phone, if that's ok. Let's see how your connection is, please, sir.

Mr. Letter – Yes, ma'am.

Chair Peeples – That's great. Thank you, sir. We appreciate that. Would you like to address the Board member, sir?

Mr. Letter – I surely would.

Chair Peeples – Thank you.

Mr. Letter – I'm here today to speak on behalf of Greenwood Cemetery as to the events of January 27, 2024. I can't speak in the first person because I was out of town on a funeral for my brother-in-law, but I also wasn't involved in the operation of the cemetery at that time. However, I was made aware of what happened a week later, and hence why I became involved in the cemetery. It was obvious to me they needed my help. We have since implemented safeguards to keep this from ever happening again. One, we hired a new interment company who is a reputable one in the area. We also have a new rule, which we require a person representing the cemetery at all funerals. And one of the persons that I've hired is a licensed funeral director, who's been at 90% of all of our funerals, henceforth. And then we also have paperwork involving people doing blind checks and double checking all locations of the interments. And we also are using vault tags on the vault itself and on the lid to ensure that this doesn't happen again. Sorry that nobody responded to the other things. I did ask the people that were involved at the time to comment on all this, but they have not heeded my recommendations.

Chair Peeples – Thank you, sir. Board members, any questions for Mr. Letter? Mr. Ferreira?

Mr. Ferreira – So, Mr. Letter, certainly going through these 103 pages of documents that we have, and of course, owning a cemetery, I do understand how a mistake like this can happen. It's good to hear that you guys have put in different and new procedures. The area that gives me most heartburn is doing the disinterments after the problem and not notifying a family.

Mr. Letter – Right.

Mr. Ferreira – And I understand you weren't there, so I just kind of wanted to say I do understand how this can happen. I mean, when you got three (3), or four (4), or five (5) funerals in one (1) cemetery on a Saturday, if your staff and your team isn't sharp and aware of, you know, it's easy to, for one of your great team to say, you know, just point in a direction or, you know, so I can see how this can happen. But the concern, I think with me, is not notifying a family of the mistake.

Mr. Letter – Right. I agree 100%. The people that made that decision were, you know, schooled on how that is to occur. It should always be done with a funeral director onsite. The family should be well aware of what's happening when. But the people that were directing it at the time obviously weren't privy to what needs to happen.

Mr. Ferreira – Yes. And the other thing too is, you know, based on where the two (2) graves were, you know, if they were close or, you know, one (1) was down on one end of the cemetery, the other one (1) was at the other, that the family didn't pick up on that either.

Mr. Letter – They were pretty close to each other. But I have told them also that we're not to have funerals scheduled for the same time, and unless they are further away, in different sections, things of that sort.

Mr. Ferreira – So it sounds like you've got a system in place to avoid this from happening again.

Mr. Letter – Yes, sir.

Mr. Ferreira – Thank you. That's it.

Mr. Letter – Thank you, sir.

Chair Peeples – Any other questions from Board members for Mr. Letter? Mr. Chapman?

Mr. Chapman – Mr. Letter, your function there, are you the owner now? Are you the general manager of the cemetery?

Mr. Letter – I am the owner's son, to be honest with you. They still haven't changed over ownership or any things of that nature.

Mr. Chapman – And how long is the family owned this cemetery?

Mr. Letter – Since the '50s. My grandfather started it.

Mr. Chapman – It's been in rules where you need to mark graves, and you need to tag vaults for your cemeteries. I don't understand why you're just now implementing that, because, you know, I own two (2) cemeteries, and that's been ruled for a long, long time, where you have to sit there, and you have to keep those logs. My next question to you, if I understood, Ms. Eldeb right, is you didn't renew your license for over a year and you just renewed it on November 5, 2025?

Mr. Letter – Yes, sir. That was another thing. We did have somebody that was involved in the operation of the cemetery that wasn't doing what they're supposed to do. I did get fined for that. Somebody did make me aware of it, and then I took care of it, but we did get fined for that as well.

Mr. Chapman – If you've owned this cemetery for fifty (50) years, you know, December 31<sup>st</sup>, you have to --all right. I have no further questions.

Mr. Letter – It was my family. I didn't get involved until things started going awry.

Mr. Chapman – All right. Thank you, Mr. Letter.

Mr. Letter – Thank you.

Chair Peeples – Mr. Letter, you have mentioned that you came into the situation at a particular time. When did you actually take over management or running the daily operations of the cemetery? What date?

Mr. Letter – Well, it was actually after this incident happened. I don't really have a day that I started because I don't get paid. I did hire a licensed funeral director to help in the operation of it. I can't tell you the exact day when he started as well. But, you know, I just help where they need me. And obviously, I'm versed at some of this stuff. I'm a memorialist in my trade. I did work at the cemetery as a kid and did the interments and the layout and all that stuff, but I haven't been paid by that company for many years, like twenty (20) years, as an employee.

Chair Peeples – Well, if I can kind of further refine my question. Has it been two (2) months ago? Has it been six (6) months ago? Has it been a year ago? How long has it been?

Mr. Letter – I'd say six (6) months at least. Maybe, September of last year. I'm not really sure.

Chair Peeples – Well, September of last year would have been about fourteen (14) months ago.

Mr. Letter – OK.

Chair Peeples – So, just trying to get kind of an idea, because you have mentioned that you've come into this. And who actually is the owner of the cemetery currently today, sir?

Mr. Letter – It's Raymond J. Letter, Sr., and Gary Letter, who's my father.

Chair Peeples – So, is one (1) your father and one (1) your brother?

Mr. Letter – One's my father and one (1) is my uncle, and they're both in their 90s. My father's 92 and my uncle's 94.

Chair Peeples – And just maybe an item you may want to, kind of after this meeting today, you may want to, if you're going to be taking over ownership, you may want to get that completed with the Board, the Division Office, going forward. So just a thought. So, thank you, sir, for answering my question. Board Members, any other questions for Mr. Letter? Hearing none. Ms. Eldeb?

Ms. Eldeb – Thank you. The Department offers into evidence the investigative report with exhibits a copy of which has been previously furnished to the Board to establish a *prima facie* case for the violations allegedly 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. Chapman seconded the motion, which passed unanimously.

Ms. Eldeb – The Department's recommended penalty in this matter is a \$7,500 fine to be paid within thirty (30) days of the Final Order and two (2) years of probation with standard conditions.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – Ms. Eldeb, is that for all three (3) counts?

Ms. Eldeb – Yes, sir.

Mr. Ferreira – Ok. That's it.

Chair Peeples – Board Members?

**MOTION:** Mr. Jones moved that Respondent shall pay a fine of \$5,000 and have its license place on two (2) years of probation. Ms. Clay seconded the motion.

Chair Peeples – Is there any discussion, Board Members, on this motion? Mr. Jensen?

Mr. Jensen – Madam Chair, I'd just like to ask Ms. Eldeb. How did she come up with a \$7,500 fine? I know it's for three (3) counts, but it seems a little bit high. So, I'm just curious.

Ms. Eldeb – In discussing with the Division, we considered, like, the seriousness of the violations and any past violations, and we considered multiple various factors.

Mr. Jensen – Very political answer. Thank you.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – This is for Ms. Eldeb. When Mr. Letter was speaking to us moments ago, he said he has already paid a fine for the unlicensed part of this. Did I misunderstand that? Has this happened before?

Ms. Eldeb – I may need to ask for Ms. Marshall's help with that because I'm not aware of any payment of any fine.

Chair Peeples – Ms. Eldeb, one moment, please. Ms. Simon?

Ms. Ellen Simon – Thank you, Madam Chair. Begging your indulgence. In this matter, the cemetery has been penalized before for care and maintenance issues. This cemetery has not been penalized before for these sorts of issues, as in disinterring two (2) bodies and reentering them. This is the first time, as well as the expired license.

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

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Thank you. So, we have a motion, and we have a second. Any other discussion before we do take a vote? Hearing none, all in favor of the motion, say yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed say No.

Mr. Chapman – No.

Chair Peeples – Thank you. The motion carries. The record will reflect Mr. Chapman was a No. Thank you, Mr. Letter, for participating. We appreciate your indulgence today.

Mr. Letter – Thank you, ma'am.

Chair Peeples – We're going to take a restroom break. It's 11:14, and we'll take a 10-minute restroom break. Thank you.

\*\*\*\*\*BREAK\*\*\*\*\*

Chair Peeples – Ms. Schwantes, I'll turn it back over to you.

Ms. Schwantes – Thank you, ma'am.

**(d) Smith-Young's Funeral Home: DFS Case No. 346973-25-FC; Division No. ATN-45247 (F040557)**

Ms. Schwantes – Presenting for the Department is Kimberly Marshall.

Ms. Marshall – Thank you, Ms. Schwantes. I would like to note Mr. Williams is recused from this case. This matter is being presented for the Board for consideration of the Motion for Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing not Involving Disputed Issues of Material Fact in the matter of Smith-Youngs Funeral Home (Respondent). The Department conducted an inspection of the Respondent and found as follows: At all times material to the allegations herein, the Respondent was licensed as a funeral establishment. License number F040557. The Respondent failed to pay fees owed to the Pinellas County Medical Examiner as mandated by the Pinellas County Code. The disciplinary guidelines for these violations are as follows:

- *Count I: Failing to perform any statutory or legal obligation placed upon a licensee: Reprimand, fine of \$250 to \$2,000 plus costs. In addition, probation for six (6) months to one (1) year with conditions, suspension up to one (1) year, or permanent revocation of license may be imposed.*

The Motion demonstrates that the Respondent failed to file all his timely response of pleading by confessing the factual allegations in the Administrative Complaint. We request that the Board adopt the factual allegations in the Administrative Complaint and request that the Board issue an appropriate penalty in this matter. I will move on to my motions. 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 fail to timely respond, thus waiving the right to elect a method of resolution in this matter.

**MOTION:** Mr. Jones moved that Respondent was properly served with the Administrative Complaint and has failed to timely respond thus waiving the right to elect a method of resolution in this matter. Mr. Jensen seconded the motion, which passed unanimously.

Chair Peeples – Ms. Marshall?

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

**MOTION:** Mr. Jensen moved that there are no material facts in dispute in this matter. Mr. Chapman 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 asks the Chair to entertain a motion to adopt the allegations of fact as set forth in the Administrative Complaint.

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

Chair Peeples – Is there a representative here? Ms. Marshall, I'm sorry, I may be overstepping you. This would be the appropriate time to ask if there's a representative of this entity. Is there anyone here representing Smith-Young's Funeral Home on the call today?

Mr. Robert Young – Good morning.

Chair Peeples – Who is this, please?

Mr. Young – This is Robert Young. I'm sorry. Good morning.

Chair Peeples – Thank you, Mr. Young. Mr. Young, are you just connected by telephone only, sir?

Mr. Young – No. I'm on the TV monitor.

Chair Peeples – OK. Well, we don't see your camera, but that's OK. Sir, if you will, if you would like to address the Board, Ms. Schwantes will need to swear you in, sir.

Mr. Young – Go ahead.

Ms. Schwantes – Mr. Young, if you'll raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Young – I do.

Ms. Schwantes – If you'd state your name and spell your last name for the record, please, sir.

Mr. Young – My name is Robert C. Young. Y-O-U-N-G.

Ms. Schwantes – Thank you, sir.

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

Mr. Young – I will be brief. I'd like to say first off, good morning, Ms. Peeples and fellow Board Members. Thank you so much for this opportunity. I do apologize for this oversight. There was initially some discussion between me and Pinellas County about the charges. I was trying to secure previous checks, but they no longer send out checks, and that's when this got lost and got mishandled. We will attempt to resolve this according to the guidelines that have been sent to me, and this will be done ASAP. But again, thank you so much for what you've done in this situation with us, and we will be taking care of it immediately. And thank you so much.

Chair Peeples – Thank you, Mr. Young. Board Members, do you have any questions for Mr. Young? Mr. Ferreira?

Mr. Ferreira – Mr. Young, when were you made aware of this issue?

Mr. Young – It's been on my plate, Mr. Ferreira, but several things have gone on and I'm stepping back and turning things over. Mr. Smith, my partner, is the total funeral director and manager, and I'm stepping back and turning some things over. But again, as I shared a minute ago, I was in a discussion with Pinellas County in addition to [inaudible] some cremation account, but then I could not get the check back from the bank, and I couldn't find my copy where I had paid them some money. But we will be resolving this ASAP.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – Looks like this has been going on for three (3) years or more. Are you aware, sir, that you pay the medical examiner a \$40 fee for each cremation authorization approved?

Mr. Young – Yes, sir. Yes, sir.

Mr. Ferreira – Ok. I don't know why the medical examiner didn't just cut you off, you know, and stop approving them.

Mr. Young – They didn't.

Mr. Ferreira – So, that's all I had to say.

Chair Peeples – Thank you, Mr. Ferreira. Any other Board Members have questions for Mr. Young. Hearing none, 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. Jones moved that Respondent is in violation of Florida Statutes as charged in the Administrative Complaint. Ms. Clay seconded the motion, which passed unanimously.

Ms. Marshall – Now, as to the Department's penalty recommendation, we are asking for a fine of \$1,000, six (6) months of probation, and also an Order of Restitution to the Pinellas County Medical Examiner for all outstanding fees owed.

**MOTION:** Mr. Ferreira moved that Respondent shall pay a fine of \$1,000, six (6) months of probation, and an Order of Restitution to the Pinellas County Medical Examiner for all outstanding fees owed. Ms. Clay seconded the motion.

Chair Peeples – Any discussion on the motion, Ms. Munson?

Ms. Munson – Just to clarify, the fine, and the restitution is to be paid within what period of time? Thirty (30) days is normally a fine. Are you asking for restitution to be the same?

Ms. Marshall – Yes, thirty (30) days for the restitution as well. And also, with proof to the Department that all outstanding sums to the Pinellas County Medical Examiner have been paid.

Chair Peeples – Mr. Ferreira, do you accept that as an amended motion?

Mr. Ferreira – Certainly do.

Chair Peeples – Ms. Clay, do you second that?

Ms. Clay – Yes.

Chair Peeples – Thank you. Any further discussion on the motion? Mr. Ferreira?

Mr. Ferreira – I would just ask Ms. Marshall, when you talk to Tim Burns from the medical examiner, find out why they haven't cut him off. That's the way you do it. And you don't let it get to \$2,500.

Chair Peeples – Thank you for your comment, Mr. Ferreira. We'll take that under advisement. Hearing no other discussion, all in favor of the motion, say Yes.

Board members [Unison] – Yes.

Chair Peeples – Opposed, say No. Motion carries. Thank you for participating today, Mr. Young. Ms. Schwantes?

Ms. Schwantes – Yes, ma'am.

**(e) Related Cases - Division No. ATN-45136**

**1. Pinello, Joseph P.: DFS Case No. 343571-25-FC; Division No. ATN-45136 (F046799)**

Ms. Schwantes – Again, presenting for the Department, Kimberly Marshall.

Ms. Marshall – Thank you, Ms. Schwantes. Mr. Williams is again recused from this matter. This case is being presented to the Board for consideration of the Motion for Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing not Involving Disputed Issues of Material Fact in the matter of Joseph P. Pinello (Respondent). The Department conducted an investigation of the Respondent and found as follows: at all times material to the allegations herein, the Respondent was licensed as a funeral director and embalmer. The Respondent is the funeral director in charge of Pinello Funeral Home Incorporated, a funeral establishment holding license number F041626. The establishment's license expired on December 1, 2024, and was not renewed until March 4, 2025. During that time, the establishment continued operating. As FDIC, the Respondent failed to ensure that the establishment complied with all applicable laws and rules and is therefore subject to discipline. This is the Respondent's second violation of this nature. The disciplinary guidelines for these violations are as follows:

- *Count I: engaging in fraud, deceit, negligence, incompetency, or misconduct in the practice of a regulated activity, second violation: Reprimand, fine of \$2,500 to \$5,000 plus costs. In addition, probation for up to two (2) years with conditions, suspension up to five (5) years, permanent revocation of license and/or restitution may be imposed.*

The Motion demonstrates that the Respondent failed to timely file a responsive pleading contesting the factual allegations in the complaint, and request that the Board adopt the factual allegations in the complaint and request the Board issue an appropriate penalty in this matter. At this time, it would be appropriate for the Chair to entertain a motion determining if the Respondent was properly served with the Administrative Complaint and failed to timely respond, thus waiving a right to elect method or resolution of this matter.

**MOTION:** Ms. Liotta moved that Respondent was properly served with the Administrative Complaint and has failed to timely respond and has thus waived the right to elect a method of resolution in this matter. Mr. Quinn 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 matter.

**MOTION:** Mr. Ferreira moved that there are no material facts in dispute in this matter. Mr. Quinn 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 asks the Chair to entertain a motion to adopt the allegations of fact as set forth in the Administrative Complaint.

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

Chair Peeples – Is there a representative of Mr. Joseph Pinello on the call today? Hearing no response. Ms. Marshall?

Ms. Marshall – The Department offers into evidence the investigative report with exhibits a copy of which has been previously furnished to the Board to establish a *prima facie* case for the violations alleged in the 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. Chapman seconded the motion, which passed unanimously.

Ms. Marshall – Now, as to penalty, the Department is recommending a fine of \$1,750 and one (1) year of probation.

Mr. Ferreira – Got a question.

Chair Peeples – Mr. Ferreira.

Mr. Ferreira – Ms. Marshall, so this is for the three (3) months that they were unlicensed, correct?

Ms. Marshall – That is correct, but it's an enhanced penalty because this is their second violation

**MOTION:** Mr. Ferreira moved that Respondent shall pay a fine of \$1,750 and one (1) year of probation. Ms. Liotta seconded the motion, which passed unanimously.

Chair Peeples – Ms. Schwantes?

Ms. Schwantes – Yes, ma'am.

**2. *Pinella Funeral Home, Inc.: DFS Case No. 343569-25-FC; Division No. ATN-45136 (F041626)***

Ms. Schwantes – Presenting for the Department, Kimberly Marshall.

Ms. Marshall – Thank you, Ms. Schwantes. This matter is presented to the Board for consideration of the Motion for Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing not Involving Disputed Issues of Material Fact in the matter of Pinella Funeral Home Incorporated (Respondent). The Department conducted an inspection of the Respondent and found as follows: At all times material to the allegations herein, the Respondent was licensed as a funeral home and apprentice intern training agency. License number F041626. The Respondent operated as a funeral establishment for over three (3) months from December 1, 2024, through March 4, 2025, while its license was expired. This is the Respondent's second offense of this nature. The disciplinary guidelines for these violations are as follows:

- *Count I: practicing or attempting to practice with a delinquent license, second offense: fine of \$1,000-\$2,500.*

The Motion demonstrates that the Respondent failed to timely file a responsive pleading contesting the factual allegations in the complaint. Request that the Board adopt the factual allegations in the complaint and request that the Board issue an appropriate penalty in this matter. 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 failed to timely respond, thus waiving the right to elect a method of resolution in this matter.

**MOTION:** Mr. Ferreira moved that Respondent was properly served with the Administrative Complaint and has failed to timely respond thus waiving the right to elect a method of resolution in this matter. Ms. Liotta seconded the motion, which passed unanimously.

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

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

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

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

Chair Peeples – Is there a representative of Pinello Funeral Home, Inc., on the call today? Hearing no response. Ms. Marshall?

Ms. Marshall – Thank you, Madam Chair. The Department offers into evidence the investigative report with exhibits a copy of which has been previously furnished to the Board to establish a *prima facie* case for the violations alleged in the 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. Chapman seconded the motion, which passed unanimously.

Ms. Marshall – And as to penalty, the Department is recommending a fine of \$1,750 and one (1) year of probation. And again, because this is their second violation of this nature, that's the reason for the enhanced penalty.

**MOTION:** Mr. Ferreira moved that Respondent shall pay a fine of \$1,750 and one (1) year of probation. Mr. Chapman seconded the motion, which passed unanimously.

Chair Peeples – Ms. Schwantes?

Ms. Schwantes – Now would be an appropriate time for those sitting on Probable Cause Panel A to recuse themselves.

Chair Peeples – Mr. Jones?

Mr. Jones – Yes. I need to recuse myself as I sat on Probable Cause Panel A for (3) (a) 1. and 2., please.

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

- (3) *Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel A)*
  - (a) *Related Cases - Division No. ATN-43019*
    - 1. *Postell, Henry II: DFS Case No. 330956-24-FC; Division No. ATN-43019 (F046549)*

Ms. Schwantes – Presenting for the Department, Kimberly Marshall.

Ms. Marshall – Thank you, Ms. Schwantes. This matter is being presented to the Board for consideration the Motion for Final Order by Hearing not Involving Disputed Issues of Material Fact in the matter of Henry Postell, II (Respondent). The Division conducted an investigation of the Respondent and alleges as follows: The Respondent is a licensed funeral director and embalmer. License number 046549. At all times material to these allegations, the Respondent was the funeral director in charge of Postell's Mortuary, a funeral establishment and apprentice intern training agency with holding license number F040649. The establishment was called to remove a decomposing body from a home. The establishment failed to cover the body while carrying it outside. Respondent, as funeral director in charge, failed to ensure that the establishment and its employees complied with all applicable laws and rules. The disciplinary guideline for this violation is as follows:

- *Count I: committing fraud, deceit, negligence, incompetence, or misconduct, first violation: Reprimand, fine of \$1,000 to \$2,500 plus costs. In addition, probation for six (6) months to one (1) year, suspension up to two (2) years, permanent revocation of license and/or restitution may be imposed.*

The Motion demonstrates that the Respondent has alleged that there are no material facts in dispute and has asked for this matter to proceed for informal hearing before the Board, and request the Board adopt the factual allegations in the complaint and adopt an appropriate penalty. So, 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 submitted a timely request for an informal hearing.

**MOTION:** Mr. Ferreira moved that Respondent was properly served with the Administrative Complaint and has timely submitted a request for an informal hearing. Mr. Clark 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 matter.

**MOTION:** Mr. Ferreira moved that there are no material facts in dispute in this matter. 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 asks the Chair to entertain a motion to adopt the allegations of fact as set forth in the Administrative Complaint.

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

Chair Peeples – Is there a representative of Mr. Henry Postel, II., on the call today or on the video?

Mr. Henry Postell – Yes.

Chair Peeples – Mr. Postell, if you will let Ms. Schwantes swear you in, sir, and you can speak to the Board, please, sir. Ms. Schwantes?

Ms. Schwantes – Yes, ma'am. Please raise your right hand, sir. Do you promise to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Postell – I do.

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

Mr. Postell – Yes. My name is Henry Postell, II, P-O-S-T-E-L-L.

Chair Peeples – Thank you. Mr. Postell, if you'd like to address the Board, please, sir.

Mr. Postell – Yes. Thank you so very much, Chairperson Peeples and members of the Board. This incident happened with my staff making a removal for an individual that passed away at his home. In the complaint, they said that the remains were brought out uncovered. The facts of the case that I responded back to the Board was the fact that where this individual passed away, the person had been dead for a few days in the house, in the room where he was found by law enforcement. They could not get a stretcher into the room to get the decedent out, so the guys had to manually get him out of the closed facilities there in the room and then bring him out to get him on the stretcher. And after they brought him out, the remains were covered. The individual said that they brought the remains out uncovered. Due to the fact of where the decedent was located at in that house, there was some very tight situations in trying to get the remains out. And my two (2) staff members that made the removal did not have any additional help from law enforcement, and they were trying to get the remains out the best way that they possibly could. And then once they got him out and, on the stretcher, the remains were covered and brought to our facility.

Chair Peeples –Thank you, sir. Board Members, do you have any questions for Mr. Postell? Mr. Williams?

Mr. Williams – Yes. Not a question for Ms. Postell. Just looking on Page 14, I think it's an error, so, I'm not sure if the Division has caught it. With the complainant, it asked if they were a licensee, direct disposal. They checked Yes. So, I'm not sure if they are, or should that say No. Maybe that's a question for the Division or Ms. Marshall. And then the second point I would make based on hearing what Mr. Postell stated as well as what was described in the remarks, if it's a tight location, and I would ask for my colleagues who are in the industry, the body could be exposed. But if the firm made an attempt to cover the remains, I'm in a position of voting of the opposite of the recommendation from counsel. So, I just wanted to kind of put that out there. If the Division can answer that question in reference to the statement on Page 14, if that's truly a yes-statement, as well as if my colleagues can chime in in reference to the procedures in terms of a tight, closed space. Is there some leeway of not showing malice in reference to this case?

Chair Peeples – Thank you, Mr. Williams. Ms. Marshall, would you like to address the first question of Mr. Williams?

Ms. Marshall – Yes. I don't have any information that the complainant is affiliated with the death care industry. That may have been erroneous that she checked that box.

Mr. Williams – Madam Chair, if I may?

Chair Peeples – Yes, sir.

Mr. Williams – We may want to look at that page as well as the next case which is a companion case if the information is not accurate. So, you know, we want to make sure, you know, what we are putting out is truly accurate if they're not in the death care industry. Because I know both cases that is checked Yes as well. And then the second question, I guess Mr. Clark or Mr. Jensen or any of my colleagues, could you, you know, give me some information in reference to have you had this experience with tight situations, getting the remains out to then do what you need to do?

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

Mr. Jensen – Mr. Williams, I can answer your question. When you're going to get somebody in a tight space like that, there are times where you cannot cover them, and you may literally be carrying them through the hall. So, I mean, if Mr. Postell actually removed the decedent and carried him out to a stretcher, which I've done several times myself, then covered the remains as required, I don't necessarily see a problem with that because there's just not another efficient way to do it. Thank you, Madam Chair.

Chair Peeples – Mr. Williams?

Mr. Williams – Yes, Madam Chair. So, I'm not sure what would be the appropriate motion to offer in this situation. If Ms. Munson could help me, or Ms. Marshall, to dismiss this case.

Chair Peeples – Well, we have one more motion. After we have our discussion, we have one more motion. Then we would be into the penalty area, and I think that would be the appropriate time. So, if I may, let me turn it over to Ms. Marshall.

Ms. Marshall – May I comment on something Mr. Williams said before moving on to the next motion?

Chair Peeples – Yes, ma'am.

Ms. Marshall – Yes. So, if you are considering the appropriateness of how it was handled, I just want to make sure that they are referencing the photos on Pages 43 and 44 that were provided to me by the complainant.

Chair Peeples – Mr. Quinn?

Mr. Quinn – I'd just like to ask a question about when the loved one's family member was actually covered. You know, I understand tight spaces and making a transfer from a tight space, but was it covered soon as they moved out of that tight space? Was it covered before it got outside, or was it not covered until it was put into the removal vehicle?

Chair Peeples – Would that be a question for Mr. Postell or for you, Ms. Marshall?

Ms. Marshall – I don't know who Mr. Quinn was directing the question to.

Mr. Quinn – I was directing it to Mr. Postell. And referring back to the pictures, it looks like the person was uncovered outside in the public area.

Chair Peeples – Mr. Postell, would you like to address Mr. Quinn's question, sir?

Mr. Postell – Yes. The stretcher was outside because they couldn't get the stretcher inside the house. So, they had to bring him out.

Chair Peeples – Mr. Postell, one of the questions Mr. Quinn had, was at what point was the decedent covered? Were the remains covered once they exited the residence?

Mr. Postell – It was covered once they got him on the stretcher, outside.

Chair Peeples – Mr. Quinn, do you have any follow up, sir?

Mr. Quinn – So a sheet, a shroud, something couldn't have been placed over the loved one's family member to cover it before it got to the removal vehicle? I just think we need to take every opportunity we can to make sure we're providing some dignity and respect.

Chair Peeples – Mr. Quinn, does that complete your statement, sir, and question?

Mr. Quinn – Yes.

Chair Peeples – Thank you. I see Mr. Jensen and Ms. Clay, then Mr. Ferreira. Mr. Jensen?

Mr. Jensen – Just to kind of echo off what Mr. Quinn had said. Mr. Postell, the door in the photos, I would have to agree with Ms. Marshall when I look at those. I mean, that doorway is big enough and there's, obviously, inside that doorway, a little bit of a den area or an open area where you could have possibly covered. I mean, I've seen doors that are not standard, but that's a standard door. So, can you tell me why they couldn't get the stretcher inside the landing area?

Mr. Postell – No, because I was not on the removal with the staff member, but they told me that the stretcher could not fit in the room where the decedent was located at. And they had to manually bring him out of the house to get him on the stretcher. There was no way that they could get the stretcher on the inside of the house.

Mr. Jensen – May I, Madam Chair?

Chair Peeples – Yes, sir.

Mr. Jensen – Mr. Postell, have you seen these photos? I mean, I understand having to carry out of the bedroom maybe to --

Mr. Postell – I haven't seen the photos. No, sir, I have not.

Mr. Jensen – You have not?

Mr. Postell – No.

Mr. Jensen – Ok. Because the gentleman is out in the middle of the courtyard there just deceased. I mean, that is pretty rough. Thank you, Madam Chair.

Chair Peeples – Ms. Clay?

Ms. Clay – Like Mr. Williams, I'm not in the industry, but looking at the photos, my question was, was it possible to cover the person without having them on the actual cart? Could they have been covered prior to them being outside? The shocking part is not necessarily, for me, the person being dead, but the skin falling off the body. I'm just wondering if there was a way to just cover the body before bringing it outside.

Chair Peeples – Ms. Clay, I'm going to direct that first to see if Mr. Ferreira or Mr. Clark, as licensee, since we've had a comment by Mr. Jensen, if you'd like to respond to Ms. Clay's question.

Mr. Clark – Madam Chair?

Chair Peeples – Yes, Mr. Clark?

Mr. Clark – Ms. Clay, especially with the condition of the deceased, I mean, my experience, we would have used protective pouch, or something, first of all, because the complainant even notes that fluids were coming out of the body. Like, there are certainly things that could have been done so, you know, so that the skin wouldn't be coming into direct contact with the equipment. It looks like to me that there is enough room in that entryway before the stretcher went outside to place some type of cover or something over the decedent's face. I mean, again, what I would have done if the decedent was in a tough place in the home, I would have asked for them to step out, something, so that we could get, as Mr. Jensen mentioned, there are times where we have to carry the decedent, place it on that red bodyboard. That can be certainly something that should be done, I would say, outside of the family's view. And what I would have done is before leaving the home, is covering him at that time, so that when we're leaving, going outside, the family that was outside, they would have a very different mental picture, than what is depicted in the photos. But that's my experience.

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

Mr. Ferreira – Yes, ma'am. Thank you. So, we serve five (5) counties where we work directly with the police Department. So, we get cases like this every week. So, let's just kind of walk through this a minute. We have a deceased that's back in a bedroom somewhere. And many times, we can't get a cot to the bedroom. We try to get the cot inside the house, but if we can't do that, then we would take a bodyboard, just like this gentleman did, and place the remains on the bodyboard. Now, remember, this person roughly weighs about 170, would you say, 175, based on the pictures. You have two (2) men that are carrying a bodyboard, one on each end, out to a cot. So, think about something. You're walking down the hall, you know. You can't go to the den if you can't get the cot in the room. And you can't set the body down on the ground. In our mind, we're doing all we can to get it to the cot, right? So, what's the easiest way, and with most respect, obviously? Now remember, this person was clothed. So, he had pants on. He had a shirt on. So that's, you know, it's not like he was naked. Now I do understand it, and, you know, when you go through this process, you think, what could you have done? Now I can sit here and be a Monday morning quarterback and say, "Yes, I would have done this and this and this." But I think for the most, in this situation, and I'm in this situation a lot, I think that, you know, now, if that cot wasn't sitting right there at the door and it was somewhere else, right, then certainly, I would have more issue with it. But it was right there at the door. We don't know what the inside of that room looked like. And the other thing too is you don't drape a sheet over a loved one when you're carrying the loved one out of the house on a bodyboard. The sheet becomes a distraction. You can trip over the sheet. It gives you an illusion of something that may not be there. You got furniture in a house. So, you have to be very cautious about that. So, honestly, when I looked at this, I thought, you know, maybe I'd have done this or that, but I don't think there was any disrespect, I guess. I think they took the body to the cot, and remember, he was dressed. He had clothes on. As far as the fluids and stuff, that happens. This person's been dead for three (3) or four (4) days. That's part of it. Now, you could have done this, you could have done that. And I agree with Mr. Jensen and Mr. Clark on that. But I don't feel like there was any disrespect towards this individual or the family in this case.

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

Mr. Williams – Yes. I think that's where I was trying to ask the persons that are in the industry, as Mr. Ferreira has explained. That's where I'm at. I don't think there was malice intended in reference to disrespecting the family. I think that in the environment that they were put in, they tried to do their best to navigate that. And I totally agree with Mr. Clark and all the other colleagues in reference to what could have happened. But as we were not there, we don't know the other parameters or

the other misnomers that could have been out there. So, I went to Ms. Marshall completes her report, and I'll make the motion at that time.

Chair Peeples – Thank you, Mr. Williams. Any other questions for Mr. Postell or to any Board Members before we go on and return it back to Ms. Marshall? Hearing none.

Mr. Jensen – Madam Chair, I think you overlooked Ms. Clay.

Chair Peeples – Oh, I'm sorry, Ms. Clay. I did not see a hand.

Ms. Clay – No. It was me who just asked the last question.

Chair Peeples – I'm sorry.

Ms. Clay – That's ok. The other question I had, just for clarification was regarding mention of a box. When the cot went to the vehicle, there was a box. What was that referencing?

Chair Peeples – Mr. Postell, would you like to address that question served by Ms. Clay?

Mr. Postell – Yes. That was the cremation container.

Ms. Clay – Thank you.

Chair Peeples – Ms. Clay, does that complete your question, ma'am?

Ms. Clay – Yes. Thank you very much.

Chair Peeples – Thank you. 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 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 complaint.

Chair Peeples – Board Members?

Mr. Williams – Madam Chair?

Chair Peeples – Yes, Mr. Williams?

Mr. Williams – I would like to offer a motion to –

Chair Peeples – Well, Mr. Williams, it's the next motion, sir, when we get to the penalty phase. This is just a, as Ms. Marshall mentioned, was accepting that there are violations of 497. So that's this area that we're at now, correct, Ms. Marshall?

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

Chair Peeples – Ms. Marshall, then Mr. Williams.

Ms. Marshall – So as to penalty, the Department is recommending a fine of \$1,500 and a one-year probation.

Chair Peeples – Mr. Williams?

Mr. Williams – Yes, Madam Chair,

**MOTION:** Mr. Williams moved to dismiss the case. Mr. Ferreira seconded the motion.

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

Mr. Quinn – Thank you, Madam Chair. While I agree there was no ill will in this case, I truly think we could have done better. And I think we should at least consider a reprimand. Thank you.

Chair Peeples – Thank you, Mr. Quinn. Do we have any other Board members with any other discussion before we take a vote? Mr. Williams has made a motion and then Mr. Ferreira has second to dismiss the case. Mr. Jensen, did you have a comment?

Ms. Clay –Madam Chair, I just want to make sure you see that Deirdre Postell has her hand up.

Mr. Jensen – May I hear the motion again, please?

Chair Peeples – Yes, sir. Mr. Williams has made a motion to dismiss the case, and Mr. Ferreira has seconded it. So, do you have any comment or any item to discuss, Mr. Jensen?

Mr. Jensen – Ma'am, I'm good. Thank you.

Chair Peeples – Thank you. Ms. Postell is not sworn in. So, can we, Ms. Schwantes?

Ms. Schwantes – Sure. Ms. Postell, if you'd raise your right hand, please, ma'am. Do you promise to tell the truth, the whole truth, and nothing but the truth, so help you God?

Ms. Deirdre Postell – I do.

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

Ms. Postell – Deirdre Postell. P-O-S-T-E-L-L.

Ms. Schwantes – Thank you, ma'am.

Chair Peeples – Thank you, Ms. Postell. Would you like to make a comment?

Ms. Postell – Yes, ma'am. Good morning. I just wanted the Board to know that since this incident, we have had two (2) trainings for staff. Not many of our men do removals anyway. So, we have had two (2) trainings since this incident has occurred to make sure that it does not happen again. So, I just wanted to let the Board know for consideration that we have made internal steps to correct that these issues do not happen again for the purpose of training for removals in different capacities. So, we have just made that effort to make sure that our families remain satisfied from beginning to end for our services. I just wanted the Board to know that we did take those measures, documented training that was done for removals.

Chair Peeples – Thank you, ma'am.

Ms. Postell – You're welcome.

Chair Peeples – So, we have a motion, and we have a second. Mr. Jensen?

Mr. Jensen – A question for Ms. Postell. So, Mr. Williams' motion is kind of leaning towards the area of it couldn't be avoided. But Ms. Postell just stated that we've taken measures to not let this happen again. So, what would you have done different?

Chair Peeples – Excuse me one second, Ms. Postell. Mr. Jensen, I want to make sure you understand the motion is to dismiss the case by Mr. Williams.

Mr. Jensen – I understand that, but Ms. Postell just stated that they've taken measures to do things differently. And Mr. Williams' motion was to dismiss. And I'm thinking, he's thinking along the lines of it couldn't have been avoided. But what Ms. Postell just stated that they've taken measures for it not to happen again, so that tells me it could have been avoided. So that's why I'm asking, what would she have done differently?

Chair Peeples – One second, Mr. Jensen. Let me go to Ms. Munson.

Ms. Munson – Yes. I just want to clarify, just on a legal basis, that any motion to dismiss this case does not mean that an item or an incident couldn't have been avoided *per se*. It's not that strict of an interpretation. It just means that, given the circumstances of the incident, the Board may determine that there's still not a basis or a reasonable reason to still pursue penalty. I didn't want to confuse the two.

Chair Peeples – Thank you, Ms. Munson.

Mr. Jensen – That helps me, Madam Chair.

Chair Peeples – Ms. Marshall?

Ms. Marshall – Thank you, Madam Chair. I heard somebody make mention of a reprimand. That may be an alternative the Board might want to consider threading the needle in terms of resolving this case. I'd like to let you know that ill will is not a necessary element of this violation. It's purely a negligence thing. Again, she has acknowledged that they have engaged in training to prevent such incidents in the future. They have acknowledged that perhaps there are things that could have been done differently under the circumstances. If the Board doesn't want it to go to the length of imposing a fine and/or probation in this case, but want to acknowledge that there was some wrongdoing, resolving the case with a reprimand would be a way to accomplish that.

Chair Peeples – Thank you, Ms. Marshall. Mr. Williams, would you like to amend your motion or keep it as is?

Mr. Williams – I'll amend the motion to a reprimand. That's fine.

Chair Peeples – Mr. Ferreira, do you agree with that?

Mr. Ferreira – No, ma'am.

Mr. Quinn – I'll second it.

Chair Peeples – So we have a motion, amended motion by Mr. Williams for a reprimand, seconded by Mr. Quinn. So, coming back to Mr. Jensen. Did you want to go forward with your question, sir, to Ms. Postell, or did that answer your question?

Mr. Jensen – Ms. Munson answered my question. Yes. Thank you.

Chair Peeples – You're welcome. So, we have an amended motion. Is there any other discussion before we take a vote? Hearing none, all in favor of the amended motion of a reprimand, say Yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed, say No.

Mr. Ferreira – No.

Chair Peeples – Please let the record reflect that Mr. Ferreira is a no. Motion carries. Ms. Schwantes?

Ms. Schwantes – Yes, ma'am.

**2. Postell's Mortuary: DFS Case No. 330954-24-FC; Division No. ATN-43019 (F040649)**

Ms. Schwantes – This is the related case. Presenting for the Department is Kimberly Marshall.

Ms. Marshall – Thank you, Ms. Schwantes. This matter is presented to the Board for consideration of the Motion for Final Order by Hearing not Involving Disputed Issues of Material Fact in the matter of Postell's Mortuary (Respondent). The Division conducted an investigation of Respondent and alleges as follows: Respondent is a licensed funeral establishment and apprentice interim training agency. License number 040649. The Respondent was called to remove a decomposing body from a home. The Respondent failed to cover the body while carrying it outside. The disciplinary guideline for this violation is as follows:

- *Count I: failing to comply with section requiring that dead human bodies must be transported or stored completely covered and at all times treated with dignity and respect, first violation: Reprimand, fine of \$1,000 to \$2,500 plus costs. In addition, probation for six (6) months to one (1) year with conditions, suspension up to one (1) year, or permanent revocation of license may be imposed.*

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

Chair Peeples – Board Members, your pleasure?

**MOTION:** Ms. Liotta moved that Respondent was properly served with the Administrative Complaint and has timely submitted a request for an informal hearing. Mr. Williams 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 matter.

**MOTION:** Ms. Liotta moved that there are no material facts in dispute in this matter. Mr. Chapman 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 asks the Chair to entertain a motion to adopt the allegations of fact as set forth in the complaint.

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

Chair Peeples – And we still have Mr. Postell on the call under oath. So, Mr. Postell, would you like to address the Board on this case, sir? Or are you here for questions only?

Mr. Postell – I'm here for questions only. This is a related matter to the other one.

Chair Peeples – Thank you, sir. Board Members, are there any questions for Mr. Postell? Hearing none. 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. Williams moved that Respondent is in violation of Florida Statutes as charged in the Administrative Complaint. Ms. Liotta seconded the motion, which passed unanimously.

Ms. Marshall – Now, as far as the penalty, I will reiterate our original recommendation for this matter, which was a fine of \$1,500 and one (1) year of probation, but with the understanding that a reprimand was issued in the related matter. So, we would not be opposed to that either.

Mr. Williams – Madam Chair?

Chair Peeples – Yes, sir. Mr. Williams?

**MOTION:** Mr. Williams moved for a reprimand in this case. Ms. Clay seconded the motion, which passed with one (1) dissenting vote.

Chair Peeples – Let the record reflect Mr. Ferreira was a No. Mr. Postell, thank you and Ms. Postell, for attending today.

Mr. Postell – Thank you so very much.

Chair Peeples – Ms. Schwantes?

Ms. Schwantes – Yes, ma'am. These are related cases, again, relating to Probable Cause Panel B, and for which Mr. Williams has been recused.

- (4) *Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel B)*
  - (a) *Related Cases - Division No. ATN-43165*
    - 1. *Aikens Funeral Home: DFS Case No. 345517-25-FC; Division No. ATN-43165 (F040441)*

Ms. Schwantes – Presenting for the Department, Kimberly Marshall.

Ms. Marshall – Thank you, Ms. Schwantes. This matter is being presented through the Board for consideration of the Motion for Final Order by Hearing not Involving Disputed Issues of Material Fact in the matter of Aikens Funeral Home (Respondent). The Division conducted an investigation of a Respondent and alleges as follows: the Respondent is a licensed funeral establishment and apprentice intern training agency, license number F040441. The Respondent failed to place identification on an outer burial container as required for burials at an unlicensed cemetery. The disciplinary guideline for this violation is as follows:

- *Count I: failing to properly affix an identification tag to a casket or other container in the manner required by this statute or rule. Reprimand, fine of \$250 to \$1,000 plus costs. In addition, probation for up to two (2) years with conditions, suspension up to two (2) years, or permanent revocation of license may be imposed*

The Motion demonstrates that the Respondent has alleged there are no material facts in dispute and has asked for this matter to proceed as an informal hearing before the Board, and request that 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. 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 matter.

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

Ms. Marshall – Now that the Board has determined that there are no material facts in dispute, the Department asks the Chair to entertain a motion to adopt the allegations of facts that were Administrative Complaint.

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

Chair Peeples – Is there a representative of Aikens Funeral Home on the call today? I noticed on the material that it states that Mr. Metzger is counsel.

Mr. Joseph Metzger – Correct. And Ms. Aikens is here as well.

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

Mr. Metzger – I will very briefly address the Board, and my client is here as well to answer any questions. She takes this matter very seriously. She recognizes what occurred and she accepts as is set forth in the materials that have been submitted to the Board. She's also here today to address and talk about implementing changes that have occurred to ensure that this does not occur again.

Chair Peeples – Thank you, sir. Ms. Aikens-Guzman, if you would like to address the Board, we would need to swear you in, please, ma'am. Ms. Schwantes?

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

Chair Peeples – We cannot hear you, ma'am.

Ms. LaCheryl Aikens-Guzman – Hello? Can you hear me?

Chair Peeples – Yes, ma'am. Ms. Aikens-Guzman, you're connected.

Ms. Aikens-Guzman – Thank you.

Chair Peeples – Let's let Ms. Schwantes swear you in, please.

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

Ms. Aikens-Guzman – Yes, I do.

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

Ms. Aikens-Guzman – LaCheryl, last name is A-I-K-E-N-S G-U-Z-M-A-N.

Ms. Schwantes – Thank you, ma'am.

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

Ms. Aikens-Guzman – Yes. First of all, thank you all for having me here. I just wanted to state that to Mrs. Priester's family, how sorry I am that they even had to go through any of this. I've been licensed for twenty-eight (28) years and our business has been in business forty-five (45) years. I took over for my parents. I've been in leadership here for twenty-eight (28) years, and we've never had to come before you all. I just wanted to assure you all that I'm taking this very seriously. I went and sought out through the local cemeteries and making sure how we tagged our vaults and had training on this as well so this never happens to another family again. We now send the directors out to the cemetery to make sure that they have the tag in hand to tag the vaults, to all cemeteries.

Chair Peeples – Thank you, ma'am. Board Members, are there any questions for Ms. Aikens-Guzman?

Ms. Aikens-Guzman – And again, this will never happen again.

Chair Peeples – Thank you, ma'am. Board Members, do you have any questions for Ms. Aikens-Guzman, or for Mr. Metzger? Hearing none, 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 statute 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. Chapman seconded the motion, which passed unanimously.

Ms. Marshall – As to penalty, the Department is recommending a fine of \$750 and eighteen (18) months of probation with standard conditions.

Chair Peeples – Board Members? Mr. Ferreira?

**MOTION:** Mr. Ferreira moved that Respondent shall pay a fine of \$250. Mr. Quinn seconded the motion, which passed with one (1) dissenting vote.

Chair Peeples – Please let the record reflect Mr. Chapman was a No. Thank you, Ms. Aikens-Guzman and Mr. Metzger for joining today. Ms. Schwantes?

## **2. *Aikens-Guzman, LaCheryl Y: DFS Case No. 345518-25-FC; Division No. ATN-43165 (F043223)***

Ms. Schwantes – This is the related case. Presenting for the Department, Kimberly Marshall.

Ms. Marshall – Thank you, Ms. Schwantes. This matter is presented to the Board for consideration of the Motion for Final Order by Hearing not Involving Disputed Issues of Material Fact in the matter of LaCheryl Y. Aikens-Guzman, the Respondent in this case. The Division conducted an investigation of the Respondent alleges as follows, the Respondent is a licensed funeral director and embalmer, license number F043223. At all times material to the allegations in this case, the Respondent was designated as the funeral director in charge of Aikens Funeral Home, a licensed funeral establishment and apprentice intern training agency, license number F040441. The Department conducted an investigation of the establishment and found that the establishment failed to be place identification on an outer burial container as required for burials in unlicensed cemeteries. As funeral director in charge, the Respondent failed to ensure that the establishment complied with all laws and rules and is therefore subject to discipline. The disciplinary guideline for this violation is as follows:

- *Count I: engaging in fraud, deceit, negligence, incompetency, or misconduct in the practice of a regulated activity: Reprimand, fine of \$1,000 to \$2,500 plus costs. In addition, probation for six (6) months to one (1) year, suspension up to two (2) years, permanent revocation of license, and/or restitution may be imposed.*

The Motion demonstrates that the Respondent has alleged that there are no material facts in dispute and has asked for this matter to proceed as an informal hearing before the Board and request that 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:** Ms. Liotta 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 the Chair to entertain a motion determining that there are no material facts in dispute in this matter.

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

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

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

Chair Peeples – And we still have Mr. Metzger and Ms. Aikens-Guzman on the call today. Would you all have any items you need to address to the Board? Or are you here for questions only? Mr. Metzger?

Mr. Metzger – Nothing additional at this time. This matter is Ms. Aikens-Guzman individually, and involves the same facts as was discussed in the prior matter.

Chair Peeples – Thank you, sir. Ms. Aikens-Guzman?

Ms. Aikens-Guzman – I just want to say once again how very sorry I am personally for all of this. And again, that I've been running this business for the last twenty-eight (28) years for my parents, and I am just thoroughly saddened that this has happened for the Priester's family, and it was at our discretion.

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

Ms. Marshall – Thank you, Madam Chair. The Department offers into evidence the investigative report with exhibits, a copy of which has been previously furnished to the Board to assess established a *prima facie* case for the violations alleged in the 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:** Ms. Liotta moved that Respondent is in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Chapman seconded the motion, which passed unanimously.

Ms. Marshall – As to penalty again, I'll make the recommendation of a \$750 fine and eighteen (18) months of probation.

Chair Peeples – Mr. Ferreira?

**MOTION:** Mr. Ferreira moved for a reprimand in this case. Mr. Clark seconded the motion, which passed with one (1) dissenting vote.

Chair Peeples – Please let the record reflect Mr. Chapman was a No. Thank you, Ms. Aikens-Guzman and Mr. Metzger. Ms. Schwantes?

Ms. Schwantes – Yes, ma'am.

**(b) Related Cases - Division No. ATN-44692**

- 1. Cantrell, Kevin Dale: DFS Case No. 344209-25-FC; Division No. ATN-44692 (F031765)**

Ms. Schwantes – Presenting for the Department, Kimberly Marshall.

Ms. Marshall – Thank you, Ms. Schwantes. This matter is presented to the Board for consideration of the Motion for Final Order by Hearing not Involving Disputed Issues of Material Fact in the matter of Kevin Dale Cantrell (Respondent). The Respondent is licensed as a monument establishment sales agent license number F031765. The Division conducted an investigation of Respondent and alleges follows. The Respondent drove in an area of a cemetery as prohibited by the cemetery's bylaws. The disciplinary guideline for this violation is as follows:

- *Committing fraud, deceit, negligence, incompetence, or misconduct. Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for six (6) months to one (1) year, suspension up to two (2) years, permanent revocation of license and/or restitution may be imposed.*

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

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

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

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

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

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

Chair Peeples – Is there a representative of Mr. Kevin Dale Cantrell on the call today?

Mr. Kevin Cantrell – Yes, thank you.

Chair Peeples – Are you joining just by telephone, sir?

Mr. Cantrell – Yes, ma'am.

Chair Peeples – If you'll let Ms. Schwantes wear you in, please.

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

Mr. Cantrell – Yes, ma'am, I do.

Ms. Schwantes – Please state -- Thank you, sir. Please state your name and spell your last name for the record.

Mr. Cantrell – Kevin D. Cantrell, C-A-N-T-R-E-L-L.

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

Mr. Cantrell – No, I would like to please address the Board with your approval.

Chair Peeples – Yes, sir, please.

Mr. Cantrell – Yes, ma'am. Well, thank you for a few minutes. I am glad to finally be here talking to you guys. We're in our 40th year as a monument company and I've owned the company for twenty-two (22) years. I purchased it from my mother and father. They were memorialist and cemeterians also in their day. And we've been going into Curlew Hill Cemetery that this issue was about from time to time, which is about ten (10) minutes from our office, for the last thirty-eight (38) years. I'll

come back to that point in a bit. We install in probably thirty-five (35) different cemeteries in our area, all types of memorials, civic memorials, all of that. I believe there's a memorialist on the Board, and another gentleman, I heard him say, in the couple of cemeteries. They're probably keenly familiar.

We're here to talk about a drive path, and we sent exhibits originally when this complaint came out. And this summer, as I was talking to Mr. Caracci about this whole thing, there was other evidence that came up [inaudible]. There was a drive path that we were talking about where we drove and installed a monument. Our monument truck went there. I don't drive it, but it was under my discretion that he went there. It's an undeveloped area of the cemetery. We did not transgress any sidewalk or any burial area, as was mentioned as part of what the guidelines were for this complaint. We have a timeline of colored pictures, and hopefully you can see them in color. Are those pictures in color for exhibits, specifically, D, F, G, H?

Chair Peeples – Ms. Marshall, would you like to respond to Mr. Cantrell's question?

Ms. Marshall – Sorry, I'm having trouble hearing him. What was that last bit?

Chair Peeples – He was asking if the photographs were in color that were presented to the Board in the packet.

Ms. Marshall – I'm sorry. This is not my case originally, so I did not receive all of the photographs that he sent. Which ones is he referring to?

Chair Peeples – Mr. Cantrell?

Mr. Cantrell – Ones that we recently sent to the Department within the last few weeks. There was a recent overhead picture done by the property appraiser and so forth. It's a current property appraiser picture of the sites.

Chair Peeples – Mr. Cantrell, we have some photographs, but in the first part of the packet because there's 166 pages. If I may, Ms. Marshall, the photographs are black and white that are here, so I'm not sure what you're referring to. But also, as Ms. Marshall mentioned, we don't have a real good connection, so we need you to speak up a little bit, if you would, please, sir?

Mr. Cantrell – OK, sure.

Chair Peeples – Mr. Cantrell, one second, please. The Division Office has their hand up. Ms. Simon?

Ms. Simon – Thank you, Madam Chair. All the photos that Mr. Cantrell sent recently, actually just last week, they were color photos and they're at the end of your packets.

Chair Peeples – Thank you, Ms. Simon.

Ms. Simon – The last few pages in the packet.

Chair Peeples – Thank you, Ms. Simon. Thank you, Mr. Cantrell. If you'll proceed, please, sir?

Mr. Cantrell – Thank you. I would have driven to the panhandle even to go in person, but this is good. Thank you. First off, let me say that we didn't feel the need to ask specific permission to drive through that field to the back easement of the cemetery, because if you look at the color pictures you can see that it's been driven on and it's a drive path for cemetery equipment. And there's a timeline in what we sent. And it shows it for quite some time for several years and even currently as recently as six (6) weeks ago. But we have always wanted to try and get along with all the cemeteries. As I mentioned, we go in thirty (30) something different cemeteries. This was a large monument for a 23-year-old boy, Josiah Woessner, and his monument weighed over 2,800 pounds. So, one of our options probably would be to push those pieces on hand trucks maybe 150 yards to the site from a paved roadway or use the cemetery's drive path that they use themselves. And there is no doubt in my mind as I'm standing here that if the cemetery would have installed this same monument, they would have probably parked in the same spot we did, which was an easement on the northern border of the property as far as the property goes to the north. Mr. Knopke, the CEO of the cemetery, approved the job and later approved the installation when it got to be time. He sent me an email. We submitted the email with our things, and he gave us a three-hour time window to have that installed, that particular

monument. And he'd been doing that for a few years. His email sternly said be out by 12 noon and confirmed that we would be. And I think doing it with the method we did we were barely out of there by 12 noon is quite a lot to do when you're handling monuments like this. And being under time constraints as that is, it's a very uncomfortable situation for a monument company to be in to start with.

So, I would also like to ask your Board in a little bit using these photographs that are, I mean one of them is the property appraiser, one of them was taken by the family six (6) weeks ago of a car parked right behind their monument, right exactly where my son's truck was parked during the installation. We've been called negligent in this report. And I just like to beg you to see that we did anything but negligent. This monument has stainless steel pins in it. It's top heavy. I pin my monuments that are as large as the this. It would be very difficult to lift monuments onto pins without lifting equipment like that. And because this monument is at the back of a field, we just felt like we should take the same path that the cemetery has driven on.

The other thing that I like to point out, the Woessner family said they wanted to be there for the installation, and they were. The brother and the mother of Josiah was there to watch the installation. That doesn't happen all that much, but since they were going to be there, I also attended. We want to make sure that they don't get too close to all that. And anyway, I was there. But the Woessner, since they were witnesses, they did write a letter, and they said that they saw us do no damage. We didn't damage anything that I know of that I could tell. They said they couldn't tell in their letter that's in that packet. They said they couldn't tell that we were even there, and we were very professional in all ways, is what they said. And even in that packet, David Schrammel, he works for the cemetery, the foreman, he said in his own words in that packet that he did not approach us that day because there was a family sitting there. And we're respectful enough people, if David would have come up and said, you know, I don't want you to be here, you can't be here, get out of here with this, we would have had to probably make that other [inaudible] that day to get that done. But the fact that they took photographs of us, I mean, it's important enough to complain about it, but it wasn't important enough to deal with it because stating that the family was there. That in itself tells me that it's not very much to stand on because any normal person would have seen it the way we did as far as being to that spot.

And later on, our next installation, they told us that we could not put the dirt in their dirt pile. And they told us that we couldn't use the dumpster. And remember a minute ago, I talked about thirty-eight (38) years we'd been doing? Suddenly they told my son that after thirty-eight (38) years that we had to take cemetery dirt off of the ground that day and that we weren't allowed to use [inaudible]. I'm sorry. I probably lost half the audience, but I hope that you all can see sort of this and we apologize for this. I've known Keenan for years and years. He runs the cemetery. And we've tried to get along. I've tried to make Keenan the first stop when we have installations there which are very few. They do most of them, but because of these time window things, it makes things a little difficult. The installer made the decision to do what he did. And I have one other question as well for the Board before looking at these exhibit pieces. Frankly, I don't understand what any of this driving into an easement this has to do with my sales license. I'm the owner of the company and the company has a license as well. Maybe you all can share with me what it has to do with my personal sales license. I didn't even sell the monument.

Chair Peeples – Mr. Cantrell, if I may, we'll address that question to Ms. Marshall. Ms. Marshall, would you like to address his question if you heard him?

Ms. Marshall – Yes. So, concerning why the case has been open against his sales agent license, simply because he was the one there doing the installation that day.

Mr. Cantrell – Yes. Well, I was representing my company, Ms. Marshall, when I was there. So, I'm not sure what that...

Ms. Marshall – And as a licensee under Chapter 497, he is bound by the statutes in that chapter, including this one.

Mr. Cantrell – Well, again, we were doing our best not to be negligent, anyway. The family says we weren't. We didn't transgress any sidewalk or any burial ground with a vehicle at that time. The vehicle was in place when I got there. I didn't have him move. I just assumed that if it was really that bad the cemetery would have him move. And they never said anything at all in the history of time for thirty-eight (38) years about not using their dirt pile. You know, when you trade concrete for dirt the dirt's got to go someplace. Since that time, the ones that we did, which again is kind of few, we've carried Curlew Hill Cemetery's dirt off their grounds at their request and didn't go near their dirt pile. I appreciate your ears. I'm still at that explanation about the sales license. This has nothing to do with the consumer. And I know your Board has probably heard all

kind of stories over the years. I've even heard a couple of Board meetings and there's stories. This is about installing a monument in the easiest way as to not cause damage or get somebody hurt and to install the monument in a proper way. And again, there's no consumer damage here. These troubles, these issues we have all seem to be anticompetitive-based rather than consumer-based.

Chair Peeples – Thank you.

Mr. Cantrell – But anyway, I don't want to take up all your time, please. Maybe today if you could just make a clear, well-thought-out decision to do something that in our opinion would be right. In these colored pictures if you look at Exhibit A. Are you able to look at the back of your packets for exhibits? Can anybody tell me an exhibit that they're seeing in front of them?

Chair Peeples – Mr. Cantrell, what are you exactly referring to, sir?

Mr. Cantrell – One of the exhibit pictures. I'm just trying to get on the same page as the Board did.

Chair Peeples – Well, sir, we have 166 items in this packet that each of us have reviewed prior to the meeting. So, as it was stated by the Division staff that the items you referred to earlier were a part of the packet. So, if we may, if you've completed your area, I would like to kind of go forward with the case, if you are complete with your comments, sir.

Mr. Cantrell – Yes, ma'am. Did Ms. Simon tell you a bit ago that there were a couple of additions to those pages at the back of your packet? She said that a little bit ago. [inaudible].

Chair Peeples – Yes, sir. I made comment to that the Division staff updated us, so we have it as part of our packet. So, I just want to make sure that I can go on to the next item since we have given you the brevity to kind of complete your information, which is you're stating exactly what we have in the packet. And we appreciate that, sir.

Mr. Cantrell – Well, let me share with you photo F-1 was December 3, 2024. And if you're seeing it in color, it shows tire tracks that go through that field and right behind the Woessner monument. You can clearly see it in color because the black and white is difficult. We also submitted a G. It's a satellite from the property appraiser. It shows the field to the left and it shows the one single monument back there at the back of the property. And you can see our drive path on some of these. The grass is dead, and the vehicles drove around behind that [inaudible]. But the most important one is Curlew Hills does a 911 service every year. It's wonderful. They've got a great memorial out there for it. But on that morning, the Woessner family took pictures and sent us the pictures because they were shocked. There's a car parked in that same exact spot behind their monument. Curlew Hills even put up a rope through there as a roadway and they brought cars through there that day. They use it for cars. They use it for equipment. They've been using it. They used it on September 11<sup>th</sup>. And finally, there was a picture submitted to me from October the 8<sup>th</sup>, about three (3) weeks ago. They have cones set up across that area now as to deter anybody from driving through that area, I guess, because it looks like dry path. Anyhow, I would like, if you could do it, to carefully consider this. And in speaking with Mr. Caracci about these two (2), and the fact that as recently as August Curlew Hills sent us a letter, Attorney Wiener did. They say that we weren't allowed to go in there anymore, at all, personally. We could still sell monuments to go in there, but they didn't want to allow us in the park. My mother and father were both at funerals in that funeral home over there. We've been going in and out of Curlew, like I said, thirty-eight (38) years, and that situation may have resolved itself [inaudible]. Anyhow, I would like you to have a look at these [inaudible].

Chair Peeples – Mr. Cantrell, or I don't mean to cut you off, sir, but we've given you ample time to kind of speak. So, are you concluded? Are you getting concluded with your comments, sir?

Mr. Cantrell – Yes, ma'am. I thank you for that much time. Yes, ma'am.

Chair Peeples – Thank you, sir. I appreciate that. Ms. Munson, if I may, I see that Ms. Wiener has had her hand up. But I would like to ask of your wisdom and direction. It's not appropriate, I don't think, for Ms. Wiener to speak other than for the Respondent, is that correct?

Ms. Munson – If she's representing the Respondent, that's fine. But otherwise, it won't be appropriate.

Ms. Wiener – I represent the complainant.

Ms. Munson – The reason I'm saying that is because any statements you make, if it's going to be harmful to the Respondent's case or beneficial to the Respondent's case, then the Respondent, as a party to the case, the complainant is not. Respondent as a party to the case would need to kind of give the approval for you to speak. And the Department will also share no objection.

Ms. Wiener – I understand. This is an informal hearing with facts that are admitted, and it just seemed as though there was a refutation of the facts. And if we were going to get into a factual argument which really is not appropriate, then on behalf of the complainant, I wanted to be here to ensure that I could represent the complainant appropriately.

Ms. Munson – We've not established that as a basis, but Ms. Marshall, this is her Department's case. She can comment as she so chooses.

Chair Peeples – Ms. Marshall?

Ms. Marshall – Yes, I don't think there has been actually a refutation of the facts. What's alleged is simply that he drove his truck in an area of the cemetery that he was not supposed to per the cemetery's bylaws. And he's acknowledged that that happened. What he's presented today is mitigation, you know, as far as alleging that he did not cause any damage in doing so and that others had done so as well.

Mr. Cantrell – I'd like to say they parked even six (6) weeks ago right behind the same monument. It's photographed.

Chair Peeples – Thank you.

Mr. Cantrell – May I?

Chair Peeples – Mr. Cantrell?

Mr. Cantrell – Yes. May I also say, please, we're a very small monument company, always have been. Put families first. I have two (2) adult sons that work with me. And we're not a big-time corporate thing, but we're trying to do good by all people. And I want to get along with Curlew Hills if I have that opportunity. There's a lot of wrong things in the world. Looking at that, this just doesn't seem so bad. [Inaudible] would have done what we did to install this.

Chair Peeples – Thank you, Mr. Cantrell. We appreciate that. We've had the three (3) motions. We've had the comments from Mr. Cantrell. So, I'd like to turn it back over to Ms. Marshall, please.

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:** Ms. Liotta moved that Respondent is in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Chapman seconded the motion, which passed unanimously.

Ms. Marshall – Now, as to penalty, our recommendation is a fine of \$1,500 and one (1) year of probation with standard conditions.

Chair Peeples – Mr. Ferreira?

**MOTION:** Mr. Ferreira moved to dismiss this case. Mr. Chapman seconded the motion.

Chair Peeples – Mr. Jones?

Mr. Jones – Yes. For the Division, are there any other complaints against this licensee?

Mr. Cantrell – It had been filed –

Chair Peeples – Mr. Cantrell please, please let us proceed with the Board business, ok, sir? Thank you. Ms. Marshall?

Ms. Marshall – Mr. Cantrell does have at least one (1) prior complaint against his license, but this is the only one (1) that is currently outstanding.

Mr. Jones – Thank you.

Chair Peeples – Mr. Chapman?

Mr. Chapman – Ms. Marshall, is Curlew Hills or do they have monument representatives down there, monument salespeople down there at that location?

Ms. Marshall – I don't know.

Mr. Chapman – Mr. Cantrell, are you competing against Curlew Hills on monument sales?

Mr. Cantrell – Yes, sir. I don't call it competing, but yes, they do have salespeople. And that's another 40-minute story, but we don't want to get into that. But yes.

Mr. Chapman – My next question to you, sir, is this. When you set that monument, you said that the die weighed 2800 pounds?

Mr. Cantrell – No, sir. The whole monument entirely weighed 2800 pounds.

Mr. Chapman – That's fine. Did you use a knuckle boom truck to flip the die in order to put it on those pins and set it on the base?

Mr. Cantrell – Yes, sir. We have rollers.

Mr. Chapman – OK.

Mr. Cantrell – And we have knuckle boom. And it's got steel pins in it because in my opinion it's top heavy. And that's how I do monuments that are taller than they are wide always pin them especially the civic place or in the corporate cemetery.

Mr. Chapman – That's fine. I understand that completely. Is this a gray granite, white marble, or a colored stone?

Mr. Cantrell – It's Georgia gray granite.

Mr. Chapman – All right. You got permission with the drawing for approval for it, and then you got permission to set the monument. Did they locate the specific place to where you want to put the monument?

Mr. Cantrell – The grave site was flagged as it should have been. Yes, sir. The grave site was flagged.

Mr. Chapman – Did they have a representative to meet you out there to show you how to get to the mining site to set the monument?

Mr. Cantrell – No, sir, they didn't show up that day. It was December 13<sup>th</sup>. It was kind of cool morning, and I think it was about 9 in the morning. And the CEO, I don't know if I lost the audience back there, the people on the Board, but we had been getting emails saying that we had narrow time windows to do these types of jobs. And this one was three (3) hours and be out in three (3) hours. I don't think we'd ever got it done if we [inaudible] –

Mr. Chapman – Did the cemetery or the CEO give you a copy of their bylaws, so you know how to adhere to them?

Mr. Cantrell – They had mailed us bylaws about nine (9) months after they changed them. And yes, they did. It was prior to this installation, but I didn't, you know -- Most cemeteries let you drive to do big monuments if it looks like they drive there which [inaudible].

Mr. Chapman – Prior to setting this stone. Did anybody from that cemetery go out and show you where to place the stone or how to drive to a specific location to set a stone that you were going to install in that cemetery?

Mr. Cantrell – No, sir. No. They didn't show up that day.

Mr. Chapman – And they did not show up that day that you set this monument?

Mr. Cantrell – They later came up with pictures of us, but they didn't show up personally.

Mr. Chapman – Were you aware they were out there taking pictures of what you were doing? Did they acknowledge themselves of doing that?

Mr. Cantrell – No. No, they didn't.

Mr. Chapman – OK.

Chair Peeples – Thank you, Mr. Chapman.

Mr. Chapman – I have no more questions.

Chair Peeples – Mr. Cantrell, sir, please let me get the Board Members questions asked, please, sir. Thank you for speaking with Mr. Chapman. Mr. Ferreira?

Mr. Ferreira – In my opinion, if the cemetery would have sold this marker, it would have done the same thing.

Chair Peeples – Thank you, Mr. Ferreira. Board Members, we have a motion for dismissal with a second. Is there any other comments or discussion before we take a vote? Hearing none.

Mr. Jensen – May I ask a question?

Chair Peeples – Yes, sir. You about got to the background because you weren't fast enough. So please, Mr. Jensen.

Mr. Jensen – Well, I apologize. I was dozing off a little bit there, but I wanted to make sure that I know the cemetery -- and I agree with everything that's been said. And also noticed that no one from the cemetery showed up. And I'm wondering why do they think this gentleman even did the damage? And also, I'm wondering is there some way that we can say this gentleman is allowed back in that cemetery. Or can we not do that?

Chair Peeples – Mr. Jensen, we cannot oversee an entity. We cannot tell an entity how to run or operate their particular business, cemetery, or whatever it may be. So, thank you for that comment, which it will be part and reflected in the record going forward. But do you have a question, sir, regarding this? Because we need to move on, if we may. I think we've spent enough time and we've given brevity to Mr. Cantrell. And I appreciate his diligence also. So, is there any other questions before we take a vote on this particular case?

Mr. Jensen – I am absolutely ready to vote.

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

Board members [Unison] – Yes.

Chair Peeples – All opposed, say No.

Mr. Jones – No.

Mr. Clark – No.

Mr. Quinn – No.

Chair Peeples – So we have three (3) Nos, and we have one (1) recusal, which is four (4). So, we have six (6) in the affirmative, so the motion passes. So, Mr. Cantrell, if you will, please, sir, if you'll just stay on the call because I think we have a companion case coming up next. So, Ms. Schwantes?

Ms. Schwantes – Yes, ma'am,

**2. *Willdoris & Associates Inc d/b/a Cycadia Monument Company: DFS Case No. 344204-25-FC; Division No. ATN-44692 (F622772)***

Ms. Schwantes – Again, presenting for the Department, Kimberly Marshall.

Ms. Schwantes – Thank you, Ms. Schwantes. This matter is presented to the Board for consideration of the Motion for Final Order by Hearing not Involved Disputed Issues of Material Fact in the matter of Willdoris & Associates Inc d/b/a Cycadia Monument Company (Respondent). The Respondent is licensed as a monument establishment retailer, license number F622772. The Division conducted an investigation of this establishment and alleges as follows. The Respondent's registered agent drove in an area of a cemetery prohibited by the cemetery's bylaws. The disciplinary guideline for this violation is as follows:

- *Committing fraud, deceit, negligence, incompetence, or misconduct. Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for six (6) months to one (1) year, suspension up to two (2) years, permanent revocation of license and/or restitution may be imposed.*

The Motion demonstrates the Respondent has alleged there are no material facts in dispute and has asked for this matter to go to proceed as an informal hearing before the Board and request that 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 his timely submitted a request for an informal hearing.

**MOTION:** Ms. 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.

Mr. Chapman – May I ask Ms. Marshall a question?

Chair Peeples – What is your question, sir, Mr. Chapman?

Mr. Chapman – Is this Curlew Hills again cemetery?

Chair Peeples – This is a companion case to the previous case, sir.

Mr. Chapman – Ok, thank you.

Chair Peeples – Yes, sir. We have a motion. We have a second. Is there any 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.

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

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

Ms. Marshall – Now that the Board has determined there are no material facts in dispute, the Department asks the Chair to entertain a motion adopting the allegations of fact as set forth in the Administrative Complaint.

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

Chair Peeples – Mr. Cantrell, this would be the area to where we would have you respond to any questions that the Board may have. Board Members, do you have any questions for Mr. Cantrell? Hearing and seeing no response, Mr. Cantrell, I'm going to give you maybe a minute to speak. Do you have any comments that you'd like to say, sir, regarding this case?

Mr. Cantrell – First off, am I correct that you're dismissing it?

Chair Peeples – The previous case that we had was dismissed, with you as Respondent. Now, we are on the case of the company, the entity case. So that's where we are now.

Mr. Cantrell – I don't suppose there's anything else I could say other than I am sorry about what, you know, that this whole thing happened. It's unfortunate for everybody, especially on our end. But I would like to try to get along with Curlew Hills and I would like to try to call Mr. Knopke and try to do that. I've been told from our council about this that possibly that issue is getting resolved about the entrance in the cemetery. Because we've got four (4) or five (5) monuments waiting to go in there.

Chair Peeples – Thank you, sir. And I appreciate you kind of staying within the time frame given. And I hope you much successful as you go forward from today. So, I would like to turn it back over to 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. Jones moved that Respondent is in violation of Florida Statutes as charged in the Administrative Complaint. Ms. Clay seconded the motion, which passed unanimously.

Ms. Marshall – And as to penalty, we are recommending a fine of \$1,500 and one (1) year of probation with standard conditions.

Chair Peeples – Mr. Ferreira?

**MOTION:** Mr. Ferreira moved to dismiss this case. Mr. Chapman seconded the motion.

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

Mr. Quinn – From what I heard, driving on the area that he drove on was prohibited by the cemetery. It was written in the bylaws. He admitted he received a copy of the bylaws. We talked about some previous history by the licensee. Based on that. And so, there is something on the record of this being addressed, I would really recommend that we do a reprimand rather than just dismissing it. Thank you.

Chair Peeples – Thank you, Mr. Quinn. Mr. Ferreira, would you like to amend your motion or keep it as is, sir?

Mr. Ferreira – Keep it as is.

Chair Peeples – Thank you. And Mr. Chapman, you concur with that?

Mr. Chapman – Keep it as is.

Chair Peeples – Thank you. Any other discussion before we take a vote on this motion? Hearing none, all in favor of the motion, say yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed, say no. And please state who is a no, please.

Mr. Quinn – No.

Mr. Clark – No.

Mr. Jones – No.

Chair Peeples – Thank you. So, we have three (3) Nos, we have one (1) recused, and six (6) in the affirmative, so the motion carries. We are going to take a restroom break. It's 1:29, but we'll say from 1:30 to 1:45, in case you got to get a quick snack. Let's come back at 1:45. Thank you. Thank you, Ms. Marshall.

Ms. Marshall – Thank you.

\*\*\*\*\*BREAK\*\*\*\*\*

Chair Peeples – Ms. Schwantes, I will turn it over to you for agenda item E, please.

Ms. Schwantes – Thank you, ma'am.

**E. Application(s) for Preneed Sales Agent**

**(1) *Informational Item (Licenses Issued without Conditions) – Addendum A***

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

**(2) *Recommended for Approval with Conditions (Criminal History)***

**(a) *Coker, Michael F. (Appointing Entity: Wilson Brothers Inc)***

Ms. Schwantes – Is Mr. Coker or a representative of Mr. Coker on the call? Hearing none. On September 19, 2025, an application was received by the Division for Mr. Coker for licensure as a preneed sales agent under Wilson Brothers, Inc. Applicant answered yes to the background question regarding criminal history on the application, due to reportable criminal history that required disclosing. The applicant provided the Division with a written explanation, a completed criminal history form, and court documentation. In 2009, a felony charge of fleeing and eluding was filed against Mr. Coker by the 20th Judicial District Court in Glades County. This criminal offense occurred in Lee County. Mr. Coker pled no contest and was placed on two (2) years' probation and payment of fines plus other costs and court fees. Mr. Coker has satisfied all conditions and paid all required fees. As of the date the package was prepared there have been no further disciplinary actions against Mr. Coker. The Division recommends approval subject to the condition that the applicant be placed on twelve (12) full months of probation.

**MOTION:** Mr. Jones moved to approve the application subject to the condition that the applicant be placed on twelve (12) full months of probation. Mr. Ferreira seconded the motion, which passed unanimously.

**F. Application(s) for Continuing Education**

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

- (a) *Florida Cemetery, Cremation & Funeral Association (75)*
- (b) *Jeffrey Holcomb (58008)*
- (c) *National Funeral Directors Association (49609)*
- (d) *Wilbert Funeral Services (39408)*

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

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

**G. Consumer Protection Trust Fund Claims**

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

Ms. Schwantes – The CPTF claims presented on Addendum C have been reviewed by the Division, and the Division recommends approval for the monetary amounts indicated. Again, we are recommending for approval without conditions.

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

**H. Application(s) for Embalmer Apprentice**

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

- (a) *Colvin, Lauren E F895400*
- (b) *Moss, Lucien P F895577*
- (c) *Williams, Jarius S F902117*

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

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

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

- (a) *Direct Disposer*
  - 1. *Nichols, Kendra M*
  - (b) *Funeral Director (Internship)*
    - 1. *Turner, Jon T*
  - (c) *Funeral Director (Endorsement)*
    - 1. *Beecher, Mathew R*
    - 2. *Harper, Tara M*
  - (d) *Funeral Director and Embalmer (Endorsement)*
    - 1. *Antorcha, Alexandra M*
    - 2. *Fitzwater, Chandler M*
    - 3. *Yusko, Stacy L*
  - (e) *Funeral Director and Embalmer (Internship and Exam)*
    - 1. *Aldrich, Ashley E*
    - 2. *Debonis, Angela C*
    - 3. *Hobley, Mildreka S*
    - 4. *St. Gelais, Tasha L*
    - 5. *Tucker, Edward H*
    - 6. *Zawistowski, Alexa R*

Ms. Schwantes – 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.

J. **Application(s) for Internship**

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

(a) *Embalmer Intern*

1. *Callins, Tandria M F471879*
2. *Foytik, Laura L F873466*

(b) *Funeral Director*

1. *Alexander-Aziz, Regina F896874*
2. *Exilus, Hermin F773841*

(c) *Funeral Director & Embalmer (Concurrent)*

1. *Blanco-Chamberland, Beatrice F858844*
2. *Carmack, Krystal L F702048*
3. *Jules, Natasha R F684563*
4. *Price, Jason A F089516*
5. *Proctor, DonQurain J F590164*
6. *Spiegel, Carly J F877309*

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

(2) *Request to Renew Funeral Director and Embalmer Concurrent Internship*

(a) *Recommended for Approval without Conditions*

1. *Gonzalez-Cabezas, Cynthia*

Ms. Schwantes – Is Ms. Gonzalez Cabezas on the phone or a representative for her? Hearing none. An application to renew the concurrent internship license due to illness, hardship or awaiting results was received by the Division on September 10, 2025. The application was deemed completed once reviewed and processed. The applicant was licensed as a concurrent intern pursuant to 69K-18.003, subparagraph 6, Florida Administrative Code, which only permits one internship in a lifetime. Ms. Gonzalez Cabeza's concurrent intern license expired on September 20, 2025, and the application to renew was received timely. The Division recommends approval without conditions.

Chair Peeples – Thank you. Mr. Ferreira?

Mr. Ferreira – I was going to ask Ms. Schwantes, what happens, in a case like this, where this individual is not approved? I'm just using this case. Basically, they lose their ability to work, correct, until they take the test and pass it? Is that the way that works?

Ms. Schwantes – My understanding, and we're confirming one thing, though, if you would hold one second.

Chair Peeples – Thank you. Ms. Schwantes?

Ms. Schwantes – Yes, ma'am. I'm sorry. We are still confirming one item to answer Mr. Ferreira's question.

Chair Peeples – Thank you.

Mr. Ferreira – And another question. Did they pass their test in October? The test was scheduled for October.

Ms. Schwantes – Hold on one second.

Ms. Simon – I've checked and was unable to confirm that there was a passing of the test. And if she is unable to renew her internship, as she only gets one (1) internship in a lifetime, the internship's over.

Mr. Ferreira – Ok, but once she passes this test, she can file for funeral director's license?

Ms. Simon – Yes, but if her internship license isn't continued, she cannot practice. She cannot continue practicing as a funeral director intern. So, yes, when she gets the test scores, she would be able. If the internship is completed, if she gets passing test scores, she should be able to apply for her funeral director license. But, for now, if it's not renewed, she'd be unable to be an intern. She'd be unable to continue practicing within the scope. Does that answer your question, Mr. Ferreira?

Mr. Ferreira – Oh, yes, perfect. And the reason for the question was just information for me, obviously, and also, maybe this is a way we can use this type of request in the future as people want to continue to, you know, extend, extend, extend. Maybe this is a good way to say you got to get the test done. Just an idea. Just a thought. Does that make sense?

Ms. Simon – If the Board wants to do it, [inaudible].

Chair Peeples – If I may, Mr. Ferreira. I was kind of piggybacking on your item. I'm concerned about all these people that still want to continue an internship, but that allows them to continue putting off taking tests and going to the next level. So that's what I had the question also, if she had completed the test, if she had, you know, finished all her requirements. And I would really like to see these people on these Board calls, because that gives us an opportunity to ask them and to kind of get from the time that they've submitted this request till the time of the meeting, we could ask these items. I see Ms. Simon's back up.

Ms. Simon – Yes. Thank you, Madam Chair. You know, the internships are designed for somebody to practice with direct supervision but also designed as an opportunity for the intern to study for their final, for their exams. And, as I mentioned to Mr. Ferreira, if you do not continue the internship right now, she would still have her internship and could apply for a funeral director's license. But between now and the time that we're able to confirm she's passed the exam, she cannot continue to work.

Ms. Schwantes – In that capacity.

Ms. Simon – In that capacity.

Mr. Ferreira – Yes. And that's my point. That'll get them moving if they can't work.

Ms. Schwantes – I do want to respond to Chair Peeples as well that we do notify these applicants of the Board meeting. In this case, I asked, I believe, twice. We can ask again, but we did not hear any representative for this applicant or herself on the phone.

Chair Peeples – Yes, ma'am. And I appreciate the due diligence of the Division staff and team there as we're preparing for the meeting. But as a licensee going through this process, I had one opportunity in one year, and I completed all my requirements and as I have stated in the past and on the record, when I took the State Board, it was only given in January and July. So, I completed my internship in September. I had to wait till January to take my State Board. So, it concerns me that these folks are now doing these requests for illness, hardship, or awaiting results. It just doesn't sit well with me, and I just want that for the record. So, I'm kind of piggybacking on Mr. Ferreira's comment. So, any other Board members have any items? Mr. Jensen?

Mr. Jensen – Yes. So, I'm in agreement with what's been said, but I do have a question. So, if we renew, give her a renewal, do we have any leeway on a timeframe or is that automatically another year?

Chair Peeples – I think, if I may, just from past experience, and Ms. Schwantes or Ms. Munson, you may want to chime in, we can be specific, can we not, to maybe do three (3) months, six months? Can we not, Ms. Schwantes?

Ms. Schwantes – That's really a question for Ms. Munson.

Chair Peeples – Ms. Munson?

Ms. Munson – My hand was up previously. First, before I even respond to that, you can put conditions on any approvals, by the way. But my question was sometimes we have petitions associated with these requests and sometimes we don't. I just wanted to clarify for the record for the Board. I don't know if there was a petition associated with this, so I just needed to confirm one way or another. And if not, why not?

Ms. Simon – Madam Chair?

Mr. Jensen – May I follow up, Madam Chair?

Chair Peeples – Just one second, Mr. Jensen. Let me finish with Ms. Munson. I heard Madam Chair. Is that Ms. Schwantes?

Ms. Schwantes – That was Ms. Simon trying to jump back in.

Chair Peeples – Ms. Simon?

Ms. Simon – Thank you. In this case, there is an application to extend internship. That does not require a waiver. That's a form that's provided by our office and she applied for that. I did not believe there was a petition, or a waiver included within this Board packet. So, I don't know. Ms. Munson, I hope that answers your question.

Ms. Munson – It answers my question. It will raise another, but we can address it later.

Chair Peeples – Thank you, Ms. Simon.

Ms. Munson – And to answer your question, Ms. Peeples, you can set whatever timeframes or whatever conditions you want on any approvals.

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

**MOTION:** Mr. Jensen moved to approve the request to extend the internship for three (3) months/ninety (90) days. Mr. Ferreira seconded the motion, which passed with one (1) dissenting vote.

Chair Peeples – Please let the record reflect Mr. Jones was a No. Thank you.

**K. Applications(s) for Registration as a Training Facility**

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum G***
  - (a) *Beaches Chapel By Hardage-Giddens (Jacksonville)***
  - (b) *Carriage Funeral Holdings Inc. d/b/a Faith Chapel funeral Homes & Crematory (Cantonment)***
  - (c) *Valmark Memorial Group Inc. d/b/a/ Cremation With Care (Ft. Myers)***
  - (d) *Weems & Sons Funeral Homes, LLC (Williston)***

Ms. Schwantes – This is an informational item. The Division has reviewed the applications on Addendum G and has found them to be complete, and that the applicants have met the requirements to be a training agency. Pursuant to Rule 69K-1.005(12)(b), Florida Administrative Code, the Division has previously approved these applications.

**L. Application(s) for Funeral Establishment**

- (1) *Recommended for Approval with Conditions***
  - (a) *Gratitude and Compassion LLC d/b/a Coast to Coast Cremations (The Villages)***

Ms. Schwantes – An application for funeral establishment licensure was received on August 15<sup>th</sup>. The application was incomplete or deficient when received. The Division has received the required information to remedy the deficiencies and has considered this application complete on October 6, 2025. The funeral director in charge will be Mr. Gil Carlson. A background check of the principals, Mr. Jose Cortes, Mr. James W. Young, Mr. William K. Johnson, Mr. Chester C. Weber did not reveal any relevant criminal history. I forgot to ask if there's a representative on the call for this entity.

Ms. Wiener – Wendy Wiener for the applicant.

Ms. Schwantes – The Division is recommending approval subject to the condition that the establishment pass an inspection by a member of the Division staff.

Chair Peeples – Thank you, Ms. Schwantes. Ms. Wiener, are you here for questions only?

Ms. Wiener – Yes, ma'am.

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

**MOTION:** Ms. Liotta moved to approve the application subject to the condition that the establishment pass an inspection by a member of the Division staff. Ms. Clay seconded the motion.

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

Mr. Quinn – Has there been any prior discipline against this applicant?

Ms. Schwantes – Hold on one second.

Mr. Quinn – I remember their name coming up in the past, a couple times maybe.

Ms. Schwantes – We need one minute to look it up, please, sir.

Chair Peeples – Yes, ma'am.

Mr. Quinn – Thank you.

Ms. Wiener – My practice is wide, so I'll leave that to the Division.

Ms. Schwantes – Ms. Simon was double-checking while we were speaking and we did not see any orders on this one.

Chair Peeples – Thank you. So, we have a motion by Ms. Liotta, a second by Ms. Clay. Is there any 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. Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

**(b) *SCI Funeral Services of Florida LLC d/b/a/ Harden-Pauli Funeral Home (Eustis)***

Ms. Schwantes – Is there a representative on the call for this entity?

Ms. Lisa Coney – Yes, ma'am. Lisa Coney for Dignity Memorial, and I'm available for any questions.

Ms. Schwantes – Madam Chair, would you like for me to swear Ms. Coney in?

Chair Peeples – Yes, ma'am, if we have questions. We'll see if we have any questions. How about that? So, we can maybe get rolling. Thank you.

Ms. Schwantes – Very good. A change in ownership application for funeral establishment licensure was received on October 2, 2025, but deficiencies were noted. The funeral director in charge will be Mr. Mark R. Taylor. Background check of the principals who are listed in your packet did not reveal any relevant criminal history. The applicant has also applied for preneed branch office licensure for approval, which will operate under SCI's preneed main license. And that will be discussed later during the preneed branch addendum, I believe. We are recommending approval subject to an on-site inspection.

**MOTION:** Mr. Ferreira moved to approve the application subject to the condition that the establishment pass an inspection by a member of the Division staff. Mr. Chapman seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Ms. Coney.

Ms. Coney – Thank you, Board.

**M. Application(s) for Preneed Main**

- (1) Recommended for Approval without Conditions**
  - (a) Rose Hill Cemetery Company LLC (Tampa)**

Ms. Schwantes – The Department received an application for a new preneed license on September 8, 2025, from Rose Hill Cemetery Company, LLC operating in Tampa. There were no deficiencies noted on the application. The owners of the LLC are Larry Chedotal and Shay Chedotal. A completed background check of the principals was returned to the Division without criminal history. Applicant obtained its qualifying funeral establishment license as of February 17, 2025, under license number F839566 at the location in Tampa that's listed in your packet. If approved, applicant will sell trust-funded preneed through Funeral Services, Inc. (FSI). Applicant also submitted a prearranged funeral agreement for approval that it will utilize for its preneed sales if it is approved by the Board. The Division is recommending approval without conditions. Is there a representative on the call from this entity?

Ms. Wiener – Yes. Wendy Wiener, on behalf of the entity and FSI.

Ms. Shay Chedotal – Shay Chedotal on behalf of Rose Hill

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

Chair Peeples – Thank you, ladies.

Ms. Wiener – Thank you.

Chair Peeples – Ms. Schwantes?

**N. Application(s) for Preneed Branch Office**

- 1. Recommended for Approval without Conditions – Addendum H**
  - (a) SCI Funeral Services of Florida LLC (F019227) (Altamonte Springs)**

Ms. Schwantes – The application is complete without reportable criminal or disciplinary history and accompanied by the required fee. The record indicates the applicant qualifies for preneed branch licensure. As a result, the Division recommends the entity referenced on Addendum H be approved for the branch licensure applied for. And that would be for approval without conditions.

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

**O. Application(s) for Removal Service**

- (1) Recommended for Approval with Conditions**
  - (a) Mortuary Transport Service, Inc. (Prot Richey)**

Ms. Schwantes – Is there a representative on the call for this entity? Hearing none. An application for removal service licensure was received on September 17, 2025. The application was incomplete or deficient when received. The Division has received the required information submitting deficiencies and has considered this application complete on October 10, 2025. A background check with the principal, Ms. Stephaney Salzano, did not reveal any relevant criminal history. The Division is recommending approval on this subject to the condition that the removal service pass an inspection by a member of the Division staff.

**MOTION:** Mr. Chapman moved to approve the application subject to the condition that the removal service pass an inspection by a member of the Division staff. Mr. Jones seconded the motion.

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

Mr. Ferreira – Yes, ma'am. So, the actual business location, the preferred mailing address, and let's see, I guess my question is, is this where the office is at, on Gray Fox Lane? I mean, is that a commercial piece of property? Is that someone's residence? Do we know?

Chair Peeples – Ms. Simon?

Ms. Simon – Yes. The actual business location is 9331, as it says. I don't know about business or residential. I'm not sure if an inspection has been completed.

Mr. Ferreira – But I guess it doesn't matter, right?

Ms. Simon – Yes.

Mr. Ferreira – All right. That's it for me.

Chair Peeples – Thank you, Mr. Ferreira. Is there 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.

**(b) *Three Tri-County Removal Service LLC (Fort Lauderdale)***

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

Mr. Albert McWhite – Yes.

Chair Peeples – Who is on the call, please, representing the entity of Three Tri-County Removal Service, LLC?

Mr. McWhite – Albert McWhite.

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

Ms. Schwantes – Yes, ma'am. The application for removal service licensure was received on August 21, 2025. The application was incomplete or deficient when received. The Division has received the required information to remedy the deficiencies and considered this application complete on October 6, 2025. A background check of the principal, Mr. Albert McWhite, did not reveal any relevant criminal history. The Division is recommending approval subject to a condition that the removal service pass an inspection by a member of the Division staff.

Chair Peeples – Board members?

**MOTION:** Ms. Liotta moved to approve the application subject to the condition that the removal service pass an inspection by a member of the Division staff. Ms. Clay seconded the motion, which passed unanimously.

Chair Peeples – Good luck, Mr. McWhite.

Mr. McWhite – Thank you.

**(2) Recommended for Approval without Conditions**  
**(a) Starr Removal Transport LLC (Lake Worth)**

Ms. Schwantes – Is there anyone on the call representing Starr Removal Transport?

Mr. Joshua Rodero – Yes, there is.

Chair Peeples – Please state your name.

Mr. Rodero – Joshua Rodero.

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

Ms. Schwantes – Yes, ma'am. An application for removal service licensure was received on September 29, 2025. The application was incomplete or deficient when received. The Division has received the required information to remedy the deficiencies and considered this application complete on October 6<sup>th</sup>. A background check of the principal, Mr. Joshua Rodero, did not reveal any relevant criminal history. Applicant passed the on-site inspection on or about October 20, 2025. Division is recommending approval without conditions.

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

Chair Peeples – Good luck, sir.

Mr. Rodero – Thank you, Board.

**P. Collective Application(s)**

**(1) Change in Ownership**

**(a) Recommended for Approval with Conditions**

**1. Ace Mortuary, LLC**

- **Cinerator Facility**
- **Funeral Establishment (2)**
- **Transfer of Preneed Main**

Ms. Schwantes – Is there a representative of these entities on the call?

Ms. Wiener – Yes, Wendy Wiener.

Ms. Schwantes – Thank you, ma'am. Ace Mortuary (Ace) has filed to acquire two (2) funeral establishments, one (1) cinerator facility and a transfer of a preneed main. Included in the packet are the separate applications regarding the listed properties which are Mullins Memorial Funeral Home & Cremation Service, Inc. in Cape Coral, Mullins Memorial Funeral Home & Cremation Service, Inc. in Fort Myers, and Mullins Memorial Funeral Home & Cremation Service, Inc. in Cape Coral. The change of ownership is the result of an asset purchase where Ace is acquiring the assets and liabilities as specified in a letter in the packet from Ms. Wiener. The sole member and owner of the LLC will be Mr. Steven Curtis. The background check for Mr. Curtis was returned without criminal history. It should be noted that the applicant's principal, Mr. Curtis, disclosed that they filed for Chapter 7 Bankruptcy in 2008. The bankruptcy was discharged as of 2009 by the Southern District of Indiana and that documentation is in your packet. This was a personal bankruptcy action that occurred more than sixteen (16) years ago and has been discharged with all debts having been fully satisfied. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at the above locations, the obligation to fulfill those preneed contracts will be assumed by the new owner, Ace.

With regards to the petitions for waiver of Rule 69K-18.004, Florida Administrative Code, the applicant requests that based upon the supervisor director currently in charge of the interns at funeral establishments remaining as the supervisor in charge of the interns at the new establishments (if approved for licensure), the requirement that the funeral establishments perform at least forty (40) funeral services and twenty (20) embalming in order to be registered as an intern training agency be waived

and that the funeral establishment applicants be permitted to retain their training agency status. 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 – Ms. Wiener, are you here for questions only, ma'am?

Ms. Wiener – I certainly am. Thank you.

Chair Peeples – Thank you. Board members?

Mr. Ferreira – May I make a motion to approve?

Ms. Schwantes – Pardon me, Madam Chair, I need to correct the approval recommendations.

Chair Peeples – Yes, ma'am.

Ms. Schwantes – We need to recommend approval of both the petitions for waiver and for the other conditions that are outlined in your packet. My apologies for not stating that correctly earlier.

Chair Peeples – So, do I need two (2) motions or one (1)? Ms. Munson?

Ms. Schwantes – Two (2) would probably be clearer.

Ms. Munson – Yes, you can do them together. You just need to clearly state that it's for both petitions of record and the application.

**MOTION:** Ms. Clay moved for approval of the petitions for waiver and subject to the conditions recommended by the Division. Ms. Liotta seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

2. *Forever Moore Legacy Group LLC d/b/a J P Moore Mortuary (Madison)*
  - *Centralized Embalming Facility*
  - *Funeral Establishment*

Ms. Schwantes – Is there a representative on the call for these entities?

Mr. Jamarien P. Moore – Yes, this is J. P. Moore.

Ms. Schwantes – Thank you, sir. This entity, J.P. Moore Mortuary & Cremation Services (JPM), although the agenda says refers only to Madison, we have been asked to correct that to say that the properties are actually in Madison and Tallahassee. These entities are acquiring Forever Moore Legacy Group, LLC d/b/a J.P. Moore Mortuary, J.P. Moore Mortuary & Cremation Services in Madison and Forever Moore Legacy Group, LLC d/b/a J.P. Moore Mortuary, J.P. Moore Mortuary & Cremation Services in Tallahassee.

The application for centralized embalming facility licensure was received on September 11<sup>th</sup>. The application was incomplete or deficient when received. The Division has received the required information to remedy the deficiencies and considered this application complete in early October 2025. The FDIC will be Ms. Kathi S. Hansberry. A background check of the principal, Mr. Jamarien Moore and Ms. Angeline Messam did not reveal any relevant criminal history.

The application for funeral establishment licensure was received on October 2<sup>nd</sup>. The Division considered the application complete on the same date. FDIC will be Mr. Jamarien P. Moore. A background check with the principals did not reveal any relevant criminal history. The Division recommends approval of these changes in ownership subject to the condition that the establishments pass an on-site inspection by a member of the Division staff.

**MOTION:** Ms. Clay moved for approval subject to the condition that the establishments pass an on-site inspection by a member of the Division staff. Mr. Jones seconded the motion, which passed unanimously.

Chair Peeples – Good luck, Mr. Moore.

Mr. Moore – Thank you so much. Madam Chair, I have a question regarding the change of ownership. Where did that come from?

Chair Peeples – Just one second, Mr. Moore. I have Ms. Munson's hand up. Ms. Munson?

Ms. Munson – This is actually just for clarification. I know we made changes to the address. I just needed to confirm what the changes were. Do both of them read Tallahassee?

Mr. Moore – No, ma'am. One is Madison and one is Tallahassee.

Chair Peeples – Hold on, Mr. Moore.

Ms. Munson – I couldn't hear you.

Chair Peeples – Ms. Schwantes.

Ms. Schwantes – One is Madison, one is Tallahassee.

Ms. Munson – So, they are as printed on the summary?

Ms. Schwantes – Just as on the coversheet, but there was some question, I believe, that Mr. Moore had prior to this call that he wanted to make sure that that was stressed.

Ms. Munson – Ok, so the summary otherwise is correct. The addresses are correct. Thank you.

Ms. Schwantes – Yes.

Chair Peeples – Mr. Moore, if you'd like to ask any kind of questions or get information, we need to swear you in, please, sir.

Mr. Moore – Yes, ma'am.

Chair Peeples – Ms. Schwantes?

Ms. Schwantes – Yes, ma'am. Mr. Moore, would you raise your right hand?

Mr. Moore – Yes.

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

Mr. Moore – Yes.

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

Mr. Moore – Jamarien Moore, M-O-O-R-E.

Ms. Schwantes – Thank you, sir.

Mr. Moore – A question regarding the change of ownership. I don't recall anything regarding the change of ownership.

Chair Peeples – Mr. Moore, if this is a question regarding the application or any other item that doesn't have to deal with the vote that we took today, would you be able to contact the Division office following the Board call today, sir?

Mr. Moore – Sure. Yes, ma'am. No problem.

Chair Peeples – And Ms. Munson, I see you're coming forward. Do we need to do anything, Ms. Munson?

Ms. Munson – I just want to know if the order is going to reflect change of ownership. So, if there's any factual discrepancy, the order will not be correct. So, if that's not an issue, then that's fine.

Ms. Schwantes – Hold on one second.

Chair Peeples – So, Mr. Moore, what is your actual question, sir?

Mr. Moore – The approval should have been for a centralized embalming facility in Madison and a funeral establishment in Tallahassee. We didn't do anything regarding a change of ownership.

Chair Peeples – Yes, sir. In our cover packet today, it states that the location of the proposed establishments that Forever Moore Legacy Group, LLC d/b/a J.P. Moore Mortuary, J.P. Moore Mortuary & Cremation Services, which is a centralized embalming facility in Madison. Then the second entity is Forever Moore Legacy Group, LLC d/b/a J.P. Moore Mortuary, J.P. Moore Mortuary & Cremation Services, which is a funeral establishment in Tallahassee. Is that correct, sir?

Mr. Moore – That is correct.

Chair Peeples – OK, perfect. Thank you. I appreciate the clarification. Ms. Munson, I think that gets you going.

Ms. Munson – Yes, well, maybe there's no change of ownership issue is what I'm confirming.

Ms. Schwantes – I have just confirmed that these are new applications. They are on the agenda incorrectly as change of ownership. Our apologies for that, but they are new applications.

Mr. Moore – Thank you.

Chair Peeples – Thank you. Appreciate it, Mr. Moore. Ms. Schwantes?

Ms. Schwantes – I apologize. It does not change our recommendation.

Ms. Munson – Ok, thank you.

Ms. Schwantes – Madam Chair, should I move on?

Chair Peeples – Yes, please.

Ms. Schwantes – Very good.

3. *Graceland Funeral Home & Cremation Services, LLC d/b/a Funeraria Graceland, Graceland Funeral Home (Miami)*
  - *Cinerator Facility*
  - *Funeral Establishment*

Ms. Schwantes – Is there a representative on the call for these entities?

Ms. Wiener – Yes, I represent the person purchasing the stock. So, this is an acquisition, and it is a stock purchase.

Ms. Schwantes – Thank you. Included in your packet are the applications regarding these entities. And these entities would be Graceland Funeral Home and Cremation Services, LLC d/b/a Funeraria Graceland, Graceland Funeral Home in Miami. The change of ownership is the result of the purchase of both the funeral establishment and the cinerator facility. If approved, applicant will operate both licenses from this location. The applications for a change in ownership of both the funeral establishment licensure and the cinerator facility licensure were received on September 25<sup>th</sup>. The Division has considered these applications complete on the same date. The funeral director in charge/direct disposer in charge will be Mr. Felipe Caballero. The background check of the principal did not reveal any relevant criminal history. The Division recommends approval of the applications 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, Asset 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 establishments pass an inspection by a member of the Divisions Staff

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

Ms. Wiener – Yes, ma'am.

Chair Peeples – Thank you. Board members?

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

Chair Peeples – Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

4. ***Peavy Funeral Home Inc d/b/a Omega Crematory (Blountstown)***
  - *Cincerator Facility*
  - *Preneed Main*

Ms. Schwantes – Is there a representative on the call for this entity? Hearing none. Peavy Funeral Home, Inc d/b/a Omega Crematory (Peavy), a corporation, has submitted the following: an application for cinerator facility license, and an application for a new preneed main license. Included in your packet are the relevant applications for a preneed main license and a cinerator facility license for the aforementioned property. The qualifying funeral establishment for the preneed main license was approved at the September 5, 2025, Board Meeting and issued as of September 18, 2025. The change of ownership is the result of a legal change of the entity to a corporation where Charlie M. Peavy and Marlon T. Peavy will be co-owners of the corporation. A background check of the principals did not reveal any relevant criminal history. If approved, the 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.

**MOTION:** Ms. Liotta moved for approval. Mr. Chapman seconded the motion.

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

Mr. Ferreira – On the application on Page 1, it states change of ownership but no current name or license number. I'm not sure this is a change of ownership because there's always a spot for the former owner to sign and I don't see that.

Ms. Schwantes – One moment please.

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

Ms. Simon – Mr. Ferreira, I think it's listed on your cover sheet. This is the result of a purchase. A change of ownership that remains within the family. {Inaudible}.

Ms. Schwantes – The change of ownership is the result of a legal change of the entity to a corporation where Charlie M. Peavy and Marlon T. Peavy will be co-owners of the corporation. So, it is a legal change in that nature.

Mr. Ferreira – Ok.

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

Mr. Ferreira – Yes, ma'am.

Chair Peeples – Thank you. Any other discussion items? Hearing none. All in favor of the motion say Yes.

Board members [Unison] – Yes.

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

- (2) ***New Applications***
  - (a) ***Recommended for Approval with Conditions***
    1. ***A Affordable Cremations LLC (Pace)***
      - *Direct Disposal Establishment*
      - *Removal Service*

Ms. Schwantes – Is a representative on the call for this entity?

Mr. Timothy Frank – Yes, ma'am. This is Timothy Frank.

Ms. Schwantes – An application for removal service licensure and for direct disposal licensure was received on October 2, 2025. No deficiencies were found. A background check of the principal, Mr. Timothy S. Frank, did not reveal any relevant criminal history. The Department is recommending approval subject to the condition that the establishments pass an inspection by a member of the Division staff.

**MOTION:** Ms. Liotta moved for approval subject to the condition that the establishments pass an inspection by a member of the Division staff. Mr. Chapman seconded the motion.

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

Mr. Jensen – I'm showing the distance between the actual location and the crematory is seventy-eight (78) miles.

Mr. Frank – It's sixty-four (64) miles, actually, from my place to DeFuniak.

Chair Peeples – Excuse me, Mr. Frank. We will need to swear you in, sir, if you'd like to be participating in the meeting.

Mr. Frank – I'm sorry, I'm just here for questions. I apologize.

Chair Peeples – Well, this is a question, sir. So, if you would like to respond, we just need to swear you in.

Mr. Frank – Yes, ma'am.

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

Mr. Frank – Yes, ma'am.

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

Mr. Frank – Timothy Frank, F-R-A-N-K.

Ms. Schwantes – Thank you, Sir.

Chair Peeples – Thank you. Mr. Frank, if you would, if you'll kind of reply to Mr. Jensen's question, please, sir.

Mr. Frank – That's one of the things I looked at when I first talked to crematory and according to my GPS, it's sixty-three (63) miles.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes, ma'am. That could be as the crow flies. Google was telling me it was more than seventy-five (75) miles, but it depends on, you know, exact addresses. So, I'm going to give Mr. Frank the benefit of the doubt here. Thank you.

Chair Peeples – Thank you, Mr. Jensen. Are there any other questions for Mr. Frank or any other discussion before we take a vote? Mr. Ferreira?

Mr. Ferreira – So, in regard to the Department, what is it? Is it the crow fly or is it the roadways? That makes a difference because we use this 75-mile standard in many cases.

Ms. Schwantes – I think it's the crow flies legally.

Mr. Frank – But actually, and I don't mean to interrupt, I apologize. But actually, if you google and you put it on from my office over to the actual crematory, it actually says sixty-five (65) miles. If you take the, not the crow fly, that's still under seventy-five (75) miles that way as well.

Mr. Ferreira – Ok, thank you.

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

Board members [Unison] – Yes.

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

Mr. Frank – Thank you, Board.

2. *Titan Funeral Company, LLC (Tallahassee)*
  - *Funeral Establishment*
  - *Preneed Main*

Ms. Schwantes – Is a representative on the call for this entity?

Ms. Wiener – Wendy Wiener, representing the applicant. Thank you.

Ms. Schwantes – An application for a funeral establishment and preneed main license was received on September 18, 2025. The applications were incomplete when received. The Division has received the required information to remedy the deficiencies and considered this application complete on September 25, 2025. The funeral director in charge will be William Williams Jr. A background check of the principals did not reveal any criminal history. If approved, the applicant will sell insurance-funded preneed through American Memorial Life Insurance Company and utilize their approved prearranged funeral agreement forms. The applicant's financial statements as of September 16, 2025, show information that is in your packet. The Division is recommending approval without conditions.

**MOTION:** Mr. Jones moved for approval. Ms. Clay seconded the motion.

Chair Peeples – Mr. Jensen, you had your hand up, sir?

Mr. Jensen – I was actually going to make a motion. I was a little concerned about the FDIC, but I've resolved that within myself. I'm good. Thank you.

Chair Peeples – Thank you.

Ms. Wiener – I'll let him know.

Chair Peeples – And Ms. Wiener, I didn't get to ask, but I'm sure you're here for questions only?

Ms. Wiener – I am. And to pass that little note on to Bill Williams.

Chair Peeples – Is there 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. Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

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

- (1) *Recommended for Approval with Conditions*
  - (a) *Preneed Sales Agreement*
    1. *Rose Hill Cemetery Company LLC (Tampa)*

Ms. Schwantes – Is a representative for this entity on the phone?

Ms. Chedotal – Yes, Shay Chedotal.

Ms. Schwantes – Thank you, ma'am.

Chair Peeples – Who is representing the entity?

Ms. Chedotal – Shay Chedotal with Rose Hill.

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

Ms. Schwantes – Yes, ma'am. Rose Hill submitted the preneed sales agreement in your packet for approval. If approved, the agreement will be used for the sale of preneed by the preneed licensed entity. And there is correspondence in your packet as well from October 23, 2025. Division recommends approval with the condition that two (2) full-size print-ready copies of the revised preneed sales agreement are received by the Department within sixty (60) days of the Final Order being issued.

Chair Peeples – Board members?

**MOTION:** Mr. Jensen 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. Ms. Liotta seconded the motion.

Chair Peeples – Good luck, ma'am.

Ms. Chedotal – Thank you.

Ms. Munson – Before she leaves, Ms. Chedotal, is your best mail the email the info@RoseHill or the [Shay@NatchezTraceFuneralHome.com](mailto:Shay@NatchezTraceFuneralHome.com)?

Ms. Chedotal – [Shay@NatchezTraceFuneralHome.com](mailto:Shay@NatchezTraceFuneralHome.com).

Ms. Munson – Thank you.

Ms. Chedotal – Thank you.

## *2. SCI Funeral Services of Florida, Inc (Altamonte Springs)*

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

Ms. Coney – Yes, ma'am, there is. Lisa Coney for any questions.

Ms. Schwantes – Thank you, ma'am. SCI has submitted the preneed sales agreement forms that are in your packet, the Funeral Price Guarantee Agreement with Schedule A. If approved, this agreement will be used for the sale of preneed by SCI's licensed preneed branch location. The Division recommends approval with the condition that two full-size 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 –Thank you, Ms. Coney.

Ms. Coney – Thank you, Board. And I'll remain on for the next item.

**(b) Request for Transfer of Trust**

**1. SCI Funeral Services of Florida, Inc (F019227) (Altamonte Springs)**

Ms. Schwantes – And Ms. Coney is representing the entity and is on the call. SCI seeks approval of the proposed trust asset transfers as more specifically set forth in correspondence that is included in your packet. On August 1, 2024, the Board approved an acquisition by SCI to acquire control of the cemetery location, Fred Hunter Memorial Gardens, and a change of ownership of the funeral establishment for Fred Hunter's Funeral Home. These locations are also licensed as preneed branches under SCI's preneed main license. SCI acquired all the assets and liabilities for the cemetery and preneed for these locations. The minutes from the meeting are included in your packet.

SCI seeks approval for the transfer of the following trust accounts: The Fred Hunter Memorial Services, Inc. Cemetery Care and Maintenance Trust Agreement dated 7/23/93 under Regions Bank, N.A. to the Amended and Restated SCI Master Cemetery Care and Maintenance Trust Agreement which is found in your packet; the Fred Hunter Memorial Services, Inc. Cemetery Merchandise Trust Agreement dated 7/23/93 under Regions Bank, N.A. to the Amended and Restated SCI Master Cemetery Merchandise Trust Agreement under Truist Bank, N.A., which is also included in your packet; the Fred Hunter Memorial Services, Inc. Preneed Funeral Trust Agreement dated October 1 of 1988 to be Amended and Restated SCI Master Preneed Funeral Trust Agreement under Truist, also in your packet. If approved, Truist will be the trustee. All is more specifically set out in your packet. The Division recommends approval of the proposed trust transfers subject to the following conditions:

- 1) That the representations of SCI, as set forth in the representative's correspondence dated September 22, 2025, be deemed material to the Board's decisions herein.
- 2) That within ninety (90) days of this Board Meeting Argent provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
  - ◎ A letter signed and dated by one (1) of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trust to be transferred pursuant to the representative's correspondence, dated September 22, 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 22, 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 22, 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. Schwantes. Board members?

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

Chair Peeples – Thank you, Ms. Coney.

Ms. Coney – Thank you, Board.

**R. Executive Director's Report**

**(1) Operational Report (Verbal)**

Ms. Schwantes – I will try to keep this short. Last month, I reported that we expected to post information on the application process regarding five (5) Board positions with terms which expired on September 30<sup>th</sup>. Unfortunately, there's been a delay in the process, as we wait final approval of the process itself in the CFO's office. So, without giving any kind of timeframe on this, I would just say we will post the information as soon as approval is obtained. And as always, Board members are authorized and encouraged to continue serving on the Board until they are reappointed or replaced. In the meantime, please, if any of you have questions on the appointment process and the available positions, please contact me.

It is time to start reporting on the legislative session for the purpose of our meeting today. I just want to report that this is an early legislative year. Bills are already being filed. I'm not going to go into great detail. There are already three (3) bills that

have been filed. They're pretty much repeat of last year's. For example, Suits Against Government. You all have heard about this bill for several years now. We'll go into greater detail next month.

Reporting on the Rules Committee, as previously discussed, while we expect that another Rules Committee meeting will occur in January, no date has yet been determined. The purpose of any such meeting will be to continue review on the rules and proposed language for the rules on which the Committee recommended changes. Information regarding the meeting, when it is scheduled, will be posted on our website.

Our next full Board meeting will take place via video conference on December 4<sup>th</sup> 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 Executive Director's report.

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

Ms. Schwantes – This is provided in your packet as informational only.

Monthly Report of Fines and Costs Assessed and Paid Division of Funeral, Cemetery and Consumer Services Date of Board meeting  
Date of Board meeting: November 6, 2025  
Date report was prepared: October 26, 2025

Licenses	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
Clark & Morris Home of Funerals LLC	1822625	323265-24-FC	\$218	11/6/2025		
David Keith Fields	1822625	344226-25-FC	\$798			
Foundation Partners of Florida LLC d/b/a Oak Ridge Funeral Care	1822625	344225-25-FC	\$798			
Foothills Developments, Inc. d/b/a Mountain Funeral Home	1822625	181393-25-FC	\$2,000			
Kimberley Laurice Mitchell	1822625	181393-25-FC	\$2,000			
Veterans Funeral Care Florida LLC	1822625	328118-25-FC	\$1,500			
Veterans Funeral Care, Inc.	1822625	328119-25-FC	\$1,500			
Woodlawn Crematory	1822625	333182-24-FC	\$1,500			
Ralph Vierling	1822625	334693-24-FC	\$1,500			
Anthony WHs	1822625	333195-25-FC	\$1,500			
Concetta DeGloriaano Carlson	1822625	333199-24-FC	\$1,500			
G.E. Crematories of Florida LLC d/b/a Orlando Personal Care Center	1822625	333187-24-FC	\$1,500			
Liam Bilewala Smith	1822625	333184-24-FC	\$1,500	11/6/2025		
Foundation Partners of Florida LLC d/b/a Charlotte Memorial Cemetery	1822625	324338-25-FC	\$500			
Kobady-Hudgins Funeral Services LLC d/b/a St. Johns Family Funeral Home and Crematory	1822625	344864-25-FC	\$500	11/6/2025		
Kobady-Hudgins Funeral Services LLC d/b/a St. Johns Crematory	1822625	344862-25-FC	\$500	11/6/2025		
Scobee-Combs-Bowden Funeral Home	1822625	346934-25-FC	\$798	11/17/2025		
Michael Wayne Boedens	1822625	341805-25-FC	\$798	11/17/2025		
Orion Lester Johnson II	4-Sep-25	334748-26-FC & 343499-25-FC	\$500	11/16/2025		
Johnson & Family Life Celebration Center LLC	4-Sep-25	334714-26-FC & 343278-25-FC	\$1,500	11/16/2025		
Randy Stragin	4-Sep-25	343612-25-FC	\$500	11/16/2025		
Stragin & Son Tri-City	4-Sep-25	31886-25-FC	\$1,500	11/16/2025		
Cremations of Tampa LLC	1812925	344111-25-FC	\$2,500	11/16/2025		
Alis Orr	1812925	344126-25-FC	\$1,700	11/16/2025		
Travis Gibson	7-Aug-25	314293-25-FC	\$500	4/1/2026		
Travis Gibson	7-Aug-25	318828-25-FC	\$5,000	4/1/2026		
Travis Gibson	7-Aug-25	318756-25-FC	\$2,500	4/1/2026		
Richard Mengeling	8/1/2025	258693-26-FC	\$500	11/17/2025		
Charles Chestnut IV	8/1/2025	334934-26-FC & 346917-25-FC	\$4,000	11/17/2025		
Michael Bowden	8/1/2025	344239-25-FC	\$1,500	11/17/2025	Paid in Full	
Scobee-Combs Crematory	8/1/2025	344237-25-FC	\$1,500	11/17/2025	Paid in Full	
Westside Funeral Home Inc.	8/1/2025	324217-24-FC	\$1,500	11/17/2025		
George Woodie	8/1/2025	328221-24-FC	\$1,500	11/18/2025		
Jerry Haskoshi	26-Jun-25	311423-25-FC	\$1,500	11/18/2025	Paid in Full	
Sarah Noble	26-Jun-25	334710-24-FC	\$2,000	11/18/2025	Paid in Full	
Gloria Castillo	26-Jun-25	133145-26-FC & 333191-24-FC	\$1,200	18-Nov-25		
Integrity Funeral Services of Tampa FL, Inc.	26-Jun-25	333146-26-FC & 333193-24-FC	\$1,200	18-Nov-25		
Roderick Stevens	25-May-25	339273-25-FC	\$1,700	18-Aug-25		
O A Jackson Funeral Home	25-May-25	339271-25-FC	\$3,500	18-Aug-25		

Michael O'Brien	23-May-25	328833-23-FC	\$3,568	18-Aug-25	Paid in Full	
Jah Shanti Turner	23-May-25	389786-23-FC & 354886-24-FC	\$1,568	18-Aug-25	Paid in Full	
Jared Theodore Campbell	23-May-25	328816-23-FC	\$1,568	18-Aug-25	Paid in Full	
J/T Campbell Funeral Home and Cremation Services Massadina Chapel LLC	23-May-25	328813-23-FC	\$1,568	18-Aug-25	Paid in Full	
Albert Monson	23-May-25	328814-23-FC	\$1,568	18-Aug-25	Paid in Full	
Paradise Funeral Chapel, LLC	9/1/2025	328845-23-FC	\$2,068	18-Aug-25	Paid in Full	
Melinda Maxine Jackson	9/1/2025	316874-23-FC & 316677-23-FC	\$4,000 + \$2,068	18-Aug-25		Suspended until fines are paid
Donna Summerset McRae	9/1/2025	325289-24-FC	\$2,068	18-Aug-25		Sent to OGC
Joyce Wynona Williams	9/1/2025	318197-23-FC	\$3,068	18-Aug-25	Paid in Full	
River City Cemetery Inc.	9/1/2025	312544-23-FC	\$3,068	18-Aug-25	Paid in Full	
SCI Funeral Services of Florida LLC - Manassas of its Manassas Memorial Park	9/1/2025	383169-23-FC	\$2,068	18-Aug-25	Paid in Full	
Douglas Eric Hanley	9/1/2025	339959-24-FC	\$1,768	18-Aug-25	Paid in Full	
Stonewall Florida Subsidiary, LLC d/b/a Forest Hills Memorial Park	9/1/2025	389643-23-FC	\$718	18-Aug-25	Paid in Full	
Stonewall Florida Subsidiary, LLC d/b/a Forest Hills Palms City Chapel	9/1/2025	293962-22-FC & 389644-23-FC	\$24,896	18-Aug-25	Paid in Full	
Ruben Rojas	8-05-25	328710-23-FC	\$3,000	8-05-25		Suspended until fines are paid
Genovevo Mora Jr.	2/6/2025	311831-23-FC	\$2,000	2/6/2025		Sent to OGC
Ronald Dillman	5/25/2025	325295-24-FC	\$1,500	15-Aug-25		Sent to OGC

10-28-25

## S. Chair's Report (Verbal)

Ms. Schwantes – Chair Peeples?

Chair Peeples – Thank you, Ms. Schwantes. And I'm going to be extremely short but be very thankful for everyone's diligence today. And this has been a little bit longer meeting that we've had. So, thank you for what everyone's doing. And also, I'd like to do a shout out to the Division team, to Ms. Munson and Mr. Clark, as Chair of the Rules Committee. And the folks that are part of the Rules Committee, thank you for what y'all been doing. It's been a lot of work and greatly appreciate it. Thank you. Ms. Schwantes?

## T. Office of Attorney General's Report

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

Ms. Schwantes – Ms. Munson?

Ms. Munson – Included for informational purposes. As soon as we decide on rule language, it will be updated effective the meeting that the rule language is approved. There will be several rules.

## BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT NOVEMBER 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.

## U. Public Comments (Verbal)

Ms. Schwantes – Are there any public comments today? Hearing none. Madam Chair?

Chair Peeples – Thank you, Ms. Schwantes.

V. **Administrative Report as October 29, 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	1
	Active Preneed Licenses	316
	Presented to the Board at this Meeting	1
	Pending	1
D.	Preneed License Branch Applications	2
	Active Preneed License Branches	386
	Recommended for Approval	1
	Pending	1
E.	Preneed Sales Agent Applications	45
	Active Sales Agents	3416
	Recommended for Approval	29
	Temporary Licenses Issued Pending Permanent	16
F.	Monument Establishment Applications	3
	Active Monument Establishments	59
	Pending	0
G.	Broker of Burial Rights Applications	1
	Active Brokers of Burial Rights	18
	Pending	0
H.	Exempt Cemetery Reports	1
	Active Exempt Cemeteries	51
	Pending	0
I.	New Establishment Applications	15
	Pending	0
	Completed	15
J.	New Individual Applications	24
	Pending	14
	Completed	10
K.	Request for Training Facility Applications	1
	Pending	0
	Completed	1
L.	Request for Continuing Education Providers and Courses	18
	Pending	0
	Completed	18

M.	Initial Inspections	10
	Completed	10
N.	Inspections	62
	Completed	62
O.	Initial Licenses Issued	25
	Renewal Licenses	217

W. **Disciplinary Report**

Notices of Non-Compliance Issued Since Last Meeting <b>(October 9, 2025)</b>	0
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X. **Upcoming Meeting(s)**

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

Y. **Adjournment**

Chair Peeples – It is 2:49. I think we will go ahead and adjourn for the day, and I appreciate everybody participating and have a great afternoon and evening. Thank you all.

Ms. Schwantes – Thank you, everyone.