

MINUTES
BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
DECEMBER 4, 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, December 4, 2025. It is 10 o' clock, and I will call the meeting to order and turn it over to Ms. Simon.

Ms. Ellen Simon – Thank you, Madam Chair. Good morning. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is December 4, 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, and all inquiries in chat should be directed to Mary Schwantes. She is monitoring the chat feature and, as necessary, will forward your inquiry to someone who can assist in resolution of the problem. At this point I will call the roll:

Jill Peeples, Chair
Andrew Clark, Vice Chair
David Chapman {EXCUSED}
Sanjena Clay
Vincent "Todd" Ferreira
Christian "Chris" Jensen {DELAYED}

Kenneth “Ken” Jones
Janis Liotta
William “Bill” Quinn {**DELAYED**}
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. Simon – Madam Chair, we have a quorum for the business of the Board.

Chair Peeples – Thank you, Ms. Simon.

B. Rules Committee Items

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

Ms. Mary Schwantes – Good morning. This agenda item is a continuation of our reports on the actions and recommendations of the Board's Rules Committee. Those reports are made pursuant to Senate Bill 108 and the newly created Section 120.5435, Florida Statutes.

(1) Action on the Minutes
(a) October 20, 2025

Ms. Schwantes – The Committee has previously approved these minutes. Board action is needed on the minutes. Madam Chair?

Chair Peeples – Thank you. Board members?

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

Ms. Simon – Thank you.

(2) Report and Recommendations from Meeting on October 20, 2025

Ms. Schwantes – The report sets out the results of the Committee's revisit of twelve (12) rules in October. The twelve (12) rules revisited were all Board Rules, which means that the responsibility for information contained in those rules belong solely to the Board. With your approval of the report, the 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 1st to the Joint Administrative Procedures Committee (JAPC). That report must provide the results from the review of the rules this year. That report will set out what the Board's plan is with regard to each of the rules 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 October 20th meeting and the Committee's recommendations regarding the twelve (12) rules which were revisited that day. Detail is provided on the process and results of the Committee's review of each rule. Going into recommendations. Of the twelve (12) Board Rules revisited during the meeting, the Committee determined that no changes were needed to one (1) of the rules. That rule is listed on Page 3 of the report. The Committee therefore recommends that the Board approve the Committee's review results on the one (1) Board rule listed, which is 69K-5.001. Board action is needed on this recommendation. Madam Chair?

Chair Peeples – Thank you, Ms. Schwantes. Please let the record reflect that Mr. Jensen has joined the meeting. Board members?

MOTION: Mr. Ferreira moved to approve the Committee's review results on Board Rule 69K-5.001. Mr. Darrin Williams seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you. The next recommendation regarding the report, the Committee determined that eleven (11) of the twelve (12) Board Rules should be open for changes or repeal. The eleven (11) rules which the Committee recommends be open for development are listed on Page 3 of the report. Three (3) of the eleven (11) rules are recommended to be opened for the sole purpose of repealing rules. The Committee therefore recommends that the Board approve the Committee's review results on these eleven (11) rules listed in the report. Again, Board action is needed. Madam Chair?

Chair Peeples – Thank you. Board members?

MOTION: Ms. Sanjena Clay moved to approve the Committee's review results on these eleven (11) rules listed in the report. Mr. Ferreira 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?

Chair Peeples – Thank you.

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

Chair Peeples – Please let the record reflect that Mr. Quinn has now joined the meeting. Good morning, sir.

Mr. Bill Quinn – Good morning and thank you.

Chair Peeples – Ms. Schwantes?

Ms. Schwantes – Thank you. Yes, ma'am. I'm pleased to tell you all that this is the last of the Committee meeting reports to be presented to the Board at this time. No additional Rules Committee meetings are planned until early next year at a date to be determined. We have all the information that's needed for the January 1st report that is due to JAPC. And Committee meetings, as I said, will resume in 2026 for the purpose of reviewing the actual language for the changes to the rules which are being opened for development. As always, Committee meetings are open to the public and information regarding the meeting dates and times will be published. I, again, want to thank you Board members and also Committee members. This has been a large project for everyone and your time and consideration of everything is very much appreciated. Madam Chair, this ends the Rules Committee issues.

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

Ms. Simon – Thank you, ma'am.

C. Disciplinary Proceeding(s)

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

(a) Related Cases - Division No. ATN-40450

1. Archer Funeral Home LLC: DFS Case No. 308410-23-FC; Division No. ATN-40450 (F343752)

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

Chair Peeples – Mr. Jones?

Mr. Ken Jones – Yes, I'd like to recuse myself as I served on Probable Cause Panel A.

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

Ms. Kimberly Marshall – Thank you, Madam Chair. This matter is presented to the Board for consideration of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Archer Funeral Home LLC (Respondent). The Division conducted an investigation of Respondent and alleges Respondent is a licensed funeral establishment, apprentice/ intern training agency, and preneed main, license number F343752. Respondent permitted an unlicensed employee to engage in conduct constituting funeral directing. This unlicensed employee failed to provide a consumer with a written contract, failed to provide the consumer with a general price list and charged the consumer for services which were not disclosed on the general price list. Respondent failed to specify, in writing, a time for cremation of a decedent, failed to obtain written declaration of intent for the disposition of cremated remains, and failed to obtain written permission to embalm a body. Respondent further transacted business under a name other than its licensed name. Respondent's Bodies Handled Report for the month of December 2022 was unsigned. This is a nine-count Administrative Complaint, and the relevant statutes and rules are referenced below:

- Section 497.152(1)(a), Florida Statutes: Violating any provision of this chapter or any lawful order of the Board or Department or the statutory predecessors to the Board or Department.
- Section 497.152(1)(b), Florida Statutes: Committing fraud, deceit, negligence, incompetency, or misconduct in the practice of any of the activities regulated under this chapter.
- Section 497.372(1), Florida Statutes: The practice of funeral directing shall be construed to consist of the following functions, which may be performed only by a licensed funeral director: (a) Selling or offering to sell funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, on an at-need basis. (b) Planning or arranging, on an at-need basis, the details of funeral services, embalming, cremation, or other services relating to the final disposition of human remains and establishing the type of services to be rendered. (c) Making, negotiating, or completing the financial arrangements for funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, on an at-need basis, except that non licensed personnel may assist the funeral director in performing such tasks.
- Section 497.152(5)(d), Florida Statutes: Aiding, assisting, procuring, employing, or advising any person or entity to practice a profession or occupation regulated by this chapter without required licensure under this chapter.
- Section 497.152(11)(a), Florida Statutes: Failing to furnish, for retention, to each purchaser of burial rights, burial or funeral merchandise, or burial or funeral services a written agreement, the form of which has been previously approved if and as required by this chapter, that lists in detail the items and services purchased together with the prices for the items and services purchased; the name, address, and telephone number of the licensee; the signature of the customer and the licensee or her or his representative; and the date signed.
- Section 497.152(12)(b), Florida Statutes: Failing to furnish, for retention, to anyone who inquires in person about burial rights, burial or funeral merchandise, or burial or funeral services, before any discussion of selection, a printed or typewritten list specifying the range of retail prices for such rights, merchandise, or services. At a minimum, the list shall itemize the highest and lowest priced product and service regularly offered and shall include the name, address, and telephone number of the licensee and statements that the customer will be charged for only those items selected, and that there may be other charges for other items or other services.
- Section 497.152(11)(g), Florida Statutes: Assessing fees and costs that have not been disclosed to the customer in connection with any transaction regulated by this chapter.
- Section 497.607(1), Florida Statutes: At the time of the arrangement for a cremation performed by any person licensed pursuant to this chapter, the legally authorized person contracting for cremation services shall be required to designate her or his intentions with respect to the disposition of the cremated remains of the deceased in a signed declaration of intent which shall be provided by and retained by the funeral or direct disposal establishment. A cremation may not be performed until a legally authorized person gives written authorization, which may include the declaration of intent to dispose of the cremated remains, for such cremation. The cremation must be performed within forty-eight (48) hours after a specified time which has been agreed to in writing by the person authorizing the cremation.
- Section 497.152(8)(d), Florida Statutes: Embalming human remains without first having obtained written or oral permission from a legally authorized person; however, washing and other public health procedures, such as closing of the orifices by placing cotton soaked in a disinfectant in such orifices until authorization to embalm is received, shall not be precluded. If oral permission is granted, the licensee shall obtain written permission within a reasonable time as established by board rule.
- Rule 69K-15.006, Florida Administrative Code: A "reasonable time" for purposes of determining when a licensee or registrant must obtain written permission for the taking of possession of a dead human body or for embalming after oral permission has been granted shall be prior to final disposition of the dead human body.

- Section 497.380(14), Florida Statutes: Each funeral establishment must display at the public entrance the name of the establishment and the name of the full-time funeral director in charge. A funeral establishment must transact its business under the name by which it is licensed.
- Section 497.382(1), Florida Statutes: Each funeral establishment, direct disposal establishment, cinerator facility, and centralized embalming facility shall record monthly on a form prescribed and furnished by the licensing authority the name of the deceased and such other information as may be required by rule with respect to each dead human body embalmed or otherwise handled by the establishment or facility. Such forms shall be signed monthly by the embalmer who performs the embalming, if the body is embalmed, and the funeral director in charge of the establishment or facility or by the direct disposer who disposes of the body and shall be maintained at the business premises of the establishment or facility for inspection by Division staff. The licensing authority shall prescribe by rule the procedures for preparing and retaining such forms.

The disciplinary guidelines for these violations are as follows:

- *Count I: permitting an unlicensed person to engage in funeral directing: 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 1 year, or permanent revocation of license may be imposed.*
- *Count II: failing to provide a consumer with a contract: Reprimand, fine of \$500 to \$1,000 plus costs. In addition, probation for six (6) months to one (1) year with conditions may be imposed.*
- *Count III: failing to provide a consumer with a general price list: Reprimand, fine of \$250 to \$1,000 plus costs. In addition, probation for six (6) months to one (1) year with conditions or suspension up to 1 year may be imposed.*
- *Count IV: charging fees not disclosed on the general price list: 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, and/or restitution may be imposed.*
- *Count V: failing to specify, in writing, a time for cremation: 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.*
- *Count VI: failing to obtain written declaration of intent for disposition of cremated remains: 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.*
- *Count VII: failing to obtain written permission to embalm a body: Reprimand, fine of \$1,000 to \$2,500 plus costs. In addition, probation for six (6) months to one (1) year with conditions may be imposed.*
- *Count VIII: transacting business under a name other than the licensee's licensed name: Notice of Non-compliance*
- *Count IX: failing to complete a Bodies Handled Report: Notice of Non-compliance*

The Motion demonstrates Respondent has alleged that there are no material facts in dispute and for this matter to proceed as an informal hearing before the Board, and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty. I'll move on to my motions now. At this time, it would be appropriate for the Chair to entertain a motion determining 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. 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: Mr. Williams 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 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. Williams 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 – If the Respondent is present, now would be an appropriate time to hear from them.

Chair Peeples – Is there anyone present representing the entity today?

Mr. John Milton – Yes, ma'am.

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

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

Mr. Milton – I do.

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

Mr. Milton – John Garrett Milton, M-I-L-T-O-N.

Ms. Simon – Thank you, sir.

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

Mr. Milton – Yes, I mean, I'll address. This complaint stemmed from an inmate family, which at the Department of Corrections, we have a contract not with families but with the State, so those are always handled a little different. And so, I think there was just some miscommunication, but I'll be happy to answer any questions.

Chair Peeples – Thank you, sir. Board members, do you have any questions for Mr. Milton? 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 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.

Chair Peeples – Board members?

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

Ms. Marshall – And as to penalty, the Department's recommendation is a \$5,000 fine and two (2) years of probation.

Mr. Jensen – Madam Chair, is now the time to ask a question?

Chair Peeples – Yes, sir, Mr. Jensen.

Mr. Jensen – Ms. Marshall, I have a question for you. On Page 9, item number eight (8), I'm just curious maybe for my own good here. Why is it a problem that \$2,000 paid by RW was not disclosed on the general price list?

Ms. Marshall – So, if this were a package deal for, you know, whatever services were provided, that's fine, but there's no item on there that is \$2,000.

Mr. Jensen – Yes, I've just never heard of the price being written on a general price list being a contract. So, I'm just curious why that was in there.

Mr. Milton – Can I answer that?

Chair Peeples – Yes, sir. Mr. Milton.

Mr. Milton – Again, this was an inmate family. And again, the contracts are with the State of Florida and not the families. And the families have a choice to decide if they want the body privately. If not, they relinquish their rights to the State. And the State does give us permission, however, if the family reaches out, you know, they give us permission to service the family in the best way we know how. And so, we do offer package pricing to the inmate families. If they would like a viewing, they're welcome to come in our facility. And that's a \$1,200 charge, a package price, to them to do that. However, in this particular case, the family was insistent on being here Monday morning, which we informed them that we would have to drive all the way to Leesburg and we're up in Lake Butler on the weekend. We'd have to come in on the weekend prep an autopsied body, because they're all autopsied, and have the body ready for them first thing Monday morning. There would be a weekend charge of that. So instead of the typical \$1,200 package, it was going to be a \$2,000 package, which the family agreed. And so that explains why there is no item on our GPL that's \$2,000, because we provide a package to all inmate families.

Chair Peeples – Mr. Jensen, do you have a follow up, sir?

Mr. Jensen – Yes, ma'am. Yes, that doesn't really answer my question. For Ms. Marshall, what does the \$2,000 not being on the GPL have to do with anything?

Ms. Marshall – Because like he said, if there is a package deal that's offered to particular customers, that's fine. But there's no item on the general price list that's \$2,000. And it's also hard to discern exactly where that amount came from because there is no written contract here.

Mr. Jensen – I understand, but I guess the investigator dinged this gentleman on it not being written on the general price list. So that would lead me to believe that that constitutes a contract if it were to be written. So that's what I want to understand.

Ms. Marshall – But there is, again, no such package deal is listed on the general price list. So, you can't even look at that \$2,000 that was charged and figure out exactly what that was for, because that doesn't correspond with any item on the general price list, which is on Page 75 in your materials.

Mr. Jensen – Well, and also Ms. Marshall, packages do not have to be on a general price list. You are allowed to have ranges and different things like that. So, I'm just a little curious about that one item, because packages are not required to be on a general price list. The FTC does not require that.

Ms. Marshall – Sorry, one moment. Well, and again, this is all made more difficult by the fact that there's no written contract. So, we're taking their word for it that this was a package. But, again, by looking at the general price list, you can't tell where that amount even came from. And that was primarily our issue.

Mr. Jensen – Okay. Madam Chair, may I have a follow up for the gentleman, please?

Chair Peeples – Yes, sir.

Mr. Jensen – Yes, and just a quick question here. In a lot of areas of the state, there are rules against if they are accepting the State-paid cremation, so to speak, then you're not allowed to give them any other services. Is that not the case here? I know in our area that's the case like with indigents and so forth, that if they have \$2,000 to pay for a cremation, the state's not going to pay for the cremation and then they can pay for a service on top of that. So, I'm a little confused by that as well. Is that not such a rule, sir?

Mr. Milton – Yes, thank you, Mr. Jensen. So, what happened there was not a such rule and because we're contracted with Region-2, and Region-2 never had a rule in place about that. However, in January of this year, RMC, which is a prison here in Lake Butler, they implemented a new rule to your point, that a family, if they do in fact have the money, they cannot claim the body privately and we cannot provide services to them, to your point. But that was instilled in January of this year.

Mr. Jensen – Alright, sir. Thank you for the clarification. Thank you, Madam Chair.

Chair Peeples – You're welcome, sir. I saw Mr. Williams had his hand up, then Mr. Ferreira, then Mr. Quinn. Mr. Williams?

Mr. Williams – Yes. Thank you, Madam Chair. Two (2) questions. First question is, I guess I'm trying to follow the timeline in reference to if the State has the authorization and make contact with your firm, how does the family, I guess, get back involved if they haven't released their rights to the State? So, I'm trying to understand how did that contact happen.

Mr. Milton – Yes, thank you, Mr. Williams. So how it works is actually the State kind of act as the funeral director initially. So, they have social workers that contact the families to inform them, and then they give the families all their options with pricing included and everything. And then the family makes the decision on whether they want to let the State handle the case or they want to claim the body privately. They don't have to choose for the State to handle the case. However, if they choose that, then they are also informed that we are the ones who handle the body. So then at that time, they contact us, we get the vitals and the information we need, we also get a cremation authorization form signed. However, if the family can also relinquish their rights, they can choose for the State to take over, but they can relinquish their rights. And at that time, the wardens actually sign the cremation authorization form. In this particular case, the family chose for the state to pay for the cremation, but then they reached out and said, "Hey, is there any way we can see her?" And so, at that time, we provided a service for them. We gave them our package price and, again, gave them the option to wait until Monday afternoon or Tuesday at a \$1,200 price. And they said, no, we have to be there Monday morning, to which we informed them there was going to be a weekend charge and it would be \$2,000. And again, to which they agreed.

Mr. Williams – Madam Chair, I'm sorry, may I have a follow up on that question?

Chair Peoples – Yes, sir.

Mr. Williams – So I guess I'm trying to understand if they relinquish their rights to the State, why do they still have involvement?

Mr. Milton – That's a great question. And again, now in January, they implemented that. This was the way it's been for the last fifty (50) years and I'm curious as why the State hasn't been involved before this. But anyhow, in January, they implemented that, hey, if you relinquish your rights, again, you don't have any rights. And however, that's only at the RMC facility. Every other facility is still the same old way, and that's a contract with the State. So, I would think that would be an issue with the State.

Mr. Williams – Got you. And then Madam Chair, my second question is on Page 9, as Mr. Jensen was mentioning, I thought it was going to go this way. Did the family contact you to make arrangements, or did they contact your employee? Because how it reads is they contacted you and then your employee also made arrangements. So, who made the arrangements? Did you make the arrangements or did the employee make the arrangements?

Mr. Milton – That's a great question. Again, the family dealt with the social worker first and they, like I said, they talk pricing, they handle everything. And then if the family chooses us, then they call us. And my office manager and secretaries do the same thing the social workers do with the State; they give them pricing and let them know their options. So, there were no arrangements whatsoever and there aren't any arrangements with these families at the time because for one, the families aren't in, they don't come in unless it's the day of the service. And so, we can't ever do a face-to-face arrangement. We just tell them the pricing over the phone, and when they show up, we provide, like I said, the proper paperwork, contracts, GPLs, and get them to sign it and go about their business. And so, on this particular day, that's what happened. Ms. Fuss contacted the family, gave them their options after the social worker did the same thing, and the family chose their option and said, "We'll be in Monday morning."

Mr. Williams – Oh, okay. Just to clear to Ms. Marshall, when you say in the statements, contact the Respondent, I see in the earlier petition it says the Respondent is Mr. Milton, however it says then RW, which is the family, and Fuss, meaning the employee, discussed the arrangement. So that's why I was kind of unsure exactly who did what. So, I'm not sure if that's the kind of clarity or what.

Ms. Marshall – This is the funeral home case, not a case of Mr. Milton. That's why it does mention Respondent.

Mr. Williams – Thank you. Okay.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – Yes, ma'am. So, the \$2,000 fee, Ms. Marshall, is made up of multiple fees, okay, that are on the price list. So, you have embalming on the price list, you have your removal from the place of passing, you have additional mileage, you have autopsy fees. So, all of those fees add up to the \$2,000 or probably more. So, I'm okay with the \$2,000. And that's how that happens. That's how that's made. That's it for me.

Chair Peeples – Thank you. Mr. Quinn?

Mr. Quinn – Yes. Thank you. My question is to Mr. Milton. Is it true that you failed to provide a contract in this case?

Mr. Milton – Yes, sir. It is. Again, like I said, this was the way it was done for fifty (50) years, and that's no excuse. However, once it was brought to my attention, because the contract is with the State, and so I was under the assumption that that's where the contract lied. However, when it was brought to my attention that any outside third-party, if they request anything from an extra tenet at a cemetery or to whatever I need to provide a contract. And so that's what we've been doing since then.

Mr. Quinn – Thank you.

Chair Peeples – Mr. Milton, I have a question. You mentioned that with this kind of processing with the State, that a social worker reaches out to the family to get their request and the services that they would like to have performed or handled for them. Have you presented a general price list to the state? Do they have your price list on file?

Mr. Milton – No, ma'am. Again, like I mentioned earlier, this is completely different than your traditional at-need calls. We don't even come up with the pricing, the State does. So, the State has a contract, and they tell us what they're going to pay. So, they have their own GPL and everything. Well, I don't even know if it's a GPL. They just have an agreement. And so, like I said, this is completely different than what you guys are envisioning as an at-need.

Chair Peeples – Thank you, sir. I guess just as a proprietor, a licensed director in the State, I like to dot i's and cross t's. So, I don't care who we talk to, whether if it's in person, if it's over the telephone, if they ask for something to be faxed, we ask for an email so that we can email them just to cover ourselves. So that may be a practice that you may want to think about at your firm just to cover your base going forward. So, I appreciate you being available and answering questions. Are there any more questions for Mr. Milton. Mr. Jensen?

Mr. Jensen – A recap maybe from Ms. Marshall as to what the Department is asking total here?

Ms. Marshall – Yes. Our recommendation is a \$5,000 fine and two (2) years of probation with standard conditions.

Mr. Milton – Can I ask a question about that?

Chair Peeples – Yes, sir.

Mr. Milton – I'm reading the documents that we got that were forwarded to us and on the proposed disciplinary guidelines, the reprimanded fine was \$1,000 to \$2,500. I'm just curious where the \$5,000 came from.

Ms. Marshall – So, \$1,000 to \$2,500 is only the first count. There are nine (9) total counts here.

Chair Peeples – Does that assist you, Mr. Milton, with an answer?

Mr. Milton – It does. Thank you for the answer, but to me, it wasn't very clear because it says Counts 1 through 9, not each individual count is one for \$1,000 or \$2,500.

Ms. Marshall – This is for your case. For the establishment case there are nine (9) separate counts all laid out individually.

Mr. Milton – Yes, I understand that. But like I said, the way it reads is Counts One through Nine, it reads it like collectively. It doesn't read like each individual count, but it's just my understanding.

Chair Peeples – Board members, is there any other discussion before we proceed with a possible motion and a second?

Mr. Quinn – I have a question.

Chair Peeples – Is that Mr. Quinn?

Mr. Quinn – Yes, it is, Chair. Thank you. After hearing the information about the pricing and the GPL, would the Department change their recommendation due to hearing that information and the longtime service to the prison bureau that Mr. Garrett and his firm has provided?

Ms. Marshall – We would not change our recommendation only because, I mean, there are nine (9) counts here. Even if you remove the one (1) and again, we're not dismissing the count pertaining to the GPL, but even if we were to do that, our recommendation is still on the low end of the guidelines for the remaining counts.

Chair Peeples – Mr. Quinn, in reply, Board members have an opportunity to state their suggestions that they would like to have. But if we may, I saw Mr. Milton had his hand up. Mr. Milton?

Mr. Milton – I might shoot myself in the foot, but I'm going to do it anyways. Again, I'm hung up on the way this thing reads. And again, if it's Counts 1-9, and each individual count equals \$1,000 to \$2,500, then I appreciate the discount. But wouldn't the minimum be at least \$9,000?

Chair Peeples – Ms. Marshall?

Ms. Marshall – You are looking at the materials for the case against your own license. If you look at the materials for the case against the funeral home license, there are nine (9) separate paragraphs made out there with the different guidelines for each count.

Mr. Milton – Could you tell me what page that was on Ms. Marshall?

Ms. Marshall – There were two (2) separate packets that would've been sent to you. It would be on Page 3 of the materials for the funeral homes packet.

Mr. Milton – Thank you. I didn't realize there was two (2) packets.

Chair Peeples – Thank you, Mr. Milton. Mr. Jensen, did you have your hand up, sir?

Mr. Jensen – I'd like to make a motion if I may.

Chair Peeples – Sure.

Mr. Jensen – Yes. I'll make a motion that we reduce it to \$2,500 fine and six (6) months' probation. I think that Counts 3, 4, 5, 6, and 7 do not necessarily apply to this, but there were some wrongdoings here. I don't see it as completely egregious.

MOTION: Mr. Jensen moved that Respondent shall pay a fine of \$2,500 fine to be paid within thirty (30) days of the Board Order and six (6) months of probation with standard conditions. Mr. Ferreira seconded the motion.

Chair Peeples – Ms. Munson with the comment on the motion that Mr. Jensen made regarding Counts 3-7, would that just be a part of the Final Order with his comment that he made regarding the motion, or would that need to be addressed in any way?

Ms. Rachelle Munson – No, unless he is asking that the Department amend their Administrative Complaint to remove them, the Order will just reflect the penalty fee as presented.

Chair Peeples – Thank you, ma'am. So, Mr. Jensen, the comment by Ms. Munson, are you asking the Department to reduce the Administrative Complaint for Counts 3-7, or are you just making a comment, sir?

Mr. Jensen – Oh, well, twofold. One, making a comment, but is this going to hurt this gentleman's record? Because I think some of these are just the investigator did not know the rules, you know. So, I don't see where the gentleman really did too much wrong other than he didn't provide a contract. And, you know, sometimes these things go a little sideways, but you know, for instance, failing to obtain written permission to embalm a body, that kind of goes under not providing a contract because you don't have to have written permission to embalm a body until they sign the contract. It's pretty common in our industry to get written permission or permission to embalm over the telephone. Another one, specifying a time for cremation. We covered this in a couple of meetings ago. You know, I mean, I don't even know where that comes from. I don't know anybody that does that, so I don't know if they need to be thrown out or if we just -- you know, my intent was, you know, some of the counts are a little in the gray area, so I think the gentleman deserves benefit of the doubt on the gray area counts.

Chair Peeples – Thank you. Ms. Munson?

Ms. Munson – I just wanted to clarify for the record the significance of Mr. Jensen's last statement. I wanted to remind the Board that you've already voted to accept the findings as presented, so you'd have to go back and rescind that. That would be number one. Number two, if you'd like to have those counts removed, you would be saying that there is no finding of a violation for each of those statutes and rules that have been presented in those particular counts. And the fact that you say it's a gray area would need you to actually confirm that you have no finding that there were no violations. So, and that would support the removal of it. It would be up to the Department again, to give any other information they want. But it appears, and I can't speak for the Department, based on Ms. Marshall's earlier statement, that she provided an amount of \$5,000 I think, and Ms. Marshall would need to definitely confirm and clarify as a penalty in consideration of mitigating circumstances so that it's not the \$9,000 it could have been. It's \$5,000 and where you are suggesting \$2,500, perfectly acceptable. We would just need to justify that level of mitigation as well. And I'll allow Ms. Marshall to give any other statements she may deem necessary.

Chair Peeples – Ms. Marshall, if I may, Ms. Simon has her hand up. Ms. Simon?

Ms. Simon – Thank you, ma'am. I just wanted to respond to one particular comment that was made. It is not the investigators that decide what is presented to the Board. It is actually the Probable Cause Panel that made the decision that these were valid charges. So, when a comment is made that the investigators didn't know what they were doing by putting these things together, I don't believe that that is accurate as pertains to what is before the Board today. And I just wanted to include that comment to, again, remind the Board members about the process it takes to get before the Board. Thank you.

Chair Peeples – Thank you, Ms. Simon. Ms. Marshall, I'll turn it over to you if you have a comment following Ms. Munson's comments.

Ms. Marshall – I do want to respond to a couple of things Mr. Jensen said. First of all, as far as the permission to embalm, on Page 2 of your materials, s. 497.152(8)(d). The last sentence says, *if oral permission is granted the licensee shall obtain written permission within a reasonable time*. And right below that, the rule says *a reasonable time is prior to final disposition of the body*. So yes, you do absolutely have to get that written permission. And secondly, as far as getting a time and date for cremation that comes from s. 497.607(1). The last sentence says that the cremation must be performed within forty-eight (48) hours after a specified time, which has been agreed to in writing by the person authorizing the cremation. So, there is a statutory basis for both of those charges.

Chair Peeples – Thank you, Ms. Marshall. Mr. Jensen, do you have any follow up questions or comments, sir?

Mr. Jensen – Yes, ma'am. As I'm sitting here listening, Count 7, I'll give the State, you know, because the written permission to embalm a body needs to be signed on the contract, and there was no contract given here. So, I will give them that. I still maintain that three, four, five, six, as far as having an exact time for cremation, I don't know anybody that does that. I just don't. So, I don't know what the deal is there. I mean, I've never seen that. There are so many cremations nowadays. I mean, it's almost impossible, something like that. So, I would maintain back to what Ms. Munson mentioned. I still think, you know,

three, four, five, and six is wrong, so I will stick with my motion of \$2,500 and a six-month probation. Thank you, Madam Chair.

Chair Peeples – Thank you, Mr. Jensen. Do we have any other discussion on the motion, Board members? Ms. Clay?

Ms. Clay – I just want to make sure I'm understanding. Based on the comments made by Ms. Munson, it seems that we're not able to just dismiss those charges and say that they're not relevant. Am I understanding that right? And if that is the case, then the motion is kind of out of order. I think we need to backtrack a couple things because we did accept what Ms. Marshall presented.

Chair Peeples – Yes, Ms. Clay, you are correct. As Ms. Munson stated, because we stated, and we made a motion, a second, and it passed that there were violations of Florida Statute 497 as one of our previous motions we had. So that's why I asked Mr. Jensen about his comment, and I think, and I don't want to speak for him, but Mr. Jensen has made that he's not comfortable with motions Counts 3-7, but he does not want them dismissed per se. Is that correct, Mr. Jensen?

Mr. Jensen – It is sort of like as you lawyers on here would understand a nolo contendere. So, you know, I don't think the gentleman needs to admit any guilt on those, but I'm not denying some of this. You know, just like the cremation authorization, just about all of them say within forty-eight (48) hours. So, you know, there's not a specific time. So, you know, that's a whole another subject. I don't think this gentleman should be held accountable for that. As far as a general price list to the consumer, you know, Count 3, I mean, that's a whole point of contention. Obviously, there was a general price list, or the investigator wouldn't have seen it and said, well, there's not \$2,000 on here. I mean, so you know, I mean, so there was a general price list from the testimony I heard given to the consumer. So, I'm thinking three, four, five and six. I'll give the State number seven because that does fall back to a written contract. So, I'll retract number seven, but three, four, five and six, it's kind of like just piling on the charges here. That's all, Madam Chair.

Chair Peeples – And Mr. Jensen, the answer to my question I need is, as Ms. Munson stated, we're going to have to go back and resend motions if you're asking for those counts to be removed.

Mr. Jensen – What I'm asking for is they not be held against a gentleman, Ms. Munson, I don't know how to do that. And I don't know if this is going to follow him down the road. I don't want those counts to follow him down the road. If it's inconsequential to what we're doing here, then I don't care if they stay, but, you know, it just seems a little bit of overkill.

Ms. Munson – So, Ms. Chair Peeples, what I can follow up with is if this body feels that those statutes, the way they are written, violations resulted, the language will stay there. This will be a public record. This Administrative Complaint will follow. I mean, it's going to be on this individual's funeral home's license, right? It will be there. The Order can include information that based on mitigating circumstances the Board voted to reduce a penalty to the amount of, so it would indicate that you guys gave consideration to concerns. You could even identify what some of these mitigating circumstances are, if you'd like to add that level of detail. But for those counts to no longer follow this funeral home, it would have to be just removed. But by doing so this body would be saying that there are no violations properly listed in those counts. So, it's up to you. You can leave them in and still do the lower amount, or you can take them out and do the lower amount. But to justify taking them out, please understand you are identifying not that it's not followed, but that there are no violations.

Chair Peeples – Thank you, Ms. Munson and Mr. Jensen. Mr. Quinn, we'll get to you in a moment, sir because we're still on Ms. Clay's question. As Ms. Marshall mentioned, probable cause was found through the Probable Cause Panel. So that's an item that Mr. Jensen, I want to make sure with your motion and Mr. Ferreira's second, and Ms. Clay's comment that we have previously voted as a body, as a Board, and we have approved that there are violations of 497. So, we have, for the record, the comments that you have made, which will be on the recorded record, but as Probable Cause has found, as the Administrative Complaint has been presented to the Respondent, there are violations. Some may be more impactful than others. So that's what I want to get your leaning, and I understand, and I appreciate that. I appreciate your candor. But there are violations, sir, that we have already approved.

Mr. Jensen – Yes, ma'am. May I, Madam Chair?

Chair Peeples – Yes, sir.

Mr. Jensen – Yes, ma'am. I do agree and I agree with the statutes, and I do understand what they say. Ms. Munson sort of cleared it up for me there. So based upon what Ms. Munson said I would still propose a fine of \$2,500, six (6) months' probation, and the reason for that is extenuating circumstances on counts three, four, five and six. How is that?

Chair Peeples – Thank you, sir. Ms. Clay, does that complete your question? An answer for your question, ma'am?

Ms. Clay – Yes, but if I can just get some clarification. So, in other words, Mr. Jensen, what you're recommending is for the entire case that has been presented [inaudible]?

Mr. Jensen – Since there's nine (9) counts, they're all in total. So, the State was asking for \$5,000, but I disagree. You know, I think some of them are a little ambiguous, but I do agree that it does say this in the statute. So based on what Madam Chair said, I think we should probably leave them in there, but we can caveat by what Ms. Munson said, that we think there's extenuating circumstances on counts three, four, five and six.

Ms. Clay – Thank you.

Chair Peeples – Mr. Quinn?

Mr. Quinn – And it might be answered by now, but I just want to make sure. I was just going to ask if we're able to reconsider the motion, accept the findings, and then go along with Mr. Jensen's suggestion for the fine being the \$2,500 and the six-month probation.

Chair Peeples – Mr. Quinn, we already have a motion by Mr. Jensen and a second by Mr. Ferreira for a \$2,500 fine and six (6) months' probation sir. So, are you asking for a reduction from that motion?

Mr. Quinn – No, I just wanted clarification. Thank you.

Chair Peeples – You're welcome. Any other discussion on the motion? Ms. Simon, if you will, will you take a roll call vote please, ma'am, on this?

Ms. Simon – I did anticipate that that would be a request. Thank you, Madam Chair. All of those in favor of the motion made by Mr. Jensen, please respond by saying yay. Mr. Clark?

Mr. Clark – Yes.

Ms. Simon – Mr. Quinn?

Mr. Quinn – Yes.

Ms. Simon – Ms. Clay?

Ms. Clay – Yes.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Yes.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yes.

Ms. Simon – Mr. Jones?

Chair Peeples – He's recused.

Ms. Simon – Oh, thank you. Ms. Liotta?

Ms. Liotta – Yes.

Ms. Simon – Mr. Chapman is not here. Mr. Williams?

Mr. Williams – Yes.

Ms. Simon – Madam Chair?

Chair Peeples – Yes.

Ms. Simon – Madam Chair, that motion passes.

Chair Peeples – Thank you, ma'am. Ms. Simon, if we will move to agenda item C(1)(a)(2), please?

Ms. Simon – Yes, ma'am.

2. Milton, John Garrett: DFS Case No. 308411-23-FC; Division No. ATN-40450 (F313074)

Ms. Simon – Mr. Milton is on the line for this case as well, and he has already been sworn in. Ms. Marshall?

Ms. Marshall – Thank you, Ms. Simon. This matter is presented to the Board for consideration of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of John Garrett Milton (Respondent). The Division conducted an investigation of Respondent and alleges Respondent is a licensed funeral director and embalmer, license number F313074. At all times material to this case, Respondent was the funeral director in charge of Archer Funeral Home, a licensed funeral establishment, apprentice/intern training agency, and preneed main, license number F343752. This establishment permitted an unlicensed employee to engage in conduct constituting funeral directing. This unlicensed employee failed to provide a consumer with a written contract, failed to provide the consumer with a general price list, and charged the consumer for services which were not disclosed on the general price list. The establishment failed to specify, in writing, a time for cremation of a decedent, failed to obtain written declaration of intent for the disposition of cremated remains, and failed to obtain written permission to embalm a body. The establishment further transacted business under a name other than its licensed name. The establishment's Bodies Handled Report for the month of December 2022 was unsigned. Respondent, as funeral director in charge, failed to ensure that the establishment complied with all applicable laws and rules and is therefore subject to discipline. This is a nine-count Administrative Complaint, and the relevant statutes and rules are referenced below:

- Section 497.152(1)(a), Florida Statutes: Violating any provision of this chapter or any lawful order of the Board or Department or the statutory predecessors to the Board or Department.
- Section 497.152(1)(b), Florida Statutes: Committing fraud, deceit, negligence, incompetency, or misconduct in the practice of any of the activities regulated under this chapter.
- Section 497.380(7), Florida Statutes: Each licensed funeral establishment shall have a funeral director in charge and shall have a licensed funeral director reasonably available to the public during normal business hours for the establishment. The funeral director in charge is responsible for ensuring that the facility, its operation, and all persons employed in the facility comply with all applicable state and federal laws and rules. A funeral director in charge, with appropriate, active licenses, may serve as a funeral director in charge for not more than a total of two of the following: funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the two locations are not more than 75 miles apart as measured in a straight line. The funeral director in charge must hold an active, valid funeral director license and an active, valid embalmer license, or combination license and a funeral director and embalmer.
- Section 497.372(1), Florida Statutes: The practice of funeral directing shall be construed to consist of the following functions, which may be performed only by a licensed funeral director: (a) Selling or offering to sell funeral services, embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, on an at-need basis. (b) Planning or arranging, on an at-need basis, the details of funeral services, embalming, cremation, or other services relating to the final disposition of human remains and establishing the type of services to be rendered. (c) Making, negotiating, or completing the financial arrangements for funeral services,

embalming, cremation, or other services relating to the final disposition of human remains, including the removal of such remains from the state, on an at-need basis, except that non licensed personnel may assist the funeral director in performing such tasks.

- Section 497.152(5)(d), Florida Statutes: Aiding, assisting, procuring, employing, or advising any person or entity to practice a profession or occupation regulated by this chapter without required licensure under this chapter.
- Section 497.152(11)(a), Florida Statutes: Failing to furnish, for retention, to each purchaser of burial rights, burial or funeral merchandise, or burial or funeral services a written agreement, the form of which has been previously approved if and as required by this chapter, that lists in detail the items and services purchased together with the prices for the items and services purchased; the name, address, and telephone number of the licensee; the signature of the customer and the licensee or her or his representative; and the date signed.
- Section 497.152(12)(b), Florida Statutes: Failing to furnish, for retention, to anyone who inquires in person about burial rights, burial or funeral merchandise, or burial or funeral services, before any discussion of selection, a printed or typewritten list specifying the range of retail prices for such rights, merchandise, or services. At a minimum, the list shall itemize the highest and lowest priced product and service regularly offered and shall include the name, address, and telephone number of the licensee and statements that the customer will be charged for only those items selected, and that there may be other charges for other items or other services.
- Section 497.152(11)(g), Florida Statutes: Assessing fees and costs that have not been disclosed to the customer in connection with any transaction regulated by this chapter.
- Section 497.607(1), Florida Statutes: At the time of the arrangement for a cremation performed by any person licensed pursuant to this chapter, the legally authorized person contracting for cremation services shall be required to designate her or his intentions with respect to the disposition of the cremated remains of the deceased in a signed declaration of intent which shall be provided by and retained by the funeral or direct disposal establishment. A cremation may not be performed until a legally authorized person gives written authorization, which may include the declaration of intent to dispose of the cremated remains, for such cremation. The cremation must be performed within 48 hours after a specified time which has been agreed to in writing by the person authorizing the cremation.
- Section 497.152(8)(d), Florida Statutes: Embalming human remains without first having obtained written or oral permission from a legally authorized person; however, washing and other public health procedures, such as closing of the orifices by placing cotton soaked in a disinfectant in such orifices until authorization to embalm is received, shall not be precluded. If oral permission is granted, the licensee shall obtain written permission within a reasonable time as established by board rule.
- Rule 69K-15.006, *Florida Administrative Code*: A “reasonable time” for purposes of determining when a licensee or registrant must obtain written permission for the taking of possession of a dead human body or for embalming after oral permission has been granted shall be prior to final disposition of the dead human body.
- Section 497.380(14), Florida Statutes: Each funeral establishment must display at the public entrance the name of the establishment and the name of the full-time funeral director in charge. A funeral establishment must transact its business under the name by which it is licensed.
- Section 497.382(1), Florida Statutes: Each funeral establishment, direct disposal establishment, cinerator facility, and centralized embalming facility shall record monthly on a form prescribed and furnished by the licensing authority the name of the deceased and such other information as may be required by rule with respect to each dead human body embalmed or otherwise handled by the establishment or facility. Such forms shall be signed monthly by the embalmer who performs the embalming, if the body is embalmed, and the funeral director in charge of the establishment or facility or by the direct disposer who disposes of the body and shall be maintained at the business premises of the establishment or facility for inspection by Division staff. The licensing authority shall prescribe by rule the procedures for preparing and retaining such forms.

The disciplinary guidelines for these violations are as follows:

- *Counts I-IX: committing fraud, deceit, negligence, incompetence, or misconduct in the practice of a profession: 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 Respondent has alleged that there are no material facts in dispute and for this matter to proceed as an informal hearing before the Board, and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty. I'll now move on to my motions. 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 has timely requested an informal hearing.

Chair Peebles – Thank you. Board members?

MOTION: Mr. Ferreira moved that Respondent was properly served with the Administrative Complaint and has timely requested 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: Ms. Liotta moved that there are no material facts in dispute in this matter. Mr. Clark seconded the motion, which passed with one (1) dissenting vote.

Chair Peebles – Who is a No. Mr. Ferreira?

Mr. Ferreira – Yes.

Chair Peebles – Please let the record reflect that Mr. Ferreira is a No on the second motion, please.

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.

Chair Peebles – Board members?

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

Ms. Marshall – Now would be an appropriate time for the Board to hear from the Respondent if you would like to speak.

Chair Peebles – Mr. Milton, are you here for questions only or would you like to add any other information, sir?

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

Chair Peebles – Thank you, sir.

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 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: Chair Peebles 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 our disciplinary recommendation in light of the outcome of the prior case, we are recommending a \$2,500 fine and six (6) months of probation for this one as well.

MOTION: Mr. Ferreira moved that Respondent shall pay a fine of \$2,500 to be paid within thirty (30) days of the Board Order and six (6) months of probation with standard conditions. Mr. Jensen seconded the motion, which passed unanimously.

Chair Peebles – Thank you for participating Mr. Milton.

Mr. Milton – Thank you.

(2) Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel B)
(a) All Points Removal Service: DFS Case No. 317084-23-FC; Division No. ATN-41283 (F040067)

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

Mr. Williams – Madam Chair?

Chair Peeples – Ms. Marshall, if you will. Mr. Williams?

Mr. Williams – Yes. I need to recuse myself on disciplinary Item C(2)(a) - (f), and (3)(a) - (f) as I serve on the Probable Cause Panel.

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

Ms. Simon – Before going on, is there a representative from All Points Removal on this call today? Hearing no response. Ms. Marshall?

Ms. Marshall – Thank you, Ms. Simon. This matter is presented to the Board for consideration of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of All Points Removal (Respondent). The Division conducted an inspection of Respondent and alleges Respondent is a licensed removal facility holding license number F040067. Respondent relocated its operations to a new address and failed to notify the Department or undergo an inspection prior to commencing operations at the new location. Respondent further failed to maintain required equipment and failed to maintain proof of communicable disease training for its employees. This is a five-count Administrative Complaint, and the relevant statutory provisions are as follows:

- Section 497.152(1)(a), Florida Statutes: Violating any provision of this chapter or any lawful order of the Board or Department or the statutory predecessors to the Board or Department.
- Section 497.152(1)(b), Florida Statutes: Committing fraud, deceit, negligence, incompetency, or misconduct in the practice of any of the activities regulated under this chapter.
- Section 497.385(1)(g)(2), Florida Statutes: A change in ownership shall be promptly reported using forms and procedures specified by rule and may require the relicensure of the licensee, including reinspection and payment of applicable fees, as required by rule.
- Rule 69K-24.010(3), Florida Administrative Code: Any change in ownership or location of a removal service, refrigeration facility, or centralized embalming facility requires relicensure. Such application for relicensure must be made within ten (10) days of the change in ownership or location.
- Rule 69K-24.021(5), Florida Administrative Code: Removal services shall maintain the following minimum equipment in a clean and sanitary manner and shall have this equipment available whenever dead human bodies are stored or in transit...(b) One heavy weight body bag...(c) One cot cover for each cot, if cots are used for transport. Rule 69K-24.021(3)(a), Florida Administrative Code: Vehicles, for the removal of dead human remains, shall be constructed so that bodies contained therein shall be secured to prevent displacement during a motor vehicle accident
- Section 497.162, Florida Statutes: All individuals not licensed under this chapter who intend to be employed as operational personnel affiliated with a direct disposal establishment, cinerator facility, removal service, refrigeration facility, or centralized embalming facility who has direct contact with human remains on behalf of a funeral establishment, direct disposal establishment, or cinerator facility shall complete one (1) course approved by the licensing authority on communicable diseases, within thirty (30) days after the date that they begin functioning as operational personnel on behalf of any entity that is regulated by this chapter. The course shall not exceed 3 hours and shall be offered at approved locations throughout the state. Such locations may include establishments that are licensed under this chapter. The licensing authority shall adopt rules to implement and enforce this provision, which rules shall include provisions that provide for the use of approved videocassette courses and other types of audio video, Internet, or home study courses to fulfill the continuing education requirements of this section.
- Rule 69K-17.0035(6), Florida Administrative Code: All persons subject to section 497.162, Florida Statutes, shall maintain a certificate of completion showing proof of meeting the communicable disease education requirement as a condition of employment with any establishment, facility, or service regulated under Chapter 497, Florida Statutes.

The disciplinary guidelines for these violations are as follows:

- *Count I: relocating without obtaining new licensure, 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 two (2) years, or permanent revocation of license may be imposed.*
- *Count II: failing to have a heavy weight body bag available (general violation of 497.152(1)(a)): Reprimand, fine of \$250 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.*
- *Count III: failing to have adequate cot covers available (general violation of 497.152(1)(a)): Reprimand, fine of \$250 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.*
- *Count IV: failing to construct vehicles so that bodies are secured (general violation of 497.152(1)(a)): Reprimand, fine of \$250 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.*
- *Count V: failing to maintain proof of communicable disease course completion for employees (general violation of 497.152(1)(a)): Reprimand, fine of \$250 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 Respondent has alleged that there are no material facts in dispute and for this matter to proceed as an informal hearing before the Board, and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty. And we'll 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 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. Ms. Clay 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. Jones seconded the motion, which passed unanimously.

Ms. Marshall – Once again, is there a representative of All Points Removal on the call today? Hearing nothing. 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. Jones moved that Respondent is in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Clark seconded the motion, which passed unanimously.

Ms. Marshall – And then as to penalty, our recommendation is going to be a fine of \$3,500 and that their license be suspended until they notify us of their current address because they have moved again and suspended until they undergo a new inspection at the new location.

MOTION: Mr. Jensen moved that Respondent shall pay a fine of \$3,500 and that their license be suspended until they notify the Department of their current address and suspended until they undergo a new inspection at the new location. Ms. Liotta seconded the motion.

Chair Peebles – Is there any discussion on the motion? Mr. Clark?

Mr. Clark – Madam Chair, so can we add probation after that? I mean, if they just tell us the address, I get the fine, I'm good with that. But they tell us the address and there's like nothing after that. So, I was just curious, you do suspension and then probation or no?

Ms. Marshall – We wouldn't be opposed to that if that was the Board's pleasure.

Mr. Clark – I know we have a first motion and a second. I wanted to point that out, like if it's as simple as providing the new address, there's nothing after that. But that's all I have Madam Chair.

Chair Peeples – Thank you, Mr. Clark. Mr. Jensen and Ms. Liotta as a second, would you want to amend your motion to include any probation as Mr. Clark just commented? Mr. Jensen?

Mr. Jensen – Yes. I accept what Mr. Clark said and thank you for catching that. I do know they do have to undergo another inspection, so that would cover some of it. But I would also say since it's a second violation of operating without a license, we should also add maybe a year's probation there after the location change, correct address, and an inspection, also a year's probation. I'll amend my motion to that.

Chair Peeples – Ms. Liotta?

Ms. Liotta – I accept.

Chair Peeples – Thank you. So, we have an amended motion by Mr. Jensen, a second by Ms. Liotta. Is there any discussion on the motion? Mr. Ferreira?

Mr. Ferreira – Yes, ma'am. As I look through these counts, you know, this is kind of like 101. You start your business with these items in your vehicle. Okay? To me, this is complete neglect. I would like to come back with another motion, if you want to hear it. Is that acceptable, Ms. Peeples?

Chair Peeples – If you would like to make a suggested second amendment to the motion to Mr. Jensen, please do, sir.

Mr. Ferreira – I'd like to make a motion of a \$15,000 fine and a five-year probation.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Ms. Munson, is that allowed to go that much higher than the recommendation by the State?

Ms. Munson – You have to support it with aggravating circumstances, evidence. So, I leave that to this body, and I turn it over to Ms. Marshall as well.

Ms. Marshall – Yes. And that is within the guidelines, though it is quite high, I will admit that.

Chair Peeples – If I may, Mr. Jensen, and to Mr. Ferreira also, a point of consideration, we have to think about payment. This is a second violation for this Respondent. And I do agree with Mr. Ferreira that these are just basic items that should have been followed and should have been handled. So, we need to kind of keep that in consideration. I'm not against a larger fine amount, but are we going to get payment for that? So, Mr. Jensen what will be your comment to Mr. Ferreira's second amended motion suggestion?

Mr. Jensen – Well, while I do agree with the thinking Mr. Ferreira has there, I do feel like if they couldn't even put the [inaudible] in the thing, they're probably not going to pay \$15,000. And that's probably his point, just to keep them out of business altogether. You know, I think \$7,500. I would probably amend to go \$7,500 and with the, you know, firm inspection and also a year's probation.

Chair Peeples – Ms. Liotta, do you accept that second amended amount motion?

Ms. Liotta – Yes.

Chair Peeples – Ms. Munson?

Ms. Munson – Normally that these terms are usually within thirty (30) days as far as payment. You have an opportunity to work with that time period as well. And that was just point of comment.

Chair Peeples – Mr. Jensen, will there be any amended timing or would it stay with the standard 30-day?

Mr. Jensen – I like the standard 30-day.

Chair Peeples – Ms. Liotta, do you agree?

Ms. Liotta – That's fine.

Chair Peeples – So we have a second amended motion of a \$7,500 fine, one-year probation that will start after we have the address change completed and inspection. The license is suspended until those two (2) items are completed. Is that right, Ms. Munson?

Ms. Munson – That's my understanding of the motion.

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

Board members [Unison] – Yes.

Chair Peeples – All opposed say No.

Mr. Jones – No.

Chair Peeples – Please let the record reflect that Mr. Jones is a No, but the motion carries. Ms. Simon?

Ms. Munson – I'm sorry. I do apologize. I just wanted to make one point of clarification. The motion that Ms. Peeples indicated was the suspension to be effective, to remain until the inspection is completed. The original statement was that it was until they provide a new address. And I only bring that up because sometimes it's my understanding that inspections may depend on Departmental ability or activity. And I don't know if you wanted it to actually be suspended. If they provide a new address and they are waiting on the inspection, do you still want their license suspended until the Department gets to them? Was my [inaudible] clarification.

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

Ms. Simon – For the Board's identification, the Department has no issue with doing an inspection as soon as it's requested. We have never taken time in order to do the inspection once the licensee states that they are ready for it.

Ms. Munson – So notice of the motion that passed is fine.

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

Ms. Simon – That's it. Thank you, Madam Chair.

Chair Peeples – Thank you. If we'll move on to the next agenda item.

Ms. Simon – Yes, ma'am.

(b) Brandon Cremation and Funeral Services Inc: DFS Case No. 347883-25-FC; Division No. ATN-45934 (F061189)

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

Ms. Marshall – Thank you, Ms. Simon. This matter is presented to the Board for consideration of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Brandon Cremation and Funeral Services

(Respondent). The Division conducted an investigation of Respondent and alleges Respondent is a funeral establishment, preneed main, and apprentice/intern training agency, holding license number F061189. Respondent operated from December 1, 2024, through May 21, 2025, while its license was in an expired status. This is a one-count Administrative Complaint, and the relevant statutory provisions are as follows:

- Section 497.152(1)(a), Florida Statutes: Violating any provision of this chapter or any lawful order of the Board or Department or the statutory predecessors to the Board or Department.
- Section 497.152(1)(b), Florida Statutes: Committing fraud, deceit, negligence, incompetency, or misconduct in the practice of any of the activities regulated under this chapter.
- Section 497.152(5)(b), Florida Statutes: Practicing or attempting to practice with a revoked, suspended, inactive, or delinquent license.

The disciplinary guidelines for these violations are as follows:

- *Count I: attempt to or use a suspended, revoked, inactive, or delinquent license, second violation: If delinquent, fine of \$1,000 to \$2,500. If other, fine of \$2,500 to \$5,000 plus costs. In addition, probation for up to three (3) years with conditions, suspension up to three (3) years or permanent revocation of license may be imposed.*

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

MOTION: Mr. Jensen moved that Respondent was properly served with the Administrative Complaint and has timely requested an informal hearing. Ms. Liotta 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. Jones 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.

Ms. Marshall – Is there a representative of Brandon Cremation and Funeral Services on the call today? Hearing no response. 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. Marshall – Now as penalty recommendation, since this is a second time violation, normally the penalty is \$250 per month which for the six (6) months would be \$1,500 for a first-time violation. Since this is a second time violation, we are recommending a \$2,500 fine and one (1) year of probation.

MOTION: Mr. Jones moved that Respondent shall pay a fine of \$2,500 to be paid within thirty (30) days of the Board Order and one (1) year of probation with standard conditions. Mr. Quinn seconded the motion.

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

Mr. Ferreira – Yes, ma'am. I didn't see the second violation. That would have been helpful. Do you guys see that anywhere in the first page where it is a second violation?

Chair Peeples – Let us review that real quick, Mr. Ferreira.

Mr. Ferreira – It would just kind of help in this situation because I agree with what Ms. Marshall is saying.

Ms. Simon – Madam Chair?

Chair Peeples – Yes, Ms. Simon?

Ms. Simon – I believe Ms. Marshall has her hand up in response to that.

Chair Peeples – Oh, I'm sorry. Ms. Marshall?

Ms. Marshall – No worries. So, it does note under the guideline that this is a second violation. We also do have a copy of the prior Consent Order, which is starting on page 57.

Mr. Ferreira – Okay. Alright.

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

Mr. Ferreira – Ms. Marshall, could you help me? Under count one, on Page 1, it says if delinquent and then a fine and then if other. Can you just explain that to me?

Ms. Marshall – Yes. So, a delinquent license would be like, in this case, just a failure to renew. Other would be practicing on a license that was, you know, suspended or they had chosen inactive status or something like that.

Mr. Ferreira – Thank you. That's all my questions.

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

Board members [Unison] – Yes.

Chair Peeples – All opposed say no. Motion carries.

(c) Craig Funeral Home, Inc.: DFS Case No. 347451-25-FC; Division No. ATN-44849 (F040444)

Ms. Simon – Is there a representative on the call for Craig Funeral Home? Hearing no response. Ms. Marshall?

Ms. Marshall – Thank you, Ms. Simon. This matter is presented to the Board for consideration of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Craig Funeral Home, Inc. (Respondent). The Division conducted an inspection of Respondent and alleges Respondent is a licensed funeral establishment and apprentice/intern training agency holding license number F040444. Respondent operated as a funeral home from December 1, 2024, through February 11, 2025, while its license was expired. This is a one-count Administrative Complaint, and the relevant statutory provisions are as follows:

- Section 497.152(1)(a), Florida Statutes: Violating any provision of this chapter or any lawful order of the Board or Department or the statutory predecessors to the Board or Department.
- Section 497.152(1)(b), Florida Statutes: Committing fraud, deceit, negligence, incompetency, or misconduct in the practice of any of the activities regulated under this chapter.
- Section 497.152(5)(b), Florida Statutes: Practicing or attempting to practice with a revoked, suspended, inactive, or delinquent license.

The disciplinary guidelines for these violations are as follows:

- *Count I: practicing with a delinquent license: \$250 per month The Motion demonstrates Respondent has alleged that there are no material facts in dispute and for this matter to proceed as an informal hearing before the Board, and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.*

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

Ms. Marshall – Now that the Board has determined that there are no material facts in dispute in this matter, the Department 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.

Ms. Marshall – Once again asking if there is a representative of Craig Funeral Home on the call today. Hearing nothing. 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. Ms. Liotta seconded the motion, which passed unanimously.

Ms. Marshall – And as to penalty, our recommendation is a \$500 fine.

MOTION: Mr. Ferreira moved that Respondent shall pay a fine of \$500 to be paid within thirty (30) days of the Board Order. Mr. Clark seconded the motion, which passed unanimously.

(d) *Craig Funeral Home, Inc. d/b/a Craig Memorial Park: DFS Case No. 347458-25-FC Division No. ATN-44850 (F041521)*

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

Ms. Marshall – Thank you, Ms. Simon. This matter is presented to the Board for consideration of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Craig Funeral Home, Inc., d/b/a Craig Memorial Park (Respondent). The Division conducted an inspection of Respondent and alleges Respondent is a licensed cinerator facility holding license number F041521. Respondent operated as a cinerator facility from December 1, 2024, through February 11, 2025, while its license was expired. This is a one-count Administrative Complaint, and the relevant statutory provisions are as follows:

- Section 497.152(1)(a), Florida Statutes: Violating any provision of this chapter or any lawful order of the Board or Department or the statutory predecessors to the Board or Department.
- Section 497.152(1)(b), Florida Statutes: Committing fraud, deceit, negligence, incompetency, or misconduct in the practice of any of the activities regulated under this chapter.

- Section 497.152(5)(b), Florida Statutes: Practicing or attempting to practice with a revoked, suspended, inactive, or delinquent license.

The disciplinary guidelines for these violations are as follows:

- *Count I: practicing with a delinquent license: \$250 per month*

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

MOTION: Ms. Liotta moved that Respondent was properly served with the Administrative Complaint and has timely requested 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. Jones 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 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. Clark seconded the motion, which passed unanimously.

Ms. Marshall – Once again, is there a representative of Craig Memorial Park on the call? Hearing nothing. 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: Ms. Liotta moved that Respondent is in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Marshall – And as to penalty, we are recommending a \$500 fine.

MOTION: Mr. Ferreira moved that Respondent shall pay a fine of \$500 to be paid within thirty (30) days of the Board Order. Ms. Clay seconded the motion, which passed unanimously.

(e) Davis and Davis Funeral Services LLC: DFS Case No. 346975-25-FC; Division No. ATN-45497 (F091066)

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

Ms. Marshall – Thank you, Ms. Simon. This matter is presented to the Board for consideration of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Davis and Davis Funeral Services LLC (Respondent). The Division conducted an investigation of Respondent and alleges Respondent is a licensed funeral establishment, holding license number F091066. Respondent failed to properly display the current licenses of two funeral directors employed by the establishment. Further, Respondent retained a cremation disc and failed to place it in the container with the cremated remains as required. This is a three-count Administrative Complaint, and the relevant statutory provisions are as follows:

- Section 497.152(1)(a), Florida Statutes: Violating any provision of this chapter or any lawful order of the Board or Department or the statutory predecessors to the Board or Department.

- Section 497.152(1)(b), Florida Statutes: Committing fraud, deceit, negligence, incompetency, or misconduct in the practice of any of the activities regulated under this chapter.
- Section 497.380(15)(a), Florida Statutes: A funeral establishment and each funeral director, and, if applicable, embalmer employed at the establishment must display their current licenses in a conspicuous place within the establishment in such a manner as to make the licenses visible to the public and to facilitate inspection by the licensing authority
- Section 497.171(1)(c), Florida Statutes: If dead human remains are cremated, proper identification shall be placed in the container or urn containing the cremated remains.

The disciplinary guideline for this violation is as follows:

- *Counts I-II: failure to properly display current license and other documents, or make them readily available, as set out in rule: Notice of non-compliance.*
- *Count III: 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 \$1,000-\$2,500 plus costs. In addition, probation for up to two (2) years with conditions, suspension up to one (1) year, or permanent revocation of license may be imposed.*

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

MOTION: Ms. Liotta moved that Respondent was properly served with the Administrative Complaint and has timely requested an informal hearing. 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. Mr. Quinn seconded the motion, which passed unanimously.

Ms. Marshall – Is there a representative of Davis and Davis on the call today? Hearing nothing. 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. Jones moved that Respondent is in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Ferreira seconded the motion, which passed unanimously.

Ms. Marshall – And our recommendation for penalty in this case is a \$2,000 fine and one (1) year of probation.

MOTION: Mr. Ferreira moved that Respondent shall pay a fine of \$2,000 to be paid within thirty (30) days of the Board Order and one (1) year of probation with standard conditions. Mr. Jones seconded the motion, which passed unanimously.

(f) Harris Mortuary, Inc.: DFS Case No. 347307-25-FC; Division No. ATN-45007 (F040627)

Ms. Simon – Is there a representative of Harris Mortuary on the call today? Hearing no response. Ms. Marshall?

Ms. Marshall – Thank you, Ms. Simon. I would like to disclose to the Board, I did receive an email from a representative of the establishment yesterday evening saying that they would not be able to attend because of a doctor appointment. They were not explicitly requesting a continuance, but I wanted to make you all aware of that in case you wanted to take it upon yourselves to grant one.

Chair Peeples – Ms. Munson, what would be your comment to the Board regarding Ms. Marshall's comment?

Ms. Munson – I mean, they did not specifically request, so it's totally to you. State the reason, again, they stated in this, Ms. Marshall.

Ms. Marshall – A doctor appointment.

Ms. Munson – And when did you receive it?

Ms. Marshall – About 7:00 PM yesterday.

Ms. Munson – I don't know the emergent nature of it. I don't know if that's their way of notifying, because normally we don't hear from individuals at all. It's totally up to you guys

Chair Peeples – I would suggest, Ms. Marshall, if the other Board members don't have an issue that we proceed with the case.

Mr. Ferreira – Amen.

Ms. Marshall – All right. Very well. So, this matter is presented to the Board for consideration of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Harris Mortuary, Inc. (Respondent). The Division conducted an inspection of Respondent and alleges Respondent is a licensed funeral establishment holding license number F040627. Respondent operated as a funeral home from December 1, 2024, through March 6, 2025, while its license was expired. This is a one-count Administrative Complaint, and the relevant statutory provisions are as follows:

- Section 497.152(1)(a), Florida Statutes: Violating any provision of this chapter or any lawful order of the Board or Department or the statutory predecessors to the Board or Department.
- Section 497.152(1)(b), Florida Statutes: Committing fraud, deceit, negligence, incompetency, or misconduct in the practice of any of the activities regulated under this chapter.
- Section 497.152(5)(b), Florida Statutes: Practicing or attempting to practice with a revoked, suspended, inactive, or delinquent license.

The disciplinary guidelines for these violations are as follows:

- *Count I: practicing with a delinquent license: \$250 per month The Motion demonstrates Respondent has alleged that there are no material facts in dispute and for this matter to proceed as an informal hearing before the Board, and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.*

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

MOTION: Mr. Ferreira moved that Respondent was properly served with the Administrative Complaint and has timely submitted a request for an informal hearing. Mr. Jones 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. Clark 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: Ms. Liotta moved to adopt the allegations of the facts as set forth in the Administrative Complaint. Mr. Ferreira seconded the motion, which passed unanimously.

Ms. Marshall – Once again, is there any representative of Harris Mortuary on the call? Hearing nothing. 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. Ms. Clay seconded the motion, which passed unanimously.

Ms. Marshall – And our recommendation for penalty is a \$750 fine.

MOTION: Mr. Ferreira moved that Respondent shall pay a fine of \$750 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 Peebles – Let's take a restroom break until 11:45. It's 11:34 and we'll come back with agenda item C(3)(a). Thank you.

*****BREAK*****

Chair Peebles – We'll call the meeting back to order. It's 11:45 on Thursday, December 4, 2025. Ms. Simon, I'll turn it over to you, ma'am.

Ms. Simon – Thank you.

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

(a) Brownlie-Maxwell Funeral Home P.A.: DFS Case No.: 346649-25-FC; Division No. ATN-44880 (F040412)

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

Ms. Marshall – Thank you, Ms. Simon. Brownlie-Maxwell Funeral Home P.A. (“Respondent”) is a funeral establishment and apprentice/intern training agency, licensed under Chapter 497, Florida Statutes, license number F040412. The Department conducted an inspection of Respondent and found that this establishment operated for approximately three (3) months while its license was in expired status. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$750. The Department requests that the Board accept this Settlement Stipulation and I'm available for any questions. Thank you.

MOTION: Mr. Ferreira moved to accept the stipulation which provides that Respondent s shall pay a fine of \$750 to be paid within thirty (30) days of the Board Order. Mr. Jones seconded the motion, which passed unanimously.

(b) Grace Funeral Home: DFS Case No. 346906-25-FC; Division No. ATN-44919 (F040065)

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

Ms. Marshall – Thank you, Ms. Simon. Grace Funeral Home (“Respondent”) is a funeral establishment and apprentice/intern training agency, licensed under Chapter 497, Florida Statutes, license number F040065. The Department conducted an inspection of Respondent and found that this establishment operated for approximately three (3) months while its license was in expired status. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that

Respondent shall pay a fine of \$750. The Department requests that the Board accept this Settlement Stipulation and I'm available for any questions. Thank you.

MOTION: Mr. Ferreira moved to accept the stipulation which provides that Respondent shall pay a fine of \$750 to be paid within thirty (30) days of the Board Order. Ms. Clay seconded the motion, which passed unanimously.

(c) Melbourne Crematorium: DFS Case No. 346648-25-FC; Division No. ATN-44883 (F040411)

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

Ms. Marshall – Thank you, Ms. Simon. Melbourne Crematorium (“Respondent”) is a cinerator facility, licensed under Chapter 497, Florida Statutes, license number F040411. The Department conducted an inspection of Respondent and found that this establishment operated for approximately three (3) months while its license was in expired status. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$750. The Department requests that the Board accept this Settlement Stipulation in resolution of this matter and I'm available for questions. Thank you.

MOTION: Mr. Ferreira moved to accept the stipulation which provides that Respondent shall pay a fine of \$750 to be paid within thirty (30) days of the Board Order. Ms. Liotta seconded the motion, which passed unanimously.

(d) Mitchell Funeral Home: DFS Case No. 346909-25-FC; Division No. ATN-45949 (F040588)

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

Ms. Lauren Pettine – There is. Lauren Pettine.

Ms. Simon – Thank you, Ms. Pettine. Ms. Marshall?

Ms. Marshall – Thank you, Ms. Simon. Mitchell Funeral Home (“Respondent”) is a funeral establishment and intern/apprentice training agency, licensed under Chapter 497, Florida Statutes, license number F040588. The Department conducted an inspection of Respondent and found that the establishment operated from December 1, 2024, through May 29, 2025, while its license was in an expired status. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,500. The Department requests that the Board accept this Settlement Stipulation in resolution of this matter and I'm available for questions. Thank you.

MOTION: Mr. Ferreira moved to accept the stipulation which provides that Respondent shall pay a fine of \$1,500 to be paid within thirty (30) days of the Board Order. Ms. Liotta seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Ms. Pettine.

Ms. Pettine – Thank you very much, Board.

(e) Weston's Mortuary: DFS Case No. 347436-25-FC; Division No. ATN-41598 (F041528)

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

Mr. Hal Weston – Yes.

Ms. Simon – Thank you, sir. Ms. Marshall?

Ms. Marshall – Thank you, Ms. Simon. Weston's Mortuary (“Respondent”) is a funeral establishment and apprentice/intern training agency, licensed under Chapter 497, Florida Statutes, license number F041528. The Department conducted an inspection of Respondent and found that this establishment operated from December 1, 2024, through February 18, 2025, while its license was in an expired status. Respondent has entered into a proposed Settlement Stipulation. The proposed

stipulation provides that Respondent shall pay a fine of \$750. The Department requests that the Board accept this Settlement Stipulation in resolution of this matter and I'm available for questions. Thank you.

Chair Peeples – Thank you, Ms. Marshall. Who is representing Weston's Mortuary today?

Mr. Weston – Hal Weston.

Chair Peeples – Thank you, sir. Board members?

MOTION: Mr. Ferreira moved to accept the stipulation which provides that Respondent shall pay a fine of \$750 to be paid within thirty (30) days of the Board Order. Mr. Chapman seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Mr. Weston.

Mr. Weston – Thank you, ma'am.

(f) Related Cases - Division Nos. ATN-39118 and ATN-39119

1. Butts, Rickey Sharnard: DFS Case Nos. 300626-22-FC and 300707-22-FC; Division Nos. ATN-39118 and ATN-39119 (F045113)

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

Ms. Wendy Wiener – Yes. Wendy Wiener representing Mr. Butts.

Ms. Simon – Thank you, Ms. Wiener. Representing the Department is Ms. Eldeb.

Ms. Nicole Eldeb – Thank you, Ms. Simon. Rickey Sharnard Butts (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F045113. The Department conducted an inspection of Respondent and found that R. Butts, Inc. d/b/a Butts Memorial Chapel (“BMC”) advertised preneed services on its website without a preneed license, entered into preneed contracts without a preneed license, entered into a contract that misrepresented the true nature of the contract, and failed to trust monies received from preneed contracts. As funeral director in charge of BMC, Respondent failed to ensure that BMC complied with all applicable statutes and rules. Additionally, Respondent assisted BMC in entering into a preneed contract when BMC did not have a preneed license. The Administrative Complaints contain four (4) counts, and the relevant statutory violations are as follows:

- Section 497.152(1)(a), Florida Statutes: Violating any provision of this chapter or any lawful order of the Board or Department or the statutory predecessors to the Board or Department.
- Section 497.152(1)(b), Florida Statutes: Committing fraud, deceit, negligence, incompetency, or misconduct in the practice of any of the activities regulated under this chapter.
- Section 497.380(7), Florida Statutes: The funeral director in charge is responsible for ensuring that the facility, its operation, and all persons employed in the facility comply with all applicable state and federal laws and rules.
- Section 497.152(5)(a), Florida Statutes: Practicing or offering to practice beyond the scope permitted by this chapter and rules adopted under this chapter for the type of licensure held or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.
- Section 497.152(5)(e), Florida Statutes: Aiding, assisting, procuring, employing, or advising any person or entity to operate or in operating an establishment regulated by this chapter without the required licensure under this chapter.
- Section 497.452(1)(a), Florida Statutes: No person, including any cemetery exempt under s. 497.260, may sell, advertise to sell, or make an arrangement for a preneed contract without first having a valid preneed license.
- Section 497.152(11)(b), Florida Statutes: Filling in any contract form for use with a particular customer using language that misrepresents the true nature of the contract.
- Section 497.152(15)(b), Florida Statutes: Failing to timely remit as required by this chapter the required amounts to any trust fund required by this chapter.
- Section 497.456(2), Florida Statutes: Within sixty (60) days after the end of each calendar quarter, for each preneed contract written during the quarter and not canceled within 30 days after the date of the execution of the contract, each preneed licensee, whether funding preneed contracts by the sale of insurance or by establishing a trust pursuant to s.

497.458 or s. 497.464, shall remit the sum of \$2.50 for each preneed contract having a purchase price of \$1,500 or less, and the sum of \$5 for each preneed contract having a purchase price in excess of \$1,500; and each preneed licensee utilizing s. 497.462 shall remit the sum of \$5 for each preneed contract having a purchase price of \$1,500 or less, and the sum of \$10 for each preneed contract having a purchase price in excess of \$1,500.

Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,800, and Respondent's license shall be placed on probation for a period of one (1) year. Thank you.

Chair Peebles – Mr. Jones?

Mr. Jones – Yes. Could you repeat the fine again, please? I did not hear it correctly.

Ms. Eldeb – Yes, it's \$1,800.

Mr. Jones – Thank you.

MOTION: Mr. Ferreira moved to accept the stipulation which provides that Respondent shall pay a fine of \$1,800, to be paid within thirty (30) days of the Board Order and Respondent's license shall be placed on probation for a period of one (1) year. Ms. Clay seconded the motion.

Chair Peebles – Any discussion on the motion? Ms. Ferreira?

Mr. Ferreira – Yes, I'm like Mr. Jones. I thought she said \$18,000.

Ms. Wiener – No.

Chair Peebles – She said \$1,800.

Mr. Ferreira – Okay.

Ms. Wiener – This matter involved one (1) preneed contract scenario that was initiated in 2015, ten (10) years ago and one (1) canned advertisement that came with his website. So, \$1,800 is what's been agreed to.

Chair Peebles – And Mr. Ferreira, you made the motion to approve the Settlement Stipulation. Do you include in that the probation for one (1) year?

Mr. Ferreira – I sure do.

Chair Peebles – Ms. Clay, do you agree with that?

Mr. Jones – Yes. Thank you.

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

Board members [Unison] – Yes.

Chair Peebles – All opposed say no. Motion carries.

2. R. Butts, Inc. d/b/a Butts Memorial Chapel: DFS Case Nos. 300624-22-FC and 300705-22-FC; Division Nos. ATN-39118 and ATN-39119 (F068625)

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

Ms. Eldeb – Thank you, Ms. Simon. R. Butts, Inc., d/b/a Butts Memorial Chapel (“Respondent”) is a funeral establishment and preneed main licensed under Chapter 497, Florida Statutes, license number F068625. The Department conducted an inspection of Respondent and found that Respondent advertised preneed services on its website without a preneed license, entered into preneed contracts without a preneed license, entered into a contract that misrepresented the true nature of the contract, and failed to trust monies received from preneed contracts. The Administrative Complaints contain four (4) counts, and the relevant statutory violations are as follows:

- Section 497.152(1)(a), Florida Statutes: Violating any provision of this chapter or any lawful order of the Board or Department or the statutory predecessors to the Board or Department.
- Section 497.152(1)(b), Florida Statutes: Committing fraud, deceit, negligence, incompetency, or misconduct in the practice of any of the activities regulated under this chapter.
- Section 497.152(5)(a), Florida Statutes: Practicing or offering to practice beyond the scope permitted by this chapter and rules adopted under this chapter for the type of licensure held or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.
- Section 497.452(1)(a), Florida Statutes: No person, including any cemetery exempt under s. 497.260, may sell, advertise to sell, or make an arrangement for a preneed contract without first having a valid preneed license.
- Section 497.152(11)(b), Florida Statutes: Filling in any contract form for use with a particular customer using language that misrepresents the true nature of the contract.
- Section 497.152(15)(b), Florida Statutes: Failing to timely remit as required by this chapter the required amounts to any trust fund required by this chapter.
- Section 497.456(2), Florida Statutes: Within 60 days after the end of each calendar quarter, for each preneed contract written during the quarter and not canceled within thirty (30) days after the date of the execution of the contract, each preneed licensee, whether funding preneed contracts by the sale of insurance or by establishing a trust pursuant to s. 497.458 or s. 497.464, shall remit the sum of \$2.50 for each preneed contract having a purchase price of \$1,500 or less, and the sum of \$5 for each preneed contract having a purchase price in excess of \$1,500; and each preneed licensee utilizing s. 497.462 shall remit the sum of \$5 for each preneed contract having a purchase price of \$1,500 or less, and the sum of \$10 for each preneed contract having a purchase price in excess of \$1,500.

Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay a fine of \$1,800, and Respondent’s license shall be placed on probation for a period of one (1) year. The Department requests that the Board accept this Settlement Stipulation in resolution of this matter. Thank you.

MOTION: Ms. Liotta moved to accept the stipulation which provides that Respondent shall pay a fine of \$1,800, to be paid within thirty (30) days of the Board Order and Respondent’s license shall be placed on probation for a period of one (1) year. Mr. Quinn seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

D. Application(s) for Preneed Sales Agent

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

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

(2) Recommended for Approval without Conditions (Criminal History)

(a) Archer, Kaleb (Appointing Entity: Archer Funeral Home Inc)

Ms. Simon – On November 7, 2025, an application was received by the Division for licensure as a preneed sales agent under Archer Funeral Home Inc. Applicant answered “Yes” to the background question regarding criminal history on the application due to reportable criminal history that required disclosing. Applicant provided the Division with a written explanation, a completed criminal history form and court documentation (please see attached correspondence from Mr. Archer). In 2022, a misdemeanor charge for a DUI was filed against Mr. Archer by the Clerk of Columbia County Court. This criminal offense occurred in Columbia County, Florida. Mr. Archer pled guilty to all charges and was placed on twelve (12)

months' probation, ordered to complete fifty (50) hours of community service, substance abuse evaluation and counseling and random drug testing, suspension of driver's license for 6 months, and ordered to pay fines plus other costs and court fees. Mr. Archer has satisfied all conditions and paid all required fees. As of to date, there have been no further disciplinary actions against Mr. Archer. The Division recommends approval without conditions. Is there a representative of Mr. Archer on the phone today?

Mr. Kaleb Archer – Yes, ma'am.

Ms. Simon – Thank you, sir. Board members?

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – Yes, ma'am. So is Mr. Archer, he's not sworn in, is he?

Chair Peeples – No, he isn't, Mr. Ferreira. Is this Mr. Kaleb Archer on the call today?

Mr. Archer – Yes, ma'am, it is.

Chair Peeples – Okay. If you'll allow Ms. Simon to swear you in for questions, please, sir.

Mr. Archer – Yes, ma'am.

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

Mr. Archer – Yes, ma'am.

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

Mr. Archer – Yes, ma'am. Kaleb Archer, A-R-C-H-E-R.

Ms. Simon – Thank you, sir.

Mr. Archer – Yes, ma'am.

Mr. Ferreira – Madam Chair?

Chair Peeples – Yes, sir, Mr. Ferreira.

Mr. Ferreira – I have a question for Kaleb. Kaleb, you hold a funeral director's license, don't you?

Chair Peeples – Yes, sir.

Mr. Ferreira – Okay. I'm just curious in, you know, why you want this license? As a funeral director in Florida, we don't have to have an individual preneed license.

Mr. Archer – Yes, sir. This is through the Vanguard Preneed Company, and I assume this was the process that we would need to take under their policy in order to do so and write through them.

Mr. Ferreira – Okay.

Chair Peeples – Mr. Ferreira, if I may caveat on your question. Mr. Archer is, do you hold a valid life insurance license to sell preneed in the State of Florida?

Mr. Ferreira – No, ma'am.

Chair Peeples – Okay. So, does Vanguard offer preneed contracts through life insurance?

Mr. Archer – I'm unaware if they do or not.

Chair Peeples – Okay. I think they may, but I think Mr. Ferreira, this is the route that Mr. Archer needs to go to be able, since he does not hold a valid life license, as I am a licensed funeral director and embalmer, but I also hold a life license. So, I don't have to have a preneed agent, and we have had kind of this situation in the past. I want to make sure that Mr. Archer is aware that he is going the correct path.

Mr. Ferreira – Okay. Madam Chair?

Chair Peeples – Mr. Ferreira, yes, sir?

Mr. Ferreira – I just didn't want him to have to pay for something he didn't need. Thank you.

Chair Peeples – I appreciate that. Thank you, sir.

Mr. Archer – I appreciate that. Thank you.

Chair Peeples – Any other questions for Mr. Archer? Board members, what's your pleasure?

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

Chair Peeples – Good luck, sir.

Mr. Archer – Thank you. Thank you all.

E. Application(s) for Continuing Education

- (1) Course Approval - Recommended for Approval without Conditions – Addendum B**
 - (a) National Funeral Directors Association (49609)**
 - (b) Wilbert Funeral Services (39408)**

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

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

F. Consumer Protection Trust Fund Claims

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

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

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

Chair Peeples – May we check real-quick to see if Mr. Williams is still on the meeting today? I don't see a camera. I just want to check to see if he's a part of the meeting. Hearing no response. We'll check to see in a few minutes. Ms. Simon?

Ms. Simon – Thank you, Madam Chair.

G. Application(s) for Embalmer Apprentice

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum D*
(a) *Diebold, Cendry F906962*
(b) *Myers, Jacob F908306*

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

- (2) *Recommended for Approval with Conditions (Criminal History)*
(a) *Embalmer Apprentice*
1. *Holmes, Emmanuel*

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

Mr. Emanuel Holmes – Yes. Mr. Holmes is here.

Ms. Simon – Thank you, sir. Mr. Holmes submitted an application for an Embalmer Apprentice license, which was received by the Division on October 20, 2025. The application was incomplete upon receipt, and a deficiency letter was issued. After receiving his responses to the deficiency letter, the application was deemed complete on November 20, 2025. On his initial application, Mr. Holmes answered “Yes” to the criminal history question and completed the required criminal history form. On or around October 16, 2013, Mr. Holmes was found guilty of the felony offense of possession of cocaine, with adjudication withheld. He was sentenced to eighteen (18) months of drug offender probation and court cost and fees. A satisfaction of judgment for costs and fees was done on April 28, 2022. Based on that conviction or based on that guilty plea the Division recommends approval with a condition of two (2) years' probation, noting that and embalmer apprentice license is initially issued for three (3) years. Madam Chair?

Chair Peebles – Thank you, Ms. Simon. Mr. Holmes, can we swear you in in case there are questions for you, please, sir?

Mr. Holmes – Yes.

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

Mr. Holmes – Yes.

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

Mr. Holmes – Emmanuel. Last name Holmes, H-O-L-M-E-S.

Ms. Simon – Thank you, sir.

Chair Peebles – Thank you, Mr. Holmes. We appreciate you being a part of the meeting today. Board members, do you have any questions for Mr. Holmes before we go forward? Mr. Jensen?

Mr. Jensen – Thank you, Madam Chair. Mr. Holmes, what is FINE Mortuary College? And are they ABSFE certified school?

Mr. Holmes – It's a new school based out of Massachusetts. I enrolled there. I actually own a removal service here in Florida. I was approved back in 2021 of December. And I'm just furthering my education in the death care industry.

Mr. Jensen – Sir, but are you aware if FINE, F-I-N-E Mortuary School is an ABSFE, which would be required for you to be able to take the National Board?

Mr. Holmes – Yes.

Mr. Jensen – Accredited school?

Mr. Holmes – Yes, they are.

Mr. Jensen – They are? Okay. Thank you, Madam Chair. Just never heard of them.

Chair Peeples – Welcome Mr. Jensen. Any other questions for Mr. Holmes? Hearing none. What's the Board's pleasure?

MOTION: Mr. Jones moved to approve the application subject to the condition of two (2) years' probation. Mr. Quinn seconded the motion, which passed unanimously.

Chair Peeples – Good luck Mr. Holmes. Ms. Simon?

Ms. Simon – And I have confirmed that this college is accredited by the ABFSE.

2. Waldron, William R III

Ms. Simon – Is William Waldron or a representative of Mr. Waldron's on the call today?

Mr. William Waldron – I am here.

Ms. Simon – Thank you. Mr. Waldron submitted an application for an Embalmer Apprentice license, which was received by the Division on September 23, 2025. The application was incomplete upon receipt, and a deficiency letter was issued. After receiving his responses to the deficiency letter, the application was deemed complete on October 28, 2025. On his initial application, Mr. Waldron III answered “Yes” to the criminal history question and provided the required criminal history form and supporting court documents. After reviewing the fingerprint results received by the Division on September 4, 2025, along with the submitted court documentation, it was determined that Mr. Waldron III has reportable criminal history. On or around March 13, 2025, Mr. Waldron III was found guilty and convicted of a misdemeanor OUI (Operating Under the Influence) alcohol offense. He was sentenced to a 150-day driver's license suspension and a \$500 fine, which remains outstanding with a payment plan in place. Based on the foregoing, the Division recommends approval subject to the condition(s) as follows: two (2) years' probation period based on the recency of the offense and the unpaid fine.

Chair Peeples – Thank you, Ms. Simon. Will you swear in Mr. Waldron please?

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

Mr. Waldron – Yes.

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

Mr. Waldron – William Waldron III. W-A-L-D-R-O-N.

Ms. Simon – Thank you, sir.

Chair Peeples – Thank you, Mr. Waldron, for being a part of the meeting today. Board members, do you have any questions for Mr. Waldron before we proceed? Mr. Waldron, would you like to address the Board with any comments?

Mr. Waldron – Only comments I have is I pled no contest leading to a guilty verdict with the proceedings were in March of 2025. The actual event took place in July of 2024. And yes, I do have a current payment plan that is correct with \$100 remaining.

Chair Peeples – Thank you, sir. Board members?

MOTION: M. Ferreira moved to approve the application with two (2) years' probation. Mr. Quinn seconded the motion, which passed unanimously.

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

Mr. Waldron – Thank you, ma'am.

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

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

- (a) Funeral Director (Internship)**
 - 1. Swain, Nathaniel
- (b) Funeral Director and Embalmer (Endorsement)**
 - 1. Gladden, Michael J
 - 2. Hoover IV, Charles W
 - 3. Lechner Jr., Jack E
- (c) Funeral Director and Embalmer (Internship and Exam)**
 - 1. Blurton, Marcus
 - 2. Garcia-Hernandez, Yeraldy
 - 3. Geiger, Samantha J
 - 4. Parks, Tonia L
 - 5. Sordellini, Veronica M
 - 6. Williams, Jacqueline

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

I. Application(s) for Internship

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

- (a) Funeral Director**
 - 1. Dorval, Julina T F604394
 - 2. Duverna, Josue F908751
 - 3. Owens, Ashante C F906961
- (b) Funeral Director & Embalmer (Concurrent)**
 - 1. Atwell, Hadleigh K F903842
 - 2. Clark, Keli L F890677
 - 3. Kazi, Elise J F841477
 - 4. Montegari, Veronica R F903868
 - 5. Strong, Tierra E F908307

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

(2) Recommended for Denial (Criminal History)

- (a) Funeral Director and Embalmer (Concurrent)**
 - 1. Martin, Bianca

Ms. Simon – Is Ms. Martin or a representative of Ms. Martin's on the call today?

Ms. Bianca Martin – Yes, Ms. Martin is here.

Ms. Simon – Thank you, ma'am. Ms. Martin submitted an application for embalmer apprenticeship licensure, which was received by the Division on May 30, 2025. The application was incomplete upon receipt, and a deficiency letter was issued noting two missing items, including the requirement to complete fingerprinting for a criminal background check. Ms. Martin answered “No” to the criminal history questions on her initial application. Fingerprint results were received by the Division on August 7, 2025, and indicated reportable criminal history. After reviewing her fingerprint results and her responses to the deficiency letter on August 6th and 7th, the Division sent an additional follow-up email requesting further court documentation. All deficient items have now been received, and the application was deemed complete on October 10, 2025.

Upon reviewing all submitted documents, it was determined that Ms. Martin does have reportable criminal history. On or around November 29, 2023, Ms. Martin was found guilty and convicted of four (4) misdemeanor counts:

- Count 1 – Driving Under the Influence
- Count 2 – DUI Alcohol Less Safe
- Count 3 – Leaving the Scene
- Count 4 – Improper Lane Change

Ms. Martin was sentenced to twelve (12) months of probation, twenty-four (24) hours of confinement, community service, and payment of fines and court fees. On March 4, 2025, a court pleading was executed confirming the successful completion of her probation and payment of all fines and fees. Based on the foregoing, the Division recommends denial due to Ms. Martin's initial failure to disclose her criminal history and the presence of four (4) counts of misdemeanor convictions. Madam Chair?

Chair Peeples – Thank you, Ms. Simon. Ms. Martin, if you'll allow Ms. Simon to swear you in, please, ma'am.

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

Ms. Martin – Yes.

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

Ms. Martin – Bianca Martin, M-A-R-T-I-N.

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

Chair Peeples – Thank you, Ms. Martin. Thank you for participating today on our meeting. Ms. Clay, do you have a question for Ms. Martin?

Ms. Clay – I do. Ms. Martin, good afternoon. I'm just wondering why you did not disclose your arrest on your application.

Ms. Martin – I thought I put Yes to that, but I put No. When she asked me what I went to jail for, I told her it was for a DUI. I spent the night in jail for that. And any information that she asked for, I sent it in right after that.

Ms. Clay – And a part of your charges was leaving the scene. Is that accurate?

Ms. Martin – So when they said leaving the scene, I hit the car and I moved my car around the car and got out of it, but I did not leave the scene. They arrested me from my car.

Ms. Clay – Thank you.

Chair Peeples – Thank you, Ms. Clay. Board members, any other questions for Ms. Martin? Ms. Martin, would you like to address the Board prior to us going forward, please ma'am?

Ms. Martin – Ma'am, I'm sorry?

Chair Peeples – Would you like to say anything to the Board members, because we have a suggested recommendation of a denial for you today. So, I didn't know if you wanted to address the Board members about this particular incident before we go to our next item.

Ms. Martin – Okay. So, this incident did happen in '22, October 22, 2022. They didn't give me a court date until January 19, 2024. I went to court. I did everything they asked of me. I did probation for a whole year. I paid my fines. I had to pay out of pocket. All of this happened in Georgia, where I reside in Florida. So, I'm not sure if Florida picked it up, but I did lose my license for that entire time while I was on probation. I got my license back January 2025, and I've just been trying to be on the right track to get myself together.

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

Ms. Martin – I have been in this funeral home for four (4) years now, the funeral home that I'm at.

Chair Peeples – Thank you. Ms. Clay?

Ms. Clay – You mentioned the funeral home you're at. Would you share with us what you're doing at that funeral home?

Ms. Martin – So, I do the removals. And then I'm trying to get back there in the embalming room. I did go to college for this. I do have my degree in it. So, he does let me stand and watch him embalm. But other than that, I'm literally just doing removals and funerals.

Ms. Clay – You say you're doing funerals. What does that mean?

Ms. Martin – So, I help with pushing the casket, I take the flowers. Just the assisting. I'll drive to hearse if I need to.

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

Ms. Clay – Yes. Thank you.

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

Mr. Jones – Yes. One of the questions Ms. Clay asked. Second question, no issues since this incident? No other violations or infractions?

Ms. Martin – No, sir.

Chair Peeples – And please let the record reflect Mr. Williams has joined the meeting back. Thank you. So, Mr. Jones, if you'll proceed, please, sir.

MOTION: Mr. Jones moved for approval with a one-year probation. Mr. Quinn seconded the motion, which passed with one (1) dissenting vote.

Chair Peeples – Mr. Ferreira is a No. Since we have only one (1) No, the motion carries. Good luck, Ms. Martin.

Ms. Martin – Thank you.

J. Application(s) for Cinerator Facility

(1) Recommended for Approval with Conditions

(a) *Guerry Funeral Home of Lake City, LLC d/b/a/ Guerry Forbes Funeral Home of Lake City (Lake City)*

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

Mr. Luke Grabowski – Yes, Madam Chair. Luke Grabowski on behalf of the Guerry Funeral Home.

Ms. Simon – Thank you, sir. A new application for cinerator facility licensure was received on October 17, 2025. The application was incomplete when received. The Division has received the required information to complete the application on November 10, 2025. The funeral director in charge will be Ms. Brittnee N. Milton (F074151). A background check of principal Brittnee N. Milton did not reveal any relevant criminal history. The Division has considered the application complete on November 11, 2025. The Division recommends approval subject to the condition that the cinerator facility passes an inspection by a member of Division staff.

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

Chair Peeples – Thank you, Mr. Grabowski.

Mr. Grabowski – Thank you, Madam Chair.

K. Application(s) for Direct Disposal Establishment

(1) Recommended for Approval with Conditions

(a) After Cremation FL2, LLC (Lakeland)

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

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

Ms. Simon – A new application for direct disposal establishment licensure was received on August 18, 2025. The application was incomplete when received. The Division received the required information to complete the application on November 17, 2025. The DDIC will be Ms. Holly D. Sutton (F496988). A background check of the principals, Mr. Robert W. Eames and Mr. Dallan Preece, did not reveal any relevant criminal history. The Division recommends approval subject to the condition that the establishment passes an inspection by a member of Division staff.

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

(b) After Cremation FL3, LLC (Fort Lauderdale)

Ms. Simon – Ms. Wiener is also representing this entity. A new application for direct disposal establishment licensure was received on August 18, 2025. The application was incomplete when received. The Division received the required information to complete the application on November 17, 2025. The DDIC will be Ms. Adriana C. Corral (F065323). A background check of the principals, Mr. Robert W. Eames, and Mr. Dallan Preece, did not reveal any relevant criminal history. The Division recommends approval subject to the condition that the establishment passes an inspection by a member of Division staff.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – I got a question for Ms. Wiener. DDIC, that's a direct disposer in charge. I guess my question is, does a funeral director have to oversee these?

Ms. Wiener – A direct disposer or a funeral director without an embalmer's license is what is required at this time.

Mr. Ferreira – Thank you.

Chair Peeples – Board members?

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

Chair Peeples – Thank you, Ms. Wiener.

Ms. Wiener – Thank you, Board.

Ms. Simon – And for the Board's edification, a DDIC must also be a licensed funeral director, to answer your question, Mr. Ferreira.

(c) Complete Care Cremation Services, LLC (Cooper City)

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

Ms. Rohaema Smith – Yes. I'm here, Rohaema Smith.

Ms. Simon – Thank you, Ms. Smith. A new application for a direct disposal establishment licensure was received on October 28, 2025, and the Division has considered the application complete on this same date. The DDIC will be Ms. Rohaema V. Smith (F050602). A background check of the principals, Mr. Jason Smith and Ms. Rohaema V. Smith, did not reveal any relevant criminal history. The Division recommends approval subject to the condition that the establishment passes an inspection by a member of Division staff.

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

Chair Peeples – Thank you, Ms. Smith.

Ms. Smith – Thank you.

L. Application(s) for Funeral Establishment
(1) Recommended for Approval with Conditions
(a) Victory Funeral Home, Inc. (Hollywood)

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

Mr. Gerald Limage – Yes.

Ms. Simon – Thank you, sir. A new application for funeral establishment licensure was received on October 08, 2025. The application was incomplete when received. During the request for deficient materials the Division became aware that the address was currently connected to an active licensed funeral establishment at that address (F516749 -Michael Williams Funeral Services, LLC -owner Michael Williams). In researching this matter, Mr. Williams stated his establishment was no longer at this location. The Division requested an affidavit stating his license is no longer affiliated with the address that he was doing business from and the closing of his website due to the advertisements in the site related to the address on the contact page. The Division received the documentation from Mr. Williams on November 3, 2025, that included a signed and notarized affidavit to that effect along with the proper forms that had not been remitted to the Division at the time he vacated the property. The documentation affirms he has vacated the property. Mr. Williams is in search of a new location for his license and wishes to keep his license valid. The applicant, "Victory Funeral Home, Inc." has provided a copy of the lease agreement at the Division's request verifying this information. The Division has received the required information to complete the application on November 3, 2025. The funeral director in charge will be Mr. Gerald Limage (F681232). A background check of the principals Mr. Gerald Limage and Ms. Kelly Fleury did not reveal any relevant criminal history. The Division has considered the application complete on November 3, 2025. The Division recommends approval subject to two (2) conditions, contrary to the matter listed on the cover sheet on your agenda. One, that the establishment passed an onsite inspection by a member of Division staff, and that the inspection confirms that the previous funeral establishment is no longer located at this address. Madam Chair?

Chair Peeples – Thank you, Ms. Simon. Is it Mr. Limage?

Mr. Limage – Limage.

Chair Peeples – Thank you, sir. If you'll allow Ms. Simon to swear you in, please, sir,

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

Mr. Limage – Yes.

Ms. Simon – Mr. Limage, please state your name and spell your last name for the record.

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

Chair Peeples – Thank you, sir. We appreciate you participating today in case any Board members have any questions for you. Board members, do you have any questions? Mr. Limage, would you like to address the Board regarding the information we have in our cover sheet about where you're going to be beginning your establishment at this particular address? Is there anything you'd like to add to the information we have, sir? Board members, any questions? What's the Board's pleasure?

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 and confirmation that the previous funeral establishment is no longer located at this address. Ms. Clay seconded the motion, which passed unanimously.

Chair Peeples – Thank you for being a part of the call today, sir. Thank you.

Mr. Limage – Thank you, everyone.

M. Application(s) for Preneed Main

(1) Recommended for Approval with Conditions

(a) People's Choice Mortuary & Cremation Service LLC (Deltona)

Ms. Simon – Is there a representative of this entity on the call today? Hearing none. The Department received an application for a new preneed license on November 4, 2025, due to expiration of Applicant's previous license which was not renewed as of July 1, 2025. All deficiencies were resolved as of November 19, 2025, except for a completed background check for Alfred Graham and Yolanda Graham, principals of the Applicant. Linwood Graham's background check was returned without criminal history. Applicant's qualifying funeral establishment license was obtained as of October 27, 2021, located at the above address. If approved, Applicant will sell insurance-funded preneed under Security National Life Insurance Company and utilize its preneed sales agreement forms. The Division recommends approval subject to condition that a completed background check of Mr. and Mrs. Graham, principals of the applicant is returned to the Division without criminal history within thirty (30) days of the Final Order issued in this matter.

MOTION: Ms. Liotta moved to approve the application subject to condition that a completed background check of Alfred Graham and Yolanda Graham, principals of the applicant, is returned to the Division without criminal history within thirty (30) days of the Final Order issued in this matter. Mr. Jones seconded the motion, which passed unanimously.

N. Application(s) for Removal Service

(1) Recommended for Approval with Conditions

(a) Tri-County Nursing Transportation and More, LLC (Gainesville)

Ms. Simon – Is there a representative on the call for this entity? Hearing no response. A new application for removal service licensure was received on September 8, 2025. The application was incomplete when received. The Division received the required information to complete the application on November 10, 2025. A background check of the principal, Mr. James H. Latson, did not reveal any relevant criminal history. The Division recommends approval subject to the condition that the removal service passed an onsite inspection by a member of Division staff.

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

Chair Peeples – Any discussion on the motion?

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

Chair Peeples – I'm sorry. Mr. Jensen, please.

Mr. Jensen – Just a quick question for Ms. Simon. Does the word nursing mean anything to our business? I mean, I'm just looking at it. They're offering basically advertising nursing services along with removal. Seemed like removal would come after the nursing has already been done. I'm just trying to figure out is that any conflict with any statutes or rules or anything? I know they can call it whatever they want, but it's kind of advertising nursing services.

Ms. Simon – In response to that question, I know that in the past the Board members have found a name perhaps to be misleading and has ruled on that matter that they are approved subject to a name change. But I do not know if that answers your question. I do not know anything more about this entity, how it may or may not be related to nursing services.

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

Mr. Jensen – Well, yes, ma'am. I would think that if they're going to advertise nursing, I would like to see their nursing license as well. But maybe that's just me.

Chair Peeples – Board members, any other items for discussion or what would be your pleasure? We have a motion, and we have a second. Any other discussion? Mr. Ferreira?

Mr. Ferreira – I agree with Mr. Jensen. It is misleading to have the word, because that was the first thing I thought about too when I read the name of the company. I think a possible name change would help the consumer identify what's going on here.

Ms. Simon – If I may, Madam Chair?

Chair Peeples – Yes, Ms. Simon.

Ms. Simon – Ms. Munson, depending on what the motion is, can you weigh in on that?

Ms. Munson – I understand that there is a presence of ambiguity given the nursing in their particular name, title. I don't know if the statute prohibits titling. That is not normally or customarily affiliated with the profession. So, I don't know if you can require something, in short, that the statute does not support or the rules and laws do not support. You can ask. I don't think you can require it.

Mr. Ferreira – “And More.” What does that mean? Tri-County Nursing Transportation and More.

Ms. Munson – I just don't know whether these rules or statutes prohibit these naming efforts. Sure, I think, certain professions do. Ms. Simon?

Ms. Simon – I think there is something under s. 497.152, providing misleading information, but I would need to check.

Ms. Munson – I don't know about the title of the company, but let's do it.

Mr. Ferreira – So, I have another question, Madam Chair.

Chair Peeples – Yes, sir.

Mr. Ferreira – The type of license applied for, removal facility license. I've never heard of a removal facility license. The application on Page 2 is for removal service license. So, maybe that's a mistype.

Ms. Simon – May I have one moment, Madam Chair?

Chair Peeples – Yes, ma'am.

Ms. Munson – And just for the record, if it is a mistype, it's a valid comment to make. Because it would have to be for the type of license that they're actually applying for, removal service.

Ms. Simon – The application for licensure in this matter is for removal service.

Ms. Munson – I'm just noting the information on the summary said removal facility.

Mr. Jensen – Madam Chair?

Chair Peeples – Well, just a second, Mr. Jensen. Ms. Simon asked for just a moment. If you could hold your question, please, sir.

Ms. Simon – Yes, I do notice under 497.152, it begins that this section sets forth conduct that's prohibited and shall constitute grounds for denial of any application. And misleading is mentioned in various places, 7(b), *making any misleading statements or misrepresentations as to the financial condition of any person, or making statements that are falsely and maliciously critical of any person.* Going on under 3(e), *advertising goods or services in the manner that is fraudulent, deceptive, or misleading.* And that may be on point for this matter. Or *directly or indirectly making any deceptive, misleading, or untrue representations.* And (10) is *making any false or misleading statement.* That is not applicable to this matter.

Ms. Munson – If I may, Chair Peeples? I don't know if Ms. Marshall is available. If the Department can confirm that if they're doing something that would create a violation or cause a charge, then that would be definitive, right?

Ms. Simon – I'm not sure that that is necessary for -- if it constitutes grounds for denial. I think that we've discussed that before, but I don't know that investigation or a finding of a violation is necessary for that.

Ms. Munson – No, it's not. It's not. I'm just saying if you're going to deny them, as with any denial, if this goes to some type of appellate process, you're going to have to give the basis for denial. And there's going to have to be a statute there as to why you are denying them.

Chair Peeples – And also Mr. Jones, we got Mr. Jensen before you, so I've got you on the list. Let's go to Ms. Marshall.

Ms. Marshall – Do we have any information about whether they're actually offering nursing services, or if they have nurses employed there?

Ms. Simon – We do not.

Chair Peeples – That would be a question, I guess to Ms. Simon for Ms. Marshall.

Ms. Simon – And as I stated, we don't. Everything that we have is actually part of the Board package. And as was already stated though, I'm not sure why nursing would be included with removal, but I don't know. I don't know what the foundation of the business is.

Chair Peeples – Thank you. Mr. Jones, we got Mr. Jensen before you, sir. Mr. Jensen, you had a question?

Mr. Jensen – Yes, ma'am. Kind of what was already been said. Nursing requires a license, so in order to use the word in any public setting, if you're only dealing with other funeral homes, would constitute us basically, if we approved it like it is, would constitute us backing that. So, I would offer a friendly amendment to the motion that the word nursing be removed or they prove they have a nursing license. Thank you, Madam Chair.

Chair Peeples – And Mr. Jones?

Mr. Jones – Yes. In the past we have looked at names. We have asked the Division to check, as Mr. Jensen said, if the name is reflective of what they're doing. I will remove my recommendation and ask that the Board follow up if they're using the name because they're working with nursing homes or do they have nursing facilities and get clarification on the name. So, I'll retract my recommendation for approval.

Chair Peeples – Thank you, Mr. Jones. And Ms. Liotta, do you agree with that retraction?

Ms. Liotta – Yes, I do.

Chair Peeples – Thank you. Ms. Simon?

Ms. Simon – Madam Chair, if we were to continue this matter and allow the Division to research it there is no problem with a deemer date by putting it on the January agenda.

Chair Peeples – Yes, ma'am. If the Board agrees, I think that would be the best path to take right now with this. Do all members agree? And again, shaking head. Thank you. So, we'll do that with this particular case. Thank you. Ms. Simon?

Ms. Simon – I think there needs to be a motion for that, but Ms. Munson?

Ms. Munson – I mean, the member has retracted it and the Department is indicating they are pulling it from the agenda.

Ms. Simon – Okay, thank you.

Ms. Munson – If that's what's happening.

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

Chair Peeples – Yes, ma'am.

O. Collective Application(s)

(1) Recommended for Approval with Conditions

(a) Florida Family Funeral Care LLC

- **Cinerator Facility**
- **Funeral Establishment (3)**
- **Transfer of Preneed Main License**

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

Ms. Wiener – Yes. Wendy Wiener and I am joined by the owners Justin Baxley, former Board member, and Erin Whitaker.

Ms. Simon – Thank you, Ms. Wiener. FFFC, a limited liability company, has submitted the following: three (3) applications for a funeral establishment license, an application for a cinerator facility license, and an application for transfer of a preneed main license at the below listed location(s). More specifically, the entities that are being acquired are as follows:

- 1) Johnson-Overturf Funeral Home Inc, a licensed funeral establishment, license # F040570, physical address: 307 South Palm Ave., Palatka, FL 32177
- 2) Johnson-Overturf Funeral Home Inc, a licensed funeral establishment, license # F235380, physical address: 402 Cypress Ave., Crescent City, FL 32112
- 3) Johnson-Overturf Funeral Home Inc, a licensed funeral establishment, license # F040571, physical address: 307 South Palm Ave., Palatka, FL 32177
- 4) Johnson-Overturf Funeral Home Inc d/b/a Putnam Crematory, a licensed cinerator facility, license # F041096, physical address: 1235 Hwy 20 W, Interlachen, FL 32148
- 5) Johnson-Overturf Funeral Home Inc, a preneed main license, license # F038719, physical address: 307 South Palm Ave., Palatka, FL 32177

Included in your packets are the applications regarding the above listed properties being acquired by FFFC. The change of ownership is the result of an asset purchase by FFFC. The members and owners of the LLC will be Justin N. Baxley and Erin C. Whitaker. A background check of the principals was returned without criminal history. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these locations, the obligation to fulfill those preneed contracts will be assumed by the new ownership. The Division recommends approval subject to the following conditions:

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

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

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

Mr. Clark – Madam Chair?

Chair Peeples – Yes, sir, Mr. Clark?

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

Chair Peeples – Thank you, Mr. Clark. Ms. Wiener, can you direct me, as I didn't see anything in the cover page, because there is a preneed main license that's going to go to the new ownership. Who will they be affiliated with regarding preneed agreements going forward?

Ms. Wiener – That is in the transfer of preneed main license application. And I have to go to that page because it's way on down here.

Chair Peeples – Usually, we have that in our coversheet, and I didn't see it.

Ms. Wiener – To tell you the truth, I can't answer that question off the top of my head, but I would be willing to bet you that either Justin or Erin might be able to.

Chair Peeples – That'd be great. Mr. Baxley or Ms. Whitaker, whoever is going to speak, we need to swear you in, please.

Mr. Justin Baxley – I'll be glad to, Madam Chair.

Chair Peeples – Thank you. Ms. Simon?

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

Mr. Baxley – I do.

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

Mr. Baxley – Justin Baxley, B-A-X-L-E-Y.

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

Chair Peeples – Thank you, Mr. Baxley.

Ms. Wiener – And in the meantime, in the meantime I found it. So, it is Funeral Director's Life. Sorry. I should have known that.

Chair Peeples – Perfect. And Mr. Baxley, did you want to add anything to that?

Mr. Baxley – No. I'm just very, very honored to be considered today and available for any questions.

Chair Peeples – Thank you, sir. We appreciate that. Board members?

MOTION: Mr. Jones moved for approval subject to the conditions recommended by the Division. Mr. Clark seconded the motion.

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

Mr. Jensen – Quick question for Ms. Wiener there on Page 35, on the other license information, it's got No, but it's got a license number there. What is that all about?

Ms. Wiener – Page 35. Other Licenses. The answer to that question is No. That was not something that we wrote in originally. There was some confusion at the Division level relating to whether Mr. Baxley needed to disclose his funeral director's license which, he does not because he's not the applicant. This is a form used for the entity that is applying for the license. So, I believe that that was written in by the Division. That might be Mr. Baxley's funeral director's license number, but there are no other licenses by this entity.

Mr. Jensen – Thank you, Ms. Wiener.

Chair Peeples – Mr. Baxley, would you like to address Mr. Jensen's question? Is that your license number listed in Section 5 on Page 35?

Mr. Baxley – I apologize. Would you mind telling me what it says?

Ms. Wiener – F043237?

Mr. Baxley – Yes, that is my license number.

Chair Peeples – Thank you, sir. Mr. Jensen, that completes your question?

Ms. Wiener – That was an error on the Division's part. The answer to that question is No.

Mr. Jensen – I'm all set, Madam Chair. Thank you.

Chair Peeples – Thank you. We've got a motion by Mr. Jones, approval with conditions. We have a second by Mr. Clark. Any other discussion on the motion? Hearing none. All in favor of the motion say yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed say no. Motion carries. Thank you all for participating. Good luck.

Mr. Baxley – Thank you so much.

Ms. Wiener – Welcome to Florida.

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

(1) Recommended for Approval with Conditions

(a) Trust Agreement and Request for Transfer of Trust

(1) Carriage Florida Holdings Inc d/b/a Osceola Memory Gardens (F058284) (Kissimmee)

Ms. Simon – Is there a representative of Carriage Florida Funeral Holdings Incorporated on the call today? Hearing no response. Carriage, through its representative, Justin Wilson of Argent Trust Company, seeks approval of a preneed trust agreement and cemetery care and maintenance trust agreement, and proposed transfer of trust accounts. Specifically, the applicant seeks approval of a preneed funeral trust agreement, entitled “Master Preneed Funeral and Cemetery Merchandise and Services Trust Agreement”. A cemetery care and maintenance trust agreement, entitled “Master Cemetery Care and Maintenance Trust Agreement”. Due to an acquisition of the cemetery and preneed licenses for Osceola Memory Gardens Cemetery, Funeral Homes & Crematory, Carriage seeks approval of the transfer of the following trust accounts: the Heritage Memorial Group LLC Master Preneed Funeral Trust Agreement (70/30 trust) under Argent Trust Company (Argent) to the “Carriage Funeral Holdings Master Preneed Funeral and Cemetery Merchandise and Services Trust Agreement” (70/30 trust), and transfer of the Osceola Memory Gardens LLC Cemetery Care and Maintenance Trust Agreement (Attachment 4) to the “Carriage Services Inc. Master Cemetery Care and Maintenance Trust Agreement”; all under Argent. If approved, Argent will continue to be the trustee, all as more specifically set out in attached correspondence from Mr. Wilson. The Division recommends approval subject to the following conditions:

- 1) That the representations of Carriage through its representative as set forth in letter dated October 8, 2025, copy included hereto, be deemed material to the Board's decisions herein.
- 2) That fully executed copies of the trust documents as identified above be provided to the Division within sixty (60) days of this board meeting.
- 3) 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 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 October 8, 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 October 8, 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 October 8, 2025.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional ninety (90) days.

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

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

Q. Related Items

(1) Recommended for Approval with Conditions

(a) Funeral Establishment

1. Foundation Partners of Florida, LLC d/b/a/ Atlantic Mortuary and Cremation (Rockledge)

Ms. Simon – Is there a representative of that entity on the call today? Hearing no response. A new application for funeral establishment licensure was received on October 17, 2025. The application was incomplete when received. The Division received the required information to complete the application on October 29, 2025. The funeral director in charge will be Mr. Christopher Szuflita (F042454). A background check of the principals Mr. John D. Smith and Mr. Leviathan D. Winn. did not reveal any relevant criminal history. The Division recommends approval subject to the condition that the establishment passes an inspection by a member of Division staff.

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

(b) Preneed Branch Office – Addendum G

1. FPG of Florida, LLC (F060727) (Rockledge)

Ms. Simon – The application was complete without any reportable criminal or disciplinary history. The record indicates that the applicant qualifies for branch licensure. It is recommended that the entity referenced on Addendum G be approved for the branch licensure applied for.

Chair Peeples – Board members?

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

(2) Recommended for Approval with Conditions

(a) Monument Establishment Retailer

1. Wildwood Industries, LLC d/b/a/ Broward Monument (Fort Lauderdale)

Ms. Simon – Is there a representative of that entity on the call today? Hearing no response. A change of ownership application for a monument establishment retailer licensure was received on September 30, 2025. The application was incomplete when received. The Division received the required information to complete the application on October 20, 2025. A background check of the principal Mr. David Lederman did not reveal any relevant criminal history. The Division recommends approval subject to the condition that the establishment passes an inspection by a member of Division staff.

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

Chair Peeples – Ms. Simon?

Ms. Simon – Thank you, ma'am.

(b) Monument Sales Agreement

1. Wildwood Industries, LLC d/b/a/ Broward Monument (Fort Lauderdale)

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

Chair Peeples – Board members?

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

R. Executive Director's Report

(1) Operational Report (Verbal)

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

Chair Peeples – Ms. Schwantes?

Ms. Schwantes – Thank you, Madam Chair. I want to first give you an update about the Board member application process, and as with the past couple of months, there is no new news, but I want to keep updating you on that. We will post the information as soon as the process is approved and as always, questions regarding the process should be referred to me directly. We want to thank our Board members who are continuing to serve past their position terms. Again, as soon as we know anything, we will let you know.

This year is an early legislative year with the regular session scheduled to begin on January 13th, and it will end sixty (60) days later on March 13th. The Department's agency bill has not yet been filed, but there are some bills that we are following that either are related to the industry or related to Chapter 497, so I'm giving you a brief update on those bills. There's six (6) of them so far.

Senate Bill 188 titled Medical Examiner's Duties was filed on October 14th by Senator Garcia. There is no related House bill. This requires medical examiners to document and report certain infant and child autopsy findings to national registry with penalties for noncompliance. So why are we monitoring that? While it is not specifically related to Chapter 497, we follow bills concerning Section 406.11, relating to examinations, investigations, and autopsies mostly due to industry interest. I'm sure as things go forward on that, if there's something pertaining to 497 in particular, we'll let you know. The status on that bill, it's currently in the first of its three (3) Committees with no hearing dates set.

House Bill 145 is Suits Against the Government for 2026. We have seen similar attempts on this in the past several years. It was filed on October 10th, by Representative McFarland. There is no related Senate bill at this time. This bill increases the statutory liability limits for tort claims against governmental entities, streamlines claim procedures and adjust statutes of limitation and insurance provisions, while creating exceptions for specific victims. If it's adopted, it will reenact Section 497.167, which is in our statute, of course, relating to administrative matters. It will reenact that section just to incorporate the amendments that are made to an already reference statute in that subsection and that reference statute is 768.28. The status on the bill is now in the Judiciary Committee, which is the third of its committees with no hearing date set. You all recall that each of these bills normally goes through three (3) committee hearings before reaching floor for votes by the House or Senate floor.

Senate Bill 34 and House Bill 425 involving Historic Cemeteries Program for 2026, are identical bills. The Senate bill was filed on September 8th, by Senators Sharief and Bernard. The identical House Bill was filed on November 14th, by Representative Aristide. These require local governments to approve land use and zoning changes for excess vacant land in historic African American cemeteries sold to fund long-term upkeep. This will add a new subsection to section 267.21 mandating that local governments must approve a change to the most permissive adjacent, land use category and zoning district for excess cemetery property, and it allows proceeds from the sale such excess lands to be used for the long-term maintenance and upkeep of the cemetery. So, we're monitoring this because we keep up with anything involving cemeteries, whether it's historic, exempt, or licensed under our chapter. As far status goes, the Senate bill is now in the second of its committees, which is the Government Oversight and Accountability Committee. No hearing date has been set, and the House Bill was just referred to the first of its committees, Inter-Governmental Affairs subcommittee.

Senate Bill 104 regarding Florida Statutes for 2026, was filed on December 3, 2025, by Senator Passidomo. There's no related House bill. This bill streamlines various Florida Statutes by revising outdated terms, correcting references and removing obsolete provisions. If it's adopted, a statutory reference to Section 553.73(2), which is contained in our chapter in Section 497.271, dealing with the construction of mausoleums and columbarium, will be corrected. That status of the committee references are not yet assigned.

Probably most importantly to those attending today, Senate Bill 598 regarding Funeral, Cemetery, and Consumer Services for 2026. Now this is not an agency bill. This has been filed by industry representatives. This was filed on November 19th by Senator Truenow. There is no related House bill. Because the Department has not completed its analysis of the bill at this time, and I'm sure we're going to be reporting on it in future, but for today, I'm going to read from the bill summary as it's presented online. So, it *prohibits exclusive provider contracts, limits negligence liability, revises licensure and cemetery acreage criteria, bars new direct disposal licensing, that's for direct disposals and direct disposal facilities, and authorizes the disposal of unclaimed remains after ninety (90) days*. Again, we will be reporting on that more in the future. And the status on the committee references have not yet been assigned on that bill. That's the end of the legislative report at this time.

The next full Board meeting will take place by videoconference on January 8th, at 10:00 AM. Additional details on all Board meetings and scheduled Rules Committee meetings are found on our website. At this point, on behalf of the Division, I just want to wish you all a very happy holiday and we'll see you next year. That ends the portion of the Executive Director's report. Thank you.

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

Monthly Report of Fines and Costs Assessed and Paid Division of Funeral, Cemetery and Consumer Services Date of Board meeting
Date of Board meeting: December 4, 2025
Date report was prepared: November 24, 2025

Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
Joseph Pinello	Nov-25	343571-25-FC	\$1,750			
Pinello Funeral Home	Nov-25	343588-25-FC	\$1,750			
Aikens Funeral Home	Nov-25	345517-25-FC	\$250			
Trina Benn	Nov-25	325253-24-FC	\$1,250			
Oaklawn Park Inc. d/b/a Greenwood Cemetery	Nov-25	334848-24-FC	\$5,000			
Smith-Young's Funeral Home	Nov-25	348973-25-FC	\$1,000			
Clark & Norris Home of Funerals LLC:	10/2/2025	325245-24-FC	\$250	11/24/2025	Paid in Full	
David Keith Fields	10/2/2025	344228-25-FC	\$750	12/1/2025	Paid in Full	
Foundation Partners of Florida LLC d/b/a Oak Ridge Funeral Care	10/2/2025	344225-25-FC	\$750	12/1/2025		
Kim-Ken Developments, Inc. d/b/a Mitchell's Funeral Home	10/2/2025	309702-23-FC	\$2,800	12/1/2025		
Kimberley Laurie Mitchell	10/2/2025	309703-23-FC	\$2,850	12/1/2025		
Veterans Funeral Care Florida LLC	10/2/2025	320310-23-FC	\$1,500	12/1/2025		
Veterans Funeral Care, Inc.	10/2/2025	320309-23-FC	\$1,500	12/1/2025		
Woodlawn Crematory	10/2/2025	333182-24-FC	\$1,000	11/28/2025	Paid in Full	
Ralph Vierling	10/2/2025	334803-24-FC	\$1,500	12/1/2025		
Anthony White	10/2/2025	338195-25-FC	\$1,500	12/1/2025		
Conoetta DeGirolamo Carlson	10/2/2025	339189-24-FC	\$1,000	11/28/2025		
S.E. Cemeteries of Florida LLC d/b/a Orlando Personal Care Center	10/2/2025	339187-24-FC	\$1,000	12/1/2025	Paid in Full	
Liam Bleasdale Smith	10/2/2025	339188-24-FC	\$1,000	11/24/2025	Paid in Full	
Foundation Partners of Florida LLC d/b/a Charlotte Memorial Cemetery	10/2/2025	320338-23-FC	\$500	12/1/2025	Paid in Full	
Kotzady-Hudgins Funeral Services LLC d/b/a St. Johns Family Funeral Home and Crematory	10/2/2025	348964-25-FC	\$500	11/24/2025	Paid in Full	
Kotzady-Hudgins Funeral Services LLC d/b/a St. Johns Crematory	10/2/2025	348962-25-FC	\$500	11/24/2025	Paid in Full	
Soobee-Combs-Bowden Funeral Home	10/2/2025	345084-25-FC	\$750	11/17/2025	Paid \$250	
Michael Wayne Bowden	10/2/2025	345085-25-FC	\$750	11/17/2025	Paid \$250	
Ehren Lamar Johnson II	4-Sep-25	334748-24-FC & 343489-25-FC	\$500	11/18/2025		
Johnson & Family Life Celebration Center LLC	4-Sep-25	334714-24-FC & 343278-25-FC	\$1,500	11/18/2025		
Randy Straghn	4-Sep-25	343612-25-FC	\$500	11/18/2025	Paid in Full	
Straghn & Son Tri-City	4-Sep-25	33605-25-FC	\$1,000	11/18/2025	Paid in Full	
Cremations of Tampa LLC	8/4/2025	344117-25-FC	\$2,500	11/18/2025	Paid in Full	
Alan Orr	8/4/2025	344120-25-FC	\$1,750	11/18/2025	Paid in Full	
Travis Gibson	7-Aug-25	318203-23-FC	\$500	4/14/2025		
Travis Gibson	7-Aug-25	318828-23-FC	\$5,000	4/14/2025		
Travis Gibson	7-Aug-25	318758-23-FC	\$2,500	4/14/2025		
Richard Mengeling	8/7/2025	258808-20-FC	\$500	11/17/2025	Paid in Full	
Charles Chestnut IV	8/7/2025	334938-24-FC & 348917-25-FC	\$4,000	11/17/2025		
Michael Bowden	8/7/2025	344259-25-FC	\$1,000	11/17/2025	Paid in Full	
Soobee-Combs Crematory	8/7/2025	344257-25-FC	\$1,000	11/17/2025	Paid in Full	
Westside Funeral Home Inc.	8/7/2025	328217-24-FC	\$1,500	11/17/2025	Paid in Full	
George Woodie	8/7/2025	328221-24-FC	\$1,500	11/17/2025	Paid in Full	
Jerry Naokashi	28-Jun-25	311822-23-FC	\$1,500	11/10/2025	Paid in Full	
Sarah Noble	28-Jun-25	334762-24-FC	\$2,000	11/10/2025	Paid in Full	
Glenda Castillo	28-Jun-25	333147-24-FC & 333151-24-FC	\$1,250	10-Nov-25		
Integrity Funeral Services of Tampa FL, Inc.	28-Jun-25	333148-24-FC & 333149-24-FC	\$1,250	10-Nov-25		
Roderick Stevens	28-May-25	338272-25-FC	\$1,750	18-Aug-25		
D A Jackson Funeral Home	28-May-25	338271-25-FC	\$3,500	18-Aug-25		
Melinda Mezzelline Jackson	5/1/2025	318874-23-FC & 318877-23-FC	\$4,000 + \$2,500	18-Aug-25		Suspended until fines are paid
Donna Summerour McRae	5/1/2025	325260-24-FC	\$2,000	18-Aug-25		Sent to OGC
Ruben Rojas	5-03-25	320710-23-FC	\$8,000	5-05-25		Suspended until fines are paid
Gerónimo Menz Jr.	2/8/2025	311861-23-FC	\$2,000	3/9/2025		Sent to OGC
Ronald Dolinar	1/2/2025	325255-24-FC	\$1,500	13-03-25		Sent to OGC

11-24-25

Ms. Simon – Madam Chair?

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

Ms. Wiener – Yes, I just wanted to make a couple of notes about that part of the Operational Report, the Report of Fines Paid. There are a couple that were left off and I didn't want the Board to come away with the thought that these payments were actually delinquent. Concetta Carlson was timely paid. Foundation Partners d/b/a Oak Ridge was timely paid. Mitchell's Funeral Home and Kimberly Mitchell were timely paid. Veterans was also timely paid. So, they just missed the cutoff to get the agenda prepared, but I didn't want there to be an idea that those were not paid.

Ms. Simon – Madam Chair, unfortunately, we were not aware that the payment had been made for these facilities. I found out after the agenda was posted that that's what the payment was meant for. So, I appreciate that and unless Ms. Wiener has anything else, I will move on to the Chair's Report.

Ms. Wiener – Thank you.

Chair Peeples – Thank you, Ms. Wiener.

S. Chair's Report (Verbal)

Chair Peeples – First let me just say, as I try to do at every meeting, how much I appreciate the current Board, our composition, each member, the due diligence that everyone does in preparing for the meetings. I'd like to thank those that are on the Probable Cause Panel. Those members of Probable Cause Panel A and B, also Committee members, I appreciate them, as well as the Division staff under the leadership of Ms. Mary, Ms. Ellen, and the team there. Ms. Munson, you keep us straight. Thank you very much. We appreciate that. And also, the Office of General Counsel, they do a great job too. So, thank you all for all you do to prepare for each meeting. I have heard a lot of great comments as I've talked with colleagues throughout the state. So, thank you. It makes me smile not only as a participating Board member, but to see that we're doing what we're supposed to do. So, thank you. I appreciate that. Ms. Simon?

T. Office of Attorney General's Report (1) Attorney General's Rules Report (Informational)

Ms. Simon – Ms. Munson?

Ms. Munson – Informational. Thank you.

Ms. Simon – Thank you.

BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT DECEMBER 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. Simon – Are there any public comments to be submitted during today's meeting? Hearing no response, Madam Chair?

Chair Peeples – Thank you, ma'am.

V. Administrative Report as November 25, 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	319
	Presented to the Board at this Meeting	2
	Pending	1
D.	Preneed License Branch Applications	1
	Active Preneed License Branches	388
	Recommended for Approval	1
	Pending	0
E.	Preneed Sales Agent Applications	36
	Active Sales Agents	3591
	Recommended for Approval	17
	Temporary Licenses Issued Pending Permanent	19
F.	Monument Establishment Applications	0
	Active Monument Establishments	66
	Pending	0
G.	Broker of Burial Rights Applications	0
	Active Brokers of Burial Rights	20
	Pending	0
H.	Exempt Cemetery Reports	0
	Active Exempt Cemeteries	51
	Pending	0
I.	New Establishment Applications	13
	Pending	7
	Completed	6
J.	New Individual Applications	31
	Pending	18
	Completed	13
K.	Request for Training Facility Applications	4
	Pending	0
	Completed	4
L.	Request for Continuing Education Providers and Courses	10
	Pending	0
	Completed	10

M.	Initial Inspections	10
	Completed	10
N.	Inspections	146
	Completed	146
O.	Initial Licenses Issued	19
	Renewal Licenses	39

W. **Disciplinary Report**

Notices of Non-Compliance Issued Since Last Meeting (November 6, 2025)	0
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X. **Upcoming Meeting(s)**

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

Y. **Adjournment**

Chair Peeples – It is 1:09 and we will adjourn the meeting, and I trust everybody has a Merry Christmas and a Happy New Year. Thank you.

Ms. Simon – Thank you, Board members.

The meeting was adjourned at 1:09.