

MINUTES
BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
IN-PERSON MEETING
FEBRUARY 5, 2026 - 10:00 A.M.

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

Mr. Andrew Clark – Good morning. I'll call the meeting to order and turn it over to Ms. Simon.

Ms. Ellen Simon – Thank you, Mr. Clark. Good morning. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is February 5, 2026, and it's approximately 10:00 AM. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held in person at the Department of Revenue Capital Circle Office Center, in Tallahassee, Florida. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to interested persons and information concerning this Board meeting has been made available on the Division's website. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared.

Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board's Vice Chair, Mr. Clark, runs the meeting. Persons desiring to speak should initially ask Mr. Clark for permission.

As a reminder to Board members, you are to refrain from commenting on facts not included in your Board packages and instead base your decisions solely on the information within your Board package 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 R on your agenda, which is Public Comment. Public Comment is reserved for general comments by the public and not re-litigation of any matter before the Board. Please be made aware that if a public comment is used as an attempt to relitigate a matter that is being heard on this agenda, the Board will be instructed that the comment is not appropriate for a Public Comment's item and should not be considered for further discussion. Mr. Chair, at this point I will call the roll:

Jill Peeples, Chair **{EXCUSED}**
Andrew Clark, Vice Chair
David Chapman
Sanjena Clay
Vincent "Todd" Ferreira
Christian "Chris" Jensen
Kenneth "Ken" Jones
Janis Liotta
William "Bill" Quinn
Darrin Williams

Also noted as present:

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

Ms. Simon – Ms. Peeples is excused from today's meeting. Mr. Vice Chair, we have a quorum for the business of the Board.

Chair Clark – Thank you.

Mr. Bill Quinn – Mr. Vice Chair, may I have a comment?

Chair Clark – Yes, sir.

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

Chair Clark – Thank you, Mr. Quinn. Ms. Simon?

B. Action on the Minutes
(1) December 4, 2025

Ms. Simon – It would now be appropriate for a board member to make a motion to adopt the minutes from the December 4, 2025, Board meeting.

MOTION: Ms. Sanjena Clay moved to adopt the minutes of the meeting. Mr. Chris Jensen seconded the motion, which passed unanimously.

C. Disciplinary Proceeding(s)
(1) Department's Motion for an Order Dismissing Petition Without Prejudice
(a) Macon, Richard Ezell: DFS Case No. 278566-21-FC Division No. ATN-36234 (F047905)

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

Mr. Marshawn Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Department's Motion for an Order Dismissing Petition Without Prejudice ("Motion") On or about April 29, 2022, the Department filed an Administrative Complaint against Richard Ezell Macon ("Respondent") alleging violations of Chapter 497, Florida Statutes. On or about May 18, 2023, Respondent timely submitted a petition requesting a formal hearing pursuant to section 120.57(1), Florida Statutes; however, the petition failed to identify any disputed issues of material fact. As such Respondent's petition failed to meet the requirements for a formal hearing as outlined in Rule 28-106.2015, *Florida Administrative Code*.

Accordingly, this Motion requests that the Board dismiss Respondent's petition without prejudice and enter an order providing Respondent with an additional twenty-one (21) days in which to file a facially sufficient petition for formal hearing or to request an informal hearing. Furthermore, the Department requests that the order provides that if Respondent fails to provide a timely response that Respondent will have waived its right to a hearing in this matter.

Chair Clark – Thank you. Ms. Wiener?

Ms. Wendy Wiener – Good morning. We have no objection to the relief sought.

Chair Clark – Thank you, Ms. Wiener.

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

(b) Macon, Richard Ezell: DFS Case No. 306716-23-FC Division No. ATN-40163 (F047905)

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

Mr. Griffin – The above-referenced matter is presented to the Board for consideration of the Department’s Motion for an Order Dismissing Petition Without Prejudice (“Motion”) On or about July 24, 2023, the Department filed an Administrative Complaint against Richard Ezell Macon (“Respondent”) alleging violations of Chapter 497, Florida Statutes. On or about August 24, 2023, Respondent timely submitted a petition requesting a formal hearing pursuant to section 120.57(1), Florida Statutes; however, the petition failed to identify any disputed issues of material fact. As such Respondent’s petition failed to meet the requirements for a formal hearing as outlined in Rule 28-106.2015, *Florida Administrative Code*.

Accordingly, this Motion requests that the Board dismiss Respondent’s petition without prejudice and enter an order providing Respondent with an additional twenty-one (21) days in which to file a facially sufficient petition for formal hearing or to request an informal hearing. Furthermore, the Department requests that the order provides that if Respondent fails to provide a timely response that Respondent will have waived its right to a hearing in this matter.

Chair Clark – Thank you. Ms. Wiener?

Ms. Wendy Wiener – Same response. We have no objection to the relief sought.

Chair Clark – Thank you.

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

- (2) Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel B)*
 - (a) Macon, Richard Ezell: DFS Case No. 305187-23-FC; Division No. ATN-39222 (F047905)*

Ms. Simon – And Mr. Griffin, I understand that this item is being withdrawn from today’s agenda.

Mr. Griffin – Yes. We will probably present it at the March meeting for a global settlement for all three (3) matters.

Ms. Simon – Thank you so much.

Mr. Griffin – Thank you.

- (3) Motion for Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel B)*
 - (a) Gudes Funeral Home, Inc.: DFS Case No. 351274-25-FC; Division No. ATN-45045 (F061571)*

Ms. Simon – The Division is withdrawing this matter from the Board agenda.

- (4) Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel A)*
 - (a) Bell’s Funeral Services, d/b/a Bell’s Funeral Home and Cremation Services: DFS Case No. 351344-25-FC; Division No. ATN-44955 (F587905)*

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

Ms. Kimberly Marshall – Thank you, Ms. Simon. Kimberly Marshall on behalf of the Department. Good morning, Board members. The above-referenced 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 Bell’s Funeral Services, d/b/a Bell’s Funeral Home and Cremation Services (Respondent). The Division conducted an inspection of Respondent and alleges that Respondent is a licensed funeral establishment and apprentice/intern training agency holding license number F587905. A routine annual inspection by the Department found that Respondent’s cooler was not maintained at the proper temperature and that

Respondent did not have hot running water in its preparation room. This is a two-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 497.386(2), Florida Statutes: A dead human body may not be held in any place or in transit for over 24 hours after death or pending final disposition unless the body is maintained under refrigeration at a temperature of 40 degrees Fahrenheit or below or is embalmed or otherwise preserved in a manner approved by the licensing authority in accordance with the provisions of this chapter.
- Rule 69K-21.003(3), *Florida Administrative Code*: An embalming preparation room in a funeral establishment shall be equipped as follows... (e) A hand sink with hot and cold water and a service sink and a floor drain or sanitary drain for the removal of body fluids connected to central sewage system or septic tank.

The disciplinary guidelines for these violations are as follows:

- *Count I: failing to properly refrigerate human remains, first violation: Reprimand, fine of \$500-\$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 II: failure of a funeral establishment to comply with the provisions of the rules pertaining to inspection criteria, first violation: Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for six (6) months to one (1) year with conditions, suspension up to one (1) year, or permanent revocation of license may be imposed.*

The Motion demonstrates 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.

Mr. Jones – If I may, please?

Chair Clark – Yes.

Mr. Jones – I just want to recuse myself from Probable Cause Panel A items on the agenda today because I serve on Probable Cause Panel A.

Chair Clark – Thank you, Mr. Jones.

Mr. Jones – Thank you.

Ms. Marshall – 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: Mr. Darrin Williams moved that Respondent was properly served with the Administrative Complaint and has timely submitted a request for an informal hearing. Mr. David Chapman seconded the motion, which passed unanimously.

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

MOTION: Ms. Janis Liotta moved that there are no material facts in dispute in this matter. Mr. Williams 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 fact set forth in the Administrative Complaint. Ms. Liotta seconded the motion, which passed unanimously.

Ms. Marshall – Is a representative of Bell's Funeral Home present 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. Mr. Jensen seconded the motion, which passed unanimously.

Ms. Marshall – As a penalty, the Department is recommending a fine of \$1,250 and a year of probation.

Mr. Jensen – Question?

Chair Clark – Go ahead, Mr. Jensen.

Mr. Jensen –Is that for both counts?

Ms. Marshall – Yes.

Mr. Jensen – Okay.

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

(b) Milam Funeral Home: DFS Case No. 351269-25-FC; Division No. ATN-46491 (F040208)

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

Ms. Marshall – Thank you, Ms. Simon. The above-referenced 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 Milam Funeral Home (Respondent). The Division conducted an inspection of Respondent and alleges that Respondent is a funeral establishment and apprentice/intern training agency holding license number F040208. Respondent contracted with a consumer to provide funeral services, to include a viewing followed by cremation. Respondent cremated the body prior to holding the viewing. 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(13)(a), Florida Statutes: Failing without reasonable justification to timely honor contracts entered into by the licensee or under the licensee's license for funeral or burial merchandise or services.

The disciplinary guidelines for these violations are as follows:

- *Count I: failing without reasonable justification to timely honor contracts entered into by the licensee or under the licensee's license for funeral or burial merchandise or services, first violation: Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for up to one (1) year with conditions, suspension up to one (1) year, or permanent revocation of license may be imposed.*

The Motion demonstrates Respondent has indicated 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 whether 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. Ms. Clay seconded the motion, which passed unanimously.

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

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

Ms. Marshall – Now that the Board has determined 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 fact, as set forth in the Administrative Complaint. Mr. Chapman seconded the motion, which passed unanimously.

Ms. Marshall – Is there a representative of Milam Funeral Home present today? If you would like to speak, this would be an appropriate time to do so. Alright. 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 – As the penalty, the Department is recommending a \$750 fine and one-year probation.

Ms. Simon – Ms. Marshall, before we go on, I just want to note for the record that there are representatives from Milam Funeral Home here today, and they have chosen not to speak.

{Unidentified person} – Thank you.

MOTION: Mr. Ferreira moved that Respondent shall pay a \$750 fine and have its license placed on a one-year probation. Ms. Liotta seconded the motion.

Mr. Jensen – Mr. Chair?

Chair Clark – Yes?

Mr. Jensen – Ms. Marshall, does the Department differentiate between a viewing and an ID view?

Ms. Marshall – In what regard?

Mr. Jensen – I noticed on the contract that the customer paid for an ID view.

Ms. Marshall – Yes.

Mr. Jensen – They didn't actually pay for a full viewing, which would include embalming and so forth. And we have another case coming up where it says the same thing. So, I was wondering, is there any sort of difference there from the Department's perspective?

Ms. Marshall – Not in the sense that these are services that were contracted for and not provided.

Mr. Jensen – Okay. Thank you.

Chair Clark – Thank you, Mr. Jensen. Any other discussion? Mr. Ferreira?

Mr. Ferreira – There is a difference. There's a big difference between them.

Mr. Jensen – That's what I was pointing out. The contract actually says ID view, if you look at the contract here. So, I was just wondering how you arrived at that. And I assume the funeral home was okay with everything, so they didn't want to speak.

Chair Clark – Correct.

Mr. Jensen – I assume so. It's kind of tied there.

Chair Clark – Mr. Ferreira, anything else?

Mr. Ferreira – That's it. Thank you.

Chair Clark – All right. Any other thoughts before we vote? We have a motion, again, for a \$750 fine and one-year probation That's been seconded. All those in favor say aye.

Board members [Unison] – Aye.

Chair Clark – Any opposed? And that motion carries.

(5) Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel B)
(a) Cadet, Joanna J.: DFS Case No. 345012-25-FC; Division No. ATN-44285 (F045432)

Ms. Simon – The Division is going to withdraw this matter from the Board agenda.

(b) Hillside Cemetery Association, Inc.: DFS Case No. 343619-25-FC; Division No. ATN-44965 (F039533)

Ms. Simon – Is there a representative here today from Hillside Cemetery Association? Hearing no response. Presenting for the Department is Ms. Eldeb.

Mr. Williams – Mr. Chair?

Chair Clark – Yes, Mr. Williams?

Mr. Williams – I would like to recuse myself from any items related to Probable Cause Panel B, as I served on that panel.

Chair Clark – Thank you, Mr. Williams. Ms. Eldeb?

Ms. Eldeb – Thank you. Nicole Eldeb for the Department. The above-referenced 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 Hillside Cemetery Association, Inc. (Respondent). The Division conducted an inspection of Respondent and alleges that Respondent is a cemetery holding license number F039533. A Department investigation revealed that Respondent charged a fee for the installation of monuments purchased from third parties. 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 497.278(1), Florida Statutes: No cemetery company may charge a fee for the installation of a monument purchased or obtained and to be installed by a person or firm other than the cemetery company or its agents.
- Rule 69K-12.001(3), *Florida Administrative Code*: Pursuant to sections 497.273(3) and 497.555, F.S., all cemeteries shall permit during normal business hours licensed monument establishments to install, inscribe or repair a monument, marker or private mausoleum. Cemeteries may adopt bylaws to establish minimum standards for access. These minimum standards shall not unreasonably restrict access to the cemetery grounds, the method of transporting burial merchandise to the burial space or increase the cost to the owner of interment or burial rights. In all cases, monument establishments and cemeteries shall comply with these minimum standards.

The disciplinary guidelines for these violations are as follows:

- *Count I: charging a fee for the installation of a monument obtained from and installed by a person other than the cemetery company or its agents, first violation: Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for six (6) months to one (1) year with conditions, discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5, F.S., and/or restitution may be imposed*

The Motion demonstrates Respondent has indicated 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 to determine that the Respondent was properly served for the Administrative Complaint and has submitted a timely request for an informal hearing.

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

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

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

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

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

Ms. Eldeb – If there's anyone here representing Hillside Cemetery Association, now would be an appropriate time to come forward to speak. 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. Jones seconded the motion, which passed unanimously.

Ms. Eldeb – And as to penalty, the Department's recommendation is a fine of \$750.

Mr. Ferreira – Excuse me, Mr. Chair?

Chair Clark – Yes, Mr. Ferreira?

Mr. Ferreira – As we studied this case, I think this was just an honest mistake. I mean, I think this was a situation where these folks are trying to do their best to keep this cemetery afloat. And I think we just need to reprimand them.

Chair Clark – A letter of reprimand?

Mr. Ferreira – Yes.

Chair Clark – Okay. Is that in the form of a motion.

Mr. Ferreira – I'll make it.

MOTION: Mr. Ferreira moved for a reprimand.

Ms. Simon – Before we go on, I just would like to state that I understand what you're saying, Mr. Ferreira, and that is why the fine that is proposed by the Department is lower than it typically would be. And I know what Hillside is trying to do. They are trying to maintain a status quo, and they are endeavoring to do that, but they should be aware of the laws. They really need to be aware of the laws, particularly a law like this. And like I said, the penalty that is being sought is rather low to reflect that.

Mr. Ferreira – Mr. Chair?

Chair Clark – Yes?

Mr. Ferreira – I'm not so sure that they're charging. I mean, I know, I realize there's a definition, but I'm not so sure they're charging a family to have a marker installed. They're charging to mark the grave, and there is a difference. It takes work, it takes effort and time to do that. So, I'm a little bit -- it's kind of a gray area for me. That's all.

Chair Clark – Thank you, Mr. Ferreira.

Mr. Ferreira – Thank you.

Mr. Jensen – Mr. Chair?

Chair Clark – Yes?

Mr. Jensen – Yes, just to point out, and piggyback on what Mr. Ferreira is saying. Page 7 of 40, all they have on their general price list is actually marking staking fee and an upright monument staking fee. I did not see anything. So, I'd like to ask, I didn't see anything about charging for the other either. So?

Chair Clark – And what page was that?

Mr. Jensen – Seven (7) of 40. In your packet on the Administrative Complaint, it says their general price list. But I didn't see anything on here that states where they were charging for the setting fee, which I do agree they can't do that, they should know the laws. But there is some confusion if they actually are charging for that.

Chair Clark – Ms. Simon?

Ms. Simon – Yes. On the investigation narrative on Page 18, it is alleged in this matter that it was charging for a marker staking fee, which is not appropriate according to statute. That's what this is. It is not charging for monument installation. But the marker staking fee is also inappropriate.

Mr. Jensen – Yes. It is inappropriate in a way that it's worded. And I do agree, it does take work, and they need to reward that, you know, as an administrative fee or something of that nature. So, I do think they're somewhat inappropriate, I am absolutely 100% that they should know the laws if they're going to be in business. But I don't see any evidence where they actually charge a marker setting fee. I see it alleged, but there's no family names and there's no reference to a GPL, which is what the Department is alleging, that they were arguing. So that's where I'm little confused.

Chair Clark – Thank you, Mr. Jensen.

Mr. Jensen – I'll second the motion.

Chair Clark – We have a motion for a reprimand, and it's been seconded. Any discussion on the motion? All those in favor say aye.

Board members [Unison] – Aye.

Chair Clark – Any opposed?

Ms. Clay – I oppose.

Chair Clark – We have one opposed, Ms. Clay. And that motion carries.

(c) Related Cases - Division No. ATN-43046

1. Salinas-Arana, Lissette S: DFS Case No. 344190-25-FC; Division No. ATN-43046 (F021008)

Ms. Simon – Representing the licensee in this case is Ms. Wiener, and presenting the Department is Mr. Caracci.

Mr. Greg Caracci – Thank you. The above-referenced 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 Lissette S Salinas-Arana (“Respondent”). The Division conducted an investigation of Respondent and alleges that the Respondent was licensed as a funeral director and embalmer license number F021008. Respondent was funeral director in charge of SE Combined Services of Florida LLC Caballero Rivero Westchester, a funeral establishment and apprentice/intern training agency, license number F078957. The establishment cremated a decedent’s remains in contravention to the consumer’s wishes and failed to produce to the Division requested for records. This is a two-count Administrative Complaint, and the relevant statutory violations are as follows:

- Section 497.149(1)(b), Florida Statutes: Every person and entity being investigated, and its officers, attorneys, unless it violates the attorney-client privilege, employees, agents, and representatives, shall make freely available to the Department the accounts, records, documents, files, information, assets, business premises, and matters in their possession or control relating to the subject of the investigation.
- 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(4)(c), Florida Statutes: Refusing to produce records to the Department or board in connection with any activity regulated pursuant to this chapter.
- Section 497.152(13)(a), Florida Statutes: Failing without reasonable justification to timely honor contracts entered into by the licensee or under the licensee’s license for funeral or burial merchandise or services.
- Section 497.171(b), Florida Statutes: Any licensee responsible for removal of dead human remains to any establishment, facility, or location shall ensure that the remains are identified by a tag or other means of identification that is affixed to the ankle or wrist of the deceased at the time the remains are removed from the place of death or other location.
- 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.
- Rule 69K-21.007(3), *Florida Administrative Code*: Each full-time funeral director in charge shall be responsible for making sure the funeral establishment and all persons employed in the establishment comply with all applicable laws and rules of the Board. This subsection shall not be construed to absolve funeral establishments or other persons from liability for their violations of such laws and rules.
- Rule 69K-22.004(1), *Florida Administrative Code*: Cinerator facility operators shall establish a system of identification of human remains received for cremation. This system shall be designed to track the identity of the remains from time of receipt until completion of the cremation and delivery of the cremated remains to the legally authorized persons, or until otherwise disposed of in accordance with instructions from the legally authorized person.

The disciplinary guidelines for these violations are as follows:

- *Count I: Failing without reasonable justification to timely honor contracts entered into by the licensee or under the licensee’s license for funeral or burial merchandise or services. Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for up to one (1) year with conditions, suspension up to one (1) year, or permanent revocation of license may be imposed.*
- *Counts II: Refused to produce records to the Department or board in connection with any activity regulated pursuant to this chapter. Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for six (6) months to one (1) year with conditions, suspension up to one (1) year, or permanent revocation of license may be imposed.*

The Motion demonstrates 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 will be appropriate for the Chair to entertain a motion determining that Respondent was properly served with the Administrative Complaint and has submitted a timely request for an informal hearing.

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

Mr. Caracci – 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. Chair Clark seconded the motion, which passed unanimously.

Mr. Caracci – 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. Jones moved to adopt the allegations of the fact, as set forth in the Administrative Complaint. Ms. Liotta seconded the motion, which passed unanimously.

Mr. Caracci – And now will be an appropriate time to hear from the Respondent or a representative.

Ms. Wendy Wiener – Thank you. Good morning, Board. Wendy Wiener for the Respondent. This is the case against the funeral director in charge, and we do have mitigating factors to present in this case. While there are no material facts in dispute, there was a failure to honor the terms of the contract. And there was also a failure to provide certain information, employment records, requested by the Division. This particular funeral director had absolutely no capacity to control getting those records to the Division. This is a case where the funeral establishment involved is owned by SCI Funeral Services of Florida. A funeral director at a location cannot access employment records associated with any employee, theirs or anyone else's. And so, to penalize her for the failure to provide those records we feel is inequitable. Many of the other mitigating factors that you would consider also apply here. There was no harm to the public in this particular situation, particularly involving employment records. The disciplinary history of this Respondent is non-existent. She's been licensed as a funeral director for a good amount of time, and we would ask that you either dismiss the case against Ms. Salinas, or at the most issue a reprimand for Count 1, because Count 2 is completely outside of her control.

Chair Clark – Thank you, Ms. Wiener. Ms. Clay?

Ms. Clay – Thank you. My question was regarding those records. Would there be any situation in which anybody would be able to disclose that information?

Ms. Wiener – Yes. Corporate office in Houston would have been able to provide that information. This was a situation where there was literally a mix up among who was supposed to provide the information. It would absolutely not have been this funeral director or even the funeral establishment. As you can imagine for a global multinational corporation, those kinds of records and the security around those kinds of records come through channels of their legal department. And so, it was simply a failure on their part.

Ms. Clay – And I guess my question is in terms of confidentiality and how that corresponds with what's being requested.

Ms. Wiener – What was requested was the employment-related files. When a request of that nature comes to a corporation, particularly to a company like SCI, their legal departments would provide the records after redacting certain information that would not be material to the case at hand here.

Ms. Clay – Thank you.

Chair Clark – Anything further, Ms. Clay? Okay. Mr. Ferreira?

MOTION: Mr. Ferreira moved to dismiss the case. Ms. Clay seconded the motion.

Chair Clark – Any discussion on the motion?

Mr. Jensen – Discussion?

Chair Clark – Yes?

Mr. Jensen – So I would agree with Ms. Wiener if they're asking the FDIC for employment records, yes. But I know that that company keeps very good employment records, because I know two (2) or three (3) people in this room, including myself, that are probably non-employable by that particular company. So, I know they have very good records. So, I don't think it's FDIC's responsibility. I'm willing to dismiss one (1) count, but the other count of not providing services contracted for definitely falls under the purview of the FDIC. So, I mean, I would politely ask you to look at that one for a little bit of a fine for the other count of not providing the services, because the purview of the FDIC should make sure that stuff happens because that's part of the job description.

Chair Clark – Right. Thank you, Mr. Jensen. Ms. Wiener?

Ms. Wiener – We would certainly be pleased for Count 2 to be dismissed against Ms. Salinas. This was a situation where she was not directly involved in any way in not providing these particular services to this family, but we do understand the scope of the FDIC. We would simply ask that, based on all of the mitigating factors, you impose a minor penalty against her as the Board sees fit.

Chair Clark – Thank you, Ms. Wiener. And also, for the record, I agree with Mr. Jensen. I'm okay with dismissing Count 2. I completely get that piece of it. But I think dismissing the whole thing -- so I don't know where we're at-- but I would agree with Mr. Jensen.

Ms. Clay – Mr. Chair?

Chair Clark – Yes?

Ms. Clay – Would you entertain another motion?

Chair Clark – So we have a motion and a second. So, I think we would still have some discussion and then we would have to vote on that and see what --

Mr. Williams – May I offer a friendly amendment?

Chair Clark – Yes, you may, Mr. Jensen.

Mr. Williams – What's the least fine on the other count?

Mr. Ferreira – Reprimand.

Mr. Jensen – What was the fine amount on the other count?

Chair Clark – For Count 1, its reprimand fine of \$500 to \$1,000 plus costs.

Mr. Jensen – I would say a friendly amendment to a \$500 fine and that's it for the one count. I would dismiss the one with the employment records.

Chair Clark – So Mr. Ferreira and Ms. Clay?

Ms. Clay – That does not sound like an amendment, it sounds like a whole other motion to me.

Mr. Jensen – Well, you were dismissing both counts, but I'm recommending --

Chair Clark – We haven't voted yet, and Ms. Munson can help us.

Mr. Jensen – We haven't voted.

Chair Clark – Mr. Ferreira made the motion. Would you consider amending your motion?

Mr. Ferreira – I like the reprimand idea myself.

Ms. Rachelle Munson – Does that include the dismissal of Count 2?

Mr. Ferreira – Yes. Hold on. Hold on. What?

Ms. Munson – I believe the discussion was to dismiss Count 2 altogether.

Mr. Ferreira – Yes.

Ms. Munson – Leave Count 1 as is with the penalty being a reprimand.

Mr. Jensen – That's what he's proposing.

Mr. Ferreira – That's right.

Ms. Munson – Or somebody is proposing.

Mr. Ferreira – Yes

Ms. Munson – So, I want to know, is that the friendly amendment?

Mr. Ferreira – That's my side of the friendly amendment.

Ms. Munson – Okay.

Chair Clark – His amended motion would be a letter of reprimand for Count 1 and a dismissal of Count 2. Ms. Clay, would you like to change your second to a letter of reprimand?

Ms. Clay – [Inaudible].

Chair Clark – All right. Now we have a motion for a letter of reprimand for Count 1, a dismissal of Count 2. Any discussion on that motion? All those in favor say aye.

Board members [Unison] – Aye.

Chair Clark – And any opposed? And that motion carries.

Ms. Wiener – Thank you.

2. SE Combined Services of Florida LLC d/b/a Caballero Rivero Westchester: DFS Case No. 344177-25-FC; Division No. ATN-43046 (F078957)

Ms. Simon – Ms. Wiener is representing the licensee in this matter and Mr. Caracci is representing the Department.

Mr. Caracci – Thank you, Ms. Simon. The above-referenced 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 SE Combined Services of Florida LLC d/b/a Caballero Rivero Westchester (“Respondent”). The Division conducted an investigation of Respondent and alleges that Respondent was a licensed as a funeral establishment license number F078957. Respondent cremated a decedent’s remains in contravention to the consumer’s wishes and failed to produce to the Division requested for records. This is a two-count Administrative Complaint, and the relevant statutory violations are as follows:

- ◉ Section 497.149(1)(b), Florida Statutes: Every person and entity being investigated, and its officers, attorneys, unless it violates the attorney-client privilege, employees, agents, and representatives, shall make freely available to the Department the accounts, records, documents, files, information, assets, business premises, and matters in their possession or control relating to the subject of the investigation.
- ◉ 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(4)(c), Florida Statutes: Refusing to produce records to the Department or board in connection with any activity regulated pursuant to this chapter.
- ◉ Section 497.152(13)(a), Florida Statutes: Failing without reasonable justification to timely honor contracts entered into by the licensee or under the licensee’s license for funeral or burial merchandise or services.
- ◉ Section 497.171(b), Florida Statutes: Any licensee responsible for removal of dead human remains to any establishment, facility, or location shall ensure that the remains are identified by a tag or other means of identification that is affixed to the ankle or wrist of the deceased at the time the remains are removed from the place of death or other location.
- ◉ Rule 69K-22.004(1), *Florida Administrative Code*: cinerator facility operators shall establish a system of identification of human remains received for cremation. This system shall be designed to track the identity of the remains from time of receipt until completion of the cremation and delivery of the cremated remains to the legally authorized persons, or until otherwise disposed of in accordance with instructions from the legally authorized person.

The disciplinary guidelines for these violations are as follows:

- *Count I: Failing without reasonable justification to timely honor contracts entered into by the licensee or under the licensee’s license for funeral or burial merchandise or services. Reprimand, fine of \$500-\$1,000 plus costs. In addition, probation for up to one (1) year with conditions, suspension up to one (1) year, or permanent revocation of license may be imposed.*
- *Counts II: Refused to produce records to the Department or board in connection with any activity regulated pursuant to this chapter. Reprimand, fine of \$1,000-\$2,500 plus costs. In addition, probation for six (6) months to one (1) year with conditions, suspension up to one (1) year, or permanent revocation of license may be imposed.*

The Motion demonstrates 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 Respondent was properly served 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 submitted a timely request for an informal hearing. Mr. Jones seconded the motion, which passed unanimously.

Mr. Caracci – 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. Ms. Liotta seconded the motion, which passed unanimously.

Mr. Caracci – 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 fact, as set forth in the Administrative Complaint. Mr. Jensen seconded the motion, which passed unanimously.

Mr. Caracci – Ms. Wiener?

Ms. Wiener – Thank you again, Board. Again Count 2 here is totally outside of the control of this actual funeral establishment to provide these records. This was a failure at the corporate level. And so, we would ask that you consider dismissing Count 2 and that any penalty imposed be related to Count 1. Not without import is the fact that this funeral establishment itself actually was not the one that failed to timely honor the contract. This was a cremation situation. The funeral establishment had no capacity whatsoever to manage or control that particular cremation. So, we would ask that, again, you consider dismissal of Count 2 and a reprimand on Count 1.

Mr. Jones – If I may?

Chair Clark – Mr. Jones?

Mr. Jones – Ms. Wiener, when you said they had no control, clarify that please.

Ms. Wiener – This was premature cremation that occurred at the crematory. The funeral establishment did have a contract for other services, and those services were not provided because the crematorium cremated the remains.

Mr. Jones – Which was not on site.

Ms. Wiener – Which was not on site. Correct. And so, the funeral establishment was caught up short, just like everyone else, because this error occurred. But it was not the actual funeral establishment's error or anything that the funeral establishment has control over.

Mr. Jones – Thank you.

Chair Clark – Mr. Jensen?

Mr. Jensen – Yes, I understand, Ms. Wiener, but I mean, that just doesn't hold water. They own the crematory, and the arrangements were made through the funeral home. So, I mean, there's a lot of people that have crematories at other locations, but the arrangements were made through the funeral home, and that's where the culpability lies. So how do you figure that that funeral home is not responsible?

Ms. Wiener – Again, we're not asking that you impose no discipline or dismiss the case in its entirety. That is why, based on those mitigating factors, we would ask that you impose a reprimand or minimal discipline because this funeral establishment didn't actually engage in the violation that it is charged with engaging in.

Mr. Jensen – Can I reword my question?

Chair Clark – Yes.

Mr. Jensen – So, who is the Department supposed to go after?

Ms. Wiener – I would assume there would be another case against the crematory.

Mr. Jensen – But the crematory didn't make any arrangements. Arrangements were made at the funeral establishment.

Ms. Wiener – Correct. And I think it's incredibly unusual for you to see cases of this nature where something has gone wrong in the arrangements, but the violation that you see before you is for the funeral establishment's failure to honor the contract. So, we do recognize that the funeral home entered into the contract, that it should be held to account for the failure to actually honor that contract. But it's why we come to informal hearings, to present the mitigation against the violations. So yes, the violation occurred. We simply believe that the mitigating factors weigh in favor of a minor penalty for the funeral establishment.

Chair Clark – Anything further, Mr. Jensen?

Mr. Jensen – I humbly disagree.

Chair Clark – I have a quick question. And for Count 2, somewhat to Mr. Jensen's question, like, who does the Division go after? I completely agree with the FDIC, I get that. But if the FDIC is not responsible for records, if the location is not responsible, like who does the Division go to and say, hey, you're responsible?

Ms. Wiener – I guess, the funeral establishment. I mean, I don't have a good answer to that, except that they were not in control of this. And even when they weren't produced, it wasn't any kind of intentional failure to produce. Not also certain, we don't get a lot of requests for employment records in these kinds of cases. And so, the employment records of the people that were involved, there were three (3) sets of employment records requested. Not sure why that was material anyway, but it was an error on the part of the licensee ultimately.

Chair Clark – Thank you, Ms. Wiener. Mr. Jones?

Mr. Jones – Yes. Even in my agency, I would not be able to release records without going through a certain entity beyond mine.

MOTION: Mr. Jones moved to dismiss Count 2 and Respondent shall pay a \$1,500 fine for Count 1. Ms. Clay seconded the motion.

Chair Clark – Any discussion on the motion?

Mr. Jensen – Discussion?

Chair Clark – Yes, sir.

Mr. Jensen – I would like, again, like to point out on the previous case that this particular organization keeps very good records. And if the Department, contrary to what Mr. Jones probably doesn't have to sign something, but when we get a license through this Department, we have to sign saying we're willing to produce those whenever asked. And they did not produce. I do not think this one should be against the FDIC, yes, but I don't think this one should be dismissed. There should be some ramification for not complying with what the Department asked for. That's all I have.

Chair Clark – Do you have a friendly counter?

Mr. Jensen – I do have a friendly counter. I think they ought to have \$1,000 fine because I know that those records are very well kept. That's for Count 2 and \$1,500 for Count 1. It would be my friendly amendment. I would keep it on the low end because I know there's problems, you know, all the time with a lot of places. But it is that company who owns that facility, just like if I were to own it or Mr. Ferreira owns it. I mean, he's got to produce it. You can't say, "Well, I got them in the trunk of my car and I'm on vacation." Or they're out in Houston, Texas. "I'm in Houston, Texas, roping cows and I am not going to do it." You can't do that.

Chair Clark – Thank you.

Ms. Wiener – Mr. Chair?

Chair Clark – Yes?

Ms. Wiener – Two (2) points. The first, the maximum fine on a first violation under the disciplinary guidelines without aggravating factors for Count 1 is \$1,000. So, we would ask that the movant and the second would consider reducing that fine to \$1,000. On these employment records, recognize the responsibilities, do note, however, that among additional mitigating factors is the fact that these three (3) employees are not associated with this funeral home. They've all been terminated and that's where we are.

Chair Clark – Thank you, Ms. Wiener.

Mr. Jensen – So may I reframe my friendly amendment to \$1,000 for each count?

Chair Clark – That would be a question for Mr. Jones and Ms. Clay.

Mr. Jones – I will go with the \$1,000 refrain from the second, let it go and then see if it comes back around. Again, the \$1,000 for Count 1.

Ms. Clay – So can I restate what I think I just heard you say? Count 1 would be a fine of \$1,000?

Mr. Jones – Yes.

Ms. Clay – Count 2 is not dismissed, but there's no associated fine.

Mr. Jones – Correct.

Chair Clark – Ms. Simon?

Ms. Simon – I'm sorry. I really do try to stay away from arguing these cases, disciplinary cases and leave it to the Office of the General Counsel. But we, as a Division, request records consistently. And if we're being told by the Board that there is no penalty for failing to produce records, forget about dismissal, that there is no penalty for failing to tender records, then the Division is estopped from handling these investigations. And we're being told essentially that regardless of whether it's corporate or not, it's the licensee that is not responsible. And if we're being told that the licensee is under no obligation to produce these records because corporate should produce these records or whatnot, it's just something that we should know as a Division, because we should know how to proceed forward on further investigations. So, thank you for the instruction by the Board.

Chair Clark – {Inaudible} Ms. Simon. Ms. Wiener?

Ms. Wiener – You have 217 pages of records produced by the licensee. It was only three (3) employment files coming out of Houston that were not produced. And we are in no way suggesting that the Department's capacity to request and receive records related to violations is in no way hindered. We don't believe that that will be a precedent that is set. In this case, we are here arguing a simple mitigating circumstance, which is that with regard to the limited request for employment records, the capacity to provide those was outside of the control of this licensee. But it did provide for you -- I don't know how much of that 217 is records that were provided by this licensee, but my guess is about 150 of this.

Chair Clark – Thank you, Ms. Wiener.

Mr. Jones – And if I may, that's one of the reasons for my motion on Count 2. Because there were a lot of records provided, and I'm by no means trying to say the Department cannot request records. I'm only referring to the personnel records.

Chair Clark – Thank you, Mr. Jones. We have an amended motion by Mr. Jones to keep Count 1 and apply a fine of \$1,000, keep Count 2 with no fine. So, the total fine would be \$1,000.

Ms. Munson – Before discussion, I have a question.

Chair Clark – Yes.

Ms. Munson – Does the Department have purview to have a count without any penalty assigned? It's not just a fine, but there's not a reprimand, it's not a letter of concern, there's no penalty assigned is what I'm understanding this discussion to be.

Ms. Simon – In response, that would be outside of the guidelines. Yes, Ms. Munson. Would be outside of the guidelines.

Ms. Munson – I'm allowing the Department to speak to that before there's an actual vote on there for clarification.

Ms. Marshall – Certainly, if that's the Board's pleasure, certainly they are at liberty to do so. But again, that is outside the guidelines. And we would, again, ask that at least some amount of discipline being imposed. I mean, everything that Ms. Weiner has told you certainly goes to mitigation, but the bottom line is that they have an obligation to produce these records. However, they want to keep them, however they want to store them in corporate, on the premises of the funeral home, but, you know, at the end of the day, they do need to release those, and they didn't.

Chair Clark – Thank you, Ms. Marshall. If I may, the original proposal was a \$1,500 fine. The guidelines for Count 2 speak to a fine of \$1,000 to \$2,500. As we consider this amended, I would ask you to consider one more, which would be a fine of \$1,000 for Count 1, \$500 fine for Count 2.

Mr. Jones – I will accept the amendment.

Mr. Jensen – Mr. Chair?

Chair Clark – Mr. Jensen?

Mr. Jensen – I think you might have that backwards.

Mr. Jensen – \$500 is the lowest for Count 1 and \$1,000 is the lowest for Count 2.

Chair Clark – That's correct. I think you go less than \$1,000 for Count 2 based on the mitigating facts that Ms. Wiener shared. And as a Board member, I would say that to me seems appropriate. It's fair. It helps bridge the gap between what I think you wanted. And you and I, I think we're aligned thinking similarly on Count 2. So yes, I know the range is \$1,000 to \$2,500, but based on some mitigating factors, I was saying \$200.

Mr. Jensen – I was willing to go with a lower fine, but I do agree with Ms. Simon. You know, I signed the paper when I got my license that I have to produce it and everybody that has a license has to, and there should be no exceptions. That takes the Department's ability to look after our industry away if we don't do something.

Chair Clark – Thank you, Mr. Jensen. So, Ms. Clay, the amended motion would be both counts, \$1,500 fine.

Ms. Clay – I second.

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

Mr. Ferreira – Yes. I'd like to ask Mr. Caracci of the purpose of getting the three (3) employees' records. What's your thought there? What's behind that? Why would you ask for the employees' records?

Mr. Jensen – I [inaudible] review the record. I can't say that offhand.

Mr. Ferreira – Okay.

Ms. Clay – So I do second the motion. I do want to make this statement though, and it's not just this particular case, but I want us to be mindful of the time that's gone into these investigations of these cases by staff and not minimize their work by completely dismissing what they've done. So that's just me throwing something out and the hesitancy on my face is because of that. But I'm okay with the second.

Chair Clark – Thank you, Ms. Clay. Mr. Ferreira, do you have anything further?

Mr. Ferreira – That's it.

Chair Clark – We have a motion, and it's been seconded. Any other discussion on the motion? Hearing none. All those in favor say aye.

Board members [Unison] – Aye.

Chair Clark – Any opposed?

Mr. Chapman – No.

Chair Clark – Let the record reflect that Mr. Chapman has opposed. And that motion carries.

Ms. Wiener – Thank you, Board.

Chair Clark – Thank you.

(d) Undertaking Grady LLC: DFS Case No. 351275-25-FC; Division No. ATN-45406 (F669579)

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

Mr. Charles Segal – Yes, ma'am.

Chair Clark – Please step forward, sir.

Ms. Simon – And presenting to the Department is Ms. Marshall.

Ms. Marshall – Thank you, Ms. Simon. The above-referenced 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 Undertaking Grady LLC (Respondent). The Division conducted an investigation of Respondent and alleges that Respondent is a licensed centralized embalming facility, holding license number F669579. Respondent operated from December 1, 2024, until March 4, 2025, with an expired license. 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 guideline for this violation is as follows:

- *Count I: practicing with a delinquent license, first violation: if delinquent, \$250 per month*

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

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

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

Ms. Marshall – Do we have a representative here today?

Mr. Segal – Yes.

Chair Clark – Sir, are you here to answer questions or would you like to address the Board?

Mr. Segal – I'd like to address the Board.

Chair Clark – If we can, we need to swear you in, 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. Segal – Yes, ma'am.

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

Mr. Segal – My name is Charles Segal, S-E-G-A-L. Good morning to the Board. Thank you for the notification. There were a few mitigating factors that I wanted to bring up. This facility is a new central facility. This would've been the very first biennial renewal, and it was an unintentional oversight. There are a number of things that contributed to that. The first, it was the first renewal, and we hadn't set up the account yet. We hadn't received notification. I also wanted to point out that this facility is maintained at the highest standards. As a matter of fact, we got inspected this January 4th. The inspector came and brought somebody in training with him. He said, "I wanted to show him how things are done correctly." So, this isn't consistent with the way we operate. Again, this was just a terrible oversight because it was the first time it came up for renewal. We have our funeral home that's associated with us. This is our 40th year. We've never had any issue keeping things - - you know, to meet all the requirements of the Board. So, I just wanted to point out that I was hoping that you might consider something punitive. I understand there should be late fee or something, but we never jeopardized the service that we provide from that facility to the public. This was just, again, a bit of oversight.

Chair Clark – Thank you, Mr. Segal. Any questions for Mr. Segal?

Mr. Jensen – I just would like some clarification. You indicated that this is a new facility. You did receive notification when you referenced in terms of notification.

Mr. Segal – Notification. The person that we have is one of our partners. We've been merging and you'll have noticed that everything this January changed for our funeral home such this facility I was involved with the new people that were going to be buying into the business. And the notification supposedly was sent to our partner in Minneapolis, Minnesota. And again, it was the first time it came up. He went through all of his emails; he went through everything and couldn't find it. And I didn't get involved because I assumed it was being handled there. So, we did, since then, just so that we could be kind of proactive this time, we changed it that the notification be local. But he couldn't find a notification.

Chair Clark – Thank you. Any other questions?

Mr. Jensen – Yes. What did you mean when you said you're okay with the late fee? I thought the Department's asking to basically.

Mr. Segal – Okay. When I read this, because to me, and I understand it listed all these things that as a result of this were being done and fraudulent this and that, and it just seemed a little weighted, a little heavy. And I was like, wow, you know, we were

maintaining things at the correct standards and yet missed the renewal. And it did say that there should be punishment, punitive amount, like \$250 a month for each month we operated without the licensing being enforced. Unfortunately, the inspector came in on that day and he said there, everything is totally up to snuff, but your license here is expired. So, I drove right back to the funeral home, and we immediately got everything back on the rails. So that's it. I know it's on us. I should know better. I mean, I've been renewing my funeral establishment license now for forty (40) years. This is the first time we've had, you know, a prep center. So, you know, I didn't know that it was on the same cycle, but it [inaudible].

Mr. Jensen – So really, all they're saying is they just want a fine.

Mr. Segal – Yes.

Mr. Jensen – That's all it is. So, I was wondering what you thought. That's all.

Mr. Segal – That's for you all to decide again. I mean, I flew here from Tampa this morning, so I wanted to let you know how important this is to us. We want to maintain the appropriate standards, and we fell short. So, I'm here.

Mr. Jensen – And I, for one, I appreciate you coming.

Chair Clark – Absolutely.

Mr. Segal – Thank you.

Chair Clark – Ms. Marshall?

Ms. Marshall – Thank you, Mr. 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.

MOTION: Mr. Jones 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 we are recommending a penalty of \$250 per month they were delinquent, so the total would be \$750.

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

Chair Clark – Mr. Segal, thank you for being here today.

Mr. Segal – Thank you.

(6) Settlement Stipulation(s) (Probable Cause Panel A)
(a) Anderson, Caleb; DFS Case No. 338297-25-FC; Division No. ATN-43807 (F601824)

Ms. Simon – Ms. Wiener is here representing Mr. Anderson. Presenting for the Department is Ms. Marshall.

Ms. Marshall – Thank you, Ms. Simon. Caleb Anderson (“Respondent”) is an embalmer apprentice and funeral director, licensed under Chapter 497, Florida Statutes, license number F601824. The Department conducted an investigation of Respondent and found that Respondent acted as the funeral director in charge of a direct disposal establishment, Cremation Services of America d/b/a West Florida Cremations, which falsely advertised that it had an on-site crematory. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$750.00, and Respondent’s license shall be placed on probation for six (6) months. The Department requests that the Board accept this Settlement Stipulation in resolution of this matter, and I’m available for questions. Thank you.

Chair Clark – Any questions for the Division, the Department? Ms. Wiener?

Ms. Wiener – I’m just here for questions.

Chair Clark – Thank you.

MOTION: Mr. Ferriera moved to accept the Settlement Stipulation which provides that Respondent shall pay a fine of \$750 to be paid within thirty (30) days of the Board Order, and Respondent’s license shall be placed on probation for six (6) months with standard conditions. Ms. Liotta seconded the motion, which passed unanimously.

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

(a) Bevis Colonial Funeral Home, Inc. d/b/a Bevis Funeral Home & Crematory: DFS Case No. 338230-25-FC; Division No. ATN-43786 (F041282)

Ms. Simon – Ms. Wiener is representing the licensee in this matter and Ms. Marshall is representing the Department.

Ms. Marshall – Thank you, Ms. Simon. Bevis Colonial Funeral Home, Inc., d/b/a Bevis Funeral Home & Crematory (“Respondent”) is a funeral establishment and apprentice/intern training agency, licensed under Chapter 497, Florida Statutes, license number F041282. The Department conducted an investigation of Respondent and found that Respondent was doing business under the name Capital Monuments, which is not its licensed name. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,000.00, Respondent’s license shall be placed on probation for one (1) year, and Respondent shall not conduct business under any name other than its licensed name. The Department requests that the Board accept this Settlement Stipulation in resolution of this matter, and I’m available for questions. Thank you.

Chair Clark – Thank you, Ms. Marshall. Ms. Wiener once again just available for questions?

Ms. Wiener – Yes. Thank you.

MOTION: Mr. Ferreira moved to accept the Settlement Stipulation which provides that Respondent shall pay a fine of \$1,000 to be paid within thirty (30) days of the Board Order, Respondent’s license shall be placed on probation for one (1) year with standard conditions, and Respondent shall not conduct business under any name other than its licensed name. Mr. Jones seconded the motion, which passed unanimously.

(b) Ed Kalis Memorial Services LLC d/b/a Edwards Cremation & Funeral Services: DFS Case No. 346650-25-FC; Division No. ATN-45929 (F039930)

Ms. Simon – Representing the licensee is Ms. Wiener and representing the Department is Ms. Eldeb.

Ms. Eldeb – Thank you, Ms. Simon. Ed Kalis Memorial Services LLC, d/b/a Edwards Cremation & Funeral Services (“Respondent”) is a funeral establishment and preneed main, licensed under Chapter 497, Florida Statutes, license number F039930. The Department conducted an investigation of Respondent and found that Respondent operated with an expired license for approximately six (6) months. Respondent has entered into a proposed Settlement Stipulation which provides that Respondent shall pay a fine of \$1,500.00. The Department requests that the Board accept this Settlement Stipulation.

Chair Clark – Thank you, Ms. Eldeb. Ms. Wiener, once again just here for questions?

Ms. Wiener – Yes.

MOTION: Mr. Ferreira moved to accept the Settlement 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.

(c) Evergreen Funeral Home, Inc. d/b/a Evergreen Funeral Home and Crematory: DFS Case No. 347465-25-FC; Division No. ATN-45003 (F083626)

Ms. Simon – Representing the licensee is Ms. Wiener and representing the Department is Ms. Eldeb.

Ms. Eldeb – Thank you, Ms. Simon. Evergreen Funeral Home, Inc., d/b/a Evergreen Funeral Home and Crematory (“Respondent”) is a funeral establishment and apprentice/intern training agency, licensed under Chapter 497, Florida Statutes, license number F083626. The Department conducted an investigation of Respondent and found that Respondent operated with an expired license for approximately three (3) months. Respondent has entered into a proposed Settlement Stipulation which provides that Respondent shall pay a fine of \$750.00. The Department requests that the Board accept this Settlement Stipulation.

Chair Clark – Thank you, Ms. Eldeb. And Ms. Wiener remains --

Ms. Wiener – For question.

Chair Clark – Here for question.

MOTION: Mr. Ferreira moved to accept the Settlement Stipulation which provides that Respondent 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.

(d) Harry T. Reid Funeral Home LLC: DFS Case No. 347442-25-FC; Division No. ATN-44593 (F520482)

Ms. Simon – There is a representative here from the funeral home and representing the Department is Ms. Marshall.

Ms. Marshall – Thank you, Ms. Simon. Harry T. Reid Funeral Home LLC (“Respondent”) is a funeral establishment and preneed main, licensed under Chapter 497, Florida Statutes, license number F520482. The Department conducted an inspection of Respondent and found that this establishment operated for approximately six (6) months while its license was in expired status. This is Respondent’s second violation of this statute. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$4,000. The Department requests that the Board accept this Settlement Stipulation. And Mr. Morrison is the attorney representing the establishment if you have any questions.

Chair Clark – Thank you, Ms. Marshall.

Mr. Ferreira – So this is his second?

Ms. Marshall – Yes sir.

Mr. Ferreira – Okay.

MOTION: Mr. Ferreira moved to accept the Settlement Stipulation which provides that Respondent shall pay a fine of \$4000 to be paid within thirty (30) days of the Board Order. Ms. Liotta seconded the motion, which passed unanimously.

Ms. Simon – Thank you, sir.

(e) Maloney Funeral Home LLC: DFS Case No. 347864-25-FC; Division No. ATN-44871 (F268639)

Ms. Simon – Representing the licensee is Ms. Wiener, and representing the Department is Ms. Marshall.

Ms. Marshall – Thank you, Ms. Simon. Maloney Funeral Home (“Respondent”) is a funeral establishment, preneed main, and apprentice/intern training agency, licensed under Chapter 497, Florida Statutes, license number F268639. The Department conducted an investigation of Respondent and found that Respondent operated on an expired license for approximately three (3) months. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$750.00. The Department requests that the Board accept this Settlement Stipulation in resolution of this matter, and I’m available for questions. Thank you.

Chair Clark – Thank you, Ms. Marshall.

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

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 S. 497.466, Florida Statutes, the applicants on Addendum A have been issued their licenses and appointments as preneed sales agents.

(2) Recommended for Denial (Criminal History)

(a) White, Chanel (Appointing Entity: Overstreet of Florida LLC)

Ms. Simon – Ms. White is present today and represented by her attorney, Ms. Wiener. On November 11, 2025, an application was received by the Division for the above named for licensure as a preneed sales agent, and no deficiencies were noted on the application. The application revealed that she had no relevant criminal history. Thus, a temporary preneed sales agent license was issued for Ms. White. However, a review of Ms. White’s background check revealed that she did in fact have reportable criminal history that required disclosure. That criminal history was that in 2023, a felony charge of Grand Theft was filed against Ms. White in the Circuit Court of the Second Judicial District in Leon County. The Applicant pled nolo contendere to a reduced misdemeanor charge of petit theft and was sentenced to two (2) days in jail, credit for time served, and payment of restitution in the amount of \$28,576.51 plus other costs and court fees. While Ms. White is currently making payments towards the remaining restitution balance, it does not appear to have been paid in its entirety. The Division recommends denial based upon the answers on the application.

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

Ms. Wiener – Good morning again, Board. So, this is a situation. I hope you had a moment to read Ms. White's letter. It speaks for itself. She improperly reported her income when she was receiving food stamps. This is a misdemeanor, not a felony. Ultimately that's what the resolution of the case came to. Importantly, I want to call your attention to Page 2 of 9. Those background questions called for with regard to misdemeanor number three (3), any other crime whether a misdemeanor or a felony committed within the five (5) years immediately preceding the date of this online application. Committed, not convicted of. Pursuant to her letter, this misreporting of her income was from 2018 to earlier in 2020. More than five (5) years had passed since the date that the misdemeanor was actually committed. And so, we would ask that you issue her license.

Chair Clark – Thank you, Ms. Wiener. Board, what questions do you have?

Mr. Jensen – I do have one question. I mean, how did it get from \$28,000 and it's only a misdemeanor? I'm curious about that.

Ms. Wiener – It's because of the nature. She received food stamps for a long time. And so over the course of time, the difference between her first income and that income, which was miscalculated, added up to that amount. And she is making payments for that restitution. She's gainfully employed now and has been since August with Overstreet of Florida and a funeral home here in Tallahassee. She did not fail to properly report her criminal history. And again, we would ask that you issue her license.

Mr. Jensen – What does she do at Abbey now?

Ms. Wiener – Well, she was selling preneed during the time that her temporary license was issued. When she was notified that her temporary license was no longer active, she's been doing administrative work selling interment rights. It sits on the grounds of the cemetery, so nothing that would require a license.

Mr. Jensen – One more follow up?

Chair Clark – Yes sir.

Mr. Jensen – How long before the restitution is paid back?

Ms. Munson – And if I may? I know you're representing, but I don't know if the actual applicant wants to provide testimony firsthand. It almost sounds like some of the information given is testimony as to what her intentions are and whatnot.

Ms. Wiener – They can swear you in and you can talk about how long it will take to get it paid back.

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

Ms. Chanel White – I do.

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

Ms. White – My name is Chanel White. Last name is White, W-H-I-T-E.

Ms. Wiener – And so, do you know how long it's going to take for you to pay back the restitution to the State?

Ms. White – Well, some years ago they put me on a payment plan to pay monthly payments. I can pay the amount that was settled to pay, or I can pay more to pay it off. But I have been faithful with my payments. I can't give you an exact time frame.

Ms. Wiener – But you are current with your payments?

Ms. White – Yes.

Ms. Wiener – And have been making those --

Ms. White – Monthly.

Ms. Wiener – Faithfully and on time monthly?

Ms. White – Since the -- since --

Ms. Wiener – Since they put that order in place?

Ms. White – Yes.

Mr. Jensen – Are your paychecks garnished?

Ms. White – No.

Mr. Jensen – No? Okay.

Chair Clark – Anything --

Ms. White – I'm not on probation, no community service. That was my first offense, so I'm just paying it that way.

Chair Clark – Thank you, Mr. Jensen?

Mr. Jensen – I'm good.

Chair Clark – Mr. Williams?

Mr. Williams – Yes. Thank you so much. A few questions. I have some concerns with this, because one they're asking for a license to sell a preneed, when we already have a financial concern of the amount of \$28,000. The applicant has not given us a

date of when that fine will be paid. So, we're going to potentially give them a license to sell preneed with the outstanding balance that's due. They'll be collecting fees and things like that from the consumers. My question is, I guess, Ms. Wiener; do you feel like the circumstances that are presented to us, how can we truly justify giving this potential applicant a license to sell preneed with already a financial status over the applicant dealing with funds if it was food stamps, but that's a form of a payment towards someone.

Ms. Wiener – I understand your question and your concern, but lawfully you cannot even consider this misdemeanor charge. This is outside the scope of your capacity to even consider it and hold it against her. These crimes were not committed within five (5) years of the date of this application. So, this matter should not even be before you. So, whether you have a concern or not, and whether it's justified or not, legally is immaterial because you cannot hold that misdemeanor conviction against her. It was not reportable criminal history.

Mr. Williams – Follow up, Mr. Chair?

Chair Clark – Yes?

Mr. Williams – So, then my question is to Ms. Munson or the Division, since this is outside of our scope, why are we discussing it? And I'm just asking question. I don't know and I'm not saying Ms. Wiener is correct in her statement, but I want to make sure we are [inaudible].

Ms. Wiener – I'll allow the Department to explain why they presented the summary.

Ms. Simon – Thank you. Ms. Wiener is correct. If a crime occurs outside of the five (5) years, that is really the date that we should be looking at, but since it is here, I am concerned about a statement that's on the criminal history that says well, I guess, it is the -- I owe the \$177 in court fees left to pay. That must be the court fees, not necessarily the amount of restitution on the criminal charge. Ms. Wiener is absolutely correct. If we have been aware of that beforehand, we would not have recommended denial.

Mr. Williams – Mr. Chairman?

Chair Clark – Yes, Mr. Williams?

Mr. Williams – I'm just trying to [inaudible], bear with me. So, for the Division for Ms. Munson], how should we proceed? Because I mean, based on your statement, I can go another direction, but I don't want to violate anything. So, I'm just trying to -- my initial question is on one thing but based on statements of Ms. Wiener and your confirmation of this, I just want to know do I need to continue that way or not because then I think it may call some other factors.

Ms. Simon – Mr. Williams, Ms. Wiener is absolutely correct. This is criminal history, but this is not relevant to today's matter. So, it would be in the Board's purview to approve this licensure.

Ms. Munson – Or just withdraw it, right? If the Department is saying that it was presented improperly just to withdraw it for consideration, then they will handle it in-house the way they would any other.

Ms. Simon – That's what we can do. Why don't we do that? The Department does withdraw this recommendation for denial, and we will handle it internally to approve Ms. White's license.

Ms. Wiener – Thank you. Thank you, Board.

Mr. Jensen – Who trained you to do preneed over there?

Ms. White – Laina Hicks.

Mr. Jensen – You're in good hands. Good luck to you.

Chair Clark – Thank you, Ms. White, for being here. It is 11:19. We're going to take a quick break. We will resume the meeting at 11:30. Thank you. Board, just remember your mics are still on.

*****BREAK*****

Chair Clark – Ms. Simon, we can continue.

Ms. Simon – Okay. Thank you, Mr. Clark.

E. Application(s) for Continuing Education

- (1) *Course Approval - Recommended for Approval without Conditions – Addendum B*
 - (a) *Colibri Healthcare (113)*
 - (b) *Cremation Association of North America (16008)*
 - (c) *Florida Morticians Associations (23208)*
 - (d) *Foundation Partners of Florida, LLC (50408)*
 - (e) *Independent Education Institute (135)*
 - (f) *National Funeral Directors Association (49609)*
 - (g) *The Independent Funeral Group (55808)*
 - (h) *WebCE (43)*
 - (i) *Wilbert Funeral Services (39408)*

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

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

- (2) *Provider Approval - Recommended for Approval without Conditions – Addendum C*
 - (a) *National Funeral Directors & Morticians Association, Inc (59608)*

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

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

F. Consumer Protection Trust Fund Claims

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

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

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

G. Application(s) for Embalmer Apprentice

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum E*
 - (a) *Smith, Monique L F920979*

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.

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

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum F*
 - (a) *Funeral Director (Internship)*
 - 1. *Mizell, LaJeanne S*

2. *White, Leon A*
- (b) *Funeral Director and Embalmer (Internship and Exam)*
 1. *Blurton, Marcus A*
 2. *Harper, Kylie J*
 3. *Roenicke, Karis N*
 4. *Senn, Morgan T*
- (c) *Funeral Director and Embalmer (Endorsement)*
 1. *Gorton, Michael A*
 2. *Roan, Matthew J*
 3. *Wilson, Kaylee M*

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.

I. Application(s) for Internship

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum G*
 - (a) *Funeral Director*
 1. *Couture, Brooke F922929*
 2. *Shannon, Joseph R F920643*
 - (b) *Funeral Director & Embalmer (Concurrent)*
 1. *Brackney, Amber E F407298*
 2. *Casas-Restrepo, Maria F920019*
 3. *Marchetti, Francesco G F9222327*
 4. *Matthews, Terrajhae F917799*
 5. *Rice, Rachel M F922971*
 6. *Wilson, Tatiana F919938*

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 G.

J. Notification(s) of a Change in Location

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum H*
 - (a) *A Mortuary Service Main, LLC (F516748) (Wilton Manors)*
 - (b) *Fuller Brothers Funeral Home, Inc. (F060086) (Pompano Beach)*

Ms. Simon – This is an informational item. The establishments listed on Addendum H have applied for a change of location of their business. The only criteria for approval is that the new location pass inspection by the Division of Funeral, Cemetery, and Consumer Services.

K. Application(s) for Funeral Establishment

- (1) *Recommended for Approval with Conditions*
 - (a) *Patterson Funeral Group LLC, d/b/a Patterson Cremation & Funeral Services (Macclenny)*

Ms. Simon – Is there a representative of this entity here today? Mr. Ferreira?

Mr. Ferreira – Yes ma'am. I'm here. I need to recuse myself from this vote. But I'm here for questions.

Chair Clark – Thank you, Mr. Ferreira.

Ms. Simon – Thank you, sir. The application for a funeral establishment licensure based upon a change in ownership was received on December 11, 2025. The application was incomplete when received. The Division received the required information to complete the application on December 29, 2025. The FDIC will be Mr. Timothy M. Dennis (F679296). A background check of the principal, Mr. Vincent T. Ferreira, 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 the Divisions staff.

FORM 8A MEMORANDUM OF VOTING CONFLICT FOR STATE OFFICERS

FULL NAME—FIRST NAME, MIDDLE NAME, LAST NAME FERRERIA Vincent Todd	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Funeral Cemetery & Consumer Services
MAILING ADDRESS 702 Chestnut Dr.	NAME OF STATE AGENCY Dept. of Fin. Services
CITY Nacogdoches FL	COUNTY TAMPA
DATE ON WHICH VOTE OCCURRED FEB. 5, 2024	MY POSITION IS <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8A

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

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

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

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

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

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

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

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

CE Form 8A - Effective 10/01/13
 Adapted by reference in Rule 34-7.01(1)(x), F.A.C. Page 1

DISCLOSURE OF STATE OFFICER'S INTEREST

copy of 1
VINCENT TODD FERRERIA, hereby disclose that on **FEB 5**, 20 **24**


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

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

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

A VOTE WAS TAKEN ABOUT THE PURCHASE OF A FUNERAL HOME THAT I'M LOOING OWNERSHIP IN.

IF DISCLOSURE OF SPECIFIC INFORMATION WOULD VIOLATE CONFIDENTIALITY OR PRIVILEGE PURSUANT TO LAW OR RULES GOVERNING ATTORNEYS, A PUBLIC OFFICER, WHO IS ALSO AN ATTORNEY, MAY COMPLY WITH THE DISCLOSURE REQUIREMENTS OF THIS SECTION BY DISCLOSING THE NATURE OF THE INTEREST IN SUCH A WAY AS TO PROVIDE THE PUBLIC WITH NOTICE OF THE CONFLICT.

FEB 5, 2024
 Date Filed 

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

CE Form 8A - Effective 10/01/13
 Adapted by reference in Rule 34-7.01(1)(x), F.A.C. Page 2

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

(b) Quality Funeral and Cremation Services, Inc. (Orlando)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. A new application for a funeral establishment licensure was received on December 17, 2025. The application was incomplete when received. The Division received the required information to complete the application on December 22, 2025. The FDIC will be Mr. William T. Heath (F373145). A background check of the principal, Mr. Calvin J. Burns, 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 the Division staff.

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

L. Application(s) for Preneed Main

(1) Recommended for Approval without Conditions

(a) D J Hawk Enterprise LLC d/b/a Hawk's Family Mortuary & Cremations (Havana)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. The Department received an application for a new preneed license on January 8, 2026, due to expiration of Applicant's previous license which was not renewed as of July 1, 2025. All deficiencies were resolved as of January 12, 2026. The sole member and principal of the LLC is Demarien J. Hawk, and a background check of principals was returned without criminal history. It should be noted that Mr. Hawk disclosed a disciplinary action that was taken against his funeral director/embalmer license (License # F081293) in

2020 where has fined \$1,250. The fine was paid as of July 12, 2021. Applicant's qualifying funeral establishment license was obtained as of July 25, 2023, located at the above address. If approved, Applicant will sell trust-funded preneed through Funeral Services Inc (FSI) and utilize its approved preneed sales agreement form(s). The Division recommends approval.

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

M. Application(s) for Removal Service

(1) Recommended for Approval with Conditions

(a) Center State Removal Service, LLC (Plant City)

Ms. Simon – Is there a representative on the call for this entity? Hearing no response. A new application for a removal service licensure was received on December 30, 2025. The application was incomplete when received. The Division received the required information to complete the application on January 13, 2026. A background check of the principals, Mr. Jaquasious D. Johnson and Ms. Sadira T. Johnson, did not reveal any relevant criminal history. The Division recommends approval subject to the condition that the removal service passes an inspection by a member of the Divisions staff.

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

(b) Keane Removals and Transport, LLC (Fort Lauderdale)

Ms. Simon – Is there a representative on the call for this entity? Hearing no response. A new application for a removal service licensure was received on December 31, 2025. The application was incomplete when received. The Division received *the* required information to complete the application on January 12, 2026. A background check of the principals, Ms. Danella Patterson and Ms. Rhonda R. Forbes, did not reveal any relevant criminal history. The Division recommends approval subject to the condition that the removal service passes an inspection by a member of the Divisions staff.

MOTION: Mr. Ferreira 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, which passed unanimously.

(c) MS Mortuary First Call, LLC (Orlando)

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

Ms. Maria Rosales – Yes.

Ms. Simon – Please step forward ma'am. A change of location application for a removal service licensure was received on November 14, 2025. The application was incomplete when received. The Division received the required information to complete the application on December 30, 2025. A background check of the principals, Ms. Maria Rosales and Mr. Miguela Garcia, did not reveal any relevant criminal history. The Division recommends approval subject to the condition that the removal service passes an inspection by a member of the Divisions staff. Will you please state your name for the record, ma'am?

Ms. Rosales – Maria Rosales. R-O-S-A-L-E-S.

Ms. Simon – Thank you, Ms. Rosales.

Chair Clark – Ms. Rosales, are you here to address the Board or just answer any questions?

Ms. Rosales – Answer questions.

Chair Clark – Thank you so much.

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

Chair Clark – Thank you.

Ms. Simon – Congratulations.

N. Related Items

(1) Recommended for Approval with Conditions

(a) Monument Establishment Retailer

1. Bevis Colonial Funeral Home Inc. d/b/a Capital Monument (Tallahassee)

Ms. Simon – Ms. Wiener is representing the applicant in today's matter. A new application for a monument establishment retailer licensure was received on November 14, 2025. The application was incomplete when received. The Division received the required information to complete the application on December 23, 2025. A background check of the principals, Ms. Patricia B. Bevis and Mr. Rodney J. Bevis 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 the Divisions staff.

Chair Clark – Just here for questions?

Ms. Wiener – I am just here for questions.

Chair Clark – Thank you, Ms. Wiener.

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

(b) Monument Sales Agreement

1. Bevis Colonial Funeral Home Inc. d/b/a Capital Monument (Tallahassee)

Ms. Simon – Ms. Wiener is representing this entity. In conjunction with that application for licensure, the entity also submits 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, as well.

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

Ms. Wiener – Thank you, Board.

O. Executive Director's Report

(1) Operational Report (Verbal)

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

Ms. Schwantes – Good morning, everybody. The Board member application process for the five (5) positions, which termed on September 30th, was posted and applications have been received. As a reminder, the deadline for filing an application is close of business tomorrow, February 6th. If you or others you know, are interested in serving on the Board, please see the *Recent News* section of our website for instructions on how to apply. And of course, any questions regarding the process should be referred to me directly.

It's time for the legislative report. We have a number of bills that we're following, so I'm going to try to be brief with them, but bear with me please. We're in the midst of legislative session, which will end on March 13th. We're right in the middle of it. The Department's Agency Bill has been filed, and we'll cover that with the following summaries towards the end of it all.

The first ones that I want to talk about are the medical examiner-related bills. There's [SB188 / HB815](#) on Medical Examiner's Duties. We covered these before. This is requiring medical examiners to document and report certain infant and child autopsy findings to the national registry with penalties for noncompliance. The House Bill establishes uniform autopsy documentation and reporting requirements for sudden and unexpected deaths with penalties for noncompliance. Again, we monitor these. They don't specifically involve Chapter 497, but because they involve the industry, we like to follow them. The Senate Bill is still in the first of its three (3) committees with no hearing dates set and the House Bill is still in the first of its three (3) committees with no hearing dates set. As a reminder too, at this point in the process for most of these bills that haven't even gone through the first committees, there's less likelihood of them passing, but it's not impossible.

The other bills that we're following regarding medical examiner responsibilities are [SB1124 / HB821](#). These are Public Records and Autopsy Reports of Certain Sudden and Unexpected Deaths. These exempt autopsy reports of sudden and unexpected deaths from public disclosure while allowing limited release under specific conditions. In the Senate Bill is in the first of the three (3) committees, and no hearing date set. The House Bill is also in the first of three (3) committees with no hearing date set. Those were the only medical examiner-related bills we looked at.

Now we're looking at general laws and revisers' bills. These are almost all likely to pass. The first is [SB1366 / HB145](#), Claims Against the Government or Suits Against the Government for 2026. We've seen these filed before. These increase the statutory liability limits for government tort claims against governmental entities, streamlines claim procedures and adjust the statutes of limitation and insurance provisions while creating new exceptions for specific victims. If these are adopted, it will reenact a section in our statutes, 497.167(7), which has to do with administrative matters just to incorporate the amendments that are made to an already referenced statute in that subsection, which is s. 768.28. The Senate Bill passed the first committee. It's going to go before the second committee, but no hearing date set. The House Bill was approved by all three (3) committees, passed in the House on January 15th, and is in messages to the Senate.

[SB104 / HB7027](#) Florida Statutes 2026. These are basically revisers' bills. These are done pretty much every year to correct statutory references, and grammar checks or change the word "shall" to "must." That happens a lot lately. These streamlined various Florida Statutes by revising outdated terms, correcting references and removing obsolete provisions. If it's adopted a statutory reference to s. 553.73(2), which is contained in s. 497.271, dealing with the construction of mausoleums, et cetera, will be corrected. This passed in the Senate. It is in messages to the House. In the House it was referred to the House calendar with no date yet set.

[SB7026 / HB7017](#) are called the OGSR Trade Secret Held by an Agency. This is a little odd because what these bills do is make permanent public records exemption for trade secrets held by an agency and they ensure the proprietary information remains confidential, and places consistent standards on what may be shared. We're monitoring this because if these are passed, s. 497.172, regarding public exemptions, which is in our statute, will delete (4) regarding trade secrets. And instead, trade secrets will be covered by specific exemptions in Chapter 119, specifically s. 119.0715. So, it's a little odd because it's going to seem like it's deleting something of importance to the industry within our chapter, but again, it's permanently being placed in Chapter 119.

[SB526 / HB405](#) are Commercial Construction Projects. If this passes, it will modify a reference to s. 553.71 that is contained in s. 497.271, regarding standards for construction for mausoleums, et cetera. It's pretty similar to the other one that I read off. And those are the general laws or revisers bills that we're covering.

Moving on to Historic and Abandoned Cemeteries bills. [SB34 / HB425](#) on Historic Cemeteries Program 2026 require local governments to approve land use and zoning changes for excess vacant land in Historic African American cemeteries sold to fund the long-term upkeep. The Senate Bill is still in the second of its committees with no hearing dates set. And the House Bill is in the first of its committees with no hearing dates set.

[SB1360 / HB1485](#) Historic Cemeteries Trust Fund. These create the Historic Cemeteries Trust Fund which provides for the long-term maintenance and upkeep of certain cemeteries. Both Senate and House Bills are still in the first of their three (3) committees with no hearing date set.

And the final cemetery bill to talk about is [SB1248 / HB1479](#) on Abandoned Cemeteries. These expand the Florida Forever Act to prioritize and fund the acquisition of land or conservation easements for historic cemeteries listed in the Florida Master Site file. It authorizes additional funds subject to appropriation for acquiring conservation easements on these cemeteries. Again, we monitor these because we keep up with anything involving cemeteries, whether they are historic exempt or licensed. The Senate Bill is in the first of its three (3) committees with no hearing dates set. And the House Bill passed its first committee yesterday. So, it is moving and we'll see what happens. Those are the cemetery-related bills that we follow.

Now we move on to ones that will absolutely affect Chapter 497 directly. And the first of these, you all may not be aware of this one yet, and I'm not sure where it's going to go right now, but this is [SB1380 / HB1307](#) on Unauthorized Aliens, The 2026 Immigration Bill, if you will. It restricts licensing, financial assistance, and insurance benefits for unauthorized aliens while imposing new employer penalties and verification requirements. This specifically prohibits the Department of Financial Services from licensing or certifying unauthorized aliens and delegates rulemaking authority to the boards. There is a very short provision within the legislation that basically says exactly what I just did say. The Department of Financial Services cannot license individuals in those circumstances and the Board, or the Department, needs to make rules to figure out what the processes are going to be. Right now, that bill is in the first of its three (3) committees in both the Senate and the House, but that's one that is still possible that it could go further. It will have potential impact on our licensing processes and the background requirements that we're required to follow in reviewing licensee applications and such. And it would require rules to implement a new section 17.72 that's not in 497. It's a separate one, but it would still have impact directly to us. I would recommend that corporations, other entities, and businesses take a look at this as well because there are potential penalties for employers. For what it's worth, I've heard mixed comments on the likelihood that it passes.

[SB598](#) titled Funeral Cemetery, and Consumer Services / [HB1231](#) titled Final Disposition Funeral and Cemetery Services. The Senate Bill was filed in November by Senator Truenow. We've been talking about this one for a couple of months now. The House Bill was just filed on January 8th by Representative Oliver. These are essentially the association bills regarding Chapter 497. Briefly, they prohibit exclusive provider contracts with end-of-life care providers, limit negligence liability to licensees, revise licensure and cemetery acreage criteria, bar new direct disposal licensing and authorize disposal of unclaimed remains after ninety (90) days. They do cover a lot of the statutes and the House Bill through amendment has added provisions allowing for natural organic reduction, which some of you know as human composting to the definition of cremation and providing for licensing criteria. The Senate Bill is still in the first of its three (3) committees with no hearing date set. The House Bill just passed the first of its three (3) committees on February 3rd, and it's moving next to its second committee. So again, there is a possible passage of these bills. And I've just been informed that now we have a hearing date set and I just did the preparation on this yesterday. The hearing date is set in second committee. So that bill is moving.

And finally, we get to the Agency Bill, [SB1452 / HB1221](#), titled Department of Financial Services 2026. They were both filed on January 8th. It is Senator Truenow in the Senate and Representative LaMarca in the House. It's the general agency bill. It covers a lot of ground relating to functions handled by our Department - revises multiple statutory provisions to enhance the Department of Financial Services' authority, adjust insurance and reinsurance regulations, refine the My Safe Florida Home program, and update Unclaimed Property processes. As it pertains to Chapter 497, the bill sets specific guidelines for permanent and periodic disqualification periods for licensing based upon criminal history. The object is to give the Board and the Department better guidelines on criminal history and how it should be treated. There are also within those guidelines, pathways for exemptions and restoration of rights. It creates a new Section 497.1411 with specific guidelines and amends Section 497.142 regarding required disclosure with applications. And again, those bills are SB1452 / HB1221. Both the House and Senate have passed the first of their three (3) committees and are moving on to the second committee in each of the respective houses.

That's the end of the legislative report. If any of you all have questions on any of the bills I've talked about or just in general about this, please give me a call.

We have a Rules Committee meeting taking place by videoconference on March 11th at 10:00 AM. The purpose of the meeting will be to continue fine tuning some of the rules on which the Committee has indicated change is needed. Public notice and

details will be posted soon. And because we've been talking about all the reports that are required to go before JAPC this year as a result of SB108 last year, April 1st is our next reporting deadline. I just wanted to tell the Board we have the information that we need now for that April 1st report because on April 1st all we have to do is say these are the bills that are going to be open for development. We still have plenty of time to work on language and such. I know that there were five (5) rules that we're planning to repeal. Those would probably be the ones that get moved before the Board first. And we'll be coordinating with Board counsel on going forward on the others. But anyway, look for the notice regarding the Rules Committee meeting on March 11th.

The next full Board meeting will take place by videoconference on March 5th at 10:00 AM. Additional details on this and all Board meetings, as always are found on our website. And that ends this portion of Executive Director's Report. Thank you.

Ms. Simon – Thank you, Ms. Schwantes.

Chair Clark – Question, Mr. Jones?

Mr. Jones – No, just a comment. As far as monitoring ME bills, you may want to look at [HB849 / SB524](#). It is mainly a cleanup bill, but it's the Appointment Procedures that you may have an interest in.

Ms. Schwantes – Yes. Thank you.

Mr. Jones – Thank you.

Mr. Ferreira – I'd like to ask a question, but it is not really about this. Who sets the per diem for the Department and the employees at the Department? Meaning our investigators, our people like that. Who sets that?

Ms. Schwantes – It's set by statute for all government employees.

Mr. Ferreira – Okay. Who do we need to talk to about that?

Ms. Munson – The legislature.

Ms. Schwantes – The Legislature. It changes -- let's see. I have been with this same Department, different Division, for going on forty-two (42) years, and I think that the amounts have changed twice during that time period.

Mr. Jones – I would agree.

Ms. Schwantes – So, that's for a government employee. Mr. Jones probably remembers what it was forty (40) years ago.

Mr. Jones – Yes. For example, I get paid mileage and that's it, so.

Ms. Munson – Yes.

Mr. Ferreira – There was a change last week in the Legislature that they moved that to the federal guideline, the per diem.

Ms. Schwantes – Okay. I have not seen that or heard of that yet.

Mr. Ferreira – Yes, it happened last week, so I don't know.

Ms. Schwantes – Did it pass? Okay.

Mr. Ferreira – Yes.

Ms. Schwantes – I'll be asking questions about that.

Mr. Ferreira – Yes. Yes. Because I think we need to --

Mr. Jones – Well there was a proposal, but I haven't seen it.

Mr. Ferreira – And I'm not suggesting for this body, but I'm certainly suggesting for --

Ms. Munson – Well, they would need to be the same for all.

Ms. Schwantes – They are. They're the same for all government employees, and the Board is reimbursed at the same rate and everything. Ms. Munson, have you heard anything like that?

Ms. Munson – I have not. I have not.

Ms. Schwantes – So, for the government employees sitting here, this is news.

Mr. Ferreira – Well, I sat with a gentleman last night that told me about it.

Ms. Schwantes – Okay, very good. We'll look into it.

Ms. Simon – Any other questions? Hearing none.

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

Ms. Simon – This is an informational report.

Monthly Report of Fees and Costs Assessed and Paid Division of Funeral, Cemetery and Consumer Services Date of Board meeting: February 5, 2025
Date report was prepared: January 26, 2025

Licensee	Board Meeting	Case No.	Total Fees	Date Due	Paid In Full?	Comments
Ray Williams Funeral Home	1/9/2025	347375-25-FC	\$1,250			
Duncan Brothers Funeral Home	1/9/2025	326933-25-FC & 356438-25-FC	\$4,175			
Philippe Mortuary	1/9/2025	347306-25-FC	\$1,250			
Alexander Funeral Home	1/9/2025	347391-25-FC	\$1,500			
Donathon Cook	1/9/2025	328213-25-FC	\$2,500			
Judge Pomeroy	1/9/2025	344134-25-FC	\$1,000			
Vive Funeral Home	1/9/2025	344133-25-FC	\$1,000			
Archer Funeral Home LLC	4-Dec-25	308415-23-FC	\$2,500	2/18/2025		
John Milton	4-Dec-25	308411-23-FC	\$2,500	2/18/2025		
All Points Removal Service	12/4/2025	317094-23-FC	\$2,500			
Brandon Creations and Funeral Services Inc.	4-Dec-25	347393-25-FC	\$2,500			
Crig Funeral Home, Inc.	4-Dec-25	347401-25-FC	\$500			
Crig Funeral Home, Inc. dba Crig Memorial Park	4-Dec-25	347456-25-FC	\$500			
Deals and Deals Funeral Services LLC	4-Dec-25	348975-25-FC	\$2,000	2/18/2025		
Harris Mortuary, Inc.	4-Dec-25	347397-25-FC	\$750			
Brown-McCord Funeral Home, P.A.	4-Dec-25	348548-25-FC	\$750			Paid In Full
Grace Funeral Home	4-Dec-25	348906-25-FC	\$750			2/18/2025
Malbourne Crematorium	4-Dec-25	348548-25-FC	\$750			Paid In Full
Michell Funeral Home	4-Dec-25	348908-25-FC	\$1,500			Paid In Full
Rickey Sheppard Butts	4-Dec-25	300828-23-FC & 306107-23-FC	\$1,800	2/18/2025		
Watson's Mortuary	4-Dec-25	347436-25-FC	\$750			2/18/2025
R. Butts dba Butts Memorial Chapel	4-Dec-25	309834-23-FC & 309705-23-FC	\$1,800	2/18/2025		
Joseph Pinales	Nov-25	342871-25-FC	\$1,750			2/18/2025
Pinales Funeral Home	Nov-25	343569-25-FC	\$1,750			2/18/2025
Adams Funeral Home	Nov-25	348917-25-FC	\$250			2/18/2025
Tina Berra	Nov-25	328293-24-FC	\$1,250			2/18/2025
Oakman Park Inc. dba Greenwood Cemetery	Nov-25	354849-24-FC	\$5,000			2/18/2025
Smith-Young's Funeral Home	Nov-25	342871-25-FC	\$1,750			2/18/2025
Clark & North Home of Funerals LLC	10/20/2025	325445-24-FC	\$250	11/24/2025		Paid In Full
David Keith Fields	10/20/2025	344226-25-FC	\$750	12/1/2025		Paid In Full
Foundation Partners of Florida LLC dba Oak Ridge Funeral Care	10/20/2025	344225-25-FC	\$750	12/1/2025		Paid In Full
Kim-Kim Developments, Inc. dba Mitchell's Funeral Home	10/20/2025	306703-23-FC	\$2,800	12/1/2025		Paid In Full
Kimberly Laurita Mitchell	10/20/2025	306703-23-FC	\$2,800	12/1/2025		Paid In Full
Veterans Funeral Care Florida LLC	10/20/2025	326910-23-FC	\$1,500	12/1/2025		Paid In Full
Veterans Funeral Care, Inc.	10/20/2025	326909-23-FC	\$1,500	12/1/2025		Paid In Full
Woodson Crematory	10/20/2025	326910-23-FC	\$1,500	11/19/2025		Paid In Full
Ralph Vierling	10/20/2025	334803-24-FC	\$1,500	12/1/2025		Paid In Full
Anthony White	10/20/2025	338195-25-FC	\$1,500	12/1/2025		
Concetta DeGuzman Carlson	10/20/2025	333186-24-FC	\$1,000	11/29/2025		Paid In Full
S.E. Crematories of Florida LLC dba Orlando Personal Care Center	10/20/2025	333187-24-FC	\$1,000	12/1/2025		Paid In Full
Liam Beasdale Smith	10/20/2025	333186-24-FC	\$1,000	11/24/2025		Paid In Full
Foundation Partners of Florida LLC dba Charlotte Memorial Cemetery	10/20/2025	326338-23-FC	\$500	12/1/2025		Paid In Full
Kotzky-Hudgins Funeral Services LLC dba St. Johns Family Funeral Home and Crematory	10/20/2025	348964-25-FC	\$500	11/24/2025		Paid In Full
Kotzky-Hudgins Funeral Services LLC dba St. Johns Crematory	10/20/2025	348963-25-FC	\$500	11/24/2025		Paid In Full
Scobie-Camba-Bowden Funeral Home	10/20/2025	345084-25-FC	\$750	11/17/2025		Paid \$250
Michael Wayne Bowden	10/20/2025	345085-25-FC	\$750	11/17/2025		Paid \$250
Ethan Lamar Johnson II	4-Sep-25	334748-24-FC & 343499-25-FC	\$500	11/19/2025		
Johnson & Family Life Celebration Center LLC	4-Sep-25	334714-24-FC & 343278-25-FC	\$1,500	11/19/2025		
Randy Striglin	4-Sep-25	342612-25-FC	\$500	11/19/2025		Paid In Full
Striglin & Son Tri-City	4-Sep-25	326925-25-FC	\$1,000	11/19/2025		Paid In Full
Creations of Tampa LLC	9/4/2025	344117-25-FC	\$2,500	11/19/2025		Paid In Full
Alan Orr	9/4/2025	344120-25-FC	\$1,750	11/19/2025		Paid In Full
Trevia Gibson	7-Aug-25	318203-23-FC	\$500	4/14/2025		
Trevia Gibson	7-Aug-25	318203-23-FC	\$5,000	4/14/2025		
Talia Gibson	7-Aug-25	318795-23-FC	\$2,500	4/14/2025		
Richard Mangaling	6/7/2025	288009-20-FC	\$500	11/17/2025		Paid In Full
Charles Chastout IV	6/7/2025	334636-24-FC & 348917-25-FC	\$4,000	11/17/2025		
Michael Bowden	6/7/2025	344269-25-FC	\$1,000	11/17/2025		Paid In Full
Scobie-Camba Crematory	6/7/2025	344267-25-FC	\$1,000	11/17/2025		Paid In Full
Wheatfield Funeral Home Inc.	6/7/2025	328217-24-FC	\$1,500	11/17/2025		Paid In Full
George Woodie	6/7/2025	328221-24-FC	\$1,500	11/17/2025		Paid In Full
Jerry Nockwell	26-Jun-25	311823-23-FC	\$1,500	11/19/2025		Paid In Full
Berth Noble	26-Jun-25	324763-24-FC	\$2,000	11/19/2025		Paid In Full
Glortia Castle	26-Jun-25	333147-24-FC & 333151-24-FC	\$1,250	10-Nov-25		
Integrity Funeral Services of Tampa FL, Inc.	26-Jun-25	333146-24-FC & 333149-24-FC	\$1,250	10-Nov-25		
Rodrick Divents	26-May-25	328271-25-FC	\$1,750	16-Aug-25		
D.A. Jackson Funeral Home	26-May-25	328271-25-FC	\$3,500	16-Aug-25		
Malinda Maxwell Jackson	6/1/2025	318874-23-FC & 318877-23-FC	\$4,000 + \$2,500	16-Aug-25		Suspended until fees are paid
Donna Summerour McRae	6/1/2025	328280-24-FC	\$2,000	16-Aug-25		Sent to OIGC
Ruben Torres	4-25-25	328213-25-FC	\$2,000	5-25-25		Suspended until fees are paid
Gerardino Miana Jr.	2/6/2025	311881-23-FC	\$2,000	3/1/2025		Sent to OIGC
Ronald Doffner	1/20/2025	328285-24-FC	\$1,500	13-03-25		Sent to OIGC

1-27-26

P. Chair's Report (Verbal)

Ms. Simon – Mr. Chair?

Chair Clark – Thank you, Ms. Simon. I'll be very brief. I just wanted to remind everyone to keep Chair Peoples in your prayers. Her father passed away on Sunday, but I also want to call attention that a funeral industry scholarship fund has been created in his name and his honor, J. Robert Peoples, Jr., to help students in this fine industry. If you want more information, just visit his obituary on the Peoples Funeral Services website. There's a link to where you can donate to the scholarship fund. With that, I'll turn it back to you.

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

Ms. Simon – Ms. Munson?

Ms. Munson – Informational only. Thank you.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
FEBRUARY 2026**

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.

R. Public Comments (Verbal)

Ms. Simon – Is there any public comments to be made during this meeting? Hearing no response. Mr. Vice Chair?

S. Administrative Report as January 23, 2026

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	320
	Presented to the Board at this Meeting	1
	Pending	0
D.	Preneed License Branch Applications	0
	Active Preneed License Branches	388
	Recommended for Approval	0
	Pending	0
E.	Preneed Sales Agent Applications	37
	Active Sales Agents	3,623
	Recommended for Approval	29
	Temporary Licenses Issued Pending Permanent	14
F.	Monument Establishment Applications	1
	Active Monument Establishments	69
	Pending	1
G.	Broker of Burial Rights Applications	0
	Active Brokers of Burial Rights	22
	Pending	0

H.	Exempt Cemetery Reports	0
	Active Exempt Cemeteries	51
	Pending	0
I.	New Establishment Applications	6
	Pending	0
	Completed	6
J.	New Individual Applications	23
	Pending	13
	Completed	4
K.	Request for Training Facility Applications	0
	Pending	0
	Completed	0
L.	Request for Continuing Education Providers and Courses	37
	Pending	0
	Completed	37
M.	Initial Inspections	4
	Completed	4
N.	Inspections	60
	Completed	60
O.	Initial Licenses Issued	18
	Renewal Licenses	80

T. Disciplinary Report

Notices of Non-Compliance Issued Since Last Meeting (January 8, 2026)	0
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U. Upcoming Meeting(s)

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

V. Adjournment

Chair Clark – It is 12:05. Thank you everyone for attending and Board members for coming prepared. This meeting is adjourned.

Ms. Schwantes – Thank you, all.