

MINUTES
BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
APRIL 2, 2026 - 10:00 A.M.

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

Ms. Jill Peeples – Good morning. This is Jill Peeples, Chair of the Board of Funeral, Cemetery, and Consumer Services. It is Thursday, April 2, 2026. Welcome to everyone. and I will call the meeting to order and turn it over to Ms. Simon.

Ms. Ellen Simon – Thank you, ma’am. Good morning, everyone. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is April 2, 2026, and it is approximately 10:00 a.m. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by videoconference. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to the public as well. Both the link and call-in number are on the agenda, which has been made available to the public. The link and call in number as well as other information relating to this Board meeting has also been published on the Division’s website. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared.

As this is a videoconference of the Board, there are some items I need to draw your attention to. For one, as a general rule, please do not utilize your video camera for the meeting unless you are a Board member, Board counsel, or an authorized Division employee. If you have a matter listed on the agenda and intend to appear before the Board to represent yourself, or if you are an attorney that is representing a client, only turn your video camera option on when we have reached the agenda item that you want to be heard on or when you hear your name called. Then turn your video camera option off again as soon as your matter has been addressed by the Board.

As always, we need everyone that is on the call to place their phone or audio feed on mute, if you are not speaking. The ambient noise coming from someone’s phone or audio, which is not muted, causes severe disruption to the meeting. If you are not muted, you may be muted by Division staff. As a result, you may need to call back into the meeting because that may be the only way to unmute your phone. Also, if you are using your computer or smartphone for your audio feed, please remember to speak directly into the microphone on your device. To do so otherwise negatively impacts the recording of this meeting. Just as in a live meeting, persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board’s Chair, Ms. Peeples, runs the meeting. Persons desiring to speak should initially ask the Chair for permission.

As a reminder to Board members, you are to refrain from commenting on facts not included within your Board packages and instead base your decision solely on the information in your Board packages, as well as testimony provided at this meeting. Additionally, ongoing investigations are private and confidential and are not to be discussed, even for the purposes of confirming there is an investigation.

Just a few words about Item W on your agenda, which is Public Comment. Public Comment is reserved for general comments by the public and not for re litigation of any matter before the Board. Please be aware that if Public Comment is used as an attempt to relitigate a matter that has been heard on this agenda, the Board will be instructed that the comment is not appropriate for Public Comment, and it should not be considered for further discussion.

As a final reminder, Board meetings are public meetings under Florida Law, and anything said via chat is subject to a public records request. This feature should only be used for technological issues you may be experiencing, and all inquiries in chat should be directed to Mary Schwantes, our Executive Director. She is monitoring the chat feature and, as necessary, will forward your inquiry to someone who can assist in resolution of the problem. Madam Chair, at this point I will call the roll:

Jill Peeples, Chair

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

Also noted as present:

Rachelle Munson, Board Legal Advisor
Kimberly Marshall, Department Legal Counsel
Greg Caracci, Department Legal Counsel
LaTonya Bryant, Department Staff

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

Chair Peebles – Thank you, Ms. Simon.

B. Action on the Minutes
(1) February 5, 2026

Ms. Simon – It would now be appropriate for a Board member to make a motion to adopt the minutes from the February 5, 2026, Board meeting.

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

Ms. Simon – Madam Chair, before calling the disciplinary proceedings, may the Probable Cause Panel members recuse themselves from the applicable items. Mr. Jones?

Mr. Ken Jones – Yes, if I may, I would like to be recused from Probable Cause Panel A items on today's agenda as I served on that Panel. Thank you.

Ms. Simon – And Mr. Williams?

Mr. Darrin Williams – Madam Chair, I would like to be recused from Probable Cause Panel B items on today's agenda as I served on that Panel.

Chair Peebles – Thank you. Ms. Simon?

Ms. Simon – Yes, ma'am.

C. Disciplinary Proceeding(s)
(1) 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 A)
(a) Bell, Elijah E.: DFS Case No. 351347-25-FC; Division No. ATN-44955 (F045417)

Ms. Simon – Is Mr. Bell or a representative of Mr. Bell available today? Hearing no response. For the Office of the General Counsel, Ms. Marshall?

Ms. Kimberly Marshall – Thank you, Ms. Simon. Good morning, Board members. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Elijah E. Bell (“Respondent”). At all times material to the allegations herein, Respondent was licensed as a funeral director and embalmer, license number F045417. Respondent is the funeral director in charge of Bell’s Funeral Services, d/b/a Bell’s Funeral Home & Cremation Services, a funeral establishment and apprentice/intern training agency holding license number F587905. On or about February 21, 2025, the Department conducted a routine annual inspection of this establishment and found that the establishment’s cooler was not maintained at or below forty (40) degrees, and the preparation room sink did not have hot running water. As funeral director in charge, Respondent failed to ensure that this establishment was compliant with all applicable laws and rules and is therefore subject to discipline. 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 twenty-four (24) hours after death or pending final disposition unless the body is maintained under refrigeration at a temperature of forty (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 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 that Respondent failed to timely file a responsive pleading contesting the factual allegations in the Administrative Complaint, requests that the Board adopt the factual allegations in the Administrative Complaint, and requests that the Board issue an appropriate penalty in this matter. At this time, it would be appropriate for the Chair to entertain a motion determining whether the Respondent was properly served with the Administrative Complaint and failed to timely respond, thus waiving the right to select a method of resolution in this matter.

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

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

MOTION: Mr. Ferreira 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, as set forth in the Administrative Complaint. Mr. Williams seconded the motion, which passed unanimously.

Ms. Marshall – Once again, I'm asking if Mr. Bell is 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. Williams seconded the motion, which passed unanimously.

Ms. Marshall – As to penalty, the case against the establishment came before you all at the February meeting and you imposed a fine of \$1,250 and one-year of probation, so, we would recommend the same for the FDIC.

MOTION: Mr. Ferreira moved that Respondent shall pay a \$1,250 fine to be paid within thirty (30) days of the Board Order and have their license placed on a one-year probation with standard conditions. Ms. Janis Liotta seconded the motion.

Chair Peeples – Is there any discussion on the motion?

Mr. Williams – Question, Madam Chair, if I may?

Chair Peeples – Yes, sir.

Mr. Williams – Ms. Marshall, can you share with me what probation really means? I'm just curious.

Ms. Marshall – So probation essentially means -- so if you go to the website, it will say that their license is under a probationary status. They are essentially required to stay out of trouble while they are under probation, and if they engage in further violations while they're on probation, that will come with some enhanced penalties for that.

Mr. Williams – Madam Chair, may I have a follow-up?

Chair Peeples – Yes, sir.

Mr. Williams – So if they are in trouble while on probation, would the penalty guidelines be {inaudible} at the time and then come back to us? I'm just trying to get educated.

Ms. Marshall – I mean, it certainly would be enhanced penalties, and that would be an aggregating factor we would consider in imposing discipline if they step out of line again.

Mr. Williams – Okay, thank you.

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

Board members [Unison] – Yes.

Chair Peeples – All opposed say No. Motion carries.

(b) Mena, Geronimo Jr.: DFS Case No. 349195-25-FC; Division No. ATN-46385 (F042156)

Ms. Simon – Is Mr. Mena or a representative of Mr. Mena on the call today? Hearing no response. 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 Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Geronimo Mena, Jr. (“Respondent”). At all times material to the allegations herein, Respondent was licensed as a direct disposer, license number F042156. On or about February 27, 2025, a Final Order was issued against Respondent in a prior disciplinary case. The Final Order required, among other terms, that Respondent pay a fine of \$2,000.00. Respondent has not yet paid the fine. 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.

The disciplinary guidelines for these violations are as follows:

- *Count I: violating a lawful order of the Board, first violation: Reprimand, fine of \$250 to \$2,500 plus costs. In addition, probation for six (6) months to one (1) year, suspension up to two (2) years, permanent revocation of license, and/or restitution may be imposed.*

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

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

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

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

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

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

Ms. Marshall – Is there a representative 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: Ms. Liotta moved that Respondent is in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Ferreira seconded the motion, which passed unanimously.

Ms. Marshall – And as to penalty, our recommendation is a \$500 fine and suspension of the license until the fine from the prior case is paid.

MOTION: Mr. Ferreira moved that Respondent's license shall be permanently revoked.

Chair Peeples – We have a motion, Board members.

Mr. Chris Jensen – May I ask a question?

Chair Peeples – Well, we need a second, Mr. Jensen, before we get to discussion, sir. I'll second the motion for Mr. Ferreira. Mr. Jensen, if you'd like to discuss it, sir.

Mr. Jensen – So, with a permanent revocation, he'd never get a license again versus the Department is asking for suspension, which means you can't operate until the fine is paid. Am I understanding that correct?

Chair Peeples – Ms. Marshall?

Ms. Marshall – Yes, sir.

Mr. Jensen – And a follow-up, Madam Chair?

Chair Peeples – Yes, sir.

Mr. Jensen – May I ask Mr. Ferreira, what are you basing permanent revocation on?

Mr. Ferreira – Well, the lack of attentiveness on this case. I mean, they have been called, we have reached out to them numerous times. It's been going on two (2) years, and they're ignoring us. They're not getting back to us. Obviously, they don't care, right? So, I mean, if I owed the Department \$2,000, I'd try to work it out if I cared. So, for me, I think we need to set a precedent of, you know, if you don't take care of your side of the deal, then it's done. That's my thinking, that's all.

Mr. Jensen – Madam Chair, one (1) more question?

Chair Peeples – Yes, sir.

Mr. Jensen – Okay. A question for the Department. And I certainly understand Mr. Ferreira's point here, and I do agree. However, if we permanently revoke the license, does that ever give them the ability to reapply?

Ms. Marshall – Well, our position is that a permanent revocation -- I mean, by permanent, it means what it does, you know, a permanent eradication is you can never come back.

Mr. Jensen – Okay, thank you.

Chair Peeples – We have a motion. We have a second. Is there any other discussion, Board members? Ms. Simon, will you do a roll call vote on this one, please, ma'am?

Ms. Simon – Yes, ma'am. If I could just have one moment, please.

Chair Peeples – Yes, ma'am.

Ms. Simon – All those in favor of Mr. Ferreira's motion, please respond by saying Aye. Mr. Clark?

Mr. Andrew Clark – Aye.

Ms. Simon – Mr. Quinn?

Mr. Bill Quinn – No.

Ms. Simon – Ms. Clay?

Ms. Clay – No.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Aye.

Ms. Simon – Mr. Jensen?

Mr. Jensen – No.

Ms. Simon – Mr. Jones?

Mr. Jones – Recused.

Ms. Simon – Ms. Liotta?

Ms. Liotta – No.

Ms. Simon – Mr. Chapman?

Mr. David Chapman – Aye.

Ms. Simon – Mr. Williams?

Mr. Williams – No.

Ms. Simon – Madam Chair?

Chair Peeples – Yes.

Ms. Simon – That motion fails.

Chair Peeples – Board members, what's your pleasure for another motion?

MOTION: Ms. Liotta moved that Respondent shall pay a \$500 fine to be paid within thirty (30) days of the Board Order and suspension of the license until the fine from the prior case is paid. Ms. Clay seconded the motion, which passed unanimously.

(c) Roy, Jane Benita: DFS Case No. 353381-25-FC; Division No. ATN-46491 (F079281)

Ms. Simon – Is Ms. Roy, or a representative of Ms. Roy on the call today?

Ms. Jane Roy – Yes.

Ms. Simon – Thank you, ma'am. Ms. Marshall?

Ms. Marshall – Thank you, Ms. Simon. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Jane Benita Roy (“Respondent”). At all times material to the allegations herein, Respondent was licensed as a funeral director and embalmer, license number F079281. At all times material to these allegations, Respondent was the funeral director in charge of Milam Funeral Home, a funeral establishment and apprentice/ intern training agency holding license number F040208. The Department conducted an investigation of this establishment, which found that the establishment failed to honor a contract for funeral services when it cremated a body prior to holding a viewing. As funeral director in charge, Respondent failed to ensure that the establishment complied with all applicable laws and rules and is therefore subject to discipline. 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 for funeral or burial merchandise or services constitutes grounds for discipline against a licensee.

The disciplinary guidelines for these violations are as follows:

- *Count I: failing to timely honor a contract for funeral 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 that Respondent failed to timely file a responsive pleading contesting the factual allegations in the Administrative Complaint, requests that the Board adopt the factual allegations in the Administrative Complaint, and requests that the Board issue an appropriate penalty in this matter. At this time, it would be appropriate for the Chair to entertain a motion determining whether the Respondent was properly served with the Administrative Complaint and has failed to timely respond, thus waiving the right to elect methods of resolution in this matter.

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

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

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

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

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

Ms. Marshall – And I see that Ms. Roy is on the call, so if she would like to speak now would be appropriate to hear from her.

Chair Peoples – Ms. Roy, if you would like to speak, we need to swear you in, please, ma'am. Ms. Simon?

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

Ms. Roy – I do.

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

Ms. Roy – My name is Jane Roy, spelling R-O-Y.

Ms. Simon – Thank you, ma'am.

Chair Peeples – Thank you, Ms. Roy. If you'd like to address the Board members, please.

Ms. Roy – I really don't have any comments. I just want to say hi to the few of you I recognize and appreciate your service.

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

Mr. Ferreira – Ms. Roy, do you work in the establishment every day?

Ms. Roy – No, sir. I'm semi-retired now.

Mr. Ferreira – Okay. So how much time would you say you're at the establishment?

Ms. Roy – Currently or at the time of the events?

Mr. Ferreira – Time of the events.

Ms. Roy – Thirty-five (35).

Mr. Ferreira – Hours?

Ms. Roy – Yes, sir. That's ballpark.

Mr. Ferreira – Thirty-five (35) hours a week?

Ms. Roy – Well, yes. Thirty-five (35) to forty-five (45).

Mr. Ferreira – Okay. Thank you.

Chair Peeples – Thank you, Mr. Ferreira. Any other questions for Ms. Roy by Board members? Hearing none. Ms. Marshall?

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

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

Ms. Marshall – And as to penalty, the related case against the establishment came before you in February. You all imposed a \$750 fine and one-year of probation, and we would make the same recommendation in this case.

Chair Peeples – Ms. Marshall, if I may, what was the fine amount?

Ms. Marshall – Seven hundred and fifty dollars.

Chair Peeples – Okay. And one-year probation?

Ms. Marshall – Yes, ma'am.

Chair Peeples – Thank you. Mr. Ferreira?

Mr. Ferreira – I thought she said another number. Thank you for that clarification.

Chair Peeples – You are welcome. Thank you, Mr. Ferreira. Board members?

MOTION: Mr. Jensen moved that Respondent shall pay a \$750 fine to be paid within thirty (30) days of the Board Order and have their license placed on a one-year probation with standard conditions. Mr. Ferreira seconded the motion.

Chair Peeples – Thank you, Ms. Roy, for participating today.

Ms. Roy – Thank you.

- (2) 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 – Is there a representative of Gudes Funeral Home on the call today? No, there does not appear to be a representative. Ms. Marshall?

Ms. Marshall – I believe their attorney, Michele Rayner, is supposed to be joining the call. I think there's an anonymous caller there who's blanked out. I don't know if she's having technical issues. She just emailed me and said she's on the call. Would we perhaps be able to table this and move on to the next case and hopefully she can get her technical issues worked out here?

Chair Peeples – Ms. Simon, are you okay with us moving on to the next agenda item?

Ms. Simon – I think that would be a good idea. May I do so?

Chair Peeples – Yes, please.

Ms. Simon – Okay.

- (3) Related Items – Division No. ATN-43344 (Probable Cause Panel A)*
- (a) Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact*
 - 1. Jewell, Kristin L.: DFS Case No. 334982-24-FC; Division No. ATN-43344 (F022261)*

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

Ms. Wendy Wiener – Yes, Wendy Wiener representing Ms. Jewell and the next two (2) cases, which are related to this one.

Ms. Simon – Thank you, Ms. Wiener. 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 Kristin L. Jewell (Respondent). The Division conducted an inspection of Respondent and alleges as follows: Respondent is a funeral director and embalmer holding license number F022261. Respondent was the funeral director in charge of Stonemor Florida Subsidiary LLC d/b/a Cox-Gifford Seawinds Funeral Home & Crematory (“Stonemor”). Stonemor failed to issue a refund within thirty (30) days of the cancellation of preneed contracts. This is a one-count Administrative Complaint, and the relevant statutory violations are as follows:

- Section 497.152(1)(a), Florida Statutes: Violating any provision of this chapter or any lawful order of the Board or Department or the statutory predecessors to the Board or Department.
- Section 497.152(1)(b), Florida Statutes: Committing fraud, deceit, negligence, incompetency, or misconduct in the practice of any of the activities regulated under this chapter.
- Section 497.459(6)(d), Florida Statutes: Refunds required to be made under this section to a purchaser who has canceled a contract must be made within thirty (30) days after the date written notice of cancellation is received by the licensee.

The disciplinary guidelines for these violations are as follows:

- *Failure of a preneed licensee to make timely refunds after cancellation of contract: Reprimand, fine of \$250-\$1,000 plus costs. In addition, probation for up to one (1) year with conditions, suspension up to one (1) year, permanent revocation of license and/or restitution may be imposed.*

The Motion demonstrates Respondent has alleged that there are no material facts in dispute and for this matter to proceed as an informal hearing before the Board, and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty. 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 submitted a timely request for an informal hearing. Mr. Chapman 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. Mr. Jensen 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. Ferreira 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 – Now would be an appropriate time to hear from Respondent's counsel if she would like to speak.

Chair Peeples – Ms. Wiener?

Ms. Wendy Wiener – Good morning, Board members. Let me call your attention back one (1) month to the case of Scott Hanks. This was an identical situation for the exact same company actually. In that case, you did not have companion cases for the funeral establishment and preneed main license because the location that Mr. Hanks was FDIC of had been sold. In this case, however, the appropriate parties are being held responsible for the failure to timely refund on a preneed contract. As funeral director in charge of a corporation linked to the funeral

establishment, Ms. Jewell had neither capacity to nor notice of the appropriate time frames related to the preneed contract at -- the contracts at issue that were sought to be refunded. And so, we would ask that you take the same action in this case that you took in that case, particularly given since the next two (2) cases are both the funeral establishment and the preneed main license, which are coming forward to be held responsible for these failures to timely refund. In Mr. Hanks' case, you issued a reprimand to him with no additional discipline, and we would ask that you do the same here for the exact same reasons.

Chair Peebles – Thank you, Ms. Wiener. I see Ms. Jewell is on the call. Will she be addressing the Board? If so, we would just need to swear her in. Ms. Jewell, would you like an opportunity to address or is Ms. Wiener speaking for you as Respondent?

Ms. Kristin Jewell – Thank you, Kristin Jewell. No, Ms. Wiener is representing me. I'm here just in case.

Chair Peebles – Okay. Thank you, ma'am. Mr. Caracci?

Mr. Caracci – 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.

Mr. Caracci – As to the penalty, the Department would be asking Ms. Jewell to pay a \$750 fine and one year of probation. The Department's position is that say if something went awry with the preneed services where they could be fulfilled, I think the Board would hold Ms. Jewell responsible for that. In this case, we have money changing hands between Cox-Gifford Seawinds, for which she is the FDIC, and ultimately the checks went out from that entity as well. So, there's got to be some degree of culpability or liability here for an FDIC in the Department's position.

Chair Peebles – Thank you, Mr. Caracci. Ms. Wiener?

Ms. Wiener – Thank you. Of course, if something went wrong with the arrangements that were occurring with the decedent based on the fulfillment of a preneed contract, then Ms. Jewell would have been involved, and she certainly would be culpable in a more significant way. With Mr. Hanks, who was in the exact same position, you did issue him a reprimand acknowledging that funeral directors in charge are responsible for operations at funeral establishments but also recognized then, and please recognize now that in this particular scenario, there was no capacity of Ms. Jewell to be involved with, control, or refund any money. Money changing hands did not change hands with or with regard to Ms. Jewell at all. And so rather, this is a situation where she had no control, no capacity to know what the time frames were, who was getting a check out and when. That is completely outside of her capacity to control. So that is why a reprimand is an appropriate discipline in this case, as it was last month in Mr. Hanks' case.

Chair Peebles – Thank you, Ms. Wiener. Board members?

Mr. Jensen – Question or comment, Ms. Peebles?

Chair Peebles – Yes, Mr. Jensen.

Mr. Jensen – Yes, while I understand what Ms. Wiener is saying, I know the last case last month was the facilities have been sold. I do think in this case, since Ms. Jewell is currently at the establishment, we need to take a little bit of a stand against funeral directors. They need to understand exactly what it means to put their license up for an FDIC, because some companies are not protecting them as they should. So, while I agree with the premise that generally speaking, how business is done, the funeral director in charge really doesn't know a whole lot about preneed,

unfortunately, that is the law, and they're supposed to adhere to that. So, you know, I would make a motion to meet in the -- not quite in the middle.

MOTION: Mr. Jensen moved that Respondent shall pay a \$500 fine to be paid within thirty (30) days of the Board Order and a reprimand. Mr. Williams seconded the motion.

Chair Peeples – Board members?

Mr. Williams – I have a question.

Chair Peeples – Yes, Mr. Williams?

Mr. Williams – Attorney Wiener, has the return in funds been satisfied?

Ms. Wiener – Oh, yes. Long ago. These cases date back some time.

Mr. Williams – Okay. Thank you so much.

Ms. Wiener – Thank you for asking actually about that, because I do want to address to Mr. Jensen's point. The funeral establishment as well as the preneed main licensee are being held responsible in this case. I don't think that the sale of the other location heightens or lessens the responsibility of the FDIC. In situations like this, where our law is written such that we impose responsibilities on FDICs, that they literally have no capacity to fulfill, the law feels both overreaching and unfair when applied in cases like this. If this was the only two (2) funeral establishments in the company and Ms. Jewell was the FDIC for the company and she was the one that signed the checks and -- I mean, to me, it is on a case-by-case basis. Yes, it is incumbent upon this Board to ensure that funeral directors in charge of facilities comply with the obligations that they should and can comply with. In situations of impossibility, I think that's why the Board saw fit last meeting to issue simply a reprimand rather than impose a fine or any probationary term, because it is -- this matter was truly outside of the control of Ms. Jewell. And so, penalizing her significantly for something outside of her control feels unnecessary. Thank you.

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

Mr. Williams – Yes, ma'am. Thank you.

Chair Peeples – Thank you. Mr. Jensen?

Mr. Jensen – Just to comment on that. While I completely understand what Ms. Wiener is saying, I do think the last case was different. And quite frankly, I don't care about the last case because we're talking about this case, but the last case, someone else marked the facility that agreed to honor preneed, so business would be done differently. I do understand that funeral directors in charge don't have a lot of leeway or even knowledge of a lot of the preneed and things going on. But either the laws need to change or the corporations, or whoever, it doesn't have to be a corporation, needs to do a better job of understanding what the FDIC is responsible for and protect their employees a little more. So, whether we like it or not, I don't like a lot of laws out there either, but it is a law that the FDIC is responsible. So, I think we need to do something. I do think it deserves a break since we have leeway to do that, but we don't really have leeway to change the law in this scenario. Thank you, Madam Chair.

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

Mr. Ferreira – As I certainly agree with both of you guys and completely understand both sides, my concern, and this is something that I think has got to be taken up at some point, my concern is you're going to -- in cases like this, you're going to have trouble finding FDICs because they don't want to be connected to something they have no control over. So, I do think that we need to sit down and try to see what we can do to change some of the laws, I

guess. And certainly, again, I completely understand this scenario and her lack of control. It's kind of a sticky point, I guess, so that's it.

Chair Peeples – Thank you, Mr. Ferreira. Any other Board members? Ms. Wiener?

Ms. Wiener – Thank you. I would just remind the Board that a reprimand is discipline. It is discipline against her license. It's just, in my opinion, discipline that meets this moment for something that she was unable to control. Thank you.

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

Ms. Simon – Madam Chair, [inaudible]. However, I'd like to indicate that it's very [inaudible] and to the FDIC, there is no [inaudible] director, there's no fair responsibility [inaudible] I understand Mr. Ferreira's point, that [inaudible] FDIC is protecting [inaudible] is responsible for this, but --

Ms. LaTonya Bryant – Excuse me, Ms. Simon. I can't hear you. There's a lot of background from Mr. Quinn and Ms. Peeples, so I can't understand what you're saying.

Ms. Simon – Mr. Quinn, if you could put your microphone on mute, maybe that would be better.

Chair Peeples – Yes, thank you.

Ms. Simon – I understand Mr. Ferreira's point that it may be difficult to hire FDICs, if FDICs are responsible for a matter like this. However, that would be a corporate entity's issue that they need to hire an FDIC that knows their day-to-day operations. That is what the law says that an FDIC needs to be responsible for the day-to-day operations. However, the Board chooses to penalize this individual, that's up to the Board, whether it's a reprimand, or whether it's a fine. I mean, of course, I am going to encourage the Board to align themselves with the Office of the General Counsel. However, the law is that the FDIC is responsible for the day-to-day operations of the entity. And if it's a corporate entity, then the corporate entity should be more careful about the FDIC or having the FDIC educated on the day-to-day operations. That isn't done so we continue to have these discussions, and I understand that we may want to look at the law and change the law in the future. However, the law is the law right now and the law says that the FDIC is responsible for day-to-day operations. And as such, the day-to-day operations include repayment for the refund of a preneed contract if someone requests it. If that means encouraging the corporate entity to refund this contract because it needs to be refunded, then that is the responsibility of the FDIC. And that's all I have to say. Thank you.

Chair Peeples – Ms. Wiener?

Ms. Wiener – Just so we are very clear about what the law actually says, it doesn't say anything about day-to-day operations. What it says is that 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 operations, and all persons employed in the facility comply with all applicable state and federal laws and rules. In this case, preneed operations are in no way attached to this actual facility. This facility is not the preneed main licensee. That preneed main licensee is being disciplined in the next cases which it voluntarily entered into Settlement Stipulations to do so. This facility did not have the capacity, in any way, to control the preneed. Coming in or going out, had no capacity to control that. So, Ms. Jewell's responsibility is for her facility, its operations, and the persons employed in that facility, none of whom had any capacity to control the preneed operations which ran through the preneed main licensee. So, Ms. Jewell is the FDIC of the facility that the preneed was sold at and was attached to and which the refund request came in. But none of it occurred in or through her actual facility. So, I just wanted to clear up that the way that the law was described was a bit broader than it actually is.

Chair Peeples – Ms. Wiener, this is Chair Peeples. Are you reading the statute or the rule?

Ms. Wiener – Well, they match, but I'm reading 497.380(7).

Chair Peeples – Thank you, ma'am. And as an FDIC at our family-independent location, operations to me means everything that happens in that firm on a daily basis. That's just my interpretation. So, I think it goes back to interpretation for all of us and I appreciate you bringing that to our attention. Ms. Simon?

Ms. Simon – Please understand, I'm not here to argue with Ms. Wiener. I'm simply here to state the law. And under Rule 69K-21.007, it says that a full-time funeral director in charge is responsible for the day-to-day operation of a funeral establishment. And the day-to-day operation of the funeral establishment includes the business of the funeral establishment. I would just -- that's all I have to say.

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

Mr. Jensen – Just to comment on that, I do agree with what Ms. Wiener is saying. You know, something needs to be done, but we're just simply not there yet. What I'm trying to do by lowering the fine somewhat, two (2) things. One is that we're still setting a point out there that, hey, you know, your FDIC is going to get dinged if you don't protect them better. Mr. Caracci pointed out that the refund was given the check from that particular facility. So, in my mind, as Ms. Simon has pointed out and Ms. Peeples has pointed out, that is day-to-day operations. Whether they're out at somebody's home or they hired a preneed company or whatever they did, they are responsible, and the FDIC is responsible. And for some reason, some owners and bigger entities don't seem to understand this. And I do believe that the entity will end up paying the fine anyways. So, I think we need to hit them a little bit to make sure that, you know, hey, you guys need to understand when you put an FDIC out there, they're culpable for a lot of things here. And I'm trying to send a message that way because we already tried to send a message by just giving a reprimand and hoping that, you know, the bigger entities would understand that there's a lot more responsibility here. So that's all I got to offer, Ms. Peeples. Thank you.

Chair Peeples – Thank you, Mr. Jensen. We have a motion. We have a second. Is there any other discussion? Hearing none, all in favor of the motion say Yes.

Board members [Unison] – Yes.

Chair Peeples – All opposed say No.

Mr. Quinn – No.

Mr. Ferreira – No.

Chair Peeples – So please let the record reflect the motion carries but the Nos are by Mr. Ferreira and Mr. Quinn. Thank you, Ms. Wiener. Mr. Caracci?

Mr. Caracci – To clarify, was that for the original proposed penalty or for the lowered one as Mr. Jensen proposed?

Chair Peeples – Mr. Caracci, it was a \$500 fine and a one-year probation.

Mr. Caracci – Thank you.

Ms. Wiener – No, no probation. There was no probation on Mr. Jensen's.

Chair Peeples – I'm sorry. I'm sorry. It was a \$500 fine and a reprimand. Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

Mr. Jensen – Thank you.

(b) Settlement Stipulation(s)

1. Stonemor Florida Subsidiary LLC: DFS Case No. 351335-25-FC; Division No. ATN-43344 (F038725)

Ms. Simon – Representing the entity is Ms. Wiener and representing the Department is Mr. Caracci.

Mr. Caracci – Thank you. Stonemor Florida Subsidiary LLC (“Respondent”) is a preneed main licensee, licensed under Chapter 497, Florida Statutes, license number F038725. The Department conducted an inspection of Respondent and found that Respondent’s preneed branch failed to issue a refund within thirty (30) days of the cancellation of a preneed contract. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$750 and be subject to one (1) year of probation. The Department requests that the Board accept this Settlement Stipulation.

Chair Peeples – Board members?

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 and have their license placed on a one-year probation with standard conditions. Ms. Liotta seconded the motion, which passed unanimously.

2. Stonemor Florida Subsidiary LLC d/b/a Cox-Gifford Seawinds Funeral Home & Crematory: DFS Case No. 330957-24-FC; Division No. ATN-43344 (F073377)

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

Mr. Caracci – Thank you. Stonemor Florida Subsidiary LLC /b/a Cox-Gifford Seawinds Funeral Home & Crematory (“Respondent”) is a establishment, licensed under Chapter 497, Florida Statutes, license number F073377. The Department conducted an inspection of Respondent and found that Respondent failed to issue a refund within thirty (30) days of the cancellation of a preneed contract. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$750 and be subject to one (1) year of probation. The Department requests that the Board accept this Settlement Stipulation.

MOTION: Ms. Liotta 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 have their license placed on a one-year probation with standard conditions. Mr. Jensen seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

Chair Peeples – Ms. Simon, I think Ms. Michele Rayner has joined. Can we go back to that item on the agenda, please, ma'am?

Ms. Simon – Yes, absolutely.

(2) 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 – Ms. Michele Rayner for the licensee and presenting 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 Determination of Waiver and Request for Informal Hearing and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Gudes Funeral Home, Inc. LLC (“Respondent”). The

Department conducted an inspection of Respondent and found as follows: At all times material to the allegations herein, Respondent was licensed as a funeral establishment. Respondent's license expired on December 1, 2024, due to Respondent's failure to renew the license, and it was renewed on March 21, 2025. In the intervening time, Respondent provided funeral services for one or more individuals. This is a one-count Administrative Complaint, and the relevant statutes are as follows:

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

The disciplinary guidelines for these violations are as follows:

- *Count I: Attempt to or use a suspended, revoked, inactive, or delinquent license, first violation: If delinquent, \$250 per month. If other, fine of \$2,000 to \$3,500 plus costs. In addition, probation for up to two (2) years with conditions, suspension up to two (2) years or permanent revocation of license may be imposed.*

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

Chair Peeples – Board members?

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

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

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

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

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

Ms. Marshall – So if Ms. Rayner would like to speak, now would be an appropriate time to hear from her.

Ms. Michele Rayner – I thank you so much and I do appreciate you all's patience with me. I know this was set for in March and I was in legislative session, so I do appreciate you allowing this matter to be heard at this point in time. I believe that my client and the Department have entered into a settlement agreement with regard to this matter. There will be a \$1,000 fine that my client is, upon agreement, to pay to resolve this matter. So, barring that, obviously this is not a hearing. He has authorized me to enter into that agreement and to stipulate for that on his behalf.

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

Ms. Munson – Is this a settlement? I'm sorry. This is Ms. Munson. I'm sorry, but that comment confused me. So, Ms. Marshall can clarify.

Chair Peebles – It is not a settlement. I think Ms. Rayner was mentioning that she and her client have evidently spoken with Ms. Marshall's office and they evidently conferred about a \$1,000 fine. So, it is a motion for determination of waiver and request for informal hearing, Ms. Munson.

Ms. Munson – Okay, just to clarify, because the proceeding, the protocols would require the -- okay. Thank you.

Ms. Marshall – Yes, sorry. So, this was a Motion for Determination of Waiver. But because this is a delinquent license case, the fine is going to be the same either way. \$1,000 would be our recommendation for the penalty. But I do have one more motion to get to before that phase. The Department offers into evidence the investigative report with exhibits, a copy of which has been previously furnished to the Board, to establish a prima facie case for the violations alleged in the Administrative Complaint. Now that the Board has adopted the findings of fact in this case, the Department asks the Chair to entertain a motion finding that these facts constitute a violation of Florida Statutes as set forth in the Administrative Complaint.

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

Ms. Marshall – And again, that penalty recommendation would be a \$1,000 fine.

Mr. Ferreira – Madam Chair?

Chair Peebles – Yes, Mr. Ferreira.

Mr. Ferreira – With that vote we are past this then, right? Or is there any more questions I can ask on this case or not? We're done.

Chair Peebles – Well, we're at the point of penalty right now because we already had our Board motions.

Mr. Ferreira – Okay. Was it three (3) months or four (4) months?

Ms. Marshall – It was four (4) months.

Mr. Ferreira – Okay. Thank you. I thought it was only three (3), but I see it. Thank you.

MOTION: Mr. Jones moved that Respondent shall pay a fine of \$1,000 to be paid within thirty (30) days of the Board Order. Ms. Clay seconded the motion, which passed unanimously.

Chair Peebles – Thank you, Ms. Rayner, for being a part of the meeting today.

Ms. Rayner – Thank you so much.

- (4) Settlement Stipulation(s) (Probable Cause Panel A)**
(a) Quality Vaults, Inc. d/b/a Quality Vaults and Monuments, Inc.: DFS Case No. 351271-25-FC; Division No. ATN-45532 (F731888)

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

Mr. Thomas Philpot – Yes, Ms. Simon, this is Thomas Philpot at Gray Robinson on behalf of Quality Vaults.

Ms. Simon – Good morning, Mr. Philpot. Representing the Department is Kimberly Marshall.

Ms. Marshall – Thank you, Ms. Simon. Quality Vaults, Inc., d/b/a Quality Vaults and Monuments, Inc. (Respondent) is a monument establishment retailer, licensed under Chapter 497, Florida Statutes, license number F731888. The Department conducted an inspection of Respondent and found that Respondent employed an unlicensed person to sell burial markers. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,500, and Respondent’s license shall be placed on probation for one (1) year. The Department requests that the Board accept this Settlement Stipulation and resolution in this matter and I’m available for questions. Thank you.

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

Mr. Philpot – Chair Peeples, briefly, I’ll just, in the interest of time for the Board, acknowledge that Quality Vaults is a reputable and has a compliant record as an operator of a monument establishment for more than fifty (50) years and the case in question before you, is probably not your typical unlicensed sales agent type of case. Quality Vaults employs licensed sales agents at all their facilities. On the date of the inspection, there was a licensed sales agent on duty at that location, who happened to have stepped away to the cemetery. A new employee who was in training with intentions to be licensed assisted a customer at that time. Did not execute any contracts or agreements and none of the contracts or agreements in the case file reflect an unlicensed salesperson signing them. But, you know, as a result of this matter, Quality Vaults has revisited what the training sequence is, and the license sequence is and their operations. They’re committed to continuing to be a compliant operator. Ms. Susan Schneider, who represents Quality Vaults, and her team, you know, certainly respect the regulations of this Board, the authority of this Board, and they’ve entered this settlement agreement in the interest of officially resolving the case here in the immediate term. So, we appreciate your consideration of the matter.

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

Mr. Williams – Yes, ma’am. Madam Chair, and I’m going to make this statement for the next four (4) cases as well. I think we as a Board must take a stand in reference to the unlicensed activity that has taken place. Many times, we see these cases come before us and there are probation or it’s a lesser fine and I think sometimes it becomes a joke. Because we’re not being taken seriously in reference to the work that we’ve been charged to by the State of Florida to ensure that these licensed firms abide by Chapter 497 and make sure they are doing business in the upright. We have a lot of “unlicensed activity” taking place and as you will see the next four (4) cases, it’s the same thing. I think at one point we have to say enough is enough instead of allowing this to keep passing by. That’s my statement, Madam Chair. I will say I’m going against this because we’re just passing the buck. That’s what my statement is.

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

Mr. Jensen – May I ask a question here?

Chair Peeples – Yes, sir, Mr. Jensen.

Mr. Jensen – Based on Mr. Williams’ comments, does he have a motion he would like to put forward in opposition to what the settlement is?

Mr. Williams – Well, no. Madam Chair, may I?

Chair Peeples – Yes, sir, Mr. Williams.

Mr. Williams – Nothing right now on this particular case. My earlier comment was about the difference between probation and suspension to understand what’s going on. I do know sometimes these are first time cases and instances, so I do understand probation on that case on those scenarios. I’m just seeing these cases come by and come by and it’s just like some names are familiar and it’s like, well, you know, they get probation. They get probation. They get \$250, \$500, \$1,000. I don’t know how we can make a stop. It’s even going back to the licensees. We have unlicensed persons who are serving as funeral directors. That’s another situation we allow to go by over and over.

I'm just at the point of taking a position on my time on this Board of we have to say enough is enough with all the unlicensed activity that is taking place in this industry where you have licensed funeral directors, licensed persons that go to school. They get the credentials. We hold them higher. We punish them higher, but persons that have unlicensed activity, we just give them a slap on the wrist, and I think we just have to relook at the entire process.

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

Mr. Jensen – Yes, ma'am. And I 100% agree with Mr. Williams. That is something I'm very tired of seeing myself and we do need to hold the laws accountable. So, if Mr. Williams, I just wondered if he had an opposing fine he wanted to impose.

MOTION: Mr. Jensen 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 and have their license placed on a one-year probation with standard conditions. Ms. Liotta seconded the motion.

Chair Peeples – Is there any discussion on the motion?

Mr. Clark – Madam Chair?

Chair Peeples – Mr. Clark?

Mr. Clark – It's really not a question on the motion. However, Mr. Williams, I appreciate your passion and comments but being a long-time Board member. I was wondering if Ms. Marshall could just take a few moments to talk about what's the benefit for going this route of the Settlement Stipulation versus an informal hearing. I know, again, you've worked with Mr. Philpot in this example and come to an agreement. And so, for Mr. Williams, I can see there is a difference between an informal hearing and a Settlement Stipulation. I don't know if Ms. Marshall could comment on that.

Ms. Marshall – Yes. So, the primary benefit of a Settlement Stipulation is that it, you know, both parties are, you know, have resolved what they think a fair discipline is. There's no dispute there. There's no risk of appeal, which you have with an informal hearing. The Settlement Stipulation specifically has language in it saying there will be no appeal. And I need to remind the Board where appeals are extremely time-consuming and draining of our limited resources here. So, we do, you know, to the extent that we can prefer to settle things out for that reason.

Mr. Clark – Thank you, Ms. Marshall. Mr. Williams, I just wanted to point that out. I agree with everything you said. I just wanted to differentiate between a Settlement Stipulation and an informal hearing. Thank you, Chair Peeples.

Mr. Williams – And Chair Peeples, may I?

Chair Peeples – Yes sir, Mr. Williams.

Mr. Williams – Mr. Philpot, have you stated that you all have put things in place to ensure that this type of activity won't take place again? Did I hear that correctly in your earlier testimony?

Mr. Philpot – Yes. So, for background, you know, Mr. Williams, I don't want to speak for any of the other cases that may be on the agenda you're referencing or have dealt with in a similar unlicensed capacity, but Quality Vault's practice was there are licensed sales agent employees on site, on duty, conducting this regulated activity every day they're in operation. As new employees come on for purposes of exposure to their, you know, offerings, their products, their processes, the agreements they use, how they interact with customers. Typically those new employees would be under the supervision and watch of one of those licensed sales agents to understand that process, to understand their operations as they move towards seeking their own license from the Board. That was essentially what was taking place in this scenario. And you know, as a result of this I think to avoid any misunderstanding or confusion about whether someone was engaged in licensed activity without a license, you know, Quality Vaults is

taking the approach of, we're going to just seek licensure on folks and then put you through, you know, a series of training about our operations and our products so that there's no kind of gap or in-between period of question. And in that extent, I guess this has been a learning process even for an establishment that's been in operation for a very, very long time.

Mr. Williams – Okay, thank you so much.

Chair Peebles – We have a motion, and we have a second. Is there any other discussion or questions for Mr. Philpot? Hearing none, all in favor of the motion say Yes.

Board members [Unison] – Yes.

Chair Peebles – All opposed say No. Motion carries. Thank you, Mr. Philpot.

Mr. Philpot – Thank you.

(b) Related Cases - Division No. ATN-45871

1. Aable Development, Inc., d/b/a Aaron and Burney Bivens Funeral Home and Cremation Services: DFS Case No. 353566-25-FC; Division No. ATN-45871 (F057221)

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

Ms. Marshall – Thank you, Ms. Simon. Aable Development, Inc., d/b/a Aaron and Burney Bivens Funeral Home and Cremation Services (“Respondent”) is a funeral establishment, preneed main, and apprentice/intern training agency, licensed under Chapter 497, Florida Statutes, license number F057221. The Department conducted an inspection of Respondent and found as follows: This establishment employed a preneed sales agent whose appointment had expired. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,000, and Respondent’s license shall be placed on probation for six (6) months. The Department requests that the Board accept this Settlement Stipulation and resolution in this matter and I’m available for questions. Thank you.

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

MOTION: Mr. Jensen 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 and have their license placed on a six-month probation with standard conditions. Ms. Liotta seconded the motion, which passed unanimously.

2. Bivens, Burney: DFS Case No. 353568-25-FC; Division No. ATN-45871 (F039230)

Ms. Simon – Is Mr. Bivens, or a representative of Mr. Bivens, on the call? Hearing no response, Ms. Marshall?

Ms. Marshall – Thank you, Ms. Simon. Burney Bivens (“Respondent”) is a funeral director and embalmer, license number F039230. At all times material to this case, Respondent was the FDIC of Aable Development, Inc., d/b/a Aaron and Burney Bivens Funeral Home and Cremation Services, a funeral establishment, preneed main, and apprentice/intern training agency, licensed under Chapter 497, Florida Statutes, license number F057221. The Department conducted an inspection of this establishment and found that it employed a preneed sales agent whose appointment had expired. As funeral director in charge, Respondent failed to ensure that the establishment complied with all applicable laws and rules and is therefore subject to discipline. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,000, and Respondent’s license shall be placed on probation for six (6) months. The Department requests that the Board accept this Settlement Stipulation and resolution in this matter and I’m available for questions. Thank you.

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

MOTION: Ms. Clay 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 and have their license placed on a six-month probation with standard conditions. Mr. Jensen seconded the motion.

Mr. Jensen – Madam Chair?

Chair Peeples – Mr. Jensen?

Mr. Jensen – Yes, your volume has somehow gone away.

Ms. Munson – Thank you for that, Mr. Jensen. I could not hear Madam Chair.

Chair Peeples – Well, I was told there was background noise, and I changed the microphone. So, I'm not sure. I'll have to check it later at a restroom break, if I may, but can you hear me now?

Mr. Jensen – No.

Ms. Clay – Well, vaguely.

Ms. Munson – I cannot at all.

Chair Peeples – Okay. If I may, Mr. Clark, can you take over? Mr. Clark?

Vice Chair Clark – I believe we have a motion to accept, and it's been seconded. Any other discussion on the motion? All those in favor say Aye.

Board members [Unison] – Aye.

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

(c) Related Cases - Division Nos. ATN-38669 and ATN-44966

1. Holmes, Deliria A.: DFS Case Nos. 304107-22-FC and 340495-25-FC; Division Nos. ATN-38669 and ATN-44966 (F044909)

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

Mr. Christopher Butler – Yes. Good morning, Ms. Simon. Good morning, Chairwoman Peeples and good morning, Board members. This is attorney Christopher Butler on behalf of Ms. Deliria Holmes.

Ms. Simon – Thank you, Mr. Butler. Representing the Department is Kimberly Marshall.

Ms. Marshall – Thank you, Ms. Simon. Holmes Funeral Directors (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F044909. The Department conducted three (3) investigations of Respondent and found that at all times material to these allegations, Respondent was the funeral director in charge of Holmes Funeral Directors, a licensed funeral establishment and apprentice/intern training agency, license number F041651. The establishment failed to provide a written contract for the funeral services of a decedent. The establishment failed to obtain written permission to embalm a body. The establishment failed to retain copies of documents for the required length of time. The establishment failed to maintain completed copies of bodies handled reports. The establishment further failed to affix proper identification to a body in its possession. As funeral director in charge, Respondent failed to ensure that the establishment complied with all applicable laws and rules and is therefore subject to discipline. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Count I of the Administrative Complaint in case number 340495-25-FC is dismissed. Respondent shall pay a fine of five thousand seven hundred fifty dollars. Respondent’s license shall be placed on

probation for a period of two (2) years. The Department requests that the Board accept this Settlement Stipulation and resolution in this matter and I'm available for questions. Thank you.

Chair Peeples – Thank you, Ms. Marshall. Can you all hear me?

Mr. Jensen – Better.

Ms. Clay –Yes ma'am.

Chair Peeples – Thank you. Thank you, Mr. Butler, for being here today. Excuse me, would you like to address the Board members?

Mr. Butler – I would just like to have a comment if I will, Ms. Peeples, and thank you very much. With respect to the Settlement Stipulation, the parties did enter into that, but only after we conducted extensive discovery under the DOAH on our way to a trial where a lot of these heavily disputed facts were parsed out, you know, which brings us here today with the Settlement Stipulation, which I believe is fair and sufficiently holds the Respondents accountable, not that the allegations are accurate by any means. They were heavily disputed on our way to DOAH. We engaged in discovery, and we came to the conclusion that this would be the better option. So, the Holmes Funeral Directors and Deliria Homes continue to operate with the dignity and respect of the consumer, respectfully with regards to Chapter 497, and they would like to put this all behind them and to move forward. And we're asking that the Board, you know, agree with the Settlement Stipulation, adopt it and allow this business and Ms. Holmes to move forward. Thank you.

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

Mr. Williams – Yes, ma'am. Thank you, Madam Chair. I think this question may be for Ms. Marshall. One, I want to acknowledge Board member, Vice Chair Clark, for giving me the explanation between the informal as well as the settlement agreement. This case, along with, I see it's a companion case, I think should have gone to the informal because the allegations and the findings of violation that were listed in the packet, and I read both packets. Just like we're just giving keys to do whatever you want to or not have them file documents. I mean, this is very -- like, I've been here a while and this is like very huge, like nothing is taking place. No Bodies Handled Report. No -- like, nothing is taking place at this firm. And the FDIC, as we have shared in previous cases, is ultimately responsible for the findings. So, for this to come to us with a Settlement Stipulation, I think maybe it should be returned to go back to the informal hearing because this is a lot of serious things, and I'm not sure if my colleagues on the Board have read the entire case. I mean, this is -- it's like they're not doing anything. It's just that we're giving them free range to do whatever. And the companion case mirrors this case here. So that's my take on this. And I was to the point of more so suspension than probation and heavily consider revocation. That's where I was, just in case Mr. Jensen wanted, or anyone wanted to know where I was going with this. I'm fine with the fine, but I'm more so the suspension or revocation based on the packet that was given to us by the Division.

Ms. Munson – Madam Chair?

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

Mr. Butler – Thank you, Madam Chair. I think Mr. Williams respectfully has a fundamental misunderstanding of where we are with this matter. This appears to be a sum total of the remaining complaints that were out there for the Holmeses. We were headed to a trial for DOAH, and under the rules, we engaged in extensive discovery that included depositions. Based upon that discovery, facts were, or alleged facts were clarified. Each party, my Respondent, my Respondent clients and the Department saw strengths and weaknesses of our claims. And because these are alleged allegations, they have to be proven true. They were disputed. We both saw the strengths and the weaknesses of the claim, pursuant to Chapter 497, and what could be proven. We had a situation where one (1) of the complainants, which was the basis of a complaint, totally recanted, you know, during our discovery. So that's why we're here. The Settlement Stipulations are not to be taken lightly. It's not that nothing is happening. Something did

happen, and we're bringing you guys the sum total of the results of our hard work and our working together in this. Ms. Marshall and I had several telephone discussions. We engaged in extensive discovery that included depositions. We exchanged exhibits during our walk with DOAH. And therefore, we came to these Settlement Stipulations that I believe sufficiently addresses the issues that were still pending. So, I respectfully have to disagree with Mr. Williams that nothing is happening, that people are just getting a slap on the wrist. And that could be because of the lack of knowledge of what occurs during the DOAH process.

Mr. Williams – And Madam Chair, may I have a follow-up?

Chair Peeples – Yes, sir.

Mr. Williams – So my concern is more so of the Division staff have investigators that do a great job and hard work in referencing, doing their inspections, and bringing back various cases, complaints, and findings. And so, it's almost, are they not doing a quality job? Or are we just listening to what's going on? And I believe they're doing a quality job in terms of what they're bringing back to us. And something has to be going on if they're bringing these types of allegations to the office, so it becomes a case with the OGC. That's my only position with this whole situation.

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

Ms. Marshall – Thank you, Madam Chair. I'd certainly like to echo what Mr. Butler said in terms of, you know, everything we went through. I mean, these cases were in active litigation for several months. These settlements were very carefully considered and negotiated based upon everything that we do during the discovery process. Some of these cases, going back to 2022, I believe the investigation was 2021, there are, you know, some older cases, there are some documentary issues, there are some witness issues, and all of these factors, you know, have to be taken into account. We were a week out from taking this case to trial when we settled these matters out, and going to trial is not without its risks for the Department. Given some evidentiary issues that cropped up in the process, you know, we felt it prudent, you know, in light of the risks that we encountered, such as, you know, potentially losing, potentially being on the hook for significant amounts of attorney's fees. All of that was factored into account when negotiating out a resolution for these cases, so I just wanted the Board to be aware of, there's a lot that goes on in the background that you all aren't a party to, so it's -- there's nothing that we bring to you that hasn't been carefully examined and considered.

Chair Peeples – Thank you, Ms. Marshall. Mr. Butler?

Mr. Butler – Thank you, Madam Chairperson. With regards to Mr. Williams' concerns about the investigators doing a good job, that maybe -- that's, you know, that's something that he feels, and that's okay, but the investigators are not attorneys. So, they go out and they investigate to bring back allegations and factual findings, or that they assume to be factual findings or they are allegedly, but they bring that to the Department to apply that to the law, because they can't. And so, once that's applied to the law, that's what Ms. Marshall's and my job is, is to determine what can be satisfied, what elements of these allegations can be satisfied with what was brought to them. And, you know, unfortunately not every actual allegation can withstand the requirements of the law, and we both saw that, and we both see that. I'm thankful for the procedure that's required under the constitution with regards to notice and an opportunity to be heard. Those investigative reports are the notices. The Respondents have an opportunity to be heard. We both recognize that. Without turning this into an informal hearing, because we were headed for a formal trial, and then we decided that this would be appropriate stipulation. And again, the Holmes' continue to serve the community with dignity and respect, and with respect to Chapter 497, and we would like for this all to be behind them. This was the sum of everything pending, and we would like to move forward.

Chair Peeples – Thank you, Mr. Butler. Any other Board members who have any questions? Ms. Clay?

Ms. Munson – Madam Chair, when you have a moment.

Chair Peeples – Yes, Ms. Munson.

Ms. Clay – Go ahead. Would you come back to me? I was going to make a motion, so let's hear from Ms. Munson.

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

Ms. Munson – Yes, and again, I'm going to go off camera because I have no idea what this frame looks like, but I just wanted to clarify something with regard to the comments made by Member Williams. I think we're under the impression that because this is presented as a Settlement Stipulation, that the alternative would be an informal, and that's kind of just a huge leap. I wanted just to remind this body that you have the opportunity to consider the Settlement Stipulation. If you do not agree with its terms, you have an opportunity to reject it. You have an opportunity to present a counter. Neither of those are informal nor formal hearing routes. That's just a discussion and deliberation regarding the terms of the Settlement Stipulation. I will also caution the body that if for any reason you determine not to move forward with a set of Settlement Stipulation, even with amended terms, then the particular AC, will go back to the Department, and as indicated by Mr. Butler, perhaps, there may be disputed issues of material fact, and we'll take it through the lane of a Division of Administrative Hearing, rather than an informal hearing with the Board. So, I don't want there to be some assumption that it's either a settlement or an informal. There are other avenues and other protocols in place, like along those lines, as well as parallel to those lines. But I wanted the Board to be clear as to what their options were with regard to the document presented before you today, settlement stip that you can accept it as you've done with those that have previously been presented, or a settlement stip that you can reject and offer a counter, which the parties will have to go back and renegotiate terms. Or the whole thing could just completely disappear, and then the Department and the party may find themselves in a hearing status, whether it be informal or formal, based on the determinations of the facts. And I just, again, thought it was important to make that clarification. Thank you, Chair Peeples, for allowing me to do so.

Chair Peeples – Thank you. Board members, any other comments or discussion?

Ms. Clay – Madam Chair. I appreciate Mr. Williams' comments, and I've not been on the Board as long as he has, but I've probably had experience in terms of proceedings longer than he has. And based on Ms. Marshall's comments, Ms. Munson's comments, and Mr. Butler's comments, and based on the fact that I know that these proceedings could end up with an outcome that we are not in favor of and have no control of after a certain period of time, this particular Settlement Stipulation assures us of a predictable outcome and allows us to have control over the resolution.

MOTION: Ms. Clay moved to accept the Settlement Stipulation which provides that Respondent shall pay a fine of \$5,750 to be paid within six (6) months of the Board Order and have their license placed on a two-year probation with standard conditions. Ms. Liotta seconded the motion.

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

Board members [Unison] –Yes.

Chair Peeples – All opposed, say No.

Mr. Williams – No.

Chair Peeples –Thank you, Mr. Williams. The motion carries. Thank you, Mr. Butler, and I think you'll be on for the next case too, sir. Ms. Marshall, or Ms. Simon?

Ms. Simon – I think he will too.

2. *Holmes Funeral Directors: DFS Case Nos. 273843-20-FC, 304106-22-FC, and 340493-25-FC; Division Nos. ATN-35429, ATN-38669, and ATN-44966 (F041651)*

Ms. Simon – Representing the Department is Ms. Marshall.

Ms. Marshall – Thank you, Ms. Simon. Holmes Funeral Directors (“Respondent”) is a funeral establishment and apprentice/intern training agency, licensed under chapter 497, Florida Statutes, license number F041651. The Department conducted three (3) investigations of Respondent and found that Respondent failed to provide written contracts for the funeral services of two decedents. Respondent failed to obtain written permission to embalm two (2) bodies. Respondents failed to retain copies of documents for the required length of time. Respondents failed to maintain completed copies of bodies handled reports. Respondents further failed to affix proper identification to a body in its possession. Respondent has entered into a proposed settlement stipulation. The proposed stipulation provides as follows: Count I of the Administrative Complaint in Case No. 340493-25-FC is dismissed. Respondent shall pay a fine of \$9,250. Respondent’s license shall be placed on probation for a period of three years. The Department requests that the Board accept this Settlement Stipulation and resolution in this matter and I’m available for questions. Thank you.

Chair Peeples – Thank you. Mr. Butler, do you have any comments for the Board?

Mr. Butler – Thank you, Madam Chairperson. I would just like to echo my previous comments with regards to Deliria Holmes. Thank you.

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

MOTION: Mr. Ferreira moved to accept the Settlement Stipulation which provides that Respondent shall pay a fine of \$9,250 to be paid within six (6) months of the Board Order and have their license placed on a three-year probation with standard conditions. Mr. Chapman seconded the motion.

Chair Peeples – We have a motion and a second. Mr. Jensen, you have a comment, sir?

Mr. Jensen – Yes, I didn't quite hear the fine amount. Was it \$5250? Is that what you said?

Ms. Marshall – Nine thousand two hundred fifty (\$9,250).

Mr. Jensen – Oh, good. Thank you.

Chair Peeples – Mr. Ferreira?

Mr. Ferreira – And how is this going to be paid? Did we discuss that, Ms. Marshall?

Ms. Marshall – It has to be paid within six (6) months.

Mr. Ferreira – Okay.

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

Mr. Ferreira – Yes, ma'am.

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

Board members [Unison] – Yes.

Chair Peeples – All opposed say No.

Mr. Williams – No.

Chair Peeples – We have a no by Mr. Williams. Motion carries. Thank you, Mr. Butler.

Mr. Williams – Madam Chair, did we have a timeline for the first case of when the fine must be paid?

Chair Peeples – Ms. Marshall?

Ms. Marshall – It was also six (6) months.

Mr. Williams – Okay.

Chair Peeples – Thank you. Thank you, Mr. Butler, for appearing today.

Mr. Butler – You are welcome. Thank you very much. Have a great day.

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

(a) Faithful Heritage Holdings, Inc. d/b/a Royal Palm North Cemetery: DFS Case Nos. 293715-22-FC, 302087-22-FC, and 305845-23-FC; Division Nos. ATN-38668, ATN-38463, and ATN-40216 (F504015)

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

Ms. Marshall – Thank you, Ms. Simon. Faithful Heritage Holdings, Inc. d/b/a Royal Palm North Cemetery (“Respondent”) is a cemetery, licensed under Chapter 497, Florida Statutes, license number F504015. The Department conducted an inspection of Respondent and found that Respondent failed to maintain its premises in a proper and dignified condition. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall perform monthly walkthroughs of its premises, Respondent shall hire independent contractors to address maintenance issues in its mausoleums, and Respondent shall use lot pins for all burials. The Department requests that the Board accept this Settlement Stipulation and resolution in this matter and I’m available for questions. Thank you.

Chair Peeples – Thank you, Ms. Marshall. Ms. Wiener, are you representing the Respondent today?

Ms. Wiener – I am.

Chair Peeples – Would you like to address the Board, ma’am?

Ms. Wiener – Only if there are questions.

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

Mr. Clark – Madam Chair?

Chair Peeples – Yes, Mr. Clark?

Mr. Clark – I just have a question. I know the next case included the language that documentation will be provided to the Department. Is that true for this case as well?

Ms. Wiener – It is.

Mr. Clark – Okay. Thank you. And for the third case? All of it will be reported back to the Division.

Ms. Wiener – Correct. And to refresh your recollection, when this entity acquired Restlawn Cemetery in 2025, there was a discussion about these ongoing care and maintenance issues at these three (3) particular cemeteries. Tons and tons of work has been done on them, and maybe I said something else. Rest Haven, I meant. Tons of work has been done on these cemeteries, and pursuant to Board requests, that has been provided to the Department every quarter as required. I don't know if I've ever seen it on an agenda, and I don't know that the Board is being specifically kept

aware of it, but we are keeping the State up to date on all ongoing maintenance there, and we'll do so with regard to each of these three (3) cemeteries.

Mr. Clark – Thank you, Ms. Wiener.

Chair Peeples – Kind of caveating on Mr. Clark, Ms. Wiener, I notice in the C(5)(b) and C(5)(c) cases, it said monthly. Will that be updated by email monthly to the Division? How will that be handled?

Ms. Wiener – Correct. Yes, there aren't many items left at these cemeteries that need attention, so we're going to create a spreadsheet with a tab for each of the cemeteries, and we're going to have it. It goes out one year, and it'll have month by month. So, every month the Division will get a new copy of that spreadsheet with new information in it as to what's completed and what's due, et cetera.

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

MOTION: Mr. Jones moved to accept the Settlement Stipulation which provides that Respondent shall perform monthly walkthroughs of its premises, hire independent contractors to address maintenance issues in its mausoleums, and use lot pins for all burials. Mr. Clark seconded the motion, which passed unanimously.

(b) Faithful Heritage Holdings, Inc. d/b/a Royal Palm South: DFS Case Nos. 292664-22-FC, 300641-22-FC, 302942-22-FC, 304145-22-FC, 304148-22-FC, 304234-22-FC, 304236-22-FC, 305173-23-FC, 305844-23-FC, and 306810-23-FC; Division Nos. ATN-38175, ATN-39464, ATN-38201, ATN-39660, ATN-39693, ATN-39778, ATN-39850, ATN-40010, ATN-40217, and ATN-39970 (F504016)

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

Ms. Marshall – Thank you, Ms. Simon. Faithful Heritage Holdings, Inc. d/b/a Royal Palm South (“Respondent”) is a cemetery, licensed under Chapter 497, Florida Statutes, license number F504016. The Department conducted an inspection of Respondent and found that Respondent failed to maintain its premises in a proper and dignified condition. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall perform monthly walkthroughs of its premises and provide documentation to the Department that its premises are being properly maintained. The Department requests that the Board accept this Settlement Stipulation and resolution in this matter and I'm available for questions. Thank you.

Chair Peeples – Ms. Wiener, questions only?

Ms. Wiener – Yes, ma'am.

Chair Peeples – Board members?

MOTION: Ms. Liotta moved to accept the Settlement Stipulation which provides that Respondent shall perform monthly walkthroughs of its premises and provide documentation to the Department that its premises are being properly maintained. Mr. Quinn seconded the motion, which passed unanimously.

(c) Faithful Heritage Holdings, Inc. d/b/a Sarasota Memorial Park: DFS Case Nos.: 305846-23-FC, 310246-23-FC, and 347110-25-FC; Division Nos. ATN-40155, ATN-40471, and ATN-44161 (F504017)

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

Ms. Marshall – Thank you, Ms. Simon. Faithful Heritage Holdings, Inc. d/b/a Sarasota Memorial Park (“Respondent”) is a cemetery, licensed under Chapter 497, Florida Statutes, license number F504017. The Department conducted an inspection of Respondent and found that Respondent failed to maintain its premises in a proper and dignified condition. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that

Respondent shall perform monthly walkthroughs of its premises, Respondent shall hire independent contractors to address maintenance issues in its mausoleums, and Respondent shall use lot pins for all burials. The Department requests that the Board accept this Settlement Stipulation and resolution in this matter and I'm available for questions. Thank you.

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

Ms. Wiener – Yes, ma'am.

Chair Peeples – Thank you. Board members?

MOTION: Mr. Ferreira moved to accept the Settlement Stipulation which provides that Respondent shall perform monthly walkthroughs of its premises, hire independent contractors to address maintenance issues in its mausoleums, and use lot pins for all burials. Mr. Jensen seconded the motion, which passed unanimously.

Chair Peeples – Thank you, ma'am.

(d) Macon, Richard Ezell: DFS Case Nos. 278566-21-FC, 305187-23-FC, and 306761-23-FC; Division Nos. ATN-36234, ATN-39222, and ATN-40163 (F047905)

Ms. Simon – Is Mr. Macon, or a representative of Mr. Macon, on the call today? I see Ms. Wiener here.

Ms. Wiener – Yes.

Ms. Simon – And representing the Department is Mr. Griffin.

Mr. Marshawn Griffin – Marshawn Griffin for the Department. Richard Ezell Macon (“Respondent”) is funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F047905. Respondent was the funeral director in charge (“FDIC”) of Samuel’s Funeral Home (“Samuel’s”), a funeral establishment, license number F074729; Respondent was also the FDIC of Guiding Light Cremations (“GLC”) a funeral establishment, license number F059114. The Department conducted an investigation of Respondent, Samuel’s, and GLC and found the following:

- Respondent – ATN-36231: Operated an unlicensed funeral establishment.
- Samuel’s – ATN-39222: Permitted an individual to engage in preneed sales with a lapsed license, failed to clearly label prices in its catalog, and failed to maintain completed copies of its bodies handled reports for October 2021-February 2022.
- GLC – ATN-40163: Misrepresented the amount of a cash advance item and failed to perform a statutory or legal obligation.

Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$3,000. The Department requests that the Board accept this Settlement Stipulation.

Chair Peeples – Ms. Wiener, questions only? Okay. Members?

MOTION: Mr. Ferreira moved to accept the Settlement Stipulation which provides that Respondent shall pay a fine of \$3,000 to be paid within thirty (30) days of the Board Order. Mr. Jones seconded the motion, which passed unanimously.

Chair Peeples – Thank you, Ms. Wiener. And Ms. Simon, I think we'd like to take a restroom break. It's 11:46. Let's come back at noon so we can finish our agenda. Thank you.

Ms. Simon – Yes, ma'am.

Chair Peeples – Thank you.

*****BREAK*****

Vice Chair Clark – We'll call the meeting back to order. Ms. Simon?

Ms. Simon – Thank you, Mr. Clark.

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 Approval with Conditions (Criminal History)

(a) Patrick, Tierra (Appointing Entity: Thomas Aikens Inc)

Ms. Simon – On February 11, 2026, an application was received by the Division for the above named for licensure as a preneed sales agent under Thomas Aikens Inc. Applicant answered “Yes” to the background question regarding criminal history on the application due to reportable criminal history that required disclosing. Applicant provided the Division with a written explanation, to wit, in November 2006, the following felony charges were filed against Ms. Patrick: uttering a forged instrument, grand theft in third degree, unauthorized possession of a driver’s license and giving a false name to law enforcement officers by the Clerk of Hillsborough County Court. These criminal offenses occurred in Hillsborough County, Florida. Ms. Patrick pled guilty to all charges and was placed on probation which was terminated in November 2008 and was ordered to pay fines plus other costs and court fees. Ms. Patrick has satisfied all conditions and paid all required fees. As of today, there has been no further disciplinary action against Ms. Patrick. Because of the age of the criminal charge, the Division recommends approval subject to the condition that the applicant be placed on twelve (12) months of probation. Is Ms. Patrick on the call, or a representative of Ms. Patrick?

Ms. Tierra Patrick – Yes ma'am. I'm here on the call.

Ms. Simon – Thank you. Mr. Clark?

Vice Chair Clark – Thank you, Ms. Simon. Ms. Patrick, are you here to address the Board, or just available for questions?

Ms. Patrick – Just available for questions.

Vice Chair Clark – Okay.

MOTION: Mr. Williams moved to approve the application subject to the condition that the applicant be placed on twelve (12) months of probation. Ms. Liotta seconded the motion.

Vice Chair Clark – Any discussion on the motion? Mr. Ferreira?

Mr. Ferreira – So what is that time frame, Ms. Simon? Do we go back twenty (20) years, fifteen (15) years?

Ms. Simon – We go back twenty (20) years, which would make it, if the applicant actually applied in November, this wouldn't be relevant.

Mr. Ferreira – Okay. That's what I thought. Thank you. That's it.

Vice Chair Clark – Thank you, Mr. Ferreira. Okay, all those in favor say Aye.

Board members [Unison] – Aye.

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

E. Application(s) for Continuing Education

- (1) *Course Approval - Recommended for Approval without Conditions – Addendum B*
 - (a) *Florida Morticians Association (23208)*
 - (b) *Jeffrey Holcomb (58008)*
 - (c) *National Funeral Directors & Morticians Association, Inc. (59608)*
 - (d) *National Funeral Directors Association (49609)*
 - (e) *WebCE (43)*

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. Quinn seconded the motion, which passed unanimously.

F. Consumer Protection Trust Fund Claims

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

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

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

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

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum D*
 - (a) *Funeral Director (Endorsement)*
 - 1. *Ford, Holle L*
 - (b) *Funeral Director and Embalmer (Internship and Exam)*
 - 1. *Abeles, Elizabeth M*
 - 2. *Clawson, Caitlin A*
 - 3. *Flowers, Austin P*
 - 4. *Seitz, Aspen T*
 - 5. *Ziajka, Valerie C*
 - (c) *Funeral Director and Embalmer (Endorsement)*
 - 1. *Cassidy, William*
 - 2. *Mahoney, Thomas J*
 - 3. *Shackelford, Jim T*

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

H. Application(s) for Internship

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum E*
 - (a) *Funeral Director*
 - 1. *Weaver, Jeremy F935808*
 - (b) *Funeral Director & Embalmer (Concurrent)*
 - 1. *Calixte, Cassandra F782072*

2. *Dixon, Danielle L F679198*
3. *Mitchelli, Justin C F935601*
4. *Read, Ansley E F936156*
5. *Spence, Sydney C F935582*
6. *Woodard, Angelina C F934766*

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

- (2) *Request to Renew*
 - (a) *Funeral Director and Embalmer (Concurrent)*
 1. *Recommended for Approval without Conditions*
 - a. *Suarez, Maria F F842215*

Ms. Simon – Is Ms. Suarez on the call today or a representative of Ms. Suarez? Hearing no response. An application to renew the concurrent internship license due to illness, hardship, or awaiting results was received by the division on February 27, 2026. The application was deemed completed once reviewed and processed. The applicant was licensed as a concurrent intern pursuant to 69K-18.003 (6), Florida Administrative Code, which only permits one internship in a lifetime. Ms. Suarez's concurrent intern license expired on February 28, 2026, and the application to renew was received timely. The Division recommends approval without conditions.

Vice Chair Clark – Thank you, Ms. Simon.

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

- (b) *Funeral Director and Embalmer (Concurrent)*
 1. *Recommended for Denial*
 - a. *Khan, Maleaha J F838153*

Ms. Simon – Is Ms. Khan or a representative of Ms. Khan's on the call today? Hearing no response. An application to a concurrent internship license due to illness, hardship, or awaiting results was received by the Division on February 27, 2026. The application was deemed completed once reviewed and processed. The applicant was licensed as a concurrent intern pursuant to 69K-18.003(6), Florida Administrative Code, which only permits one internship in a lifetime. Ms. Khan's concurrent intern license expired on February 11, 2026. As a result, the application to renew was not received timely. Accordingly, the Division recommends denial pursuant to Rule 69K-18.002(7)(c), Florida Administrative Code, which requires that an application to renew an internship be filed prior to the expiration of the initial internship.

Vice Chair Clark – Board members?

MOTION: Ms. Liotta moved to approve the application. Ms. Clay seconded the motion.

Vice Chair Clark – You said to approve? I'm sorry, I couldn't hear you.

Ms. Liotta – Approve the request.

Ms. Munson – Is it approve the denial? Please clarify.

Ms. Liotta – No, not approve the denial, but approve her request.

Vice Chair Clark – Motion to approve the application, right?

Ms. Liotta – Yes.

Vice Chair Clark – Ms. Clay, is that your second as well?

Ms. Clay – Yes.

Vice Chair Clark – We have a motion to approve by Ms. Liotta, and it's been seconded by Ms. Clay. Any discussion on the motion?

Mr. Williams – Mr. Vice Chair?

Vice Chair Clark – Yes?

Mr. Williams – This question is for Ms. Simon. Could you explain -- so you say it was not received before the expiration date, or it was received? Because I'm looking at a date of February 2nd.

Ms. Simon – It was not received by the expiration date.

Mr. Williams – And what was the expiration date? I don't see that.

Vice Chair Clark – I believe it's the 11th.

Mr. Williams – And the only reason I ask is because it's dated on her application February 2nd, and then her intern started the 11th, so does that matter?

Ms. Simon – It actually shows that it was received by the Department on February 25, 2026. At that date, or around that date, within a day, that is when the Department received it.

Mr. Williams – Mr. Vice Chairman, may I have a follow-up?

Vice Chair Clark – Yes.

Mr. Williams – Some years ago, colleagues, we had this discussion about date of application, date of when it would be received from the Division, and I don't recall what we decided upon because we have two (2) conflicting dates. That's why I'm bringing this up.

Ms. Simon – If I may, Mr. Vice Chair?

Vice Chair Clark – Yes.

Ms. Simon – This is the date received by the Department. I believe that the rule states received as opposed to sent.

Mr. Williams – Okay. I just want to make sure. And the only reason I ask is because we know mail comes in slow, and if you have all intentions that you submitted before. I mean, are we punishing the applicant? I'm just bringing these thoughts that we have discussed before back to the table.

Vice Chair Clark – Thank you, Mr. Williams. Any other discussion, Ms. Simon?

Ms. Simon – I was just going to say I believe that was the reason for the motion in this case.

Mr. Williams – To approve. Okay. Thank you.

Vice Chair Clark – We have a motion to approve, and it's been seconded. Mr. Jensen?

Mr. Jensen – Yes, sir. Just a quick question here. So, are we not adding that they have to start the internship over because the closeness of the dates? Is that what it is? I mean, if they don't get it in on time, normally we -- you know, back to what Mr. Williams said, we have had this discussion a few different times and we would say that you would have to work the internship over rather than continue it. But if it's really close in date, I'm okay with continuing it. So, I just want to make sure of what we're voting on.

Vice Chair Clark – Ms. Simon, did you want to address this question? It's an application to renew but --

Ms. Simon – It is an application to renew. And Mr. Jensen, upon further reflection of what we've discussed previously with the Board, if the applicant has already gone through the internship and has already established quarters on the internship, I believe that there would be no reason not to accept those quarters and move on with the renewal. So, she would simply need to complete what she hasn't on her internship. That was the recommendation.

Mr. Jensen – Thank you for the clarification.

Vice Chair Clark – Thank you, Ms. Simon. Mr. Ferreira?

Mr. Ferreira – Ms. Simon, an internship is fifty-two (52) weeks, or fifty (50) weeks. Is that right?

Ms. Simon – Yes.

Mr. Ferreira – So we need to keep that in mind too as we move forward. In regard to these hardship cases, I think sometimes we use the hardship as an excuse. Anyway, I'm not suggesting we are in this case. I'm just saying in cases that we've had, I've kind of felt that. So, we need to remember it is a 52-week, continuous 40-hour-a-week course work. Thank you.

Vice Chair Clark – Thank you, Mr. Ferreira. Mr. Jensen?

Mr. Jensen – So I definitely agree with what Mr. Ferreira says, but based upon the clarification, the way I understood it from Ms. Simon is that this student is allowed to pick up where they left off. So that's what I was trying to clarify, so thank you, Mr. Ferreira, for saying that in plain English.

Vice Chair Clark – Thank you, Mr. Jensen. We have a motion to approve, and it's been seconded. All those in favor, say Aye.

Board members [Unison] – Aye.

Vice Chair Clark – Any opposed? And that motion carries.

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

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

(a) Harry T. Reid Funeral Home, LLC (F520482) (Jasper)

(b) Kronish Sunshine & Company, INC. d/b/a Kronish Funeral Services (F230140) (Boca Raton)

(c) Southern heritage Funeral Services d/b/a Ponger-Kays-Grady Funeral Home (F572247) (Arcadias)

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

J. Notification(s) of a Change in Location

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

(a) Jacobs Funeral Home, LLC (F074102) (Pompano Beach)

(b) Joseph & Walker Funeral & Cremation Service, LLC (F785168) (Brooksville)

(c) Lee Memorial Park Crematory (F040560) (Fort Myers)

Ms. Simon – This is an informational item. The establishments listed on Addendum G 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) to Acquire Control of an Existing Cemetery

(1) Recommended for Approval with Conditions

(a) Restlawn Cemeteries & Cremation Gardens LLC (Jacksonville)

Ms. Simon – Restlawn Cemeteries & Cremation Gardens LLC (Restlawn), a limited liability company, has applied to acquire control of an existing cemetery company for the below listed location: Included in your Board packets is the application regarding the above listed property. This application is being filed for licensure by Attorney Wendy Wiener. The current and existing owner of the LLC will continue to be Mark B. Riposta and to operate under the existing name. The background check of the principal was returned without criminal history. Applicant confirms that any unfulfilled preneed contracts sold at these locations will continue to be fulfilled by the existing ownership. The Division recommends approval subject to the following conditions:

- a) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions by up to ninety (90) days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- b) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- c) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities, (if any), of the location(s) being acquired.

Vice Chair Clark – Thank you, Ms. Simon. Ms. Wiener, are you here to address the Board or are you just here for questions?

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

MOTION: Mr. Williams moved to approve the application subject to the conditions recommended by the Division. Ms. Clay seconded the motion, which passed unanimously.

L. Application(s) for Cinerator Facility

(1) Recommended for Approval with Conditions

(a) Gratitude and Compassion, LLC d/b/a Coast to Coast Cremations (Ocala)

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

Ms. Wiener – I'm here.

Ms. Simon – A new application for a cinerator facility licensure was received on February 11, 2026. The Division considered the application complete on this same date. The FDIC will be Mr. Robert L. Sloan (F046555). A background check of the principals, Mr. Jose Cortes, Mr. James W. Young and Chester, C. Weber, did not reveal any relevant criminal history. The Division recommends approval subject to the condition that the facility passes an inspection by a member of the Division staff.

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

M. Application(s) for Direct Disposal Establishment

(1) Recommended for Approval without Conditions

(a) Omega Cremations, PLLC (Indian Harbour Beach)

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

Ms. Laura Vinci – Yes, I'm here.

Ms. Simon – Thank you, Ms. Vinci. A new application for direct disposal establishment licensure was received on February 25, 2026. The application was incomplete when received. The Division received the required information to complete the application on March 3, 2026. The FDIC will be Ms. Laura M. Vinci (F045476). A background check of the principals, Ms. Laura M. Vinci and Mr. Florian C. Yandel, did not reveal any relevant criminal history. The inspection has already been completed. As a result, the Division recommends approval without conditions.

Vice Chair Clark – Thank you, Ms. Simon. Ms. Vinci, are you here to address the Board or simply answer any questions?

Ms. Vinci – Just here to answer any questions.

Vice Chair Clark – Thank you. Mr. Ferreira?

Mr. Ferreira – I'm going to ask a stupid question, probably. What is a PLLC?

Ms. Vinci – I believe it's private LLC.

Ms. Simon – Ms. Vinci, I'm sorry, before you answer any questions, please raise your right hand.

Ms. Vinci – Yes.

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

Ms. Vinci – I do, yes.

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

Ms. Vinci – Laura, L-A-U-R-A, and last name is Vinci, V like Victor, I-N-C-I.

Ms. Simon – Please continue by explaining what the PLLC is.

Ms. Vinci – It is supposed to mean private, limited, you know, PLLC. It's private.

Vice Chair Clark – Ms. Munson?

Ms. Munson – This is Ms. Munson, if I may. It actually stands for professional limited liability.

Ms. Vinci – Oh, I'm sorry.

Ms. Munson – Not private, but professional.

Vice Chair Clark – Thank you, Ms. Munson.

Ms. Munson – It's designed to offer a limited liability protection for the owners while they are still required to meet the requirements. And it's similar to an LLC but provides additional taxation protections and other matters.

Mr. Ferreira – Okay, thank you.

Ms. Munson – Also, professional agencies.

Vice Chair Clark – Anything else, Mr. Ferreira?

Mr. Ferreira – No, sir.

Vice Chair Clark – Thank you.

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

Vice Chair Clark – Thank you, Ms. Vinci, for joining us.

N. Application(s) for Funeral Establishment
(1) Recommended for Approval with Conditions
(a) Compassion Funeral Chapel, LLC (Ft. Lauderdale)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. A new application for funeral establishment licensure was received on March 11, 2026. The Division considered the application complete on this same date. The FDIC will be Mr. Michael Lacreed-Banea (F030762). A background check of the principal, Mr. Hermin Exilus, 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: 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) Little Griffiths Funeral Home and Cremation Services, LLC (Belle Glade)

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

Ms. Carla Little-Griffiths – Yes.

Ms. Simon – Thank you, ma'am. A new application for funeral establishment licensure was received on February 24, 2026. The Division has considered the application complete on this same date. The FDIC will be Ms. Carla D. Little-Griffiths (F186895). A background check of the principals, Ms. Carla D. Little-Griffiths and Mr. Mark Griffiths, 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.

Vice Chair Clark – Thank you, Ms. Simon. Does the representative want to address the Board or simply answer questions?

Ms. Little-Griffiths – Just like to answer any questions.

Vice Chair Clark – Thank you.

Ms. Clay – Mr. Chair?

Vice Chair Clark – Yes.

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

Vice Chair Clark – Any discussion on the motion?

Mr. Jensen – A question?

Vice Chair Clark – Go ahead, Mr. Jensen.

Mr. Jensen – Mr. Clark, for the Department, so I see a cinerator facility is involved here. Is that all in one application or does that not require a separate application?

Ms. Simon – May I, Mr. Vice Chair?

Vice Chair Clark – Yes, go ahead.

Ms. Simon – I believe this is only an application for funeral establishment licensure. I'm not sure if the cinerator facility has already received licensure, but as everybody on the Board knows, you cannot operate a cinerator without licensure, regardless of whether you have a funeral establishment license.

Mr. Jensen – Yes, and that's what I was kind of getting to because it does say that they are maintaining onsite a cinerator facility. So, Mr. Vice Chair, may I ask the representative here, do they already have a cinerator facility license or what's the deal there?

Vice Chair Clark – Yes, Mr. Jensen. If we can swear you in. Ms. Simon?

Ms. Simon – And if I may, before swearing in, I just want to state that on the application, unless I'm looking at the wrong thing, and I might be. On Page 6, it says that there will be cremation and make arrangements for. It's not on site. I see embalming on site, but I might be looking at wrong application. Either way, please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Ms. Little-Griffiths – Yes.

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

Ms. Little-Griffiths – Carla Little Griffiths. It's L-I-T-T-L-E, G-R-I-F-F-I-T-H-S.

Ms. Simon – Thank you, ma'am.

Ms. Little-Griffiths – Okay. We have an arrangement for our cremation services and it's an application for a funeral establishment with embalming only onsite.

Vice Chair Clark – Question?

Mr. Jensen – Mr. Vice Chair?

Vice Chair Clark – Yes. Go ahead.

Mr. Jensen – And for the record, I'm letting Ms. Simon off the hook here. I was looking at the wrong section. So, Ms. Simon is absolutely correct. My apology.

Ms. Simon – No problem.

Vice Chair Clark – Thank you, Mr. Jensen. So, I believe we have a motion by Ms. Clay, a second by Ms. Liotta to approve with the condition of passing an on-site inspection. All in favor say Aye.

Board members [Unison] – Aye.

Vice Chair Clark – And any opposed? And that motion carries. Ms. Little-Griffiths, thank you for being here.

Ms. Little-Griffiths – Thank you all.

(c) Long-Granberry Funeral Services, Inc. d/b/a Battle Mortuary (Panama City)

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. A new application for funeral establishment licensure was received on January 7, 2026. The application was incomplete when received. The Division received the required information to complete the application on February 28, 2026. The FDIC will be Ms. Gwenevere S. Long (F043130). Contrary to the application, the embalming provider will be Peoples Funeral Home, and the refrigeration provider will be Omega Crematory. The agreements are included. A background check of the principals, Ms. Gwenevere S. Long, Mr. Chephus D. Granberry and Ms. Beverly R. Granberry, did not reveal any relevant criminal history. And at the last moment, the establishment passed an on-site inspection. So, while there was originally a recommendation of a condition, the Division right now recommends approval without conditions.

Vice Chair Clark – Thank you, Ms. Simon.

MOTION: Ms. Liotta moved to approve the application. Ms. Clay seconded the motion.

Vice Chair Clark – Any discussions on the motion?

Mr. Jensen – Question?

Vice Chair Clark – Mr. Jensen?

Mr. Jensen – Another stone here that says refrigeration is Peavy Funeral Home in Blountstown {inaudible} on the discussion, and I believe that -- is that correct, Ms. Simon?

Ms. Simon – I just need one moment. I believe that the agreements say, as I mentioned in my statement, that Omega Crematory is offering refrigeration facilities and cremation facilities.

Mr. Jensen – But the application says Peavy Funeral Home on Page 5.

Ms. Simon – That's why I said, contrary to the original application, these are the entities that are providing these services as identified.

Mr. Jensen – Okay, I missed that part. Thank you.

Vice Chair Clark – Anything further, Mr. Jensen?

Mr. Jensen – No, sir. I'm good, thank you.

Vice Chair Clark – Thank you. We have a motion to approve, and it has been seconded. All those in favor say Aye.

Board members [Unison] – Aye.

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

(d) Wheat, LLC d/b/a International Funeral Services and Cremations (West Palm Beach)

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 February 3, 2026. The application was incomplete when received. The Division received the required information to complete the application portion on March 10, 2026. The FDIC will be Ms. Donna S. McRae (F595484). The Division recommends approval subject to the condition that the establishment passes an inspection by a member of the Division staff.

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. Ms. Clay seconded the motion, which passed unanimously.

O. Application(s) for Preneed Main

(1) Recommended for Approval without Conditions

(a) Cremation Services of Florida LLC (F191953) (Orange Park)

Ms. Simon – Ms. Wiener is representing the applicant. The Department received an application for a new preneed license on November 17, 2026, and no deficiencies were noted. The owners and members of the LLC are Jamie D. Watts and Margaret M. Watts. A complete background check of the principals was returned to the Division without criminal history. Applicant obtained its qualifying direct disposal establishment license as of August 9, 2017, under license # F191953 at the above listed location. If approved, Applicant will sell trust-funded preneed through Funeral Services Inc (FSI) and utilize their approved prearranged funeral agreement forms. The Division recommends approval.

Vice Chair Clark – Thank you, Ms. Simon. Thank you, Ms. Weiner. Board?

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

P. Application(s) for Preneed Branch

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

(a) Cremation Services of Florida LLC (F191953) (San Mateo)

(b) Ferreira Enterprises Inc (F019201) (Jacksonville)

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

Vice Chair Clark – Thank you, Ms. Simon.

Mr. Ferreira – I'm on this list, so, are we voting on this or is this informational only?

Ms. Simon – Mr. Vice Chair, this matter requires a vote.

Vice Chair Clark – Yes. Let the record reflect that Mr. Ferreira is recused.

Mr. Ferreira – Thank you.

MOTION: Mr. Jones moved to approve the applications. Mr. Jensen seconded the motion.

Vice Chair Clark – Ms. Clay, did you have a question?

Ms. Clay – I did. I just want to confirm that we're doing this without conditions.

Ms. Liotta – With conditions.

Ms. Clay – With conditions? It states without.

Ms. Simon – If I may just have a moment.

Ms. Clay – Thank you.

Ms. Simon – I believe that we are recommending approval without conditions.

Ms. Clay – Thank you.

Vice Chair Clark – We have a motion to approve without conditions, and it's been seconded. Any discussion on the motion? Hearing none, all in favor say Aye.

Board members [Unison] – Aye.

Vice Chair Clark – Any opposed? And that motion carries.

FORM 8A MEMORANDUM OF VOTING CONFLICT FOR STATE OFFICERS

LAST NAME - FIRST NAME - MIDDLE NAME FERRERA VINCENT JODD	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE FUNERAL HOME & CONSUMER SERVICES
MAILING ADDRESS 702 Chipcot Dr Baker	NAME OF STATE AGENCY Dept. of Fin. Services
CITY MADISON FL 32063	COUNTY FLORIDA
DATE ON WHICH VOTE OCCURRED Apr. 2, 2026	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 whom 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 10/2013
Adopted by reference in Rule 34-7.010(1)(k), F.A.C. Page 1

DISCLOSURE OF STATE OFFICER'S INTEREST


VINCENT JODD FERRERA, hereby disclose that on **April 2, 2026**, 20__.

(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 whom I am retained, or
- Inured to the special gain or loss of 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:

Voted to accept the renewed Branch Application on one of my funeral homes. I didn't vote!

Signature: 

Date Filed: **April 2, 2026**

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 10/2013
Adopted by reference in Rule 34-7.010(1)(k), F.A.C. Page 2

- Q. Application(s) for Removal Service
 - (1) Recommended for Approval with Conditions
 - (a) G&G Private Black Car Service, LLC (Tampa)

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

Ms. Gilbresha Pickens – Yes.

Ms. Simon – Thank you. Please state your name.

Ms. Pickens – Gilbresha Pickens.

Ms. Simon – Thank you. A new application for removal service licensure was received on February 23, 2026. The application was incomplete when received. The Division received the required information to complete the

application on March 11, 2026. A background check of the principal, Ms. Gilbresha Pickens, 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 Division staff.

Vice Chair Clark – Thank you, Ms. Simon. Ms. Pickens, are you here to address the Board or simply answer questions?

Ms. Pickens – Just to simply answer questions. I did want to also advise that I did have a past inspection as of March 30th.

Vice Chair Clark – Ms. Simon, do you want her to be sworn in to make that statement?

Ms. Simon – Well, Mr. Vice Chair, we would still recommend that condition. And if it's already been satisfied, it will be determined after the vote is taken.

Vice Chair Clark – Thank you, Ms. Simon. Thank you, Ms. Pickens.

Ms. Pickens – Thank you.

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

Vice Chair Clark – Thank you, Ms. Pickens. Good luck.

Ms. Pickens – Thank you. Bye-bye.

Vice Chair Clark – Ms. Simon?

R. Collective Coversheet

(1) Recommended for Approval with Conditions

(a) A. Roese Cremation & Memorial Society Inc (Sarasota)

- **Funeral Establishment License**
- **Preneed Main License**

Ms. Simon – Ms. Wiener is representing the applicant. A. Roese Cremation & Memorial Society Inc, a corporation, has submitted the following: an application for a funeral establishment license, and an application for a preneed main license at the following location: 3400 S. Tamiami Trail Ste. 300, Sarasota Fl. 34239. Included within your Board packets are the applications regarding the aforementioned location. The applications are being submitted for a new license by Attorney Wendy Wiener, and a letter from Ms. Wiener is included within your Board packets. The sole officer and owner of the corporation will be Amanda Gendron-Roese. A background check of the principal was returned without criminal history. If approved, Applicant will sell insurance-funded preneed through Great Western Insurance Company and utilize their approved prearranged funeral agreement forms. The Division recommends approval subject to the condition that the funeral establishment passes an inspection by a member of the Division staff.

Vice Chair Clark – Thank you, Ms. Simon.

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

(b) Mortuary Solutions, LLC (Bradenton)

- **Cinerator Facility**
- **Direct Disposal Establishment**

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

Mr. Samuel White – There is, yes.

Ms. Simon – Please state your name for the record.

Mr. White – Samuel White, last name W-H-I-T-E.

Ms. Simon – Thank you, sir. Mortuary Solutions, currently licensed as Family Crest Management Service, Inc. d/b/a The Good Earth Crematory, has submitted an application for Cinerator Facility licensure based upon a change in ownership and an application for Direct Disposal licensure, also based upon a change in ownership. Both applications were received on February 13, 2026, but were incomplete. Both applications were considered complete on March 10, 2026. If approved, the applicant will continue operating at the same physical address, and maintain the same preferred mailing address, as Family Crest Management Service, Inc. d/b/a The Good Earth Crematory. The FDIC in charge of both establishments will be Mr. Samuel J. White (F295680). A background check of the principal, Mr. Samuel J. White, 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.

Vice Chair Clark – Thank you, Ms. Simon. Mr. White, are you here to address the Board or just answer questions should any arise?

Mr. White – Answer any questions that should arise.

Vice Chair Clark – Thank you, sir.

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. Ms. Liotta seconded the motion, which passed unanimously.

Vice Chair Clark – Good luck, Mr. White. Thank you for joining us.

Mr. White – Thank you. I appreciate it.

(2) Recommended for Denial

(a) Mitchell, Bernard

- **Petition to Establish Rehabilitation**
- **Application for Funeral Director & Embalmer**

Ms. Simon – This individual is being represented by Ms. Wiener. Included is a petition to establish rehabilitation and an application for funeral director and embalmer licensure. In 2011, an Administrative Complaint was filed against Mr. Mitchell with regards to his status as FDIC for Wilson-Eichelberger Mortuary, Inc. (“Wilson-Eichelberger”). The Administrative Complaint alleged that Mr. Mitchell, as FDIC, failed to ensure that Wilson-Eichelberger: kept accurate records and reports, failed to ensure that contracts were being prepared in accordance with Chapter 497, F.S., failed to ensure that Wilson-Eichelberger prepared contracts in accordance with Chapter 497, F.S., failed to ensure that Wilson-Eichelberger operated with an active and valid cemetery license, failed to ensure that Wilson-Eichelberger properly handled trust funds, and failed to ensure that Wilson-Eichelberger properly trusted preneed funds. A Motion for Determination of Waiver and Final Order Imposing Discipline was heard by the Board in August, where he was represented by an attorney. And on September 13, 2011, a Final Order was issued revoking Mr. Mitchell’s funeral director and embalmer licensure.

In July 2011, Mr. Mitchell pled guilty in criminal court and was adjudicated guilty of fourteen (14) felony counts involving four (4) counts of money laundering, five (5) counts of grand theft, and five (5) counts of preneed trust count violations, all stemming out of facts alleged in the Administrative Complaint. and on September 13, 2011, a Final Order was issued *permanently* revoking Mr. Mitchell’s funeral director and embalmer licensure. While Mr.

Mitchell never appealed the Final Order issued in this matter, in October 2015, he sent a letter to the Division requesting the Board reconsider two (2) Final Orders: the one (1) issued in September 2011 revoking his license and an order revoking the establishment license for Mitchell and Mitchell Mortuary. This letter was considered a Motion for Reconsideration, and it was placed on the October 2015 agenda in that format. That motion was denied by the Board.

On December 4, 2025, Mr. Mitchell filed a Petition to Establish Rehabilitation. If approved, the Board will be asked to consider Mr. Mitchell's application for funeral director & embalmer licensure. As previously provided, the Board permanently revoked Mr. Mitchell's license. As a result, regardless of whether rehabilitation can be proven, the Division recommends that the petition not be granted. Thank you.

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

Ms. Wiener – Thank you. Good afternoon, again, Board. This case is about changing your life. And because of that change, coming back to your lifelong calling. As you've read in your packet, Mr. Mitchell made mistakes. Those mistakes are portrayed in the packet in a way that makes them appear more significant than they were. This is a case about mishandling five (5) preneed contracts. The funeral establishment wrote twenty-seven (27) preneed contracts during its licensure. Five (5) of them were mishandled. And make no mistake, they were mishandled. Those actions were criminal. But when you read all of the charges and fourteen (14) felony counts, it all is literally about not putting preneed money into trust for five (5) preneed contracts. Now, I'm not downplaying that whatsoever because he was penalized, and penalized significantly in the criminal court system. But he paid an even more significant penalty which was for the last twenty (20) years he has not been able to pursue his calling to serve families as a funeral director and embalmer.

Now the Board cover sheet that Ms. Simon read is a bit misleading. It suggests that a permanent revocation is a forever bar to applying for the same license again, but the law is written differently. It says a person whose license has been revoked under that section, which includes both revocations and permanent revocations, may be issued the same license or another license upon a showing by clear and convincing evidence that the person has been rehabilitated and otherwise qualifies for the licensure that they've applied for. And so, what we're presenting to you today is clear and convincing evidence of Mr. Mitchell's rehabilitation.

During the twenty (20) years, almost twenty (20) years, between twenty (20) and eighteen (18) years -- it was nineteen (19) and seventeen (17) when I was preparing the petition but now some additional time has passed. During that time, since those incidents, since mishandling those contracts, Mr. Mitchell has taken all of the steps one could take to demonstrate rehabilitation with regard to the kinds of things that gave rise to this incident. This was the mishandling of funds.

Since that time, he completed all of the conditions of the court order including paying office restitution twelve (12) years ago. His probation was ordered terminated by the court after having served only half of the period and that was six (6) years ago. He's maintained full-time employment, and he has had absolutely no run-ins, connections, or interactions in any way with any law enforcement or regulatory agency. But more noteworthy than that, because that would be a way to show rehabilitation, but the real clear and convincing evidence of Mr. Mitchell's rehabilitation is in his community involvement. He is and has been involved in so many community organizations, community events, his church, his community generally. If you read any of the twenty (20) letters of support and recommendation that come from local government leaders, community leaders, church leaders, other Chapter 497 licensees, friends and family members, you see a picture of a man of integrity and good standing. Now mind you, in these letters, many, many of the recommenders, many of the supporters indicate their awareness and their knowledge of what happened, and they speak to you the change in the man that they are writing in support of. What they talk about in those letters is literally the opposite of a man that would mishandle, criminally, five (5) preneed contracts. They speak to a man of integrity.

The Oxford Dictionary defines rehabilitation as, "to restore reputation after a period of disfavor," and that's exactly what Mr. Mitchell has done. For the last twenty (20) years, he has worked hard to restore his reputation after those

mistakes. Now the measure of a man can certainly importantly be how he's thought of by his community. And in Mr. Mitchell's case, it is clear from everything that you can read that his reputation has been restored, that he has been rehabilitated. In this case, it is clear that his actions since that time have all been lawful. It is clear that he is a man now of truth and of honor. He does not take this matter lightly. He has worked for twenty (20) years to restore his reputation, to be able to put himself in a position to bring this petition to you to establish rehabilitation and to show this Board that he is trustworthy for licensure as a funeral director and embalmer, which is truly his calling. And it is fully within the power of this Board to accept his rehabilitation and his application, and whether you do find solely or depend solely on whether you find clear and convincing evidence that he has been rehabilitated.

Now it is noteworthy that in this case, no contrary evidence has been presented by the Division or anyone else to suggest that Mr. Mitchell has not been fully rehabilitated, that he is not a man of integrity, of truth and of honor. No evidence to suggest otherwise. If we are measuring with the scales of justice, all of the evidence before you is evidence of his rehabilitation. We ask, Mr. Mitchell asks, his family, his friends, his supporters ask that you give him a second chance to fulfill literally his life's calling to serve families as a funeral director and embalmer and we would ask all of us that you vote favorably on this matter. And I'm available for questions. And Mr. Mitchell is here. I know they were having some technical issues with their camera. I saw him pop on for a minute ago, but I don't know for sure what happened with that but –

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

Mr. Jensen – I have a question here. I think Ms. Wiener raises an important point here, and the question I asked earlier, and Ms. Marshall stated that once permanently revoked, you're permanently revoked. So, I would like clarification from the Department on if indeed what Ms. Wiener is interpreting is correct in that you do have a chance to have some rehabilitation. I mean, that's important for us to know that. So, I would like to hear what the Department has to say in reference to that.

Ms. Simon – May I, Mr. Vice Chair?

Vice Chair Clark – Go ahead, Ms. Simon.

Ms. Simon – Mr. Jensen, thank you for asking that question. As I was hearing Ms. Wiener's argument or presentation, I started looking up the law which I knew existed. And I am looking at Section 497.153, item 8, and it deals with revocation of licensure. And it says the Board may, by order, on a case-by-case basis, specify that a revocation is permanent. So that's what this is, a permanent revocation. And that no other application for the same licensure shall be accepted, processed, or approved. It goes on to say that in any event, there shall be no license approved based on revocation unless such-and-such happens. But it specifically says when it's a permanent revocation, no future application for licensure under this chapter by the revoked person shall be accepted, processed, or approved. And also, while being given the opportunity, not that there is a substantial difference, but we keep hearing twenty (20) years. This was in fact fifteen (15) years ago. It was in 2011 that the order was entered. And it is the Department's position that there is no opportunity for rehabilitation to be entered into this determination based upon the language in 497.153. Now, Ms. Wiener may say that there's another way to interpret this section. I don't believe so. I believe that my interpretation is correct. The Board made by order on a case-by-case basis specify that revocation is permanent. As such, no future application for licensure by the revoked person or entity shall be accepted, processed, or approved. It goes on to say that for simple revocation, although it doesn't say the word simple, but for any revocation, other, and it goes on to other matters. But that is the Division's interpretation of the law.

Vice Chair Clark – Thank you, Ms. Simon. Mr. Jensen?

Mr. Jensen – Yes, just a quick follow-up on that. So, if the Department, if that's what it says, if it was permanently revoked and the Department is not even supposed to process the application, why did you process the application?

Ms. Simon – I agree with you, Mr. Jensen. This is an application that Ms. Wiener asked for to be placed on the agenda and the petition for rehabilitation, and as a gesture to her, we placed it on the agenda. However, our position remains the same.

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

Ms. Wiener – Thank you. Let me read you the whole law that Ms. Simon refers to. It's entitled revocation of licensure. The Board may specify by Final Order on a case-by-case basis the period of time that must elapse before a revoked license may apply or licensee may apply or reapply for any licensure under this chapter. The Board may order on a case-by-case basis, specify that a revocation is permanent and that no future application for licensure under this chapter by the revoked person or entity shall be accepted, processed, or approved. It goes on to say, importantly, in no event shall any person or entity who has been revoked under this section. It does not say who has been revoked for a time period or has been revoked permanently. It says who has been revoked under this section. In no event shall that person subsequently be issued the same or other licensure under this chapter unless such person shall show by clear and convincing evidence that the person or entity has been rehabilitated and otherwise qualifies for the licensure applied for.

If the legislature intended that only limited revocations be authorized to reapply upon a showing of clear and convinced evidence of rehabilitation, it would have so written in the law. The law is clear. The capacity to establish rehabilitation by clear and convincing evidence applies to a revocation under this section, which includes both periodic and permanent revocation. And there is case law from other -- not from this Board because this Board does not have any case law on this particular statute, but similarly written statutes in other areas of the law in Florida have also interpreted a permanent revocation to be able to be set aside by the capacity to show rehabilitation.

So, in this case, this is within your power to do. And if ever there were a man more established of rehabilitation, it's Mr. Mitchell. He has worked tirelessly, and it is almost twenty (20) years. Just because it took until 2011 for the order to be entered does not mean that it was not when the mishandling occurred. That occurred between eighteen (18) and twenty (20) years ago from today as we sit here. So, as you all know, you get cases that come before you ten (10) years after the incident occurred. Then it finally makes its way and finally makes its way through the process to a Final Order. So, it has been nearly twenty (20) years, and Mr. Mitchell has worked tirelessly to improve himself, to rehabilitate himself, to show that he is a man of integrity, a man who wishes to fulfill the rest of his life's calling. And we would ask that you favorably consider his petition and application.

Vice Chair Clark – Thank you, Ms. Wiener. Just a moment. I just want to state for the record Ms. Liotta's got to drop off at 1:00. Thank you, Ms. Liotta, for joining us. Have a great afternoon. Mr. Jensen?

Mr. Jensen – And in the interest of getting this right, and I do want to get it right, I don't want to penalize this gentleman if he's truly rehabilitated, which there is a lot of evidence there. But you know, I want to go with what our Board members also did before as well. I would ask if we could please hear from Ms. Munson to maybe shed a little light here as to what we're able to do? Because it seems that I'm hearing one argument we are able to do it and one argument, well, no, it's permanently revoked. We really don't have a say here.

Vice Chair Clark – Thank you, Mr. Jensen. Ms. Munson?

Ms. Munson – Yes, and could you just confirm with me, Mr. Vice Chair, can you see me?

Vice Chair Clark – Yes. We can see you.

Ms. Munson – Okay, good.

Ms. Wiener – Yes, your whole face.

Ms. Munson – Okay, thank you, guys. Well, the statute has been very well and clearly read and written. I mean, it is just as it has been stated, subsection 5a, number 8, as a type of penalty, revocation of licensure. I believe Ms. Wiener read it in its entirety. And to that extent, it is or can be deemed a matter of interpretation. I will share with you my knowledge of taking these letters just word for word verbatim. It does say this section. I have seen, and I'm not trying to indicate what this Board should do one way or the other because I've seen similar writings of statutory language and kind of the Board's vote, kind of the way they feel they can vote. And there's kind of a little bit of some type of liberal construction here. But it does say under this section, it does say under the section of revocation of licensure, it appears to give an opportunity for an individual or a licensee who has previously had their license revoked somehow present a basis of rehabilitation. And this is all subject to the Board's discretion and determination. The way the Department is reading it, quite honestly, is very strongly arguable in court if this were to go, because this is a question of interpretation. But the language itself reads just as it was read to you. So, I've seen other Boards with permanent revocations and it's so rare they institute permanent revocations because it is their mind to be for those revocations to remain intact like forever. This has a language of rehabilitation type consideration in it. So, I think that that opportunity may be available to the Board in this particular circumstance. I've seen other Boards open up revocations and it can't be a reinstatement. That's not an opportunity in this situation at all. It cannot be a reinstatement. It would be a new application for the issuance of a license. So, in answer to your question as best I can, sir, the language of the statute does provide for clear, and that's important, clear and convincing evidence that the applicant show rehabilitation and otherwise qualify for the license applied for. This can be taken to court and argued both ways very vigorously, but I cannot sit here today and not at least identify the language that sits for you in the statute as it is.

Vice Chair Clark – Thank you, Ms. Munson. Mr. Jensen, do you have anything further?

Mr. Jensen – No, sir. That cleared it up for me. I just wanted to make sure that that was in our purview and I just want to make sure we get it right, but I would like to hear from some other colleagues on the Board what their thoughts are.

Vice Chair Clark – Ms. Clay, did you have a question?

Ms. Clay – I am somewhat perplexed. We, the Board, revoked this license. This gentleman, am I correct in assuming that there were criminal charges and he was convicted of those charges? Is that an accurate interpretation?

Ms. Wiener – He actually entered into a plea agreement relating to those charges because failing to put money into a preneed trust is actually a crime, and so he did plead guilty to that charge. There is a whole sordid history that is not necessarily relevant to you today, but he was not actually the funeral director in charge at the time when these charges came about, but he took responsibility and ended up going through the criminal court system. It was an ugly period, but it is done. Yes.

Ms. Munson – In full disclosure, to be responsive, though I think the answer would be yes, there was a conviction.

Ms. Clay – Okay, and we have established that there is no reinstatement, that this would be considered a new application. And is not criminal history potentially disqualifying for a new applicant? And that is for staff to answer.

Vice Chair Clark – Ms. Simon?

Ms. Simon – Well, Ms. Clay, you ask good questions, as always. In terms of this matter specifically, yes, a criminal history can be a factor in your decision as to whether to issue licensure or not if you get to that question. If you get to that question, because there is a first question that must be answered. That's regarding the discussion of permanent revocation.

Ms. Clay – The question here is the item on the agenda says petition to establish rehabilitation, and we're discussing the application in terms of the revocation, because that's just something we're discussing, not something we're voting

on, right? We're voting on whether or not rehabilitation has been established and whether or not we're going to allow him to apply for another license. Am I misinterpreting that?

Ms. Simon – No, you're not. You're not at all. What the Division is saying is that rehabilitation is irrelevant. It would be a petition to establish rehabilitation. You said that correctly. There can be that petition, and there could be a finding on the petition, and Ms. Wiener is correct. You've seen the information in the packet of these people that have sent in letters, whatnot. I have just given you the Division's interpretation that, yes, there's a petition to establish rehabilitation, and yes, then you would go forward on the next question of whether the licensee can be issued licensure. It states in that law that no future application for licensure under this chapter with permanent revocation, but yes, you are correct, Ms. Clay. It's two (2) different votes.

Ms. Clay – Okay, and the vote out on the table is not whether to reinstate.

Ms. Simon – Mm-mm.

Ms. Clay – Okay.

Ms. Simon – Thank you.

Vice Chair Clark – Mr. Williams?

Mr. Williams – Yes, thank you, Mr. Vice Chair. So, going on to what Ms. Clay was going at, this is a question for the Division. Are we setting a precedent in reference to reviewing the petition for rehabilitation for a person with a permanent revocation? What I mean by that is, if the previous Board has already determined it's a permanent revocation, are we still able to address the rehabilitation, determine if then a new application can be completed? I'm just kind of lost in terms of if it's permanent revocation while we're discussing about rehabilitation.

Ms. Munson – If I may, Mr. Vice Chair?

Vice Chair Clark – Go ahead Ms. Munson.

Ms. Munson – I will tell you, Member Williams, that it appears to be the Department's contention that there are no grounds if a permanent revocation is in place.

Mr. Williams – Okay.

Ms. Munson – Based on the sentence, but it is the applicant's legal representative's contention that the sentence that follows it says that there are grounds. So when you pose that question to the Department, they are responding to you as they have indicated on this record based on the sentence referencing solely permanent revocation, and Ms. Wiener's information is based on the reading of that subsection 8 of 5a in its entirety, which has a sentence that follows regarding the coverage of this entire section, which is a revocation section that does allow for consideration of clear and convincing evidence of rehabilitation. You're going to go back and forth. So, depending on who you ask, you're going to get that different answer. So, you guys can go back and forth all afternoon with it. I just wanted to clarify where these arguments are and on what their basis relies.

Mr. Williams – Follow up, Mr. Vice Chair?

Vice Chair Clark – Go ahead, Mr. Williams.

Mr. Williams – Ms. Munson, are we opening ourselves up for anything with the floodgates, you know, of other cases that we'll have to start hearing related to stuff like this, because if we have made a position of not hearing permanent revocations, are we opening ourselves up to other future cases for persons that have been permanently revoked?

Ms. Munson – So that's a valid consideration, and I will tell you that's something that you should actually take into consideration. I will also tell you, though, each case is specific. So, if there's a basis legally to do something, you can't deny an opportunity for a full and fair hearing or a full and fair discussion or an outcome because of fear of what other cases may be similar, where the decision-making may have been based on similar situations. You're really not entitled to do that, because every case, as we've discussed, and in a few cases today, are fact specific. So, I just want you to also keep that in mind. Will you open the floodgates? Yes. You'll have to look at each of them independently to see if it warrants additional review. If there is a discussion of rehabilitation, is it clear and convincing evidence?

Mr. Williams – Thank you.

Vice Chair Clark – Does that answer your question, Mr. Williams?

Mr. Williams – Yes, sir. Thank you, sir.

Mr. Chapman – Mr. Chairman, may I speak?

Vice Chair Clark – Hold on Mr. Chapman, for one second. Chair Peeples?

Chair Peeples – Thank you, Mr. Vice Chair. I am the only 470 Board member and 497 Board member on this panel today. When I was a 470-Board member, revocation meant permanent, permanently revoked. You did not have an opportunity for the petition that you see here today. In my viewpoint, as a 497-Board member, revocation means permanently revoked. Thank you, Mr. Vice Chair, for the opportunity to speak.

Vice Chair Clark – Thank you, Chair Peeples.

Mr. Chapman – Mr. Chairman?

Vice Chair Clark – Go ahead, Mr. Chapman.

Mr. Chapman – My position on this is and I applaud the Division by trying to do something nice for Ms. Wiener, and I appreciate that, and I think I have all the respect in the world for that. But I think the Division has made two (2) mistakes. I think, first of all, they should have looked at the statute that said that revocation permanently means permanent revocation. So therefore, I don't think the application should even be valid. It shouldn't even be processed, and it should even be on the agenda today. And I just think that a permanent revocation in 2015 means a permanent revocation. So that's my position on that. Thank you, Mr. Chairman.

Vice Chair Clark – Thank you, Mr. Chapman. Ms. Wiener?

Ms. Wiener – I heard Ms. Munson earlier to acknowledge that you have the capacity to consider this petition for rehabilitation. I think that while the language of the law has one sentence that says permanent means no future applications, the very next sentence says unless you do this. And I suspect that the Board puts itself in a precarious legal position, perhaps entitling the winner after this matter is reviewed at the Division of Administrative Hearings or the First District Court of Appeal to an award of substantial attorney fees. This law does give you discretion to find clear and convincing evidence or not. The law does not give you the discretion to simply say permanent means permanent. If that's what the law said, then that's how the law should be written. And that is not how the law is written. And so, the Board members, I think, are trying to determine, can we even look at this petition to see if there is rehabilitation or not? And I'm concerned that there's an answer that is not landing.

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

Ms. Simon – I'm not arguing this anymore except to say that it is not fair for there to be an argument as to what happens with the Board at a DCA or any other level. I don't think that that is something that is relevant to your decision today. What I do think is relevant is the interpretation of the law and how things go. You have heard other

interpretations. To me, it is clear on the face, and the Board can decide what the Board wants to do. And even as not -
- the Board can decide. I don't have anything else unless there are questions for me.

Vice Chair Clark – Thank you, Ms. Simon. Ms. Wiener, did you want to respond and then Ms. Clay?

Ms. Wiener – Just incredibly briefly, I feel like we've lost -- maybe we haven't lost sight of what's important here. But what is important here, based on the language in this statute, is that Mr. Mitchell has spent nearly twenty (20) years establishing that he is rehabilitated. Mishandling five (5) preneed contracts, criminal though it may be, and it was not for any significant amount of money, by the way, criminal though that may be, should not prohibit a man from his lifelong career and passion. He is a man who has done everything in his power to come back from a mistake, has shown himself to be a man of integrity over and over and over and over and over again. And in as much as your counsel tells you that this is within your discretion to find that he has been rehabilitated, we would ask that you find he has been rehabilitated so that he can apply for his licensure afresh.

Ms. Munson – If I may?

Vice Chair Clark – Ms. Munson, go ahead.

Ms. Munson – I want to be clear for the record what your counsel is telling you, number one. I wanted to underscore the language of the entirety of that statute. Because if this is ever presented for a future review, it is not one sentence that will be reviewed. It will be the entirety of that subsection. And I have to just underscore that. You can't parse out. They're going to read anything, or any law should be read in its entirety for an understanding of what it means. I needed to say that. And I also needed to say that if for any reason, I mean, if the question is whether or not you can review it, that's one reason. But if you choose to review it, you still have to determine whether there is clear and convincing evidence that this individual, this applicant, has been rehabilitated. Because if you don't feel, I don't care if there are a million letters, I don't care if there are a million stories, it's going to be your fact-finding determination whether he or this applicant was under clear and convincing evidence rehabilitated to the point where he qualifies for the license applied for. And I think there may be a gloss over of both of those considerations. And I needed to clear those lines.

Vice Chair Clark – Thank you, Ms. Munson. Chair Peeples?

Chair Peeples – Thank you, Mr. Vice Chair. In your cover page, it states that in 2011, there was an Administrative Complaint, and it went through the process. In July of 2011, he pled guilty to fourteen (14) felony counts involving four (4) counts of money laundering, five (5) counts of grand theft, and five (5) counts of preneed trust count violations. In 2015, he made a petition and came before the Board at that time, and he was again permanently revoked. We need to be careful about setting a precedent and I appreciate Ms. Wiener coming forward and I feel for Mr. Mitchell, but as all of us who are licensees under this Division, we all have a high standard that we have to maintain. And when we don't, we have to pay the price for that. And I feel sorry for him, but I appreciate him getting Ms. Wiener to come before us today, but I feel it needs to be and stay revoked. Because as Ms. Munson said, then we're going to have to set a precedent. If we agree to this, what's the level of rehabilitation? Rehabilitation is different for every individual. Thank you, Mr. Vice Chair.

Vice Chair Clark – Thank you, Chair Peeples. Ms. Clay?

Ms. Clay – I also appreciate Ms. Wiener bringing forth this to us. At the same time, I am somewhat disenchanted by the minimizing of his criminal background and the fact that it may have been only one (1) incident for you, but one (1) incident for me is too much. Therefore, I move denial of this request.

MOTION: Ms. Clay moved to deny the request. Chair Peeples seconded the motion.

Vice Chair Clark – Mr. Ferreira, I saw your hand up, I believe. Did you have a question or a comment?

Mr. Ferreira – No, sir.

Vice Chair Clark – Thank you, sir. Ms. Simon?

Ms. Simon – I just want to be clear for legal purposes. We're here for two (2) different items on the agenda. The first is a petition for rehabilitation, and that needs to be voted on.

Ms. Clay – May I?

Ms. Simon – Please.

Ms. Clay – May I rephrase and put both of them together, but state them?

AMENDED MOTION: Ms. Clay moved to deny the petition to establish rehabilitation and the request to apply for funeral director and embalming license. Mr. Williams seconded the motion, which passed unanimously.

Vice Chair Clark – May I have a second? Hold on one second. Ms. Munson, would that be an appropriate motion?

Ms. Munson – That's an appropriate motion, but before there's an actual vote, I just want to clarify something with the body. Please be mindful, as I've stated before, whenever there is a denial, you really have to state the reason for the denial, because that's what's going under review. And if you're planning to deny, it is still an opportunity for this body to offer the applicant an opportunity to withdraw the application so that another denial is not on record. It's totally up to you, but I have to at least identify these options. So, when you say you deny the petition to establish rehabilitation, that's technically not correct. You're going to have to find that the petition to establish rehabilitation did not present sufficient grounds. I mean, they already presented it, so you're either going to approve it or find that there was insufficient grounds. And the application, a separate matter, if you're denying that, provide the basis for denial. If you want to offer an opportunity to withdraw, you have the opportunity to do that as well.

Ms. Clay – So you want me to restate with the rationale?

Ms. Wiener – Mr. Vice Chair?

Vice Chair Clark – One second, Ms. Wiener. I think she was asking; do you want her to restate her motion?

Ms. Wiener – Well, here is the issue. This, and to Mr. Chapman's earlier point, this was not put on the agenda as a favor to me. We had long, repeated meetings with Ms. Simon and Ms. Kimberly Marshall about this matter and about whether Mr. Mitchell could attempt to establish rehabilitation. And if he could, should we do that first before he spent time doing an application and paying to submit it? And in writing, I have, from the State, have him submit both things at one time. This was not a favor to me. This was after consideration of the law by the Division's lawyer and Ms. Simon. They directed us to submit the petition and the application at one time and not separately. So, I would certainly appreciate it if this Board does deny his petition, then his application should be considered nunc pro tunc like it was never filed and his fee paid back. I mean, I have it in writing. I can put it on the screen from the State, have him submit both at the same time. So, this was no favor to me. This was not out of deference to me. This was after careful consideration over the course of several phone conversations.

Vice Chair Clark – Thank you, Ms. Wiener. Ms. Munson, did you have anything?

Ms. Munson – I did not. I didn't know some of the information that I just heard. So that's my nodding. Thank you.

Vice Chair Clark – Thank you. Ms. Clay?

Ms. Clay – Okay. So, I'm back to where I was before Ms. Wiener spoke. And thank you, Ms. Wiener, for that clarification. That does make a difference in terms of what my motion will be. So, my question now is simply

procedural. You all know what I'm going to recommend. Do we do the cart before the horse by allowing the application to be pulled? Or do I go ahead and make my motion about the petition to establish rehabilitation?

Ms. Simon – May I, Mr. Clark?

Vice Chair Clark – Go ahead.

Ms. Simon – I think as two (2) different matters that are before the Board, procedurally, I think that the Board is entitled to vote on the application first, I think so. And then deal with the petition however the Board wishes, but the Board needs to vote on both. If the Board were to vote on the application first and deny it, then the petition would then be denied and would be considered irrelevant. Ms. Munson can provide the guidance. But I don't see a reason why you can't vote on the application first, they're both on the agenda and under (2)(a).

Ms. Clay – Mr. Vice Chair?

Vice Chair Clark – Ms. Clay?

Ms. Clay – Just for clarification again, based on what Ms. Simon is saying, I'm just totally confused. It would appear to me that we've given applicants before an opportunity to withdraw their application. And I think that that should be the case here. And the petition to establish rehabilitation would probably also go out the window because he's probably trying to establish rehabilitation so he can apply. So, I disagree with Ms. Simon in the way in which she is suggesting, but I yield.

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

Ms. Wiener – Unless the Board finds that he has established rehabilitation, he's not even qualified to apply. The application should never have been processed, and his fee should never have been paid. This Board should take this matter up in two (2) issues. Vote that he has either established rehabilitation or not. Give a reason or not. If your reason is because permanent means permanent, you'd need to say permanent means permanent. If the reason is he didn't establish it by clear and convincing evidence, you need to say that. Once that is voted on, then if he did not establish by clear and convincing evidence that he is entitled to rehabilitation, then he cannot apply, and this Board should return his application along with the fee. We never would have gone through the process, attorney's fees and filing fees, of filing the application except that Ms. Simon and Ms. Marshall told us to present them both at the same time.

Vice Chair Clark – Thank you, Ms. Wiener. Ms. Munson, any guidance?

Ms. Munson – You guys are going to go cart before the horse with this one. And I will tell you that if you vote on the application first, I don't know if you give an option for Ms. Wiener to have this application withdrawn and she can speak on behalf of her client. If she chooses not to withdraw the application and you guys deny it, you're going to have to give a reason for the denial. And that's going to be a reason on the record. And I don't know if it's going to be because of the rehabilitation terms or the criminal history or whatever you want to say. But if I were to give you the best guidance possible, I mean, it seems like the rehabilitation is a threshold matter in determining whether or not the application will be considered unless this body is saying, I don't care what type of rehabilitation exists. The criminal history is there, and I don't want to look at it for any other reason than its criminal history. But that would ignore, arguably, the language in the statute that references the rehabilitation perspective. So, I would probably recommend that you determine whether or not the petition to establish rehabilitation has been met. And if you feel that there is not sufficient rehabilitation, then you can address the application and vote the way you want. And at which time you can give the opportunity for the applicant to withdraw if that is, in fact, a perspective or a possibility that would be something for the applicant to deem worthy of consideration. I would do it in the order that it's printed because it seems like that's -- they're so tied together. But I don't know how you're going to vote on an application and then give a reason and it not at all be tied to this petition. And you cannot ignore the petition unless Ms. Wiener withdraws the petition.

Vice Chair Clark – Okay, Ms. Munson. So, I know we have a motion and a second that are going to be amended. Ms. Simon, go ahead.

Ms. Simon – I'm going to say that -- -- in this matter, as we've discussed this so often, the fees for the application will be returned depending on what the decision is by the Board. I understand what the argument has been. And should the application be denied or not, I understand that there might be argument before the Board. But we will return the fees for the application if the decision by the Board is that you can base a denial or an issue of whether you want to -- -- give the applicant an opportunity to withdraw the application based on the fact of the applicant's criminal history. You can go that route. And that might be a cleaner way of going. But it has to be the Board's decision. I'm sorry that the Board is being given so many different options and so much different guidance.

Vice Chair Clark – Okay, thank you, Ms. Simon. Mr. Williams?

Mr. Williams – Yes, thank you, Mr. Vice Chair. Question for Ms. Wiener. Ms. Wiener, are you or your client in a position or would you like to consider withdrawing this application?

Ms. Wiener – Absolutely not. He already has a permanent revocation on his license. The only reason you withdraw an application is, so you don't have a denial on your license. His license is what it is. We will not withdraw, and we will expect a full refund if this Board does not approve this application, as Ms. Simon just promised.

Mr. Williams – Okay, you know, just a follow-up, Mr. Vice Chair. I want to get clarity on this. I think it went over some people's head, but it didn't go over my head. What is this favor in reference to Ms. Wiener she mentioned? Like what is that about? I didn't understand.

Ms. Wiener – There was no favor. Ms. Simon suggested that this matter got put on the agenda when Mr. Chapman said, "Why would you even put this on the agenda? If you thought permanent meant permanent, why would you even put it on the agenda?" And she said out of deference to me. No way.

Mr. Williams – Oh okay.

Ms. Wiener – Absolutely not.

Mr. Williams – Okay.

Ms. Wiener – I couldn't be clearer on that point.

Mr. Williams – Okay, thank you so much.

Ms. Wiener – That is not what happened.

Mr. Williams – Thank you.

Vice Chair Clark – Anything further, Mr. Williams?

Mr. Williams – That's it.

Vice Chair Clark – Okay. I think based on Ms. Munson's recommendation, we'll take these separate. Ms. Clay, would you like to amend your first motion regarding the petition for established rehabilitation?

Ms. Clay – I'm happy to, but I do still have a couple questions.

Vice Chair Clark – Okay. Mr. Jensen?

Mr. Jensen – Thank you, Mr. Vice Chair. I'm sorry I started all this off, but I'm really not that much clearer. I mean, I want to honor what my fellow Board members did. However, if this gentleman has a pathway to rehabilitation, I don't want to deny him of that. And also, what are the parameters of that pathway? They are not defined either. So, I mean, there's a lot of information here as to rehabilitation, and I appreciate that. And I mean, even people, you know, get sent to jail for ten (10) years, and quite frankly, he's been in jail for ten (10) or fifteen (15) years. So, you know, they get out, and they serve their sentence, and they can move on. So, I don't want to deny him that. However, what are those parameters? You know, what are we supposed to consider? I don't know if Ms. Munson answers that. And I do agree with Mr. Chapman that, hey, if this was an issue, the Department should have said something from the very beginning and not even processed this application. So, it's all just like herding cats, you know, and trying to figure out what we should do. I don't want anybody to have to be denied their due process for rehabilitation or anything. I believe people can change, and I've certainly seen it. I think we all probably have seen it in certain people. But, you know, I want to respect the previous Board too. And I understand what Ms. Peeples says. Permanent revocation means that, but if the law allows an avenue to come back, then I don't want to deny a person of that. So, I'm still really not really clear. So, I don't know what to do.

Vice Chair Clark – Thank you, Mr. Jensen. Ms. Munson?

Ms. Munson – Okay, and hopefully this is going to provide the best clarity that I can. This is to Mr. Jensen and all the Board members. I realized when I initially stated that you would need to consider this petition, you have to consider it because it's been presented to you. You can't have anything in the materials that's just glossed over. So, you have to address it. The main information in this packet is this application, right? The petition is there to support the basis for the application being approved. So, I know I'm going to have to issue an order today. And the order is not going to be on the petition, but it is going to be on the application. And Ms. Wiener has already indicated that she has no gumption at all to withdraw this application. So, it's going to be an approval or it's going to be a denial. If it's an approval with conditions, that's something else, but approval or denial. If you vote not to approve or deny this application, you will have to include consideration in that decision of this petition because it's been presented to you for consideration. And you can add anything else you may want to add if a denial is where you're going. If you're going to approve it, because you have to give each of those considerations equal time, then you're going to have to explain why it's approved, and you may have conditions to attach to it but also address that you gave consideration to this petition. So, if I can just backtrack and maybe clarify the order of things, I think I'm going to line up with what was previously stated and have you guys vote on the application. I will be very careful if you vote on this application and then in your reasoning say, I find that this applicant has clear and convincing evidence of rehabilitation, but I'm still going to deny because, because that is also going to be a factual scenario that could be difficult to understand. So, in looking at this train as to where you're going, and this is totally from a legal perspective, I cannot tell you how to rule. I want to be clear on the record. But whatever you choose to do with this application, you are going to have to be able to develop a basis to support your decision that is consistent with the reasonings to support it. Denials, criminal history, lack of rehabilitation, and anything else you may find. Approval, clear and convincing evidence of rehabilitation, despite criminal history, whatever. So, I'm just trying to create lanes for you to understand legally where and how you can rule so that it is at least supportable. Because I'm going to have to issue an order, and it has to make sense.

Vice Chair Clark – Thank you, Ms. Munson. Mr. Jensen?

Mr. Jensen – Can I ask Ms. Munson a question?

Ms. Munson – Sure.

Vice Chair Clark – Yes, go right ahead.

Mr. Jensen – Yes. So, Ms. Munson, what I'm hearing you say, so if we get rid of one part of it, then we got a whole other part of criminal history, and is that even in the time frame? Because there's some discussion as to the time frame of criminal history here. So, if we base it upon that, then, I mean, I don't even know if we can bring that in because it's over ten (10) years old, correct? I mean, because there was some question as to the time frame. I know Ms.

Wiener stated earlier and then the Department said, well, no, actually, it was this. I'm just trying to sort all that out. So really the rehabilitation and the criminal history, I mean, the Department could easily have said deny it based on criminal history, but they didn't. They put it in revoked. So, do you say then that it should never have been processed in the first place, and the Department made a mistake, or just what goes on here?

Ms. Munson – I cannot tell the Department what to present. I want to be clear on that. They chose to present it in the manner that they did, identifying that this applicant came before you for a license that has been previously permanently revoked. That was their choice. And that was a part of the summary sheet because they had to give all the information as to how we landed where we are today. So that's totally within their purview how to present it. I'm just saying, because this is a new application. It's not merely a consideration of reviving because it's not a reinstatement. It is a new application. And these are the things that you're going to have to support in your consideration, which would be the rehabilitation because there's been a lot of argument made about it. You can't act like that did not occur on this record. You're also going to have to address, because there's been a lot of discussion about criminal history, any timelines. And that's for Ms. Wiener to argue. Well, though they happen outside of a window, so you can't consider them. I'm not going to do anybody's job for them. I'm just giving you a clear picture as to when you presented, how am I going to vote on this application? These are the elements that need to be presented to you in their persuasive argument means and for you to base a decision on that. If you choose to deny, you will be in a position to address all of those arguments that are being presented.

Vice Chair Clark – Thank you, Ms. Munson. Ms. Simon?

Ms. Simon – Yes. As to Mr. Jensen's point, the period is twenty (20) years.

Ms. Munson – And it hasn't been --

Ms. Simon – Not ten (10) that you're speaking of and this crime was within the twenty (20) years.

Ms. Munson – Exactly.

Vice Chair Clark – Thank you, Ms. Simon.

Ms. Simon – The convictions were within --

Mr. Jensen – I guess my point being there, the Department could have suggested denying based on criminal history and that would have just been a little clearer. This whole rehabilitation thing has got me going for a loop. Ms. Munson says we can consider that. Are we -- it's in the law to consider that. And if the gentleman has that avenue, you know, I mean, that throws a lot of other arguments on the permanent revocation out the window, which I do -- just confused right there. That's just throwing the loop in it for myself because I don't want him to be denied if he's truly paid his penance. So, I don't know. But again, I'm a licensed funeral director and embalmer and I definitely don't agree with some of the things that were done here. But that being said, I mean, I'm held to a certain standard as other licensees on this Board are and other people that have been on this Board. I don't want to deny what their thoughts were either. I just want to get it right. So that's why I'm confused. Thank you.

Vice Chair Clark – Thank you, Mr. Jensen. Ms. Simon?

Mr. Chapman – Mr. Chairman?

Ms. Simon – I want to simplify this for the Board. Okay? This is a suggestion of mine. If the Board is intending to deny the application, the denial of the application can be stated that it's based upon criminal history and even if rehabilitation was proven, it's also based upon the statutory basis of the fact that permanent revocation is permanent revocation and rehabilitation is irrelevant. I think that you can go and say that there are two (2) bases for why you're denying the application. And after that, you can face the petition and -- -- I think that the application, as Ms. Munson said, would need to be either approved or denied because the applicant is not going to withdraw. So that's my

suggestion. If you choose to deny, it sounds like there are two (2) bases. One (1), that it might be denied based on criminal. And two (2), even if rehabilitation would be established, it is not applicable to the situation based upon the statute. That's my recommendation. And again, I am sorry that the Board is being given so much different guidance and I don't have anything else to say.

Vice Chair Clark – Thank you, Ms. Simon. Mr. Williams, did I see your hand? Did you have a question?

Mr. Chapman – I would like to speak.

Mr. Williams – Yes, Mr. Chapman, you go ahead first. I mean, you've been waiting.

Vice Chair Clark – Go ahead, Mr. Chapman.

Mr. Chapman – Okay, thank you. Thank you, Mr. Chairman. I appreciate Ms. Wiener. I think she's a fantastic attorney, but I think she's set out everything that she's tried to accomplish by confusing the Board with rehabilitation and permanent revocation. The Board, we're not in a position for rehabilitation because there's no statutes, there's no bylaws, there's no guidance at all that we have in order to reestablish this man because of all the good things he's done in the past. And I think that we just need to sit there and -- the thing that's on the agenda, it's about permanent revocation. And until there's something on there about that, I think we're just kicking the can down the road. We need to sit there and vote on this and put it in the rearview mirror and put it behind us. And then once you get your rules and regulations, or if you have to sit there and do something with 497, you do it. Because when Ms. Wiener was sitting there talking, she also said {inaudible} Ms. Simon was. In statute 497, I think it was 8, she said it was permanent revocation. Then she went on and said that, hey, it can also be interpreted in another way as well. My motion is to -- well, I've said enough. Thank you, Mr. Chairman.

Vice Chair Clark – Thank you, Mr. Chapman. Ms. Wiener, I saw your hand up.

Ms. Wiener – Thank you, Mr. Vice Chair. The law is incredibly clear. It's one (1) statute. The statute contemplates three (3) different things. Getting revoked for a period, getting revoked permanently, and getting out from under that revocation. It doesn't matter whether you're revoked permanently -- and see Ms. Munson's head shaking, Board members, please -- or revoked for a period. You can get out from under that revocation if you show by clear and convincing evidence that you've been rehabilitated. There are no standards for rehabilitation because that is the part that is in your discretion. And that is why we have presented to you evidence of this man's character, his fitness, of his capacity for good, his community involvement, of his kindness. All of those things go to show that he has been rehabilitated. To Mr. Jensen's earlier point, this Board sees applicants that have been imprisoned for murder for years and years and years, and when they come out, they are able to show they've done their time and that's fine, and then they get a license. You're in exactly that same position now. The law gives you the capacity to look at his record and see whether you consider him rehabilitated or not rehabilitated. That's the question before you. Is he rehabilitated? Is he not rehabilitated? Because I heard Ms. Munson caution you. I don't know that you got it the way that she said it, but I heard her to caution you that permanent means permanent in our statute is probably not going to be a good argument for this order to rest on.

Vice Chair Clark – Thank you, Ms. Wiener. Ms. Munson?

Ms. Munson – Okay, unless it's absolutely necessary, I think this is going to be my final comment on this. My direction to you from the legal perspective is you've been presented a new application for review. It was signed in November of 2025, received by the Department in December of 2025. That's the application for review. You get to determine what you want to do with it. In your ability to consider how to vote on this application, you've also been presented information to consider this applicant's rehabilitation. And you've only been presented that information because this applicant has a license that was previously revoked. So that's where that revocation clause came into play. I want to clarify, however, because I want it to be my words and not an interpretation of my words, it's not just that you have to find that this applicant is rehabilitated. I mean, if you determine that this application should be denied because of the criminal history that's still within the window of consideration and the existing revocation of a

previous license that's on the books, you have to determine, based on those two (2) things. If you use those two (2) things, that revocation is where you would tie in this rehabilitation consideration. But it has to be clear and convincing. You may not know -- I mean, I believe one of the members said, I don't know how to determine what type of information is enough for rehabilitation. That's your discretion. If you don't know if it's enough for clear and convincing because there are different standards. Clear and convincing evidence means beyond a shadow of a doubt. Clear and convincing is a medium level with a heightened burden of proof. It's not just the propensity of the evidence most of it shows. It says it's clear and convincing. So, if you don't feel there's enough for it to be clear and convincing, then that rehabilitation standard is not met.

We are going over and over about trying to develop a legal standard for something that really, look at this as an application that's been presented for you to determine whether you're going to approve it or deny it. If you deny it, you have to provide a legal basis for doing so. If you're going to consider, and I've heard so many comments about, "Well, this person's license has been revoked before," if you want to consider this revocation, then you pull in this clear and convincing requirement that you will also have to explain. If you want to consider -- and you have to consider it because now that petition was presented for your consideration because we've been told, they were told to bring both of them before you for consideration. And you also if you want to rely on criminal history, there's information before you regarding the criminal history of this applicant. So, you're looking at this in a way that may be different from how you've looked at other applications. This is a new application that the Department received in December of last year. Look at the history and you have the ability to determine whether to approve or deny. And I don't know if that makes that any cleaner for your consideration. Any arguments that occur after this, however you vote, will be based on what's in this order, based on what you tell us today. So that's why I'm wanting you to be very clear in what you're saying, but I need you to understand you're voting on a new application. You base your decision on all the things you've discussed and how you feel collectively this outcome should be. And so many distractions like shiny parts that are in front of you just blinking. Look at this as an application and vote based on the perimeter and the legal guidelines that you have to vote on any application. This happens to include a revocation as well that's in the history of it.

Vice Chair Clark – And Ms. Munson, serving as Vice Chair, I just want to make sure because we have a motion and a second that we've taken no action on, and I appreciate what you just stated, and it sounds like we do want to take these up separate. Do you have a recommendation on which to take up first?

Ms. Munson – I would vote on the application because that's what's before you.

Ms. Wiener – He can't even apply unless you find him rehabilitated. How can you vote on his application when his entitlement to even file the application was based on whether he's rehabilitated or not? I'm at a loss. But you can --

Ms. Munson – The reason I said that Ms. Wiener, is because when this Board votes on the application, they're going to have to give a reason for their decision. And if their decision is to approve it, they're going to have the rehabilitation consideration in place. I mean, it seems like our conversations are almost circular. If they deny it, they're going to have to address the petition as well. I mean, it's not like that information regarding the rehabilitation is not going to be discussed. It's going to have to be addressed before this matter is closed.

Ms. Wiener – So in the order, it will say petition approved or petition denied? And the reason why?

Ms. Munson – It's going to say the basis for the approval or the denial of the application. And there will be language in there regarding the Board statements regarding rehabilitation.

Ms. Wiener – Well, I believe due process-wise, Mr. Mitchell is entitled to have his petition approved or denied and a reason given. If you want to do that second, however, the order should say the petition was approved or it was denied and a reason, therefore because it has been presented to this [audio cuts out].

Ms. Munson – It will be incorporated. It will be incorporated, but I've made those statements because I want the Board to understand that it will be a part of the discussion as the basis for whatever outcome it is. We can't just not address it because it's been presented. So, it has to be addressed.

Vice Chair Clark – Thank you, Ms. Munson. Mr. Williams and then Ms. Clay. Mr. Williams?

Mr. Williams – Yes, sir. Thank you so much. All I was going to do, Mr. Vice Chair, is call the question of the day to proceed.

Vice Chair Clark – Okay, Mr. Williams. Ms. Clay, would you like to modify your motion?

Ms. Clay – I would indeed like to modify my motion. Do I withdraw that and then restate my motion?

Vice Chair Clark – I believe you can just edit it and then I'll ask Chair Peebles, and Ms. Munson to correct me if I'm wrong, if you want to modify your motion, then I'll see if Ms. Peebles wants to accept. She was the one that seconded it.

AMENDED MOTION: Ms. Clay moved to deny the application funeral director and embalmer based on previous license revocation and criminal history.

Vice Chair Clark – Thank you, Ms. Clay. Chair Peebles, would you like to amend your second?

Chair Peebles – And I'll accept Ms. Clay's motion for my amendment.

Vice Chair Clark – We have a motion to deny the application for funeral director and embalmer due to previous license history for revocation and criminal history by Ms. Clay. It's been seconded by Chair Peebles. Ms. Simon, will you do a roll call vote?

Ms. Simon – Yes, sir. All of those that are in agreement with the motion respond by saying Aye. Mr. Clark?

Vice Chair Clark – Aye.

Ms. Simon – Mr. Quinn?

[Inaudible]

Ms. Simon – Is that an Aye? I'm sorry. We're having a hard time hearing you. You're nodding your head as in Aye.

Ms. Simon – Ms. Clay?

Ms. Clay – [Inaudible]

Ms. Simon – Okay. I don't know why we're having problems with volume. I just want to make sure everything is on record. Mr. Quinn signified by nodding his head he was saying Aye. Ms. Clay has signified by nodding her head that she is saying aye. Mr. Ferreira?

Mr. Ferreira – Aye.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Aye.

Ms. Simon – Mr. Jones?

Mr. Jones – Aye.

Ms. Simon – Ms. Liotta is no longer on the call. Mr. Chapman?

Mr. Chapman – Before I vote, was Ms. Peeples saying that it was [inaudible] the Board from 2015? Was that part of the reason for denial?

Vice Chair Clark – Mr. Chapman, the motion to deny did include the previous criminal history and permanent revocations. So, it did include that, yes.

Mr. Chapman – All right, I vote Yes then. Aye.

Ms. Simon – Mr. Williams?

Mr. Williams – Aye.

Ms. Simon – Chair Peeples?

Chair Peeples – Aye.

Ms. Simon – And that motion passes.

Ms. Munson – Mr. Vice Chair?

Vice Chair Clark – Go ahead, Ms. Munson.

Ms. Munson – We need the Board to identify then that the two (2) reasons for the denial have been stated to be the license revocation and the criminal history because the license revocation was in consideration for this basis. Could you please respond to the petition? Did this body find that there was clear and convincing evidence that the applicant was rehabilitated? And again, clear and convincing evidence is a heightened level of scrutiny. Preponderance of the evidence is a little less. You just have to show just a little bit maybe that the majority of the evidence shows. But beyond a reasonable doubt means like 100% there's absolutely no way that this person has not shown rehabilitation. Clear and convincing evidence falls in between, but it's a mid-level, but it's above, it's below beyond reasonable doubt, but above propensity of the evidence. So, in understanding that, did this body find, and I would need that to be clearly stated, that there was clear and convincing evidence that this applicant has been rehabilitated to the extent that would warrant licensure.

Ms. Simon – And can we take a vote on that?

Ms. Munson – And {inaudible}, we would have to say no.

Ms. Simon – Can we take a vote on that, Ms. Munson?

Ms. Munson – I would prefer to take a vote on that if that's possible because I want it to be clear what this body's consideration of the petition is.

Ms. Simon – Okay. So, the question, if I may, Mr. Clark?

Vice Chair Clark – Go ahead.

Ms. Simon – The question is whether you find by clear and convincing evidence that Mr. Mitchell's has established rehabilitation. Is that what you were looking for, Ms. Munson?

Ms. Munson – Yes. And if you feel there's not enough information, then it can't be a yes, right? So, clear and convincing, it's pretty strict. It's the next thing under beyond a reasonable doubt.

Ms. Simon – Okay.

Ms. Clay – Question?

Vice Chair Clark – Ms. Clay?

Ms. Clay – Before we move forward, I'm having an issue with the wording. And so, we say that the mid-range is preponderance, correct?

Ms. Munson – Preponderance means more likely than not. And beyond reasonable doubt means nearly certain. This sits in between the two (2).

Mr. Ferreira – And what about no?

Ms. Clay – Preponderance sits in between.

Ms. Munson – Well, then that's just a flat-out no. You don't feel like there was sufficient evidence on any grounds.

Mr. Ferreira – Okay. Thank you.

Vice Chair Clark – Ms. Munson, we can just take that as a vote. We don't need a motion, correct?

Ms. Munson – Well, when you say take it as a vote, you don't need a motion, I would like to know what the outcome of this response to the establishing rehabilitation is.

Vice Chair Clark – Okay. I just want to make sure, because I think Ms. Simon is about to do roll call, and I just want to make sure. Okay.

Mr. Ferreira – Mr. Vice Chair?

Vice Chair Clark – Mr. Ferreira?

Mr. Ferreira – I'm confused why we're even voting on this.

Ms. Munson – Because you've identified the revocation to be a basis for the denial and tied to the revocation consideration, arguably, is this rehabilitation argument.

Mr. Ferreira – But it's arguably. So, you know, I don't understand.

Ms. Munson – But still, it's an order. If we issue an order as a Board, it needs to be as clean, because whatever we issue is what is going to be presented to whatever reviewing authority. And if things are left murky, if it's not clear, I would suggest that this Board is clear in its deliberations and its decision-making. Avoidance is not clarity.

Mr. Ferreira – But it's also okay to say that we're not qualified, right? -

Ms. Munson – And because you're not qualified, you would say no.

Mr. Ferreira – All right. That's it. That's where I'm at. Thank you.

Ms. Munson – So that -- but I'm just saying that would be the basis. That's what this record will reflect.

Mr. Ferreira – Okay.

Vice Chair Clark – Thank you, Ms. Munson. Ms. Clay?

Ms. Simon – I'm going to call a roll call vote.

Mr. Jensen – Wait a minute. What is the motion?

Ms. Simon – It is essentially --

Ms. Munson – Go ahead. Go ahead, Ms. Simon.

Ms. Simon – No. It is essentially whether you find clear and convincing evidence has been produced to establish rehabilitation.

Ms. Munson – Correct.

Mr. Jensen – So let me understand. If I understand what Ms. Munson just said, you say clear and convincing, that's a little short of -- or that's a little bit higher than preponderance. Is that correct?

Ms. Munson – Correct.

Mr. Jensen – Preponderance means --

Ms. Munson – Preponderance is like a majority, right? Beyond a reasonable doubt is like 100% clarity. This is in the middle. So, it's higher than just the majority, more likely than not. It's higher than that, but it's not quite as high as 100% certainty.

Mr. Jensen – All right. Well, that's what I needed to know.

Ms. Munson – But if you don't feel you have enough information, then you don't have enough information. So, you can't vote that it is if you don't have enough information to do it, or you can note -- I mean, the order will reflect Board members did not determine they didn't have enough information based on what evidence was presented to establish clear and convincing evidence.

Mr. Jensen – So, is there a motion --

Vice Chair Clark – Go ahead, Mr. Jensen.

Mr. Jensen – Yes, the motion is, as I'm understanding it, that we're voting saying more likely than not this gentleman has or has not been rehabilitated. Is that what the motion is?

Ms. Munson – It's greater than more likely than not. It's a higher standard than that.

Ms. Clay – Mr. Vice Chair?

Vice Chair Clark – Go ahead, Ms. Clay.

Ms. Clay – My issue is I don't like the way it's worded. I think that the Board is leaning more towards preponderance. And I guess I need clarity. Can we simply vote on a preponderance of evidence versus --

Ms. Munson – No, you can't because the statute requires clear and convincing. That is the language that will be included in this order. Did this Board find clear and convincing evidence that this applicant was rehabilitated?

Ms. Clay – Right. I understand that. Thank you.

Ms. Munson – Yes.

Vice Chair Clark – Go ahead, Ms. Simon.

Ms. Simon – And it may even be clearer, I don't want to murky up the waters, if one of the Board members made a motion in that regard. If not, I'll just take the vote as it is.

Mr. Ferreira – What are you asking, Ms. Simon?

Ms. Simon – It may be clearer for there to be a motion to find whether the evidence has established that there has been rehabilitation and that evidence has been established by clear and convincing evidence. And so, if you agree that he has been rehabilitated --

Ms. Munson – Based on clear and convincing evidence, you say yes. If you feel you cannot say that he was rehabilitated based on clear and convincing evidence, you say no.

Mr. Ferreira – I'll make a motion.

Vice Chair Clark – Go ahead, Mr. Ferreira.

MOTION: Mr. Ferreira moved that the application has not provided evidence establishing clear and convincing evidence of rehabilitation. Chair Peoples seconded the motion.

Vice Chair Clark – We have a motion and a second. Any discussion on the motion? Ms. Simon, to make the record clear, would you like to do a roll call?

Ms. Simon – Thank you. Mr. Clark?

Vice Chair Clark – Yes.

Ms. Simon – Mr. Quinn?

Mr. Quinn – No.

Ms. Munson – Wait a minute. Are we saying yes, he established? I don't know what Yeses and Noes are.

Vice Chair Clark – I'm agreeing with Mr. Ferreira's motion that he did not.

Ms. Munson – That he did not establish. That he did not establish. Okay. Okay.

Ms. Simon – So Mr. Clark was a Yes. Mr. Quinn? No?

Mr. Quinn – No.

Ms. Simon – Okay. Ms. Clay?

Ms. Munson – So Mr. Quinn feels that he did establish.

Mr. Quinn – Yes, that's correct.

Ms. Munson – Okay. Thank you.

Ms. Simon – Ms. Clay?

Ms. Clay – Yes.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Yes.

Ms. Simon – Mr. Jensen?

Mr. Jensen – No.

Ms. Simon – Mr. Jones?

Mr. Jones – No.

Ms. Simon – Ms. Liotta is excused. Mr. Chapman?

Mr. Chapman – He did not give enough evidence.

Ms. Simon – So that's -- he did not give enough evidence to establish clear -- okay.

Mr. Chapman – That's correct.

Ms. Simon – Mr. Williams?

Mr. Williams – No.

Ms. Simon – Madam Chair?

Chair Peeples – Yes.

Ms. Simon – Well, that motion fails.

Ms. Munson – What was the final count on that?

Ms. Simon – Five to five.

Chair Peeples – I have five (5) yeses and four (4) noes.

Ms. Simon – Excuse me.

Ms. Munson – I think I have a different count.

Ms. Simon – I'm sorry. That motion does pass.

Ms. Munson – That the applicant did not establish clear and convincing evidence of rehabilitation?

Ms. Simon – Yes.

Mr. Ferreira – Next item.

Ms. Simon – Yes. Ms. Munson, does anything else need to be established with regards to Bernard Mitchell?

Ms. Munson – No, it's none.

Ms. Simon – Okay.

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

(1) Recommended for Approval with Conditions

(a) Preneed Sales Agreement

1. Our Lady of the Holy Rosary Catholic Cemetery Inc (F922940) (Oxford)

Ms. Simon – Ms. Wiener is representing this entity. The applicant submitted a revised preneed cemetery sales agreement for approval. If approved, the agreement will be used for the sale of preneed by the applicant. The Division recommends approval subject to the condition that two (2) full-size, print-ready copies of the revised preneed sales agreement are received by the Department within 60 days of this Board meeting.

Vice Chair Clark – Thank you, Ms. Simon.

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

T. 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 afternoon, Board members. For some reason, my camera wants to be completely blurred. And I just have to leave it like that. I want to thank you all again for your continued patience throughout these meetings and preparation and all of that. We've had some unusual matters come before the Board today, and I know it's been a little bit longer. I'm going to try to keep my report briefer to hopefully make up a little time for that.

The regular legislative session ended on March 13th. Of the twenty-six (26) House and Senate Bills we monitored, only, I think, six (6) passed and are on their way to the Governor for signature. I'm just going to briefly tell you which bills passed. I will not go into great detail because we've already covered that in prior meetings.

The first was [SB1366/HB145](#), Claims Against the Government, Suits Against the Government. These make minor changes to Section 497.167 just to incorporate the amendments made to an already referenced statute in that section, which is 768.28.

And these few bills that I'm about to read here are what's called general laws or Revisor's Bills. The next one is [SB104/HB7027](#), Florida Statutes – 2026 is the Revisor's Bill, referred to it that way. It passed as SB104 on March 9th, and it will correct the reference to a statute dealing with construction of mausoleums that is contained in Section 497.271.

The third bill that passed in these general categories is [SB7026/HB7017](#). It passed as SB7026 on March 9th. It deletes subparagraph 4 of Section 497.172 regarding public exemptions for trade secrets. And again, all of the trade secrets issues that are contained throughout statutes are now going to be contained and covered by a specific exemption in Section Chapter 119, which has to do with public records and public exemptions. Though it is not a lost exemption, it's just really been moved.

I just want to clarify on these. These three (3) bills anyway, it does not appear that any of these bills just mentioned will require rulemaking even though there is impact to Chapter 497. That is not the case with some of the other bills coming up.

Historic and Abandoned Cemeteries Bills, we've talked about these. The one that passed was [SB34/HB425](#), the Historic Cemeteries Program. And these passed as HB425 on March 12, 2026. The only interest to us is as it involves historic cemeteries. There is no direct impact to Chapter 497. Again, it's just one that we monitor.

And now moving on to bills that actually impact Chapter 497. Of course, you all know that [SB598/HB1231](#), the association bills, that's the way we've been referring to them anyway, passed as SB598 on March 12th. That becomes law on July 1st, assuming it's signed, of course. That is definitely going to require rulemaking to implement. There are a number of sections within the bills that impact Chapter 497 and will impact our processes, our forms, rules, et cetera. I'm sure we will be talking about that in more detail through the next several months.

The final one to discuss is the Agency Bill. This passed as [SB1452](#), also on March 12th. The impact to Chapter 497 is that it establishes better guidelines on how to handle applicants who have criminal history, something that we hope will improve some of the situations that the Board faces going forward. That becomes law when it's signed by the Governor. It's going to require rulemaking to implement.

Just as a heads up, we are hoping to schedule another Rules Committee meeting by videoconference later in April, possibly early May. The purpose of that meeting is going to be to review the changes to the rules that may be necessitated by the referenced legislation that passed. In particular, the criminal history one, because that will become law theoretically before the July 1st date that SB598 would become law. So criminal history is probably one of the first ones we'll take up in rulemaking. Whether we end up scheduling that for late April or early May, the notice and details of any meeting are posted on our website.

The next full Board meeting will take place by videoconference on May 7th at 10:00 AM. Additional details on this and all Board meetings or related committee meetings are found on our website. And I just want to pause here for a moment. We have, since the COVID year, been using GoTo Meet as the means of communication and videoconference for the Board meetings. And for the most part, it works great and has features to it that other programs don't have that help, for example, in the transcription of the minutes. There is a question whether or not we will be able to continue to use GoTo Meet beginning in May. There are negotiations underway, and I really can't say anything more about that. It's not a Division controlled thing. This is a State contract. So, I just want to say to everybody on Board, certainly, we would send out notice, but also to the public, check our website please a few weeks in advance of the next meeting and just continue to periodically check that just in case there are changes to the method that we use for these videoconference meetings. And I apologize for the blurriness of my video today. I know what I did on that. I won't do that again. It's just a background setting that apparently doesn't work so well when we have more than a few members on the camera. So that ends this portion of the Executive Director's Report. And again, thank you all.

Vice Chair Clark – Thank you, Ms. Schwantes. Ms. Simon?

Ms. Simon – Thank you, sir.


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

Ms. Simon – This is an informational report.

Monthly Report of Fines and Costs Assessed and Paid Division of Funeral, Cemetery and Consumer Services Date of board meeting
 Date of Board meeting: April 2, 2026
 Date report was prepared: March 24, 2026

Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
Travis Gibson	5-Mar-26	351258-25-FC	\$2,500			
Cremation Services By the Sea LLC	5-Mar-26	353719-25-FC	\$500			
Michael Gunderud	5-Mar-26	353271-25-FC	\$500			
Michael O'Brien	5-Mar-26	346976-25-FC	\$1,000			
April Cooper	5-Mar-26	347805-25-FC	\$750			
Ruth Madison-Eaves	5-Mar-26	334934-24-FC	\$3,000			
Patrick Cooney	5-Mar-26	311915-23-FC	\$1,000			
Ganderson Brothers Mortuary	5-Mar-26	330871-24-FC	\$1,750			
Hall Ferguson and Hewitt Mortuary PA	5-Mar-26	347466-25-FC	\$750			
Kimberly Rachel Meyers	5-Mar-26	345573-25-FC	\$750			
Northstar Cemetery Services of Florida LLC db/a Memorial Park Cemetery	5-Mar-26	287717-21-FC	\$1,000			
Northstar Cemetery Services of Florida LLC db/a Woodawn Memory Gardens	5-Mar-26	287716-21-FC	\$1,000			
Dobies Funeral Home	5-Mar-26	334770-24-FC	\$1,750			
Hudson Chapel Crematory db/a Dobies Funeral Home & Crematory	5-Mar-26	334787-24-FC	\$1,500			
Patrick O'Neal	5-Mar-26	33788-24-FC	\$1,500			
Edward Urso	5-Mar-26	334783-24-FC	\$1,750			
Monarch Funeral Home & Cremation Services LLC	5-Mar-26	351267-25-FC	\$1,000			
William Savino	5-Mar-26	351268-25-FC	\$1,000			
Bell's Funeral Services, db/a Bell's Funeral Home and Cremation Services	5-Feb-26	351344-25-FC	\$1,250			
Milam Funeral Home	5-Feb-26	351269-25-FC	\$750			
SE Combined Services of Florida LLC db/a Caballero Rivero Westchester	5-Feb-26	344177-25-FC	\$1,500			
Undertaking Grady LLC	5-Feb-26	351275-5-FC	\$750			
Bevis Colonial Funeral Home, Inc. db/a Bevis Funeral Home & Crematory	5-Feb-26	338230-25-FC	\$1,000			
Ed Kalis Memorial Services LLC db/a Edwards Cremation & Funeral Services:	5-Feb-26	346650-25-FC	\$1,500			
Harry T. Reid Funeral Home	5-Feb-26	347442-25-FC	\$4,000			
Maloney Funeral Home	5-Feb-26	347864-25-FC	\$750			
Evergreen Funeral Home, Inc. db/a Evergreen Funeral Home and Crematory:	5-Feb-26	347465-25-FC	\$750			
Caleb Snderson	5-Feb-26	33897-25-FC	\$750			
Ray Williams Funeral Home	1/8/2026	347878-25-FC	\$1,250			
Duncan Brothers Funeral Home	1/8/2026	338193-25-FC & 256439-19-FC	\$1.75			
Phillips Mortuary	1/8/2026	347306-25-FC	\$1,250			
Alexander Funeral Home	1/8/2026	347891-25-FC	\$1,500			
Donathon Cook	1/8/2026	338213-25-FC	\$2,500			
Jorge Rivero	1/8/2026	344124-25-FC	\$1,000			
Vior Funeral Home	1/8/2026	344123-25-FC	\$1,000			

Archer Funeral Home LLC	4-Dec-25	308410-23-FC	\$2,500	2/16/2026	
John Milton	4-Dec-25	308411-23-FC	\$2,500	2/16/2026	
All Points Removal Service	12/4/2025	317084-23-FC	\$2,500		
Brandon Cremation and Funeral Services Inc.	4-Dec-25	347883-25-FC	\$2,500	2/16/2026	
Craig Funeral Home, Inc	4-Dec-25	347451-25-FC	\$500	2/16/2026	
Craig Funeral Home, Inc db/a Craig Memorial Park	4-Dec-25	347458-25-FC	\$500	2/16/2026	
Davis and Davis Funeral Services LLC	4-Dec-25	346975-25-FC	\$2,000	2/16/2026	
Harria Mortuary, Inc	4-Dec-25	347307-25-FC	\$750	2/16/2026	
Brownlie-Maxwell Funeral Home, P.A.	4-Dec-25	346649-25-FC	\$750		Paid in Full
Grace Funeral Home	4-Dec-25	346906-25-FC	\$750	2/16/2026	
Melbourne Crematorium	4-Dec-25	346648-25-FC	\$750	2/16/2026	Paid in Full
Mitchell Funeral Home	4-Dec-25	346909-25-FC	\$1,500	2/16/2026	Paid in Full
Rickey Shamard Butts	4-Dec-25	300626-22-FC & 300707-22-FC	\$1,800	2/16/2026	Paid in Full
Weston's Mortuary	4-Dec-25	347436-25-FC	\$750	2/16/2026	Paid in Full
R. Butts dba Butts Memorial Chapel	4-Dec-25	300624-22-FC & 300705-22-FC	\$1,800	2/16/2026	Paid in Full
Joseph Pinello	Nov-25	343571-25-FC	\$1,750	2/16/2026	
Pinello Funeral Home	Nov-25	343569-25-FC	\$1,750	2/16/2026	
Aikens Funeral Home	Nov-25	345517-25-FC	\$250	2/16/2026	Paid in Full
Trina Benn	Nov-25	325253-24-FC	\$1,250	2/16/2026	Paid in Full
Oaklawn Park Inc. db/a Greenwood Cemetery	Nov-25	334849-24-FC	\$5,000	2/16/2026	
Smith-Young's Funeral Home	Nov-25	346973-25-FC	\$1,000	2/16/2026	
Anthony White	10/2/2025	338195-25-FC	\$1,500	12/1/2025	File sent to OGC for administrative action
Efren Lamar Johnson II	4-Sep-25	334748-24-FC & 343499-25-FC	\$500	11/16/2025	File sent to OGC for administrative action
Johnson & Family Life Celebration Center LLC	4-Sep-25	334714-24-FC & 343278-25-FC	\$1,500	11/16/2025	File sent to OGC for administrative action
Travis Gibson	7-Aug-25	316203-23-FC	\$500	4/14/2025	
Travis Gibson	7-Aug-25	318828-23-FC	\$5,000	4/14/2025	
Trais Gibson	7-Aug-25	318756-23-FC	\$2,500	4/14/2025	
Charlee Chestnut IV	8/7/2025	334936-24-FC & 346917-25-FC	\$4,000	11/17/2025	
Glorida Castillo	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	
Roderick Stevens	29-May-25	338272-25-FC	\$1,750	18-Aug-25	
D A Jackson Funeral Home	29-May-25	338271-25-FC	\$3,500	18-Aug-25	
Donna Summerour McRae	5/1/2025	325260-24-FC	\$2,000	18-Aug-25	Paid in Full
Geronimo Mena Jr.	2/6/2025	311851-23-FC	\$2,000	3/31/2025	Sent to OGC
Ronald Dolinar	1/2/2025	325255-24-FC	\$1,500	13-03-25	Sent to OGC

 3-24-26

U. Chair's Report (Verbal)

Ms. Simon – Madam Chair?

Chair Peebles – Thank you. I had a couple of things, but because of our lateness of our day, I'm just going to kind relinquish my time back {inaudible}.

Ms. Simon – Thank you. Mr. Clark, may I continue?

Vice Chair Clark – Yes, please.

- V. **Office of Attorney General's Report**
 - (1) *Attorney General's Rules Report (Informational)*
 - (2) *Intended Action Report (Action)*
 - (3) *Reviewed Rules with Proposed Substantive Changes (Action)*

Ms. Simon – Ms. Munson?

Ms. Munson – Thank you so much for your indulgence. I hate that we have quite a few rules that we need to discuss. I know we're late in the afternoon for our normal course of meetings, so let me be quick. You have a copy of your rules report, an amended report for the month of April that you see that has, I believe, five (5) repeal rules that you've been aware of previously, and an additional fourteen (14) rules that, due to various conversations and Rules Committee meetings, there's been a recommendation for the assistance of Ms. Wiener, Department staff, Rules Committee, but we've changed some of the language in these rules. So, we need to vote on this language. I need to make sure that you can confirm you've actually looked at the types of changes we're talking about making. A couple of these rules we're going to actually have some additional discussion on, but once we look at the language, and if you approve the language, of course, I'm going to ask some questions. I'm going to ask to do so collectively, if that's okay, unless you want me to pull any of the rules out individually for discussion.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
(AMENDED) APRIL 2026**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-2.003	Other Official Board Business		3/21/2026				
69K-5.0025 69K-5.012	Inactive Preneed Licenses Application and Renewal Procedures for Broker of Burial Rights License		3/21/2026				
69K-6.001	Grave Spaces; Definition Limited	12/4/2025 03/05/2026	03/11/2026	03/20/2026			
69K-6.0015	Definition of Established Adult Grave Space	12/4/2025 03/05/2026	03/11/2026	03/20/2026			
69K-6.0016 69K-6.004 69K-6.0054 69K-6.007 69K-6.009	Definition of Developed Area Safekeeping of Records Written Contracts Required Criteria for Burial; Disinterment, Reinterment Identification Tags – Acceptable Materials, Locations, and Methods of Affixing		3/21/2026				
69K-6.002	Care and Maintenance of Existing Cemetery	12/4/2025 03/05/2026	03/11/2026	03/20/2026			
69K-9.001	Advertising		3/21/2026				
69K-17.0036	Course Required for Initial Licensure		3/21/2026				
69K-20.001	Report of Cases Embalmed or Bodies Handled		3/21/2026				
69K-21.009	Disinterment Reporting		3/21/2026				
69K-23.001	Manner of Application	11/6/2025 03/05/2026	03/11/2026	03/20/2026			
69K-31.001	Procedure Required		3/21/2026				
69K-33.001	Requirements Regarding Handling and Storing of Human Remains		3/21/2026				
69K-100.035	Courses of Study; Criteria; Procedures for College or University to Obtain Approval	11/6/2025 03/05/2026	03/11/2026	03/20/2026			

Let me just note what these rule numbers are and what they say, and also identify that the other information under my report is a copy of information that was submitted pursuant to SB108 that, after being passed, is Statute 125 of the Florida Statutes that requires, you've heard me say it before, but we're going to come before you probably with every meeting throughout the year and maybe over the next five (5) years for this Board and every Board to review 20% of its rules every year until all the rules are reviewed.

So, we are in the second reporting phase. This report was due on April 1st, and the documents you see with the intended action report and the rules that were actually reviewed in this first phase that will have substantive changes have been included for your review. Now I'm going to take the opportunity to discuss the rules at this particular time. I'm not going to go over the repeal rules because we've already done that at the last meeting.

So, if you will indulge with me, Rule [69K-2.003](#), Other Official Business, you'll see where the recommendation of the Rules Committee was to delete subparagraph 5 or Paragraph 5, and it just moves the other information down. We're deleting the language of all activity Board members. If it's easier for you, I'll identify the rule number, and I'm just going to give a general of what we're doing with it. I'm going to ask at the end if you have any questions about it. With the deletion of Paragraph 5, you'll see what it states. Are there any questions about why or what we are doing with the removal of that language? Hearing none.

[69K-6.0016](#), Definition of Developed Area. You'll see {inaudible} Paragraph 1, where we identified the correct statute and removed the rule that no longer applies, and also deleted language from Paragraph 2(a) and Paragraph 2(b) [audio cuts out] no more than ten (10) adult grade spaces. Any questions about that?

[69K-6.004](#), you'll see in the opening paragraph, we just clarified the language to show that we're speaking about records that are maintained, not just filed, and to include their availability for the inspection of the Department, and added a subparagraph 4, which deals with electronic storage. Also adding backed up, quarterly backup information to what is now Paragraph 5. Were there any questions on that?

[6.0054](#), we deleted language in Paragraph 1, because we no longer use a sales journal with numerical references. We just corrected the capitalization in Paragraph 4. Any questions on it regarding written contracts required?

[69K-6.007](#), instead of using original, we're just going to reference all completed burial transit [audio cuts out] and this is for criteria for burial reinterment information. And instead of under 4(a), saying all required permits, we're going to say any required permits, and properly capitalize or remove the capitalization in Paragraph 7, since there is no price disclosure sheet that's entitled as such. We are just understanding that the different cemeteries may have some type of disclosure sheets regarding prices. Any questions about it?

[69K-6.009](#), we've corrected information noting that in Item 1(a)(6), and all of 2(a)(6), and all of the other subparagraphs, and just identifying an electronic identification system, because all the other language that applies, we kind of thought we were just speaking in secular terms, that could never completely identify all types of electronic identification, so we just used the word system. Prefer that JAPC will understand we needed to speak generally, because there's so many different types, we couldn't possibly encapsulate all of them, and you'll see those changes routinely through that rule. The final section of that rule also identifying that containers will include exterior cremation internment containers.

[69K-33.001](#), regarding Handling and Storage of Human Remains, we've added a subsection J, so you'll see it's just human remains shall not be stacked unless such remains are in a rigid container. That was an important point brought out at a Rules Committee Meeting, and just a grammatical correction under what is now the new subsection J. And those were all Board Rules.

Under the Shared Rules, you know, we share rules with the Department, [69K-5.0025](#), removing subparagraph 5 as it was deemed unnecessary, creating the new Paragraph 5 with that last paragraph.

I'm going to ask to just pull out [69K-5.012](#) until the end of this discussion.

69K-9.001, Cemetery Advertising Records. This is the completely new title. You'll see the changes that it allows for electronic media maintenance for two (2) years.

69K-17.0036, again make some grammatical corrections from license to licensure, and that it be allowed for at least one (1) instead of two (2) hours of credit, deleting the language regarding the compliance information, because since there's no longer Rule 69K-100.036. As a matter of fact, it was 100.035, and that has since been moved for repeal.

69K-20.001, I'm also pulling for discussion regarding the changes made to it.

69K-21.009, Disinterment Reporting, we're just removing the language that the report needs to be mailed to the Board office no later than the 10th day, because we found that's really no longer applicable.

69K-31.001, the final Shared Rule that will be discussed in this consensus, is adding the language scattering or placement, instead of just placement, regarding the cremated remains and adding the language that you see regarding the crematories and authorizations for such.

Now those changes have been really clearly outlined and highlighted. I will ask the body if you have any questions regarding any of the recommended changes to any of those rules. I'll ask that in a cumulative fashion, because I want to give you an opportunity to speak to any of them individually, if you choose. Any questions regarding those changes? Hearing none. I would need to officially have this body vote to make the changes to those rules by the language that you see printed. They've already been open for rule development, but we're now going to open a notice of proposed rules so that the language would be made available for the public to review. And we are actually going to produce the rulemaking. We're going to be responsible as a Board to take care of the rulemaking process from beginning to end for each of the rules that I've just referenced. So, I do need Board approval for the rulemaking that's being presented that is intended with the proposed language. I would need a motion, a second, and a vote.

Vice Chair Clark – Thank you, Ms. Munson.

MOTION: Mr. Ferreira moved to approve the rulemaking that's being presented that is intended and with the proposed language. Mr. Chapman seconded the motion, which passed unanimously.

Ms. Munson – Okay, I'm going to ask the SERC questions on these rules. Will the proposed rule amendments have an adverse impact on small business, or will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity, including government, in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rules? I don't think any of them would apply to that, but I would need your independent vote. If you vote that it does not, I will need a motion that it does not with a second and a vote.

MOTION: Mr. Ferreira moved that it does not have an adverse impact on small business, directly or indirectly increase regulatory costs to any entity, including government, in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rules. Mr. Jones seconded the motion, which passed unanimously.

Ms. Munson – Should a violation of any of these rules or any part of them be designated a minor violation? I don't think any of them previously were designated. If you vote that they should not be, then it would be a motion that they should not be, and a second and a vote.

MOTION: Mr. Jones moved that violation of any of these rules or any part of them should not be designated a minor violation. Vice Chair Clark seconded the motion, which passed unanimously.

Ms. Munson – I will tell you that the information, as I've indicated earlier, will be presented for rulemaking within the next week or so with the language proposed, and the public will be able to comment as we do with new rule. The two (2) rules that I have kind of extricated and pulled for special consideration are the Shared Rules 69K-5.012 and 69K-20.001. Initially they were presented as rules that the Board would present for rulemaking. In addition, and in hindsight, we looked at the content of the types of changes in these rules. If you look at them and you will see that

most of the changes that are being recommended in these rules have to do with forms, and very few minor changes had to do with something that the Board would need to rule on.

I'm going to look at [69K-20.001](#) specifically. If you would see that the only change that was recommended from the Board's perspective would be the new Paragraph 2, which says that the licensee shall retain each completed report in its record, at its licensed business premises for inspection, and this is the additional added language, by the Department until such time as the Department has conducted, and I'm correcting it to say its next annual inspection of the licensee. That will be the new reading of that language, and if you so approve that that makes sense, and that was the changes that we would recommend with all the other changes to these forms in here, that is for the Board's consideration for the language that should be made to that particular subsection of the rule. I need the Board to confirm that that is the change that they would recommend.

MOTION: Mr. Ferreira moved to approve the change stated. Mr. Jensen seconded the motion.

Ms. Munson – And do you vote as a body to approve that change?

Vice Chair Clark – All those in favor say Aye.

Board members [Unison] – Aye.

Vice Chair Clark – Any opposed? And that motion carries.

Ms. Munson – The reason I pulled that out is because it is being recommended that because the lion's share of the changes are actually due to changes that the Department is recommending in these forms. That this no longer proceed in rulemaking that is led by the Board's movement of rulemaking, but it will be turned over to the Department so they can do all the things they need to do to the forms that are being updated, and it will be a part of their rulemaking process with the understanding that this language that we've just referenced will be included in those changes. So, I just wanted to clarify why that was pulled.

If I can, I'd like to move to [69K-5.012](#). Again, the lion's share of changes to this particular rule was recommended for these changes to these applications, and for that reason, I'm also recommending that this Board actually allow this rulemaking, although it was initially determined that it would be under Board rulemaking, to fall under the Department's rulemaking because the lion's share is for the Department to do with regard to the changes to the applications. I am going to give Director Schwantes an opportunity to address the changes that the Rules Committee initially thought would respectfully be submitted for consideration regarding changes to the fees. Director Schwantes, if you'd like to speak to that, this would be a great time.

Ms. Schwantes – Thank you. As the Board members consider this, the only changes that were recommended by the Committee were to change the fees from \$150 to \$250 for the initial application fee, and from \$100 to \$250 for the renewal fee. And while understanding the reasoning behind the Committee's recommendation on these amounts, I'm authorized to tell you that the Department objects to any increased fee, any proposed fee increase on this matter. Certainly, the Department recommends that the Board reconsider the prior recommendation on this as it goes forward. As far as the remaining changes that Ms. Munson has referenced, the Department will take this on as part of its rulemaking process that it is responsible for, and again, most of the changes that you're seeing, it looks like a lot. It's really just reorganizing a few things, getting the fees clear, trying to clarify for the licensees exactly what's required for initial application, for renewal, et cetera, and correctly referencing and incorporating the forms into these applicable rules. So again, thanks your consideration on this matter, and we definitely object to the fee increase. Thank you, Ms. Munson.

Ms. Munson – To be clear, I believe Director Schwantes says the Department does not support the increase of fees. Honestly, any rulemaking that involves increase of fees is extremely problematic. I can't tell the Board what to do with the language, except that you have an opportunity to just leave the fees the way they are for now, let the rulemaking proceed with regard to the forms being updated as they have been indicated on this particular

submission, and perhaps maybe revisit at a later date what can possibly make the most sense for rulemaking with regard to any fee consideration. The Department will take over this. However, if this fee issue is removed, then there will be no language on this rule that even impacts that it has any ownership by the Board. It would just be totally a Department rule for rulemaking, and as you've heard, the Department does not recommend the increase. I can tell you from a rulemaking perspective, an increase right now is extremely problematic, and I would just need a vote from this body to leave it as it is that this body chooses to do based on the information presented.

Ms. Clay – Mr. Vice Chair, do you need a motion or what? I think that we should follow the recommendation of the Director and indicate that we're not in favor of fee increases.

Vice Chair Clark – Do we have a motion? Is that right, Ms. Munson? We just need a second to vote, correct?

Ms. Munson – Yes, that the changes that came through the Rules Committee are not being approved at this time by the Board, so we can just remove the fee increase information and pass the information on to the Department to make the changes as otherwise indicated.

MOTION: Ms. Clay moved that the changes that came through the Rules Committee are not being approved at this time by the Board, so we can just remove the fee increase information and pass the information on to the Department to make the changes as otherwise indicated. Mr. Jones seconded the motion, which passed unanimously.

Mr. Jones – Was that a recommendation by the Rules Committee originally?

Vice Chair Clark – It was. It was to make the fee the same as the other application fees, and as was just indicated, it's become a challenge to change the amount.

Mr. Jones – Thank you.

Ms. Munson – With that being said, I think we did have the vote. With that being said, those two (2) rules will be transferred over to the Department's pocket of rules to review with the notation of the fee increase removal, and the additional language in 20.001. Technically, I guess I should have asked those SERC questions so that it would be clear that that change in 20.001 does not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity, including government, in excess of \$200,000 in the aggregate of Florida within one year after the implementation of the rule. I'm going to technically cover this and say if you feel that it does not, then please, I need a motion saying it does not.

MOTION: Mr. Jones moved that it does not have an adverse impact on small business, directly or indirectly increase regulatory costs to any entity, including government, in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rules. Ms. Clay seconded the motion, which passed unanimously.

Ms. Munson – And that change does not represent a violation of this language in the rule, should not be designated a minor violation. None of the language previously had been. I would suggest it does not, but I would need a motion from the body.

MOTION: Mr. Jones moved violation of any of these rules or any part of them should not be designated a minor violation. Ms. Clay seconded the motion, which passed unanimously.

Ms. Munson – I think that's it on my end. Director Schwantes, if there was anything else, please, so direct, but that's the status of the rulemaking. Thank you so much for your indulgence and for your voting. We're able to move forward in the manner that has been presented. Thank you again.

Vice Chair Clark – Thank you, Ms. Munson.

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

Vice Chair Clark – You may. Yes, ma'am.

W. Public Comments (Verbal)

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

X. Administrative Report as March 24, 2026

A.	New Cemetery Applications	0
	Recommended for Approval	0
	Pending	0
B.	Cemetery Acquisition Applications	0
	Recommended for Approval	1
	Pending	0
C.	Preneed License Applications	2
	Active Preneed Licenses	323
	Presented to the Board at this Meeting	1
	Pending	2
D.	Preneed License Branch Applications	0
	Active Preneed License Branches	388
	Recommended for Approval	2
	Pending	0
E.	Preneed Sales Agent Applications	45
	Active Sales Agents	3663
	Recommended for Approval	30
	Temporary Licenses Issued Pending Permanent	13
F.	Monument Establishment Applications	0
	Active Monument Establishments	76
	Pending	0
G.	Broker of Burial Rights Applications	1
	Active Brokers of Burial Rights	22
	Pending	1
H.	Exempt Cemetery Reports	2
	Active Exempt Cemeteries	54
	Pending	0
I.	New Establishment Applications	15
	Pending	14
	Completed	1
J.	New Individual Applications	20
	Pending	2
	Completed	18

K.	Request for Training Facility Applications	1
	Pending	0
	Completed	1
L.	Request for Continuing Education Providers and Courses	21
	Pending	0
	Completed	21
M.	Initial Inspections	8
	Completed	8
N.	Inspections	131
	Completed	131
O.	Initial Licenses Issued	18
	Renewal Licenses	18

Y. Disciplinary Report

Notices of Non-Compliance Issued Since Last Meeting: March 5, 2026	0
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Z. Upcoming Meeting(s)

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

AA. Adjournment

Vice Chair Clark – Thank you, Ms. Simon. Thank you, everyone. It is 2:40 and the meeting is now adjourned.

Chair Peoples – Thank you. Bye-bye.