

FILED

Board/Division of Funeral, Cemetery & Consumer Svcs

Date: 4/26/2023

Initials of DFCCS Staffer: CAG



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

DEPARTMENT OF FINANCIAL SERVICES,
DIVISION OF FUNERAL, CEMETERY,
AND CONSUMER SERVICES,
Petitioner,

Case Nos.: 303157-22-FC

ALLIANCE MONUMENT & MARBLE CO., INC.,
Respondent.

FINAL ORDER TO CEASE AND DESIST

THIS PROCEEDING came on for final agency action and the Chief Financial Officer or his designee, having considered the record in this case and the Administrative Complaint and being fully advised in the premises, finds that:

1. Respondent is not currently licensed and never has been personally licensed in the State of Florida with any license within the purview of chapter 497, Florida Statutes.
2. On November 21, 2022, the Department of Financial Services (“Department”) issued an Administrative Complaint (“Complaint”) which is attached to this Final Order labeled “Exhibit 1” against Respondent.
3. The Complaint alleged that Respondent engaged in the unlicensed practice of activities requiring licensure pursuant to chapter 497.
4. On March 1, 2023, Respondent was served with the Complaint via service at its last known address, 5825 Plunkett Street, Hollywood, Florida 3303, via personal service. A copy of the affidavit of service is attached hereto as “Exhibit 2”.
5. Respondent has failed to timely submit a petition for a hearing pursuant to sections

120.569, Florida Statutes, and Rule 28-106.2015(5), *Florida Administrative Code*.

6. Based upon Respondent's failure to respond to the Complaint or to request a hearing, the Chief Financial Officer finds that Respondent has waived its right to a hearing and that this Final Order should be entered in this case.

FINDINGS OF FACT

7. The factual allegations in the Complaint are deemed admitted, fully incorporated by reference in this Final Order, and adopted as the Department's Findings of Fact in this case.

CONCLUSIONS OF LAW

8. Based upon the Findings of Fact adopted in this Final Order, the Department concludes that Respondent violated the specific statutes and rules charged in each count of the attached Complaint and the Department adopts the violations charged in each count of the Complaint as the Conclusions of Law in this case.

9. The failure of Respondent to answer the Complaint or to request a proceeding, taken together with the Findings of Fact and Conclusions of Law adopted in this Final Order, constitutes grounds for the Chief Financial Officer to enter this Final Order ordering the Respondent from engaging in the practice of funeral directing.

IT IS THEREFORE ORDERED that:

(a) Respondent is prohibited from and shall cease and desist immediately from engaging in conduct requiring licensure under chapter 497, Florida Statutes.

(b) Respondent is prohibited from and shall cease and desist immediately from operating a monument establishment in the State of Florida without first being licensed pursuant to chapter 497, Florida Statutes.

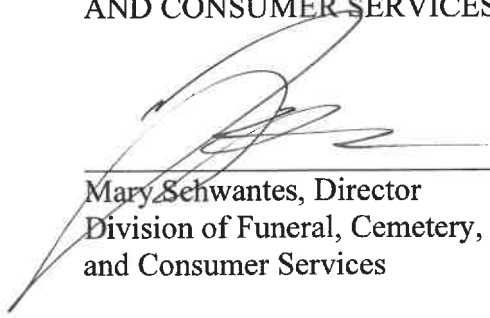
(c) Respondent is prohibited from and shall cease and desist from entering into

contracts with Florida consumers for the construction and sale of monuments, as the term is defined in section 497.005(48), Florida Statutes, until Respondent has obtained licensure pursuant to chapter 497, Florida Statutes.

DONE AND ORDERED this 26th day of April, 2023.



DIVISION OF FUNERAL, CEMETERY,
AND CONSUMER SERVICES


Mary Schwantes, Director
Division of Funeral, Cemetery,
and Consumer Services

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review within **thirty (30) days** of the rendition of this Order, pursuant to section 120.68, Florida Statutes, and Rule 9.190, *Florida Rules of Appellate Procedure*. Review proceedings must be instituted by filing a petition or notice of appeal with the DFS Agency Clerk. Filing with the Agency Clerk may be accomplished via U.S. Mail, express overnight delivery, hand delivery, facsimile transmission, or electronic mail. The address for overnight delivery or hand delivery is DFS Agency Clerk, Department of Financial Services, 612 Larson Bldg., 200 E. Gaines St., Tallahassee, Florida 32399-0390. The fax number is (850) 488-0697. The email address is DFSAgencyClerk@myfloridacfo.com. The petition or notice of appeal must also be filed with the appropriate district court of appeal within thirty (30) days of the rendition of this Order.

A true and correct copy of the foregoing order has been furnished to the parties below by regular U.S. Mail to the respondent and interoffice mail to the department staff on this 26th day of April, 2023:

Alliance Monument & Marble Co., Inc.,
c/o: Sandor Barany, Jr.
5825 Plunkett Street
Hollywood, Florida 33023

91 7108 2133 3937 1956 8880

Ellen Simon, Assistant Director
Director, Division of Funeral, Cemetery, and Consumer Services
200 E. Gaines St.
Tallahassee, Florida 32399-0361

Marshawn Griffin, Esquire
Office of the General Counsel
200 E. Gaines St.
Tallahassee, Florida 32399

FILED

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Docketed By: 



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

DEPARTMENT OF FINANCIAL SERVICES,
DIVISION OF FUNERAL, CEMETERY,
AND CONSUMER SERVICES,
Petitioner,

Case Nos.: 303157-22-FC

v.

ALLIANCE MONUMENT & MARBLE CO., INC.,
Respondent.

NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER AND
ADMINISTRATIVE COMPLAINT

TO: Alliance Monument & Marble Co., Inc.,
c/o: Sandor Barany, Jr.,
5825 Plunkett Street
Hollywood, FL 33023

Alliance Monument & Marble Co., Inc., ("Respondent") is hereby notified that pursuant to provisions of section 497.157, Florida Statutes, the Chief Financial Officer of the State of Florida has caused to be made an investigation of its activities that require licensure under chapter 497, Florida Statutes. As a result, the Chief Financial Officer intends to issue an Order directing Respondent to Cease and Desist from conducting activities requiring licensure under chapter 497, Florida Statutes, based upon the following allegations:

1. From October 5, 2005, until July 8, 2013, Respondent was licensed pursuant to chapter 497, Florida Statutes, as a Monument Establishment Retailer.
2. On November 8, 2012, in case number 128348-12-FC, an Emergency Order of Suspension was issued suspending Respondent's license based on Respondent's failure to comply

EXHIBIT

1

with the terms of a Consent Order issued in case number 122927-12-FC.

3. Respondent has not been licensed to engage in activities regulated under chapter 497, Florida Statutes, since November 8, 2012.

4. At all times material to the dates and occurrences herein Sandor Barany, Jr. ("Barany"), served as Respondent's owner and operator.

5. Barany has never been licensed pursuant to chapter 497, Florida Statutes.

FACTUAL BASIS

6. On or about September 9, 2021, Respondent, by and through Barany, entered into a contract with consumer, N. B., for the sale and installation of a single foot marker.

7. On or about February 8, 2022, Respondent, by and through Barany, entered into a contract with consumer, J. O., for the sale and installation of a double foot marker.

8. On or about August 3, 2022, Respondent, by and through Barany, entered into a contract with consumer, R. T., for the sale and installation of a double monument.

9. Respondent needed to be licensed as a monument establishment retailer to engage in the transactions identified in paragraphs six through eight, *supra*.

STATUTORY BASIS FOR VIOLATIONS

10. Section 497.152(5)(b), Florida Statutes, provides that it is a violation for a person or entity to practice with a suspended license.

11. Pursuant to section 497.152(5)(e), Florida Statutes, it is a violation for an entity to employ, any person in operating an establishment regulated by chapter 497, Florida Statutes, without the required licensure under chapter 497, Florida Statutes.

12. Section 497.157, Florida Statutes, provides that no person or entity shall engage in any activity for which a license is required under this chapter, without holding such licensure in

good standing.

13. Section 497.550(1), Florida Statutes, which provides, in pertinent part: that no person shall conduct, maintain, manage, or operate a monument establishment in this state unless the monument establishment is licensed pursuant to this part.

CEASE AND DESIST

14. The Department, pursuant to section 497.157(4)(a), Florida Statutes, intends to order Respondent to cease and desist from engaging activities which require licensure under chapter 497, Florida Statutes.

SANCTION

15. The Department, pursuant to section 497.157(4)(a), Florida Statutes, intends to order Respondent to cease and desist from violations of chapter 497, Florida Statutes, and seek fines in the amount of up to \$10,000 for each violation of chapter 497, Florida Statutes.

DATED AND SIGNED this 21 day of November, 2022.




Marshawn Griffin
Chief Legal Counsel
Department of Financial Services
Office of the General Counsel
612 Larson Building
200 East Gaines Street
Tallahassee, Florida 32399-0333
(850) 413-4141
Marshawn.griffin@myfloridacfo.com

NOTICE OF RIGHTS

You have the right to request a proceeding to contest this action by the Department pursuant to sections 120.569 and 120.57, Florida Statutes, and chapter 28-106, *Florida Administrative Code*. The proceeding request must be in writing, signed by you, and must be filed with the Department within twenty-one (21) days of your receipt of this notice. Completion of the attached Election of Proceeding form and a petition for administrative hearing are required. The request must be filed with DFS Agency Clerk, at the Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390. The request can be submitted electronically at DFSAgencyClerk@myfloridacfo.com. Your written response must be received by the Department no later than 5:00 p.m. on the twenty-first day after your receipt of this notice. Mailing the response on the twenty-first day will not preserve your right to a hearing.

FAILURE TO ENSURE THAT YOUR WRITTEN RESPONSE IS RECEIVED BY THE DEPARTMENT WITHIN TWENTY-ONE (21) DAYS OF YOUR RECEIPT OF THIS NOTICE WILL CONSTITUTE A WAIVER OF YOUR RIGHT TO REQUEST A PROCEEDING ON THE MATTERS ALLEGED HEREIN AND A FINAL ORDER OF SUSPENSION OR REVOCATION WILL BE ENTERED AGAINST YOU.

If you request a proceeding, you must provide information that complies with the requirements of Rule 28-106.2015, *Florida Administrative Code*. Specifically, your response must contain:

(a) The name, address, telephone number, and facsimile number (if any) of the respondent (for the purpose of requesting a hearing in this matter, you are the "respondent").

(b) The name, address, telephone number, and facsimile number of the attorney or qualified representative of the respondent (if any) upon whom service of pleadings and other papers shall be made.

(c) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate.

(d) A statement of when the respondent received notice of the administrative complaint.

(e) A statement including the file number of the administrative complaint.

If a hearing of any type is requested, you have the right to be represented by counsel or other qualified representative at your expense, to present evidence and argument, to call and cross-examine witnesses, and to compel the attendance of witnesses and the production of documents by subpoena.

If a proceeding is requested and there is no dispute of material fact, the provisions of section 120.57(2), Florida Statutes, apply. In this regard, you may submit oral or written evidence in opposition to the action taken by the Department or a written statement challenging the grounds upon which the Department has relied. While a hearing is normally not required in the absence of a dispute of fact, if you feel that a hearing is necessary, one will be conducted in Tallahassee, Florida, or by telephonic conference call upon your request.

However, if you dispute material facts which are the basis for the Department's action, you must request an adversarial proceeding pursuant to sections 120.569 and 120.57(1), Florida Statutes. These proceedings are held before an administrative law judge of the State of Florida Division of Administrative Hearings. Unless the majority of witnesses are located elsewhere, the Department will request that the hearing be conducted in Tallahassee, Florida.

Failure to follow the procedure outlined with regard to your response to this notice may result in the request being denied. All prior oral communication or correspondence in this matter shall be considered free form agency action, and no such oral communication or correspondence

shall operate as a valid request for an administrative proceeding. Any request for an administrative proceeding received before the date of this notice shall be deemed abandoned unless timely renewed in compliance with the guidelines as set out above.

Mediation of this matter pursuant to section 120.573, Florida Statutes, is not available. No Department attorney will discuss this matter with you during the time frame in which you have to request a hearing.

STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
OFFICE OF THE GENERAL COUNSEL

DEPARTMENT OF FINANCIAL SERVICES,
DIVISION OF INSURANCE AGENT AND
AGENCY SERVICES,
Petitioner,

v.

Case No.: 303157-22-FC

ALLIANCE MONUMENT & MARBLE CO.,
INC.,
Respondent.

ELECTION OF PROCEEDING

I have received and have read Notice of Intent to Issue Cease and Desist Order and Administrative Complaint (Administrative Complaint) filed by the Florida Department of Financial Services ("Department") against me, including the Notice of Rights contained therein, and I understand my options. I am requesting disposition of this matter as indicated below. (CHOOSE ONE)

1. I do not dispute any of the Department's factual allegations and I do not desire a hearing. I understand that by waiving my right to a hearing, the Department may enter a final order that adopts the Administrative Complaint and imposes the sanctions sought, including suspending or revoking my licenses and appointments as may be appropriate.
2. I do not dispute any of the Department's factual allegations and I hereby elect a proceeding to be conducted in accordance with section 120.57(2), Florida Statutes. In this regard, I desire to (CHOOSE ONE):
 - Submit a written statement and documentary evidence in lieu of a hearing; or
 - Personally attend a hearing conducted by a department hearing officer in Tallahassee; or
 - Attend that same hearing by way of a telephone conference call.
3. I do dispute one or more of the Department's factual allegations. I hereby request a hearing pursuant to section 120.57(1), Florida Statutes, to be held before the Division of Administrative Hearings. I have attached to this election form the information required by Rule 28-106.2015, Florida Administrative Code, as specified in subparagraph (c) of the Notice of Rights. Specifically, I have identified the disputed issues of material fact.

TO PRESERVE YOUR RIGHT TO A HEARING, YOU MUST FILE YOUR RESPONSE WITH THE DEPARTMENT OF FINANCIAL SERVICES WITHIN TWENTY-ONE (21) DAYS OF YOUR RECEIPT OF THE ADMINISTRATIVE COMPLAINT. THE RESPONSE MUST BE RECEIVED BY THE DEPARTMENT NO LATER THAN 5:00 P.M. ON THE TWENTY-FIRST DAY AFTER YOUR RECEIPT OF THE ADMINISTRATIVE COMPLAINT.

The address for filing is: DFS Agency Clerk, Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390. The request can be submitted electronically at DFSAgencyClerk@myfloridacfo.com.

Signature: _____

Print Name: _____

Date: _____

Address: _____

Date Administrative
Complaint Received: _____

If you are represented by an attorney or qualified representative, please attach to this election form his or her name, address, telephone and fax numbers

Phone No.: _____

Fax No.: _____

E-mail: _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER AND ADMINISTRATIVE COMPLAINT and ELECTION OF PROCEEDING FORM has been furnished by U.S. Certified Mail, return receipt requested, to Alliance Monument & Marble Company, Inc., c/o: Sandor Barany, Jr., at 5825 Plunkett Street, Hollywood, FL 33023 this 21 day of November, 2022.



Marshawn Griffin

91 7199 9991 7039 5679 0598

RETURN OF SERVICE

State of Florida

County of LEON

Case Number: 303157-22-FC



MCN2023002509

Plaintiffs:

DEPARTMENT OF IFNANCIAL SERVICES, DIVISION OF FUNERAL, CEMETERY, AND CONSUMER SERVICES,

vs.

Defendant:

ALLIANCE MONUMENT & MARBLE CO., INC

For:

**MARSHAWN GRIFFIN
DEPARTMENT OF FINANCIAL SERVICES
200 EAST GAINES STREET
6TH FLOOR
TALLAHASSEE, FL 32399**

Received by NOLAN PROCESS SERVERS on the 24th day of February, 2023 at 4:33 pm to be served on **ALLIANCE MONUMENT & MARBLE CO. INC. C/O SANDOR BARANY, JR., 5825 PLUNKETT STREET, HOLLYWOOD, FL 33023.**

I, HENRI WERNER, do hereby affirm that on the **1st day of March, 2023 at 11:50 am, I:**

served a **CORPORATION** by delivering a true copy of the **NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER AND ADMINISTRATIVE COMPLAINT, NOTICE OF RIGHTS, ELECTION OF PROCEEDING** with the date and hour of service endorsed thereon by me, to: **SANDOR BARANY, JR. as REGISTERED AGENT for ALLIANCE MONUMENT & MARBLE CO. INC.,** at the address of: **5825 PLUNKETT STREET, HOLLYWOOD, FL 33023,** and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 55+, Sex: M, Race/Skin Color: WHITE, Height: SIT, Weight: SIT, Hair: GREY, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Licensed Process Server, in good standing, in the judicial circuit in which the process was served. Under penalty of perjury I declare that the facts contains herein are true to the best of my knowledge. No Notary Required Pursuant to FS 92.525.

**HENRI WERNER
847**

**NOLAN PROCESS SERVERS
7498 ANGLEWOOD LANE
TALLAHASSEE, FL 32309
(850) 562-6058**

Our Job Serial Number: MCN-2023002509



FILED

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Docketed By: 



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

SERVED: Sandor Barany Jr. - RA
DATE: 3-23 TIME: 11:50 Am
BY: Henri Warner ID: 847

DEPARTMENT OF FINANCIAL SERVICES,
DIVISION OF FUNERAL, CEMETERY,
AND CONSUMER SERVICES,
Petitioner,

Case Nos.: 303157-22-FC

v.

ALLIANCE MONUMENT & MARBLE CO., INC.,
Respondent.

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