

FILED

Board/Division of Funeral, Cemetery & Consumer Svcs

Date: 4/26/2023

Initials of DFCCS Staffer: CE



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

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

Case Nos.: 303159-22-FC

SANDOR BARANY, JR.,
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, Florida Statutes.
4. On March 1, 2023, Respondent was served with the Complaint via service at his 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 his 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 acting as a monument establishment sales agent 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 immediately from

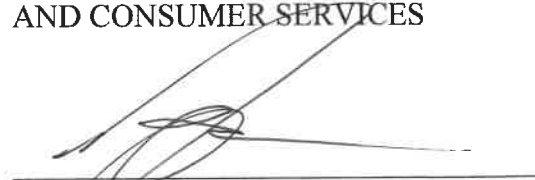
operating a monument establishment in the State of Florida without the establishment first being licensed pursuant to chapter 497, Florida Statutes.

(d) Respondent is prohibited from and shall cease and desist from entering into contracts with Florida consumers for the construction or 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:

Sandor Barany, Jr.
5825 Plunkett Street
Hollywood, Florida 33023

91 7108 2133 3937 1956 8910

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

Marshawn Griffin, Esquire
Division of Legal Services
200 E. Gaines St.
Tallahassee, Florida 32399

FILED

NOV 21 2022



Docketed By: AKS

CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

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

Case Nos.: 303159-22-FC

v.

SANDOR BARANY, JR.,
Respondent.

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

TO: Sandor Barany, Jr.,
5825 Plunkett Street
Hollywood, FL 33023

("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, Alliance Monument & Marble Co., Inc. ("Alliance"), 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 Alliance's license based on the entity's failure to comply with

EXHIBIT

1

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

3. Alliance 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 Respondent, served as Alliance's owner and operator.

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

FACTUAL BASIS

6. On or about September 9, 2021, Alliance, by and through Respondent, 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, Alliance, by and through Respondent, 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, Alliance, by and through Respondent, entered into a contract with consumer, R. T., for the sale and installation of a double monument.

9. Respondent was required to be licensed as a monument establishment sales agent to engage in the transactions identified in paragraphs six through eight, *supra*.

STATUTORY BASIS FOR VIOLATIONS

10. Section 497.152(5)(a), Florida Statutes, provides that it is a violation for a person to practice or offer to practice beyond the scope permitted by chapter 497, Florida Statutes, and rules adopted under chapter 497, Florida Statutes, for the type of licensure held.

11. Section 497.152(5)(d), Florida Statutes, provides it is a violation to aid or assist any person to practice a profession or occupation regulated by chapter 497, Florida Statutes, without required licensure.

12. Section 497.152(5)(e), Florida Statutes, provides it is a violation to aid or assist any

entity to operate or in operating an establishment regulated by this chapter without the required licensure under this chapter.

13. 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.

14. Section 497.554(1), Florida Statutes, which provides, in pertinent part: “[e]ach person selling monuments, markers, or related products for a monument establishment must be licensed as a monument establishment sales agent.”

CEASE AND DESIST


15. 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

16. 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.: 303159-22-FC

SANDOR BARANY, JR.,
Respondent.

ELECTION OF PROCEEDING

I have received and have read the 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 Sandor Barany, Jr., at 5825 Plunkett Street, Hollywood, FL 33023 this 21 day of November, 2022.



Marshawn Griffin

91 7199 9991 7039 5679 0604

RETURN OF SERVICE

State of Florida

County of Leon

Case Number: 303159-22-FC



MCN2023002463

Plaintiffs:

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

vs.

Defendant:

SANDOR BARNY, JR.,

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 11:15 am to be served on **SANDOR BARANY JR., 5825 PLUNKETT ST., HOLLYWOOD, FL 33023.**

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

INDIVIDUALLY/PERSONALLY served 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, CERTIFICATE OF SERVICE** with the date and hour of service endorsed thereon by me, to: **SANDOR BARANY JR.** at the address of: **5825 PLUNKETT ST., 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 contained 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-2023002463



FILED

NOV 21 2022



Docketed By: ABS

CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

SERVED: I/S
DATE: 3-1-23 TIME: 11:50 AM
BY: Helen W. [unclear] JD: 847

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

Case Nos.: 303159-22-FC

v.

SANDOR BARANY, JR.,
Respondent.

NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER AND
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Hollywood, FL 33023

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2. On November 8, 2012, in case number 128348-12-FC, an Emergency Order of Suspension was issued suspending Alliance's license based on the entity's failure to comply with