

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.: 240561-19-FC
257482-20-FC

CASTRATARO CELEBRATIONS OF LIFE, INC.,
d/b/a LIFE CELEBRATIONS FUNERAL,
CREMATION & MEMORIAL PLANNING CENTER
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 December 6, 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 December 7, 2022, Respondent was served with the Complaint via service on its Corporate Secretary, George Castrataro at his last known address, 1221 NE 14th Avenue, Fort Lauderdale, Florida 33304, 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 selling or offering to sell funeral services, on an at-need basis in this state.

(b) Respondent is prohibited from and shall cease and desist immediately from planning or arranging the details of any funeral service, including direct disposition, with the

family or any friends of the decedent or any other person responsible for the service in this state.

(c) Respondent is prohibited from and shall cease and desist immediately from making, negotiating, or completing the funeral arrangements for a funeral service on an at-need basis in this state.

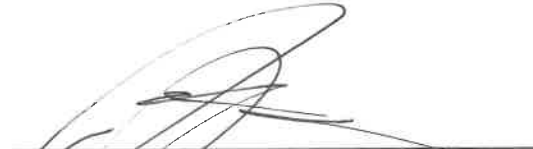
(d) Respondent is prohibited from and shall cease and desist immediately from any use of any word, term, title, or picture that would imply that Respondent is engaged in the practice of funeral directing.

(e) Respondent is prohibited and shall cease and desist immediately from engaging in any financial dealings with funeral home customers that involve the collection of monies or the determination of funeral expenses.

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

FILED

DEC 06 2022

Docketed By: 



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

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

Case Nos.: 240561-19-FC
257482-20-FC

v.

CASTRATARO CELEBRATIONS OF LIFE, INC.,
d/b/a LIFE CELEBRATIONS FUNERAL,
CREMATION & MEMORIAL PLANNING
CENTER
Respondent.

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

TO: Castrataro Celebrations of Life, Inc.
d/b/a Life Celebrations Funeral Cremation
& Memorial Planning Center
1221 NE 14th Avenue
Fort Lauderdale, FL 33304

Castrataro Celebrations of Life, Inc., d/b/a Life Celebrations Funeral Cremation & Memorial Planning Center ("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. At all times relevant to the allegations in this Notice of Intent to Issue a Cease and

EXHIBIT

1

Desist Order and Administrative Complaint (hereinafter "Notice of Intent"), Respondent conducted business at 707 NE 3rd Avenue, #300, Fort Lauderdale, Florida 33304.

2. At all times relevant to the allegations in this Notice of Intent, Respondent did not possess any license issued pursuant to chapter 497, Florida Statutes.

3. At all times relevant to the allegations in this Notice of Intent, Respondent maintained a website at lifecelebrationsfl.com ("Respondent's Website").

FACTUAL BASIS

4. A Division investigation of Respondent's Website found that Respondent's Website contains offers by Respondent to engage assist in making arrangements for final disposition.

5. Respondent's Website contains a section titled "Our Services" which contains the following language:

When planning a service, you may have many options available to you and we will do all that we can to provide a beautiful, respectful and lasting tribute during the Life Celebration. One of our funeral consultants will meet with you & your family to discuss the type of service(s) that you're looking for. We then find the venue and a licensed funeral/cremation provider that we feel is best to meet your needs.

At Life Celebrations we also for your convenience offer:

- Full Service Florist with Free Delivery to ANY funeral home in Broward County
- Car service for the visitation/funeral for ANY funeral home Ft. Lauderdale/Wilton Manors (1st come service: Call for availability and pricing)
- Complete Personalized Memorial Package (954-566-3141 for more information on packages we offer)
- Sell Monuments, install/set, maintain (floral, up-keep) to almost all cemeteries in Broward County.

6. The "Our Services" section states that Respondent provides: Funeral Services, Memorial Services, Burials, and Cremations.

7. Respondent's Website also makes references to assisting individuals in making "Pre-Arrangements", otherwise known as preneed arrangements.

8. The Division also determined that Respondent made arrangements for the final disposition of the consumers identified in Appendix A.

9. The activities described above require licensure as a funeral establishment and as a preneed main or preneed branch license, which Respondent does not possess.

STATUTORY BASIS FOR VIOLATIONS

10. 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.

11. Section 497.372, Florida Statutes, which provides, in pertinent part, provides that the practice of funeral directing shall be construed to consist of the following functions which may only be performed by a licensed funeral director:

(1)(a) Selling or offering to sell funeral services on an at-need basis.

(1)(b) Planning or arranging, on an at-need basis, the details of a funeral service with the family or friends of the decedent or any other person responsible for the service.

(1)(c) Making, negotiating, or completing the financial arrangements for a funeral services on an at- need-basis.

12. Section 497.380(3), Florida Statutes, which provides, in pertinent part: that no person may conduct, maintain, manage, or operate a funeral establishment unless a funeral establishment operating license has been issued under this chapter for that funeral establishment.

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.

14. Section 497.452, Florida Statutes, which provides, in pertinent part:

(1)(a) No person, including any cemetery exempt under s. 497.260, may sell, advertise to sell, or make an arrangement for a preneed contract without first having a valid preneed license.

(b) No person, including any cemetery exempt under s. 497.260, may sell, advertise to sell, or make an arrangement for services, merchandise, or burial rights on a preneed basis unless such person is authorized pursuant to this chapter to provide such services, merchandise, or burial rights on an at-need basis.

CEASE AND DESIST


15. The Department, pursuant to section 497.157(2)(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 6 day of December, 2022.





Marshawn Griffin
Chief Legal Counsel
Department of Financial Services
Office of the General Counsel
200 E. Gaines Street
Tallahassee, Florida 32399
850-413-4141
Marshawn.griffin@my.floridacfo.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.: 240561-19-FC
257482-20-AG

CASTRATARO CELEBRATIONS OF LIFE, INC.,
d/b/a LIFE CELEBRATIONS FUNERAL,
CREMATION & MEMORIAL PLANNING
CENTER,
Respondent.

ELECTION OF PROCEEDING

I have received and have read the 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 Respondent at 1221 NE 14th Avenue, Fort Lauderdale, Florida 33304 this 6 day of December, 2022, to:



Marshawn Griffin

91 7199 9991 7039 5679 0635

RETURN OF SERVICE

State of Florida

County of Leon

Case Number: 240561-19-FC



MCN2022017574

Plaintiffs:
DEPT OF FINANCIAL SERVICES, ET AL

vs.

Defendant:
**CASTRATARO CELEBRATIONS OF LIFE, INC, D/B/A LIFE
CELEBRATIONS FUNERAL, CREMATION & MEMORIAL PLANNING
CENTER**

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

Received by NOLAN PROCESS SERVERS on the 14th day of December, 2022 at 3:58 pm to be served on
**CASTRATARO CELEBRATIONS OF LIFE, INC B/D/A LIFE CELEBRATIONS FUNERAL CREMATION &
MEMORIAL PLANNING CENTER, 1221 NE 14TH AVENUE, FORT LAUDERDALE, FL 33304.**

I, HENRI WERNER, do hereby affirm that on the **16th day of December, 2022 at 11:10 am, I:**

served a **CORPORATION** by delivering a true copy of the **NOTICE OF INTENT TO ISSUE CEASE AND
DESIST ORDER AND ADMINISTRATIVE COMPLAINT** with the date and hour of service endorsed
thereon by me, to: **GEORGE CASTRATARO** as **CORPORATE SECRETARY** for **CASTRATARO
CELEBRATIONS OF LIFE, INC**, at the address of: **1221 NE 14TH AVENUE, FORT LAUDERDALE, FL
33304**, and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 40+, Sex: M, Race/Skin Color: WHITE, Height: 5'11", Weight: 200,
Hair: BALD, 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-2022017574



FILED

DEC 06 2022

Docketed By: 



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

SERVED: George Castrataro

DATE: 12-16-22 TIME: 11:16 AM

BY: Heidi Wynn ID: 847

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

v.

Case Nos.: 240561-19-FC
257482-20-FC

CASTRATARO CELEBRATIONS OF LIFE, INC.,
d/b/a LIFE CELEBRATIONS FUNERAL,
CREMATION & MEMORIAL PLANNING
CENTER
Respondent.

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

TO: Castrataro Celebrations of Life, Inc.
d/b/a Life Celebrations Funeral Cremation
& Memorial Planning Center
1221 NE 14th Avenue
Fort Lauderdale, FL 33304

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CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

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

12/16/22
11:10 AM

Case Nos.: 240561-19-FC
257482-20-FC

v.

CASTRATARO CELEBRATIONS OF LIFE, INC.,
d/b/a LIFE CELEBRATIONS FUNERAL,
CREMATION & MEMORIAL PLANNING
CENTER
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ADMINISTRATIVE COMPLAINT

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d/b/a Life Celebrations Funeral Cremation
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Fort Lauderdale, FL 33304

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