

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
January 7, 2021 - 10:00 A.M.

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

Mr. Jody Brandenburg, Chair –Good morning, everyone. Welcome to the Board of Funeral, Cemetery, and Consumer Services. This is a Videoconference meeting, on January 7, 2021. As I call this meeting to order, Ms. Simon, would you make your preliminary remarks and do the roll call, please?

Ms. Ellen Simon – Yes, sir. Good morning. My name is Ellen Simon. I am the Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by videoconference and notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to interested persons. Both the link and call-in number is on the agenda, which has been made available to the public. The call -in number and other information relating to the Board meeting has also been published on the Division’s website. The Division staff present for this meeting are attending from the locations in which they are telecommuting. 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. If you are planning on participating by video, please ensure that you are properly attired for the meeting. In the past, we have had the experience of people not being properly attired and it is detrimental to the meeting process, as it could be disruptive. If you are not planning to participate by video, please ensure that your camera is off. Additionally, we will need everyone that is on the call to 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, please make sure to unmute your phone or audio feed when you are preparing to speak. 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 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, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. As a final reminder, Board meetings are public meetings under Florida Law, and anything said via chat is subject to a public records request. Those using this feature should only use it for technological issues you may be experiencing, directing any inquiries in chat to Mary Schwantes, Division Director. She is monitoring the chat feature and, as necessary, will forward your inquiry to someone who can assist in resolution of the problem. At this time, Mr. Chairman, I will take the roll:

Joseph “Jody” Brandenburg, Chair
Keenan Knopke, Vice Chair
Andrew Clark
Lewis “Lew” Hall
Powell Helm
Ken Jones
Darrin Williams

Also noted as present:

Mary Schwantes, Executive Director
Rachelle Munson, Board Legal Advisor
LaTonya Bryant, Department Staff

Ms. Simon – Mr. Chairman, there is a quorum for the business of the Board.

Chair – Thank you. Our hearts go out to Powell Helm and his family on the recent loss of his dad. Thinking of you, Powell. In December we lost an icon of the funeral profession, and certainly one of the icons in the regulatory efforts of the State of Florida, and a long-time Board member of the Funeral Director and Embalmer’s Board. I would like to call upon Robin Giddens-Sheppard. Robin?

Robin Sheppard – Thank you, Mr. Brandenburg for recognizing me, on behalf of my father, Ronald Giddens, who died on December 5th. As you said, he was an icon in funeral service and had served on the Regulatory Board for seventeen (17) years before there were term limits. Someone wrote to me and actually said that he had been a mentor to her when she first came onto the Regulatory Board, and certainly he served as a mentor to many young funeral directors and anything I’ve learned, I learned from him. He served for so long on the Regulatory Board that he did go up through the Chairs and became President of The Conference of Funeral Service Examining Boards. I think one of the best ways to describe him is as so many people have. He was just a true Southern gentleman. We are going to have a celebration of Life for him on February 13th at two o’clock here in Jacksonville, and I hope those of you who knew him and can come will be able to join us. Thank you, Mr. Brandenburg.

Chair – Thank you, Ms. Sheppard.

2. Action on Minutes
A. November 5, 2020

Chair – Action of the Minutes from the November 5, 2020 meeting. Is there a motion?

MOTION: Mr. Ken Jones moved to adopt the minutes of the meeting. Mr. Darrin Williams seconded the motion, which passed unanimously.

Chair – Ms. Simon?

Ms. Simon – Thank you.

3. Old Business
A. Disciplinary Proceeding(s) - Settlement Stipulations (Probable Cause Panel A)
(1) Request(s) for Extension of Time (Related Cases – Division No. ATN-33773)
(a) R. Butts, Inc. d/b/a Butts Memorial Chapel: DFS Case No. 256607-19-FC (F068625)

Ms. Simon – Is there a representative of the facility on the line now? Hearing no response. On October 1, 2020, the licensee was on the Board agenda for disciplinary action in DFS Case No. 256607-19-FC. The licensee was ordered to pay \$1500 within sixty (60) days of the filing of the Final Order. The Final Order was filed on October 15, 2020. Respondent is requesting additional time for the payment of his administrative fine. He is requesting that the time be extended. Board members?

Keenan Knopke – Mr. Chairman?

Chair – Yes, Mr. Knopke?

Mr. Knopke – I was on Probable Cause Panel A, and will recuse myself on this item, as well as 4. A. (1), (2) and (3)?

Chair – Thank you for the declaration. Is Mr. Butts on the line? Mr. Butts? Hearing no response. Board, what is your pleasure on this item before us?

Lew Hall – Mr. Chair?

Chair – Go right ahead.

Mr. Hall – Has there been any attempt, Ms. Simon, to the Division to make any payments the last couple months toward this?

Ms. Simon – Mr. Hall, I did check yesterday morning, and as of yesterday morning, we had not received anything on either this case, or the next case on the agenda.

Chair – Is there a motion to deny the request?

Powell Helm – Mr. Chairman, how much time did he say he wanted?

Chair – I don't believe he said.

Mr. Helm – I thought Ms. Simon gave a time.

Chair – I'm sorry.

Mr. Helm – Did you?

Chair – We've already given him an extension.

Mr. Helm – Yes. Ms. Simon, you didn't indicate how much more time he wanted? I thought you did, I'm sorry if you didn't.

Ms. Simon – No, sir. He did not request a specific period of time.

Chair – He says, "I am requesting, if possible, to pay \$500 per month until the total fund is paid or whatever the Board sees fit."

MOTION: Mr. Jones moved to approve the request for extension granting Respondent ninety (90) days from the date of this meeting to pay its administrative fine. Mr. Williams seconded the motion, which passed unanimously.

(b) Butts, Rickey Sharnard: DFS Case No. 256616-19-FC (F045113)

Ms. Simon – Just as in the last case, on October 1, 2020, the license was on the Board agenda for disciplinary action in DFS Case No. 256616-19-FC. The licensee was ordered to pay \$1500 within sixty (60) days of the filing of the Final Order. The Final Order was filed on October 15, 2020, and as of yesterday we have received no payment. Respondent is requesting that the time for payment of this administrative fine be extended. Board members?

MOTION: Mr. Jones moved to approve the request for extension granting Respondent ninety (90) days from the date of this meeting to pay his administrative fine. Mr. Williams seconded the motion, which passed unanimously.

B. Motion(s) for Reconsideration of Final Order (Probable Cause Panel B)

(1) Wilson-Wolfe, Inc., d/b/a Sweet Dreams Memorials: DFS Case No. 256163-19-FC; Division No. ATN-33260 (F050085)

Ms. Simon – Is a representative of that entity on the line today? Hearing no response.

{Unidentified person}- [inaudible]

Ms. Simon – Oh, they are. Mr. Griffin?

Mr. Williams – Mr. Chair?

Chair – Yes?

Mr. Williams – I would like to recuse myself on this case. I served on Probable Cause Panel B. Also, I'd like to recuse myself from 4. B., as well.

Chair – Thank you so much for that declaration. So, noted.

Marshawn Griffin – Marshawn Griffin for the Department. Wilson-Wolfe, Inc., d/b/a Sweet Dreams Memorials (“Respondent”) is monument establishment retailer, licensed under Chapter 497, Florida Statutes, license number F050085. On August 25, 2020, the Board issued a Final Order against Respondent, imposing a \$4,000 fine and placing Respondent’s license on probation for a period of two (2) years. The Department was unable to obtain service of the Final Order on Respondent, and submits this Motion for Reconsideration and Reissuance of the Final Order in this matter. If the Board grants this Motion, the Final Order in this cause would be issued following this Board meeting. The Department requests that the Board grant this Motion.

Chair – Mr. Griffin, this is Jody Brandenburg. What options do we have?

Mr. Griffin – I think it's basically to reopen the file matter, reconsider the Final Order, and then reissue the Final Order.

Chair – So, we've had no response at all?

Mr. Griffin – No, we've had no response from the Respondent. There was a related matter opened against the Respondent, based on a failure to timely pay the fine, and in connection with that, the Respondent alleged that he did not receive the Final Order, Therefore, he did not pay the fine. OGC did some research into the Certificate of Service and issues related to the service and determined that we are unable to confirm that service of the Final Order was made upon the Respondent. So, in an abundance of caution, the Department is asking that the Order be reissued, so that we can obtain service.

Chair – Thank you.

MOTION: Mr. Jones moved to approve the Motion and issue the Final Order. Mr. Jones seconded the motion, which passed unanimously.

Ms. Simon – Mr. Chairman, the licensee in this matter is on the line. Shall I simply move on to the next case or would you like to hear from him?

Chair – Yes, and that person is?

Ms. Simon – Mr. Wilson-Wolfe.

Chair – Mr. Wolfe, would you care to address the Board?

David Wilson-Wolfe – Yes, please. Thank you very much for giving me the chance to reappear. It seems, one, I never received anything to pay, and also, we submitted an appeal but was pushed from pillar to post with the Court. Well, we sent it to the wrong court.

Ms. Simon – Excuse me, sir. I need to interrupt you. I'm sorry, I did not swear you in and I need to. If you could please raise your right hand and be sworn in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Wilson-Wolfe – I swear and yes, I do.

Ms. Simon – I need you to state your name and spell your last name for the record.

Mr. Wilson-Wolfe – David Wilson-Wolfe, W I L S O N hyphen W O L F E.

Ms. Simon – Thank you, sir.

Chair – Mr. Wolfe, would you be able to provide us at this time, the correct address and phone number, so we can serve you with this Final Order? This is on the record. And that address is?

Mr. Wilson-Wolfe – 7131 S County Line Road, Plant City, Florida, 33567. And the telephone number is 813/737-9542. We have had some of our mail going to another County Line Road in another area of the same city. So, maybe that's where it's actually gone. We've had parcels sent to another person and luckily enough they deliver that two (2) weeks later to us. So, we're trying to find out why we're not getting all our mail. So, maybe that's where the hiccup lies.

Chair – Thank you so much. Division, I'm sure that you've noted that and this issue will be resolved, The Board voted to issue another Final Order now that we have the address. Thank you so much, Mr. Wilson-Wolfe. Thank you, Ms. Simon?

Mr. Wilson-Wolfe – Thank you.

C. Application(s) for Funeral Establishment
(1) Recommended for Denial
(a) Peaceful Rest Funeral Home Inc. (Tampa)

Ms. Simon – An application for a funeral establishment was received on by the Division on August 12, 2020. The application was incomplete when submitted. A completed application was received on September 24, 2020. The Funeral Director in Charge will be Courtney Cunningham (F065144). A background check of the principals revealed no criminal history. This matter went before the Board on December 7, 2020. At that time, the Board requested additional information. Therefore, additional research was conducted and the findings are included in this Board package. Subsequent to the agenda being published, the Division received notice that the applicant has been evicted from the address provided on the application. The eviction notice revealed that the eviction took place on December 31, 2020. Is there a representative from Peaceful Rest on the phone today?

Vanessa Singleton – Yes, I'm here. My name is Vanessa Singleton.

Ms. Simon – Can you please raise your right hand and be sworn in?

Ms. Singleton – Yes.

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

Ms. Singleton – Yes.

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

Ms. Singleton – My name is Vanessa Singleton, S I N G L E T O N.

Ms. Simon – Thank you, ma'am. Mr. Chairman?

Chair – Yes?

Ms. Simon – That is my presentation.

Chair – Thank you. We're having a difficult time opening this attachment. Ms. Singleton, the recent news of the eviction on December 31, 2020. What effect does that have upon your ability to open the business?

Ms. Singleton – An eviction from the establishment address? I haven't been made aware of an eviction.

Ms. Simon – Mr. Chairman, if I may?

Chair – Please, Ms. Simon.

Ms. Simon – I received yesterday an actual copy of the eviction notice. I did not forward it to the Board, because it was, again, after the matter had been published. However, that eviction notice did state that the entity was evicted as of December 31st. And this is in addition to the other information within the Board package.

Mr. Knopke – Mr. Chairman?

Chair – Yes, Mr. Knopke?

Mr. Knopke – I really have no questions, but I'll make a motion to deny the application, based upon the investigative report that has been subsequently sent to the Board members and the material in there.

MOTION: Mr. Knopke moved to deny the application, based upon the investigative report that has been subsequently sent to the Board members and the material in there. Mr. Williams seconded the motion, which passed unanimously.

Chair – Ms. Simon?

Ms. Simon – Ms. Munson, just to be clear, is there any other information we need, or can we move on to the next case?

Ms. Rachelle Munson – Good morning, and Happy New Year. The statement that it's denied based on the investigative report is quite general. Are there any particular details in it, so that anyone who is wishing to a review or should the subject want to appeal they'll have a more detailed basis for doing so? If there are even two (2) or three (3) items from the investigative report that can be highlighted, that would be helpful.

Mr. Knopke – Ms. Munson, this is Mr. Knopke. Mr. Chairman, may I speak, please?

Chair – Yes, and do you have the statute number, Mr. Knopke?

Mr. Knopke – No, I don't. I'm really basing that on the investigative file narrative, as well as the applicant lying to the Board at the last meeting regarding her relationship to Mr. Singleton, or Tebbie Singleton. The fact that they were married. She said it was her cousin, if I remember correctly. The arrangement of handling the body, as well as the burial and acting as a firm when they really weren't a firm. That's pretty general, but the investigative report provided by the Department is well done, well organized, and it lays out that they were operating when they shouldn't have been. I hope that's good enough.

Chair – In your motion, would you consider violations of 497.152(1)(a) and (b), F.S., violating any provisions of this chapter and any lawful Order of the Board, committing fraud, deceit, negligence, incompetence, or misconduct in the practice of any of the activities regulated under this chapter?

Mr. Knopke – Yes.

Chair – Thank you. Ms. Munson?

Ms. Munson – Thank you. That language is more than appropriate for the Order.

Chair – Thank you.

Mr. Williams – Mr. Chair?

Chair – Mr. Williams?

Mr. Williams – Just a question for Ms. Simon, maybe. Is there any action that we need to also take in reference to the proposed licensed Funeral Director in Charge, because I see that there was an arrest made on September 29th? So, does that impact this and do we need to do any action with that, since at the time of the arrest they were already on probation? So, is there anything that we need to do in reference to that individual?

Ms. Simon – Mr. Williams, thank you for that question. I am not certain that there has been any resolution of that matter in criminal court, and until there is that resolution, we will not be taking any action. But once that takes place, yes, I anticipate that taking place.

Mr. Williams – Ok.

Chair – Thank you.

4. **Disciplinary Proceeding(s)**

A. Settlement Stipulations (Probable Cause Panel A)

(1) *Going Home Cremation Services, Inc.: DFS Case No. 239742-19-FC; Division No. ATN-32248 (F262766)*

Ms. Simon – Please mute your phones if you are not on the agenda or not speaking. It is very disruptive for the rest of the meeting if you are not muted. Presenting for the Department is Mr. Griffin.

Mr. Griffin – Marshawn Griffin for the Department. Going Home Cremation Services, Inc., (“Respondent”) is a direct disposal establishment, licensed under Chapter 497, Florida Statutes, license number F262766. The Department conducted an investigation of Respondent and found that Respondent acted beyond the scope of its licensure. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative penalty in the amount of \$3,000. The Department requests that the Board accept this Settlement Stipulation.

Ms. Simon – Mr. Chairman, if I may? Is there a representative from Going Home Cremations Services on the line today? Hearing no response.

Chair – Thank you. Board?

Powell Helm – Mr. Chairman, I have a question, please.

Chair – Who is that, please.

Mr. Helm – Mr. Helm?

Chair – Mr. Helm, go right ahead.

Mr. Helm – All right. Did they sell any preneed?

Mr. Griffin – I do not believe the investigative file in this matter...it was only based on I believe, the advertisements and the GPL I don't think that we had any affirmative, like a complaining consumer.

Mr. Helm – So, there was no consumer money transfer there?

Mr. Griffin – No. That's not an allegation of the Administrative Complaint that was filed in this case.

Mr. Helm – Ok. All right. Thank you, sir. That's all I wanted to know.

Ms. Simon – And Mr. Chairman, if I may? Mr. Griffin, that is a fine of \$3000, correct?

Mr. Griffin – Yes, it is.

Ms. Simon – Thank you, sir.

MOTION: Mr. Helm moved to accept the Settlement Stipulation, which provides that Respondent shall pay an administrative penalty in the amount of \$3,000. Mr. Andrew Clark seconded the motion, which passed unanimously.

(2) Related Cases – ATN-35342

(a) Alexander Funeral Home: DFS Case No. 270659-20-FC; Division No. ATN-35342 (F041525)

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

Mr. Griffin – Marshawn Griffin for the Department. Alexander Funeral Home (“Respondent”) is licensed as a funeral establishment, under Chapter 497, Florida Statutes, license number F041525. The Department conducted an inspection of Respondent and found that Respondent advertised preneed funeral services without the benefit of licensure. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine in the amount of \$1,500.00. The Department requests that the Board accept this Settlement Stipulation.

Ms. Simon – If I may, is there a representative of Alexander Funeral Home on the call today? Hearing no response. Board members?

MOTION: Mr. Hall moved to accept the Settlement Stipulation, which provides that Respondent shall pay an administrative fine in the amount of \$1,500. Mr. Helm seconded the motion, which passed unanimously.

Mr. Griffin – Actually, before we proceed, I’ve just been informed via e-mail from Rickey Butts that he’s now on the call.

Ms. Simon – As that matter has already been handled, and that it has...I’m sorry. Mr. Chairman, if I may?

Chair – Yes. That matter has been handled. I wish he had been on the call earlier.

Ms. Simon – That time period has been extended for ninety (90) days, so his Motion has been granted.

(b) Alexander, Donald D.: DFS Case No. 270662-20-FC; Division No. ATN-35342 (F046657)

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

Mr. Griffin – Marshawn Griffin for the Department. Donald D. Alexander (“Respondent”) is licensed as a funeral director and embalmer, under Chapter 497, Florida Statutes, license number F046657. Respondent is the funeral director in charge of Alexander Funeral Home (“Alexander Funeral”), a funeral establishment, license number F041525. The Department conducted an inspection of Alexander Funeral and found that Alexander Funeral advertised preneed funeral services without the benefit of licensure. Respondent as FDIC of Alexander Funeral is subject to discipline based on Alexander Funeral’s violation of Chapter 497, Florida Statutes. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine in the amount of \$1,500.00. The Department requests that the Board accept this Settlement Stipulation.

MOTION: Mr. Hall moved to accept the Settlement Stipulation, which provides that Respondent shall pay an administrative fine in the amount of \$1,500. Mr. Helm seconded the motion, which passed unanimously.

(3) Related Cases – ATN-33136

(a) Chestnut Funeral Home, Inc.: DFS Case No. 254987-19-FC; Division No. ATN-33136 (F040669)

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

James Bossart – This is James Bossart for the Department, Office of the General Counsel. May I proceed, Mr. Chairman?

Chair – Please do, Mr. Bossart.

Mr. Bossart – Thank you. Chestnut Funeral Home, Inc. (Respondent), is a funeral establishment licensed under Chapter 497, Florida Statutes, license number F040669. On or about October 25, 2019, the Department conducted a routine annual inspection of the funeral establishment at its place of business, including an inspection of its preparation room. The inspection revealed that the funeral establishment failed to ensure dead human remains were identified by tag or other means of

identification affixed to the ankle or wrist of the deceased and on the casket, alternative container, or cremation container, and also advertised for preneed sales without benefit of preneed licensure, and engaged in incompetency, negligence, or misconduct in activities regulated under Chapter 497, Florida Statutes. Respondent does have prior discipline by way of a Notices of Noncompliance issued on August 31, 2009, in the case number that is so stated in your memo. Also, another Notice of Noncompliance on February 1, 2017, and on August 6, 2018. A Consent Order issued on December 23, 2014, in case number 154927-14-FC. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay an administrative fine of \$2,500.00, and undergo a six (6) month period of probation. The Department requests that the Board accept this Settlement Stipulation. Thank you.

Chair – Thank you. Is there someone representing Chestnut Funeral Home? Is Mr. Thomas Crapps on the call?

Thomas Crapps – Yes, Mr. Brandenburg. Thank you very much. I am present.

Chair – Thank you. I have a question for you. There are several instances where preneed was sold by Chestnut Funeral Home. I would like, as part of the stipulation, that the Division does an audit to assure that all of those people who were sold preneed have been refunded.

Mr. Crapps – If that's a stipulation that I certainly think that that is agreeable to my client, and it is something that we would certainly do. There was a lapse in their license, they have re-applied, and they certainly want to be in compliance with the law, and they will make sure that an audit is conducted.

Ms. Simon – Mr. Brandenburg, if I may?

Chair – Yes?

Ms. Simon – I'm just looking at the case now, as a result of your statement, are, if there, I'm trying to recall the facts as well. I do not believe they have preneed licensure, and I'm not sure when we would be able to conduct an examination, since we typically conduct an examination only of those instances where somebody has a preneed license. Of course, we would attempt to do that, as a Division, but we have other entities already in line for examinations to take place.

Chair – I was not suggesting a full audit. I was suggesting that perhaps something as simple as if we have a list of all the preneeds that were sold, could the Respondent provide us with canceled checks to show that these were all refund it? It's just as simple as producing the canceled checks to show that these clients were refunded what they had paid in.

Ms. Simon – Mr. Brandenburg, is there a time period you would suggest for the entity to provide those checks?

Chair – Mr. Crapps, certainly this could be done within thirty (30) days, sir?

Mr. Crapps – I would need to speak with my clients, since this wasn't an allegation inside the complaint, but certainly we will be very vigilant in conducting a full audit and determining what occurred during the time period which their license had lapsed, and we will report back to the Division's counsel. And we'll certainly try to conduct it within thirty (30) days.

Chair – Thank you. So, Ms. Munson, we need your sage advice as usual.

Ms. Munson – If the Board is proposing not to accept the stipulation as presented, that would require a motion to reject it and present a counter. If the Board is willing to accept it and let this additional consideration not be included in the stipulation, but to be handled separately with the Division, then it will not be. But any changes to the stipulation would require that the stipulation as presented be rejected, and that the terms of the counter be presented articulately, giving the attorney the opportunity to accept or reject. And if he's saying, if that would be the case, he cannot accept on behalf of his client, then we could offer an opportunity, within a certain number of days, in the Order indicate that the stipulation as presented will, by staff approval, be accepted in X number of days. If not, then it will need to come back before the Board.

Chair – Thank you. I would not offer to deny the Settlement Stipulation, and would support this Settlement Stipulation, with Mr. Crapps’ verbal assurance, and a person of good faith, that this audit will be conducted and the Division will be notified separately then this Settlement Stipulation. Mr. Crapps, would you be in agreement with that?

Mr. Crapps – Yes, Your Honor. That's exactly what we will do. We will be very vigilant on it and we will make sure that Mr. Bossart receives the information timely with copies to the Board.

Chair – Thank you so much, I appreciate you on that. Is there a motion?

Darrin Williams – Mr. Chair?

Chair – Mr. Williams?

Mr. Williams – I’d like to make a motion to accept the settlement offer, but I also have a question. Would there be an inspection done by staff to follow up on the alleged allegations?

Ms. Simon – If I may, Mr. Chairman? Regarding the allegations of the preneed, actually, upon Mr. Crapps’ Response, as long as we received the information from Mr. Crapps, the next inspection would be the next annual inspection, Mr. Williams.

Mr. Williams – I’m speaking on the inspection in reference to the tagging of remains?

Mr. Crapps – May I address Board member Williams’ concern?

Chair – Just a moment, Mr. Crapps. Ms. Simon?

Ms. Simon – Only to state at this point, again, it is not a part of the stipulation and our next inspection would typically be the next annual inspection.

Chair – Mr. Crapps?

Mr. Crapps – Yes, sir. Mr. Williams, I certainly share your concern in making sure that the funeral home properly complies with the law. What you see in the allegations were, and in the answer that was provided, was that on the October 25, 2019 inspection, there were two (2) instances where there was not the proper identification attached to the remains. But, they were in all the other instances, that these were two (2) outliers, and certainly my client has taken steps to correct that to make sure that won't happen, and as part of this Settlement Stipulation, they are under probation. So, certainly that is an issue that is being addressed. And I think that [inaudible] that were alleged, what you see is two (2) violations at that one time, but there were still other instances where you had not had that mistake occurring. So, my client has taken steps to make sure that this does not occur again, and they will be under probation for six (6) months.

Chair – Mr. Williams, anything else to add other than your motion to accept the Settlement Stipulation?

Mr. Williams – That's all, sir. Thank you.

MOTION: Mr. Helm moved to accept the Settlement Stipulation, which provides that the Respondent pay an administrative fine of \$2,500 and undergo a six (6) month period of probation. Mr. Hall seconded the motion, which passed unanimously.

(b) Chestnut, Charles; DFS Case No. 261483-20-FC; Division No. ATN-33136 (F046147)

Ms. Simon – Presenting for the Department is Mr. Bossart. Mr. Bossart?

Mr. Bossart – Thank you. This is James Bossart for the Office of the General Counsel. Respondent is licensed as a funeral director and embalmer under Chapter 497, Florida Statutes, license number F046147. Respondent is the owner and FDIC of Chestnut Funeral Home, Inc. (funeral establishment), a funeral establishment licensed under Chapter 497, Florida Statutes, license number F040669. On or about October 25, 2019, the Department conducted a routine annual inspection of the funeral

establishment at its place of business, including an inspection of its preparation room. The inspection revealed that the funeral establishment failed to ensure dead human remains were identified by tag or other means of identification affixed to the ankle or wrist of the deceased and on the casket, alternative container, or cremation container, advertised for preneed sales without benefit of preneed licensure, and engaged in incompetency, negligence, or misconduct in activities regulated under Chapter 497, Florida Statutes. As FDIC, Respondent is responsible for these violations. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine of \$2,000.00 and undergo a six (6) month period of probation. The Department requests that the Board accept this Settlement Stipulation. Thank you.

MOTION: Mr. Hall moved to accept the Settlement Stipulation, which provides that Respondent shall pay an administrative fine of \$2,000 and undergo a six (6) month period of probation. Mr. Clark seconded the motion, which passed unanimously.

Chair – Thank you, counselor. Thank you, Mr. Crapps. We appreciate you coming before the Board today.

Mr. Crapps – Thank you, Mr. Brandenburg. And I want to compliment the Department and the Division in the way they handled it and the professionalism with the lawyers that you have working for you. Thank you very much.

Chair – All the best.

B. Settlement Stipulations (Probable Cause Panel B)

(1) Siders, Anthony: DFS Case Nos. 269133-20-FC & 269187-20-FC; Division Nos. ATN-33051 & ATN-33122 (F046629)

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

Mr. Griffin – Marshawn Griffin for the Department. Anthony Siders (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F046629. Respondent is the former FDIC of Reflexions Funeral Home, Inc., d/b/a Reflexions Funeral Home, license number F062912. The Department conducted an investigation of Respondent and found that Respondent failed to notify the Department about a change in his status as FDIC of Reflexions and aided and abetted the unlicensed practice of engaging in preneed sales. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent’s license will be placed on probation for six (6) months and Respondent will pay a \$2,000 fine. The Department requests that the Board accept this Settlement Stipulation.

MOTION: Mr. Knopke moved to accept the Settlement Stipulation, which provides that Respondent’s license will be placed on probation for six (6) months and Respondent will pay a \$2,000 fine. Mr. Jones seconded the motion, which passed unanimously.

5. Application(s) for Preneed Sales Agent

A. Informational Item (Licenses Issued without Conditions) – Addendum A

Ms. Simon – This item is informational only. Pursuant to s. 497.466, F.S., the applicants have been issued their licenses and appointments as preneed sales agents.

6. Application(s) for Continuing Education

A. Course Approval - Recommended for Approval without Conditions – Addendum B

(1) American Academy McAllister Institute of Funeral Service (9808)

(2) Cremation Association of North America (16008)

(3) Elite Professional Education, LLC (113)

(4) Florida Cemetery, Cremation & Funeral Association (75)

(5) Matthews International (30408)

(6) National Funeral Directors Association (136)

(7) SCI Management - Dignity University (99)

(8) Selected Independent Funeral Homes (137)

(9) Wilbert Funeral Services (39408)

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the courses presented on Addendum B have been reviewed by the CE Committee and the Committee, as well as the Division, recommends approval of the applications for the number of hours indicated.

MOTION: Mr. Hall moved to approve the applications. Mr. Knopke seconded the motion, which passed unanimously.

7. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum C

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

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

8. Application(s) for Florida Law and Rules Examination

A. Informational Item (Licenses Issued without Conditions) – Addendum D

- (1) *Direct Disposer*
 - (a) *Reali, Andrea R*
 - (b) *Nardone, David*
- (2) *Funeral Director (Endorsement)*
 - (a) *Alford, Pichard*
 - (b) *Torres, Renee*
- (3) *Funeral Director (Internship and Exam)*
 - (a) *Madison-Eaves, Ruth*
- (4) *Funeral Director and Embalmer (Endorsement)*
 - (a) *Anderson, Kaile A*
 - (b) *Hildebrandt, Patricia*
- (5) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Cook, Skye N*
 - (b) *Fischer, Ashley N*
 - (c) *Poitier, Juselle A*
 - (d) *Solomon Jr, Victor E*

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

9. Application(s) for Internship

A. Informational Item (Licenses Issued without Conditions) – Addendum E

- (1) *Funeral Director*
 - (a) *Summers, Jessica D F412307*
- (2) *Funeral Director and Embalmer*
 - (a) *Logan, Angela L F481424*
 - (b) *Magarian, Cara S F477597*
 - (c) *Miller IV, James W F477596*
 - (d) *Roberts, Dawn S F477598*
 - (e) *Townsend, Samantha M F479083*

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

10. Application(s) for Embalmer Apprentice

A. Informational Item (Licenses Issued without Conditions) – Addendum F

- (1) *Ahlemeier, James W F480678*
- (2) *Calandra, Maria F482483*
- (3) *Legons, Latisha N F478991*
- (4) *Solomon, Victoria E F481023*
- (5) *Southerland, Allison F479522*

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

- 11. **Application(s) for Monument Establishment Sales Agents**
 - A. **Information Item (Licenses Issued without Conditions) – Addendum G**
 - (1) *Barber, Emily E F478966*
 - (2) *Fontela, Gisselle F477599*

Ms. Simon – This is also an informational item. Pursuant to s. 497.554, Florida Statutes, the Division has previously approved the applicant listed on the Addendum G.

- 12. **Application(s) for Preneed Branch License**
 - A. **Recommended for Approval without Conditions – Addendum H**
 - (1) *Beysers Funeral Home Inc d/b/a Central Florida Cremation (Tavares)*

Ms. Simon – The applicant listed on Addendum H, has applied for preneed branch licensure. The application was complete without reportable criminal, or disciplinary history. It appears that the applicant qualifies for branch licensure, and the Division recommends approval of the applicant for preneed branch licensure.

MOTION: Mr. Knopke moved to approve the application. Mr. Clark seconded the motion, which passed unanimously

- 13. **Notification(s) of Change in Location**
 - A. **Informational item (Licenses Issued without Conditions) – Addendum I**
 - (1) *D M Baker Mortuary LLC (F086888) (Jacksonville)*
 - (2) *SCI Funeral Services of Florida LLC d/b/a Jewish Direct Burial and Cremation Service (F082443) (Jupiter)*

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

Mr. Knopke – Mr. Chairman?

Chair – Yes, Mr. Knopke?

Mr. Knopke – I have a question for Ms. Simon. And it's not an objection, it's just I'm concerned about the relocation by SCI d/b/a Jewish Direct Burial and Cremation Service from Boca Raton to Jupiter. That's a little bit of a drive. I didn't figure out how long it is. I wonder if there's going to be any impact on consumers, and that is my concern.

Ms. Simon – Mr. Knopke, I appreciate your question, but I'm unfamiliar with the consumers involved in this matter and whether they will be affected. However, that is not part and parcel of the basis for a change of location. The only basis is that they pass an inspection, which they have.

Mr. Knopke – Ok, thank you.

- 14. **Application(s) for Funeral Establishment**
 - A. **Recommended for Approval with Conditions**
 - (1) *Celebrations of Life Mortuary & Cremation Services Inc (Orlando)*

Ms. Simon – An application for a funeral establishment was received on by the Division on December 9, 2020, and was completed on December 17, 2020. The Funeral Director in Charge will be Benjamin Link (F043512). A background check of the principals revealed no criminal history. Point in fact, this is an Orlando establishment, not a Sanford establishment. The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

MOTION: Mr. Knopke moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Mr. Jones seconded the motion, which passed unanimously.

Ms. Simon – Mr. Chairman, it should be noticed for the purpose of the minutes that Mr. Helm left the call after the disciplinary matters took place. However, there is still a quorum present for the business of the Board.

Chair – Thank you.

(2) *Hawke Mt Forbes Family Services LLC d/b/a Forbes Funeral Home (Macclenny)*

Ms. Simon – A change of ownership application for a funeral establishment was received by the Division on November 13, 2020, and the Division received a completed application was received on December 4, 2020. The Funeral Director in Charge will be Henry Forbes (F045116). A background check of the principals revealed no relevant criminal history for the principals. The establishment passed its inspection on December 15, 2020. The Division recommends approval subject to the following conditions:

- a) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- b) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- c) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully executed Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- d) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- e) 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.

MOTION: Mr. Hall moved to approve the applications subject to the conditions recommended by the Division. Mr. Knopke seconded the motion, which passed unanimously.

(3) *John Hanks Memorial Services LLC (Miami)*

Ms. Simon – A change of ownership application for a funeral establishment was received by the Division on November 23, 2020, and a completed application was received on December 17, 2020. The Funeral Director in Charge will be Thomas Nicolette (F042727). A background check of the principals revealed no relevant criminal history for the principals. One of the principals does have adverse licensing history, which is included in your Board package. The Division recommends approval subject to the following conditions:

- a) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- b) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- c) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully executed Bill of Sale, Asset Purchase Agreement, or other document

by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.

- d) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- e) 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.
- f) That the establishments and facility pass an inspection by a member of Division Staff.

Ms. Simon – Before a vote is taken, if I may remind those present for the Board meeting, please put your phone on mute if you are not speaking to the Board. Thank you. Board, or members.

MOTION: Mr. Knopke moved to approve the applications subject to the conditions recommended by the Division. Mr. Jones seconded the motion, which passed unanimously.

(4) Lorenzo Hagins Funeral Home Inc (Wildwood)

Ms. Simon – An application for a funeral establishment was received on by the Division on October 20, 2020. The application was incomplete when submitted. A completed application was received on November 20, 2020. The Funeral Director in Charge will be Tony Anderson (F046410). A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

(5) Midnight Bride LLC d/b/a Taylor and Jordan Funeral Home (St Petersburg)

Ms. Simon – An application for a funeral establishment was received on by the Division on October 28, 2020. The application was incomplete when submitted. A completed application was received on December 28, 2020. The Funeral Director in Charge will be Nathan Woody (F043776). A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

Chair – Ms. Simon, could you read again, the applicant's name?

Ms. Simon – Yes, sir. The applicant's name is Midnight Bride, LLC d/b/a Taylor and Jordan Funeral Home.

Chair – Thank you.

MOTION: Mr. Knopke moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Mr. Clark seconded the motion, which passed unanimously.

B. Recommended for Approval without Conditions
(1) Compassionate Cremations and Funerals Inc. (Oviedo)

Ms. Simon – An application for a funeral establishment was received on by the Division on October 29, 2020. The application was incomplete when submitted. A completed application was received on December 4, 2020. The Funeral Director in Charge will be Korey Banfield (F076353). A background check of the principals revealed no criminal history. The establishment passed its inspection on December 15, 2020. The Division recommends approval without conditions.

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

15. Application for Monument Establishment and Monument Retail Sales Agreement

- A. *Recommended for Approval without Conditions*
 - (1) *Lasting Impressions of Central Florida LLC (Ocoee) (Establishment)*
- B. *Recommended for Approval with Conditions*
 - (1) *Lasting Impressions of Central Florida LLC (Ocoee) (Agreement)*

Ms. Simon – Board members, these matters have been withdrawn from today's agenda.

16. Application(s) for Preneed Main License

- A. *Recommendation for Approval without Conditions*
 - (1) *Affordable Choice Cremation LLC (F255221) (Port St Lucie)*

Ms. Simon – The Department received the application on October 22, 2020 which was incomplete at the time of submission. A complete application was received on November 17, 2020. A completed background check of all principals was returned without criminal history. Applicant's qualifying funeral establishment license (F255221) is located at the same address. If approved, this entity will utilize FSI as their trusting agent. On the cover sheet in this matter. the required net worth is actually \$10,000, as opposed to the \$21,000 listed on your cover sheet. The Division recommends approval on this matter, without conditions.

MOTION: Mr. Hall moved to approve the application. Mr. Clark seconded the motion, which passed unanimously.

17. Application(s) for Removal Service

- A. *Recommended for Approval without Conditions*
 - (1) *Arnex LLC d/b/a Apollo Mortuary Transport (Hialeah)*

Ms. Simon – An application for removal service licensure was received on November 13, 2020. Fingerprints for all principals have been returned with no criminal history. The new location passed its inspection on December 8, 2020. The Division is recommending approval without conditions.

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

- (2) *Legacy Transport Service LLC (Panama City)*

Ms. Simon – An application for removal service licensure was received on November 6, 2020. The application was complete when submitted. Fingerprints for all principals have been returned with no criminal history. The new location was passed its inspection on December 21, 2020. The Division is recommending approval without conditions.

MOTION: Mr. Knopke moved to approve the application. Mr. Hall seconded the motion, which passed unanimously.

18. Change of Ownership (Collective Applications)

- A. *Recommended for Approval with Conditions*
 - (1) *Driscoll Investments LLC d/b/a Sorensen Funeral Home (St Petersburg)*
 - (a) *Cinerator Facility*
 - (b) *Funeral Establishment*
 - (c) *Transfer of Preneed License*

Ms. Simon – Driscoll Investments LLC, a limited liability company, seeks approval of its applications for cinerator facility licensure, funeral establishment licensure, and transfer of preneed main license. A completed background check of the principal(s) for the business revealed no relevant criminal history. The applicant will continue to trust through IFDF. The establishments passed their inspections on December 1, 2020. The applications for each of these establishments are included within your Board package. The Division recommends approval subject to the following conditions:

- a) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- b) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.

- c) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully executed Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- d) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- e) 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

Ms. Simon – Is there a representative of Driscoll Investments on the telephone today?

Unidentified person – Yes.

Ms. Simon – Thank you, sir. Board members?

MOTION: Mr. Hall moved to approve the applications subject to the conditions recommended by the Division. Mr. Clark seconded the motion, which passed unanimously.

Ms. Simon – Thank you, sir. Your licensure application has been approved.

- (2) *Estes Funeral Options LLC*
 - (a) *Cinerator Facility (New Smyrna Beach)*
 - (b) *Funeral Establishment (Edgewater)*
 - (c) *Funeral Establishment (New Smyrna Beach)*
 - (d) *Preneed Branch (New Smyrna Beach)*
 - (e) *Training Agency (New Smyrna Beach)*

Ms. Simon – Estes Funeral Options LLC, a Limited Liability Company, seeks approval of its applications for licensure of one (1) cinerator facility, two (2) funeral establishments, one (1) training agency and one (1) preneed branch. The applications are being submitted due to a change of ownership wherein Estes Funeral Options LLC, is acquiring the establishments included within your Board package. This establishment is also seeking approval of a waiver of Rule for 69K-18.004, Florida Administrative Code, regarding certain requirements for licensure as a training agency. Additionally, these establishments are seeking to continue their training agencies status. A completed background check of the principal for the business revealed no relevant criminal history. The Division would like to handle this matter within two (2) different motions. The Division is recommending approval of the applications for licensure subject to the following conditions:

- That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully executed Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 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.
- That the establishments and facility pass an inspection by a member of Division Staff.

MOTION: Mr. Hall moved to approve the applications subject to the conditions recommended by the Division. Mr. Knopke seconded the motion, which passed unanimously.

Ms. Simon – The next matter we are requesting a motion on is whether the Board will grant a waiver or variance of Rule 69K-18.004, regarding certain requirements for licensure as a training agency:

- That Rule 69K-18.004, Florida Administrative Code, be waived as requested by the licensees, provided there has been no dispute by the public within 30 days of the date the request was published; and
- That the application for Registration of a Training Agency be granted so that the aforementioned funeral establishments may continue to be registered as Training Agencies under the new ownership.

MOTION: Mr. Hall moved to approve the request for waiver or variance of Rule 69K-18.004, F.A.C, and the application for training agency. Mr. Knopke seconded the motion, which passed unanimously.

Ms. Simon – Mr. Hall did that motion include the fact that this entity is permitted to continue their training agency status for the purpose of their interns that they currently have?

Mr. Hall – Yes.

Ms. Simon – And Mr. Knopke, that was your second?

Mr. Knopke – Yes.

Ms. Simon – If I may move on to the next matter?

Chair – Please do.

(3) *Robarts Family Funeral Home Inc (Wauchula)*

(a) *Funeral Establishment*

(b) *Training Agency*

(c) *Transfer of Preneed License*

Ms. Simon – Robarts Family Funeral Home Inc, a Florida company, seeks approval of its applications for licensure of one (1) funeral establishment, registration of one (1) training agency, and transfer of one (1) preneed license. The applications are being submitted due to a change of ownership wherein Robarts Family Funeral Home Inc, is acquiring the establishments listed in your Board package. These establishments also seek approval of a waiver of Rule for 69K-18.004, Florida Administrative Code, regarding certain requirements for registration as a training agency. Additionally, these establishments are seeking to continue their training agencies status. A completed background check of the principals for the business revealed no relevant criminal history. Again, the Division would request that this matter be handled via two (2) different motions. I would request if there is a motion for approval of the applications for licensure submitted within this Board package and subject to the following conditions:

- That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully executed Bill of Sale, Asset Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- 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.

- That the establishment pass an inspection by a member of Division Staff.

MOTION: Mr. Knopke moved to approve the applications subject to the conditions recommended by the Division. Mr. Hall seconded the motion, which passed unanimously.

Ms. Simon – Thank you, sir. It would also be appropriate at this time for a motion to be made subject to the following conditions:

- That Rule 69K-18.004, Florida Administrative Code, be waived as requested by the licensees, provided there has been no dispute by the public within 30 days of the date the request was published; and
- That the application for Registration of a Training Agency be granted so that the aforementioned funeral establishments may continue to be registered as Training Agencies under the new ownership.

MOTION: Mr. Knopke moved to approve the request for waiver or variance of Rule 69K-18.004, F.A.C, and the application for training agency. Mr. Hall seconded the motion, which passed unanimously.

Ms. Simon – Thank you, Board members.

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

A. Recommendation for Approval without Conditions

(1) Preneed Funeral Trust Agreement Amendment(s)

(a) SCI Funeral Services of Florida, LLC d/b/a Neptune Memorial Reef Cremations (F019227) (Altamonte Springs)

Ms. Simon – In accordance with ss. 497.458, Florida Statutes, SCI hereby submits amendments to be used in conjunction with the above-named trust agreement for approval. The above referenced trust agreement was previously approved by the Board and SCI is seeking approval of the amendments for the trusting of preneed funds for its related preneed branch location, Neptune Memorial Reef Cremations. The Division is recommending approval without conditions.

Chair – This is Jody Brandenburg, and I want to declare my affiliation with SCI Funeral Services of Florida, LLC, and that affiliation will in no way affect my ability to make a fair and impartial decision on this item or any items coming before the Board today. So, is there a motion?

MOTION: Mr. Hall moved to approve the agreement without conditions. Mr. Knopke seconded the motion, which passed unanimously.

20. Executive Director's Report

A. Operational Report (Verbal)

Ms. Simon – This report will be given by the Division Director, Mary Schwantes.

Chair – If I may? We had the announcements and recognition earlier of sad events that have taken place within our professional community, and I think it's appropriate today, that we celebrate a happy event. Mary Schwantes, the entire Board will join me in wishing you a Happy, Happy Birthday!

Board members – Happy Birthday, Mary!

Ms. Schwantes – That's the best ever. Thank you all very much. That's fantastic. If I may, Mr. Chair? I'll go forward with the Executive Director's Report.

Chair – Please.

Ms. Schwantes – We have several things to announce today, and just let me know if you have any questions about anything. First of all, there has been a leadership change in the CFO's Office. After over three (3) decades of dedicated public service in Florida, Deputy CFO Jay Etheredge will retire at the end of February. Most of you know that this Division has reported

directly to Deputy CFO since early 2019. He's been an extremely strong advocate for both the Division and the industry, and I cannot stress that enough. Among other things, his leadership and assistance has been essential in our efforts in coordinating fraud and other non-Chapter 497 actions against certain licensees with the Department's other Divisions which report to him, and during the COVID pandemic, in coordinating Personal Protective Equipment and other industry concerns with the Florida Division of Emergency Management and the Emergency Operations Center. As we've said before, the industry now has a voice at the Emergency Operations Center now has a voice and a lot of that is due to Jay. We're certainly going to miss him and wish him all the best in his retirement and future endeavors.

Last week, CFO Patronis announced the appointment of Julie Jones, as Deputy Chief Financial Officer, to replace Jay Etheridge, upon his retirement, in overseeing this Division and the Department's Divisions encompassing sworn law enforcement, which include Investigative and Forensic Services, the State Fire Marshal's Office, Public Assistance Fraud and Workers' Compensation. Deputy CFO Jones began work with the Department this week, and we're fortunate to have an overlap transition period with both Deputy CFO Etheridge and Deputy CFO Jones, during the next few months, until his retirement. Deputy CFO Jones was formerly the Secretary for the Florida Department of Corrections and has many years of prior law enforcement related experience. We welcome her to the Department and look forward to working with her in the future. I'm not sure if she was able to attend today's meeting, but I thought I'd ask. Ms. Jones, are you there? Ok, there was some question whether she was going to be able to, because of her schedule, so hopefully we'll be able to introduce her at a future meeting. I'm sure she will enjoy meeting people.

Mr. Jones – Ms. Schwantes, what was her first name?

Ms. Schwantes – Julie. And again, she was the former secretary with the Department of Corrections.

Mr. Jones – All right. Thank you.

Chair – I do believe Ms. Schwantes, we have met her at another Board meeting or on some occasion. She was there and we met her.

Ms. Schwantes – Ok, I don't recall that, but perhaps that was earlier on. I don't know. Actually, Ms. Simon and I are meeting with her next week, so we've not even had the opportunity to really yet discuss a lot of the Division's concerns with her. But again, we look forward to working with them both, and are very glad to have this transition period with both of the Deputies available.

So, talking about legislation 2021. The regular Legislative Session for 2021 begins March 2nd and ends sixty (60) days later on April 30, 2021. Understandably, it's expected that most of the session will be devoted to COVID or the resulting budget concerns. At this time, the Department's bill has not yet been filed. We'll provide an update on that at a later meeting, particularly any provisions that might propose changes to Chapter 497, or otherwise involve the death care industry. Previously, we reported that this Division has proposed a repeat, if you will, of the items that we proposed last year that made it into the Department's bill. Again, when the Department has finalized the bill for this year, I'll let you know what has been included that effects Chapter 497. In the meantime, we are monitoring bills already filed, which have potential impact on the industry. The first of these filed bills involves deregulation.

Last year saw several bills filed proposing deregulation of certain aspects of the death care industry, either through "Sunrise" proposals, which make it more difficult to adopt new regulation of previously unregulated functions, or "Sunset" proposals, which require the review and possible repeal of regulatory requirements governing certain occupations. This year, SB0344 has been filed. It was proposed by Senator Manny Diaz and titled the "Occupational Regulation Sunset Act." It's essentially a refiling of two (2) of last year's bills (HB0707/SB1124) on deregulation. Under this bill, individual licensees within the industry, such as funeral directors, embalmers, monument establishment sales representatives, and direct disposers are potentially impacted. This bill will require the Legislature to review the impacted sections of Chapter 497 prior to July 1, 2023, and determine whether they should expire, be renewed without modifications, be renewed with modifications, or whether alternative action should be taken. The bill thus establishes a schedule for the systematic review and possible deregulation of some of the death care industry licenses. Other occupations licensed by the Department are also included in the bill. The Department is closely monitoring this bill, as always, and any companion or similar bills that may be filed in the upcoming months. Again, we will be reporting back on any legislative activity impacting either our Division or Chapter 497. We do

expect it to be mostly COVID concerns in this coming session and expect further budget impact from the session. So, if any of you have questions on any bills that are mentioned in these reports, please let us know.

B. FCCS Financial Statements

I'd like to turn to the financial statements at this time. These are the financial statements reporting for the fiscal year ending in 2020, although you will, of course, see some proposed budget, etc., for future years. The financial statements were sent out last week in advance of the meeting. I'm going to try and briefly go through each of them. As before, you will note that the format used for the statements is basically the same as that presented the last several years. The format and the numbers presented are the result of many hours of work between Division and Department budget staff translating legislative budget information and general ledger codes into a much more usable format for our purposes. The presented financials are for the Board's information only at this point. No Board action is required. However, as always, we appreciate input and questions on any of these matters. If there are questions to which I cannot now respond, please let me know, and we will consult with appropriate staff and provide a response at the next Board meeting.

The reports are submitted to meet statutory requirements. Specifically, under s. 497.103(2)(n), which specifies that the Department has the "authority to develop and submit to the Legislature from time to time budgets for the implementation of this chapter." And 497.140(1)(b), which specifies that the Department "shall at least every other year provide the Board with estimates as to projected costs in implementing this chapter and projected fee collections under this chapter for the following 2 years, information as to balances of regulatory trusts from fees collected, other information that the Department deems material to the setting of fees by the Board at proper levels, and a Department recommendation as to action, if any, regarding changing fee levels."

So, if we take a look at the first document, the first document to review would be the Regulatory Trust Fund Balance Sheet. This shows the actual information for fiscal years 2015/16 through 2019/20, with projected information through fiscal year 2020/21. The main takeaway points from this, you will note that the ending balance continues to swing up and down each year. As pointed out in prior year reports, this is in part a result of the swing in licensing fee income, in that some licenses only renew every other year, so income reflects this swing. The projected end of year balance FY2020-2021 (i.e. as of June 30, 2021) is about \$4.76 million. The primary purpose of this balance sheet is to provide detail information on the income/revenues and show the impact on the overall ending balance in the Regulatory Trust Fund. Detail regarding the expenditures will be shown on the budget document. With regard to revenue, preneed fees are roughly consistent over the years, generally averaging around \$680,000 per year. Other fees and licensing fees swing back and forth between years as previously explained. Interest earnings are relatively small in comparison to some of the other income. Although they increased in recent years, they are expected to decrease over the next few years due to the economy, and again the COVID pandemic. As before, we have tried to provide a general description of items in areas where we use a term which may not be a common term. For example, we use the term "State Refunds" in one of the sections in the non-operating category. Those are refunds to licensees on overpayments, etc. Do we have any questions on that report? Hearing none.

The next report to take a look at is the Preneed Funeral Contract Consumer Protection Trust Fund (CPTF) report. This shows historical information on the CPTF from 7/1/2011 – 6/30/2020. Here are the main points regarding this report. The total ending balance for 2019-2020 was \$9.21 million, which is higher than the prior year by about \$230,000. With regard to revenues, the preneed fees (\$1 per contract) remain fairly consistent over the years. If you disregard the high year of \$193,000, which was received in 2013-14, the income from fees continues to average a bit under \$111,000 per year. Preneed fees have not shown great growth over the years with the exception of 2013-14, and we don't have explanation for that. We're not sure why they were higher. The bulk of revenue has come from interest earnings, which have varied significantly over the years and are expected to decrease in the upcoming years. The total revenue through these years consistently exceeded \$250,000, with a larger increase to \$408,000 this last FY. Expenditures, our claim payments, historically were generally between \$55,000-\$85,000 per year, at least until the years after 2014. At that time, of course, they got higher. The high claim payments in recent years are shown on this report. There are footnotes on the bottom of the page, which show the failures/closings/or revocations, which impacted the claims payments in those years. Most recent impact, of course, is primarily Beaches Memorial Garden in 2016-2017. Last year's claim payments totaled \$175,628, which was a decrease of approximately \$31.5K from the prior year. The bottom line on that is the income that's coming in historically is sufficient to cover the claims expenses. Our buildup in trust funds is probably more a result of interest over the years. However, we are currently not sure of the impact of the COVID

pandemic, etc., on the interest income in the next few years. The interest income may decrease. Any questions, with regard to that? Ok, just a few more to go.

If you will, take a look at our budget. This is the FCCS Budget for FY2018-2019/FY2019-2020/FY2020-2021 (current fiscal year). These are the main points, with regards to that report. This provides detail on the operating and non-operating aspects of our Division budget over this timeframe. Actual information is provided for FY2018-2019 and FY2019-2020. Projected information is presented for our current FY2020-2021, with actual expenditures provided through 10/31/20. As a reminder, the Operating Budget is the budget that the Division has some control over. We submit our proposed budget to our agency Budget Office during the summer of the year before it would go into effect. So, this past summer, we presented the proposed budget for FY2021-2022. That budget will be reviewed, and hopefully approved, during the upcoming legislative session. The Non-Operating Budget: this primarily involves cost allocations to our Division for support provided by the Department, for example, Information Technology, Legal and Administration. The Division has absolutely no control or say in how such items are allocated. That is performed on an agency basis, as approved by the CFO.

The process is, each year, the Legislature approves our Operating Budget in the General Appropriation Act. During the year, that amount may be adjusted by combined efforts of our Budget Office and Legislative Staff/Committees. For example, you will see that the adjusted appropriation amount for 19-20 was \$2,346,320. If you take a look at 2019-2020 in the Operating category, the adjusted appropriation was about \$2.35 million. Our actual expenditures were \$2.2 million, partly a result of vacancies, and the balance came in under budget by \$145,000. In the Non-Operating category, the appropriation was \$1.22 million. Our actual expenditures increased from the prior year to \$1 million and the balance under that category came in under budget by \$214,000. So, the bottom line in regard to both the Operating and Non-Operating Budgets, is that we are coming in under budget. We came in under budget this last year by \$359,000, which is a much smaller excess than the prior year when we were under budget by \$438,000. This is a good illustration of the tighter budgets we are facing. Frankly, it is only a result of the COVID pandemic and the resulting travel limitations, which decreased our necessary travel expenditures during the year that the overall budget excess for last year was as high as it was. Otherwise it would have been much tighter.

If you look at 2020-2021, as previously discussed, the COVID pandemic has already resulted in budget cuts of 6% and has impacted the timing of spending authority on the funds. I think we talked about this before, that funds are released on a quarterly basis, and so the spending authority is now only released on a quarterly basis, and that can impact the time when we're able to pay for certain items or take care of certain expenses. The legislative session may bring additional budget cuts. Overall, we are working on a much tighter projected budget, even taking into consideration our two (2) current vacancies and other reduction efforts. We still anticipate coming in under budget at the end of year, but again it's going to be much, much tighter on the Operational Budget, ending at about a \$109,000 excess. That's an estimate for right now. Does anyone have any questions regarding the budget, particularly with regard to any of the categories?

Chair – Just an observation. Even though your budget is submitted and approved, it seems it's always subject to adjusted appropriation.

Ms. Schwantes – That is correct, sir.

Chair – Around a 6% reduction. So, just an observation on that.

Ms. Schwantes – That is correct, sir. And there are things even within the Operating Budget that we do not have control over, and I'll discuss one of those in a minute. Obviously, the budget report does not show our projections for FY2021-2022, because it is not yet approved by the Legislature. This goes back somewhat to what Chair Brandenburg said. However, we have already requested increases in the operational budget for anticipated increased travel expenses and contracted legal fees for Board counsel. That would be, Ms. Munson, of course. I'll also point out that none of our budget requests include changes for our IT systems, which are becoming increasingly problematic with frequent crashes and higher need for ongoing maintenance. But we do not have funds to request the replacement of those systems at this point in time, so they have not been requested.

All right, the next document and final financial statement to show you is the Projected Regulatory Trust Fund Balances (RTF). And this is the projection, which shows the long-term impact of the revenue and anticipated expenditures on the balance of the Regulatory Trust Fund, over a number of years. We have stretched this out. Normally we look at a ten (10) year period. The main points regarding these two (2) tables on this page is the top table shows the current structure. We have assumed

absolutely no changes to Information Technology, which remains an untenable situation. The current data systems are only getting older, with frequent crashes, and again requiring additional maintenance. It assumes no additional staffing or infrastructure changes. In other words, status quo, on the top table. Overall, the Division costs continue to significantly impact the RTF balance over the years by decreasing the balance. In prior years, we estimated that the decrease would be roughly \$200,000-\$300,000 each year, over the course of the years going forward. This again goes to what Chair Brandenburg said about things that are beyond our control. Recent legislative changes to salary and other matters, such as the requirement of increased payments into pension plans and health benefits, again things that are beyond our control, have increased the amount by which the RTF balance is expected to decrease. At this time, we are estimating that the RTF balance will be approximately \$563,000 at the end of FY2029-2030. Again, this assumes no changes, including any additional legislatively mandated changes, no new services offered, and no new information technology system. In reality, it is likely that those funds will be decreased even faster. And, as an example, when we came to you at this point last year, our estimates, looking ten (10) years out at that point, were that there was approximately around \$2 million left over in the RTF balance at the end of that ten (10) year period and it's showing a much lower balance now. And it's just changes to the extent that the economy or lower interest, revenue impacts the budget that will also impact the ending balance.

The bottom table, which shows the results with some infrastructure and other necessary changes made during the years, but still no new data systems, and shows that the RTF balance would decrease even faster. Both tables clearly illustrate that status quo is not a long-term solution to either operational or funding concerns. With the COVID pandemic, we understand that 2021 is not the year to address these issues. However, the Legislature and industry will absolutely need to consider better funding options within the next few years. Any questions on that? I hope that this explanation has been of help. As you review these documents after this meeting, if you have questions or comments, please do call me, and we'll try to get the information back to you as quickly as possible.

I have no updates regarding the Board Appointment Process at this time. And I know another issue of concern to the Board and to industry members has been vaccination priority. Obviously, we are still in the first phase of the vaccination rollout, and I have no news regarding what level of priority or whatever the licensees will fall into, at this time.

The next Board meeting will be a videoconference meeting on Thursday, February 4, 2021. I appreciate everybody's patience in going through the financials. I know you realize how important these are, and I thank you very much.

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

C. Report: Payment of Disciplinary Fines and Costs (Informational)

Ms. Simon – This is an informational report of the payment of disciplinary fines and costs. Assuming there are no questions.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 Date of Board meeting: January 7, 2021
 Date report was prepared: December 23, 2020

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Brown Memorial Funeral Home & Cremation Service LLC	3-Dec-20	243275-19-FC	\$300			
JL Locke & Company	3-Dec-20	243567-19-FC	\$300	15-Jan-21		
Richard L. Macon Funeral Home, Inc. d/b/a Freeman Funeral Home	3-Dec-20	243147-19-FC	\$300	18-Jan-21		
Floyd Brian Garrett	3-Dec-20	261898-20-FC	\$1,500	15-Jan-21		
Miami Funeral Services & Crematories d/b/a National Funeral Homes	3-Dec-20	243581-19-FC	\$4,000			
Holmes Funeral Directors	3-Dec-20	285585-20-FC & 258293-20-FC	\$5,000			
Callahan Funeral Home Inc.	3-Dec-20	243532-19-FC	\$300	15-Jan-21		
Jay Funeral Home	3-Dec-20	243330-19-FC	\$300	15-Jan-21		
Brandon Cremation and Funeral Services Inc	5-Nov-20	255669-19-FC	\$500	12/21/2020	Yes	

A L Hall Funeral Directors Inc. d/b/a Tillman Funeral Home	5-Nov-20	254434-19-FC	\$2,000	1/3/2021		
Isaac Miller	5-Nov-20	260760-20-FC	\$2,000	1/1/2021		
Florida Cremation Services LLC d/b/a Valles Funeral Home and Crematory	5-Nov-20	254489-19-FC	\$3,500	12/21/2020		
Maykel Ribalta	5-Nov-20	254491-19-FC	\$3,500	12/18/2020		
Alternative Transportation Services	5-Nov-20	267466-20-FC	\$1,750	1/15/2021		
Carriage Florida Holdings Inc. d/b/a All Cremation Options	5-Nov-20	258265-20-FC	\$300	12/21/2020	Yes	
Carriage Team Florida (Funeral) LLC d/b/a Conrad & Thompson Funeral Home	5-Nov-20	255950-19-FC	\$850	12/21/2020	Yes	
Michael Williams	5-Nov-20	217639-17-FC	\$5,000	2/16/2021		
Affordable Cemetery Monuments, Plaques & Property	5-Nov-20	270186-20-FC	\$1,500	12/21/2020		
Tri County Mortuary Transfer Services	5-Nov-20	243586-19-FC	\$300	1/15/2021		
Coleman's Mortuary	5-Nov-20	243324-19-FC	\$2,000	1/1/2021		
St. Fort's Funeral Home, Inc	5-Nov-20	244271-19-FC	\$2,500	1/1/2021		
Evans St. Fort	5-Nov-20	244273-19-FC	\$2,500	1/1/2021		
Beacon Direct Cremations, Inc.	1-Oct-20	243099-19-FC	\$1,500	20-Nov-20	Yes	
John Kuge	1-Oct-20	243105-19-FC	\$1,500	20-Nov-20	Yes	
Cremations of Greater Tampa Bay	1-Oct-20	258286-20-FC	\$1,000	20-Nov-20	Yes	
Thomas Cohen	1-Oct-20	339720-18-FC	\$2,500	20-Nov-20	Yes	
R. Butts, Inc. d/b/a Butts Memorial Chapel	1-Oct-20	256607-19-FC	\$1,500	15-Dec-20		
Rickey Sharnard Butts	1-Oct-20	256616-19-FC	\$1,500	15-Dec-20		
Bradwell Mortuary	1-Oct-20	259030-20-FC	\$2,000	20-Nov-20	Yes	
Monte C. Bradwell	1-Oct-20	259031-20-FC	\$2,000	20-Nov-20	Yes	
Lisa DeGiovine	1-Oct-20	269799-20-FC	\$1,500	20-Nov-20	Yes	SEND TO OGC
Marc Brooks	1-Oct-20	255318-19-FC	\$4,000	15-Nov-20		SEND TO OGC
Cremation Services of Mid-Florida, Inc.	1-Oct-20	264437-19-FC	\$3,000	15-Nov-20	Yes	
Jessica Jones	1-Oct-20	241661-19-FC	\$2,000	15-Nov-20	Yes	
Combs Funeral Home	1-Oct-20	258590-20-FC	\$1,500	15-Nov-20		
Marquis Turner	1-Oct-20	258594-20-FC	\$1,500	15-Nov-20	Yes	
Buy and Sell Cemetery Plots, LLC	13-Aug-20	233374-18-FC	\$1,500	10/8/2020	Yes	
Camel Funeral Home	13-Aug-20	254447-19-FC	\$2,500	10/8/2020	Yes	SEND TO OGC
D.A. Boyd and Sons Funeral Home	13-Aug-20	243552-10-FC	\$500	10/8/2020	Yes	
Wilson Wolfe, Inc., d/b/a Sweet Dreams Memorial	8/13/2020	256163-19-FC	\$4,000	9/24/2020		On January 2021 agenda
Darice Concepcion	5-Dec-19	233390-18-FC	\$2,500	6-Feb-20		A
<p>A. When payment in full becomes past due, the FCCS Division works with the DFS Office of the General Counsel to enforce payment.</p> <p>B. Once fines and costs are paid in full, licensee kept on this report 3 months, showing Paid in Full, and then dropped off report; also licensee dropped off report after disciplinary action filed due to nonpayment of the fine and costs.</p> <p>C. The Order re this case is still in process, so no Due date is not yet established.</p> <p>D. Due date has not passed, as of the date of this report.</p> <p>E. As of the date of this report, monthly payments were current.</p>						
<p><i>Ellen M. Simon</i></p> <p>12-23-2020</p>						

Ms. Simon – Mr. Chairman, I would like to recall back an item on the agenda. Item number 18, A. (3), which is Robarts Family Funeral Home Incorporated.

- 18. **Change of Ownership (Collective Applications)**
 - A. **Recommended for Approval *with Conditions***
 - (3) **Robarts Family Funeral Home Inc (Wauchula)**
 - (a) **Funeral Establishment**
 - (b) **Training Agency**
 - (c) **Transfer of Preneed License**

Ms. Simon – Part of the application was for a waiver of Rule 69K-18.004. It appears that legally speaking, the Board is unable to rule on that today. I apologize for misinformation, but this matter was not published in the Florida Administrative Register. And, as a result of it not being published in the Florida Administrative Register, the Board is unable to rule on that today. We did not get that application until, at least, the application for waiver until December 29th, or December 30th, and it was not published timely. So, we need the Board to open that up again, and rescind that ruling. Ms. Monson, am I saying that correctly?

Ms. Munson – Closely enough. Petitions for variances and waivers, pursuant to s. 120.542, F.S., requires that the petitions be published at least fourteen (14) days prior so that the public has an opportunity to view and make comments. And if it wasn't, technically, we don't have an opportunity to rule on it. And just thinking through this, and this is not something that is strictly supported by a rule, it would be that if the petition is on the books, but not published in enough time, and I don't want to say this on the record, but I just know that you need to give it fourteen (14) days. There's a train of thought that could be stated that if you wait fourteen (14) days after to see after publishing it, but that's acting on it prior to even the proper publication. So, I just don't ever want to recommend that on the record. I would suggest that there be no vote on it until it's properly published, so that it can be properly reviewed and then properly voted on in the required timeframe.

Ms. Simon – Mr. Chairman? Thank you, Ms. Munson. I'm not sure what this means in terms of the training status.

Chair – Ms. Munson, my concern is those that are affected that are part of the current training agency and the employees that are affected by that. Can you give us an exception that we may be able to use to continue on, so that these people are not affected by the loss of a training agency? This is very important. Is there a way around it for this Board to waive that rule, at this point in time, so that they're not affected?

Mr. Hall – Mr. Chair?

Chair – Yes?

Mr. Hall – For Ms. Munson, if we have to rule on next month, are we able to make it retroactive at that point, so that it doesn't affect these people adversely?

Chair – Good suggestion, Mr. Hall.

Ms. Munson – No. I think I think the Petition would need to be reworded to reflect that. I think administratively you may have an opportunity to try and do that. I was just going to say maybe the Petition can be stated that, but you can't really ask the petitioner to state something. That would almost have an illegal fringe on it. So, that's a very fine line. I think given the circumstance, if this is voted on properly and in February at the February meeting, I don't know who would dispute a Board vote, but I just cannot say on the record, the validity of that Board vote. But then again, I don't know who would dispute it either.

Chair – Mr. Knopke, I'll recognize you in just a moment.

Mr. Knopke – Thank you.

Chair – That was my question. Who is going to dispute it? This Board may have made mistakes in the past that weren't disputed. Mr. Knopke?

Mr. Knopke – A question for Ms. Simon. Do they currently have any people in training, actively being trained at that firm?

Ms. Simon – Mr. Knopke, you know, I've been thinking about that, but to be honest with you, with our systems, I'm not sure how to look that up. I'm not sure how to do that while we're in this Board meeting right now, to determine whether they have a current intern.

Mr. Knopke – Ok.

Chair – Is there a Division staff member on the call that may be able to give us this answer? We may be fighting windmills if it does not apply.

Mr. Knopke – You can do that or call Robarts and ask them how many people are in their training program right now.

Ms. Simon – Regardless, Mr. Chairman, I think that what we can do right now, since we can't rule on it, so, regardless of whether they have an intern or not, what I would suggest we do, is please recall the motion that was done, and we rescind that, and then determine what we need to do, if anything, next month, if they currently have an intern.

Mr. Knopke – Ms. Simon, if they have somebody in training and the change of ownership occurs, then that person's hanging out in the wind.

Ms. Simon – I understand that, sir, but we're not able to do anything. Unfortunately, from a legal standpoint, the motion and the Order that came from the Board is not legally tenable. So, either way, we would just look at if they do in fact have an intern, we would look at the Board, say next month, perhaps, that it is, as Mr. Hall suggested, that it is retroactive at that time. We can look into that possibility. But as of now, we're in a...

Chair – Ok.

Mr. Jones – Mr. Chair?

Chair – Yes, Mr. Knopke?

Mr. Knopke – Could somebody on the Division staff, while we're still in session, call the funeral home, call the principal involved here and ask is the sale, family sale, incumbent upon the approval of the Board, and the closing of the sale? Generally, you don't close until you've gotten regulatory approval. Is it possible they could delay their closing without impacting anything until February, so this whole train can go together?

Chair – I can give you the phone number, if somebody will call. It's (863) 773-9773. That's Summer Robarts Bowden, (863) 773-9773.

Ms. Simon – Mr. Chairman, I need to go offline just for a moment to make sure that call is being made, if that is acceptable.

Chair – Thank you.

Mr. Knopke – Mr. Chairman, can I suggest a five (5) minute break?

Chair – That's a good suggestion. And I have 11:43. Let's come back promptly at 11:50. Thank you.

*****BREAK*****

Chair – I'll call the meeting to order again. Do we have anything to report?

Ms. Simon – Yes, Mr. Chairman. We got into contact with people from Robarts. I think it would be tenable right now to revisit this vote and rescind it, and we will pick up the issue again next month. And they are aware of this circumstance.

Mr. Knopke – Are we rescinding the entire approval?

Ms. Simon – No, we are only talking about the training agency. If you remember, we took this in two (2) different votes. The first vote was for everything else. The second one was for the training agency, and that is what I would ask that the Board revisit.

Chair – So, we're asking to rescind the vote to waive Rule 69K-18.004, F.A.C. Is there a motion?

MOTION: Mr. Knopke moved to recall and rescind the vote regarding the Rule waiver. Mr. Jones seconded the motion, which passed unanimously.

Chair – Ms. Simon, is there anything further to report?

Ms. Simon – Ms. Munson, do we need to do anything further on that subject during this meeting? Is that officially resending it?

Ms. Munson – Yes, the vote for the petition.

Ms. Simon – Ok, that's great. Thank you, ma'am. Mr. Brandenburg, that is all we need to do on that matter. Thank you.

Mr. Hall – Did they have anyone in the training program?

Ms. Simon – I do not believe so. We did get in touch. As I said, Ms. Richardson spoke with her, with the entity, and they indicated that it was fine to wait one (1) month. So, from that I take the fact that I don't have anyone.

Chair – Thank you. Next, Ms. Simon?

Ms. Simon – And I appreciate your patience in that matter, Board members.

21. Chairman's Report (Verbal)

Chair – Again, our condolences go out to Powell Helm and his family and, of course, to Robin Giddens-Sheppard and her family. I have nothing else to report.

Ms. Simon – Thank you, sir.

22. Office of Attorney General's Report

A. Attorney General's Rules Report (Informational)

Ms. Simon – Ms. Munson?

Ms. Munson – This item included for informational purposes only. The Board does not currently have any rules open for development at this time. Thank you.

Chair – Does that mean we're pretty smart?

Ms. Munson – I think you already know the answer to that.

Chair – Ms. Munson, you're too good to us. Thank you.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
JANUARY 2021**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69KER20-1	Licensure Compliance Regarding Inspection Deadlines.	07/22/2020	08/31/20	N/A	N/A	08/27/20	08/27/20
69K-1.006	Licensure Requirements Regarding Inspections.	07/22/2020	09/16/20 (RD) 11/16/20 (WD)	09/24/20	10/09/20 10/28/20 – JAPC ltr 11/06/20 – Atty Response 11/24/20 – Notice of Withdrawal		

23. Public Comments (Verbal)

Chair – Any comments? Board members? Any good at the cause? Mr. Jones?

Mr. Jones – Yes, just an informational item. We went in and modified what the funeral industry uses as the Family Review Sheet. What we did is, we went in and under where it asks if the decedent was in the Armed Services, there's a field after that that also requires information regarding a service related disability. That field was not showing up on the Family Review Sheet. We added that this week in test. The productional version went out yesterday. We did not think it would go out until Monday, so, we have not had an opportunity to convey that the sheet has been revised to include an additional field. We will be sending an email out today. I was just made aware of that, so I wanted to bring it up here. Again, this is an informational item. When I saw that the service connected disability was not there, I asked that it be added. That's it for me, unless there's any questions.

Chair – You're notifying users?

Mr. Jones – Yes, sir. We will be sending an email out today and then I'll get with Ellen for the Division to send it out, as well.

Chair – Perfect. Any other comments, questions? Again, thank you, everyone. Happy New Year. Michelle Hood?

Michele Hood – Hi there. Mr. Chairman, if I may? Mr. Jones, I appreciate that information very much. Would that be something you can share with the state associations so that we can distribute that to our members as well?

Mr. Jones – Yes. I was going to get with your association and the others, as well as with the Division. So, that will be done soon as I can get off this meeting.

Ms. Hood – All right. Thank you so much, and you all have a Happy New Year!

Mr. Jones – Thank you, Michele.

- 24. Upcoming Meeting(s)**
- A.** February 4th (Videoconference)
 - B.** March 4th (Videoconference)
 - C.** April 1st (Videoconference)
 - D.** May 6th (Videoconference)
 - E.** June 24th (Videoconference)

Chair – Again, February 4th is the next meeting.

25. Adjournment

Chair – Happy New Year to everyone. May 2021 be a better year than 2020, of course. Thank you very much!

The meeting was adjourned at 11:55.