

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
February 4, 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’ Videoconference meeting. Today is February 4, 2021. Ms. Simon, would you make your preliminary remarks and do the roll call, please?

Ms. Ellen Simon – Yes, Mr. Chairman. 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. Next, I'd like to call upon our Division Director, Mary Schwantes.

Ms. Mary Schwantes – Thank you, Mr. Chairman. Last month CFO Patronis appointed Deputy CFO Julie Jones, to replace Deputy CFO Jay Etheridge, as the Deputy who oversees this Division, and also the Department's Divisions encompassing our sworn law enforcement, such as the Division of Investigative and Forensic Services, and the State Fire Marshall's Office, among others. Deputy CFO Jones brings many years of law enforcement related experience to the Department, most recently serving as the Secretary of the Florida Department of Corrections. I'm very pleased to welcome Deputy CFO Jones to this meeting and introduce her to you at this time. Deputy Jones?

Ms. Julie Jones – Thank you, Mary. Thank you, Ellen. So, I'm the new kid on the block, and as I told some of you earlier in the meeting, what you do is new to me. But that doesn't mean that I'm not all in on being here to support you and to support Mary in making sure that you have the resources that you need to accomplish the priorities for your Board. I've had a long history of State employment going back to 1978. I worked for the old DNR. I did twenty-six (26) years at the old Game and Fish that turned into the Fish and Wildlife Commission. I was the Executive Director at Highway Safety and Motor Vehicles over the Highway Patrol, retired, and then came back for Governor Scott for four (4) years at the Department of Corrections. Yay! That was interesting. CFO Patronis called me, just out of the blind, almost two (2) years into my second retirement, and said, hey, I have an opportunity for you, and I really want you to come work for me. So, I said, yes. I started December 30th. I'm doing the best I can, being totally supported by Ellen and Mary, in learning your business, learning the process for your Board, and they have me now going out into the future to make sure that this is a priority on my schedule. Unfortunately, I'm going to have to leave you here shortly for another meeting that was scheduled before I knew about these meetings, but all I can tell you is, I'm going to learn as much as I can about how I can help you. You know, we got a letter sent to the Department of Emergency Management about prioritization for vaccines. I've also talked to them about your request to be aligned with {inaudible} for future disasters. And I will continue to help you, in any way I can, to elevate the issues that you have and strengthen your position within the community to help you do your job, which is, quite frankly, vital to the people of the State of Florida. So, I appreciate it. I'm on the team, and I believe in teamwork, so I'm looking forward to working with all of you.

Chair – Thank you, Deputy Jones. We're glad to have you with us and you'll be working with a group of wonderful people. So, welcome aboard.

Ms. Jones – Thank you, Sir.

2. **Action on Minutes**
 - A. *December 3, 2020*
 - B. *January 7, 2021*

Chair – Board members, the action of the Minutes from the December 3, 2020 and January 7, 2021 meetings. Is there a motion?

MOTION: Mr. Ken Jones moved to adopt the minutes of the meetings. Mr. Lew Hall seconded the motion, which passed unanimously.

Chair – Ms. Simon?

Ms. Simon – Yes, Mr. Chairman. Did you make the motion for both sets of minutes, both December and January?

Mr. Jones – I did.

Ms. Simon – Ok, thank you.

3. **Old Business**
 - A. *Confirmation of Board Order*
 - (1) *Mazzoni, Dillon*

Ms. Simon – This application went before the Board on November 5, 2020. At that time, the Board approved the application and in so doing accepted an agreement that the applicant would be assessed a \$1,000 fine and his embalmer internship license would be placed on probation for six (6) months, beginning January 1, 2021 and ending at the completion of the internship. And then his embalmer license would be placed on probation for six (6) months from the date he is licensed as an embalmer. However, it has been determined that the recommendation by the Division and the resulting vote by the Board was not done in such a way as to ensure that these conditions could be outlined in an Order. Therefore, this matter is being brought before the Board again to ensure that the conditions for licensure are on the record. The Division recommends that the application for licensure as an embalmer by internship and examination be approved subject to the conditions outlined within your Board package.

MOTION: Mr. Keenan Knopke moved to approve the application subject to the conditions recommended by the Division. Mr. Powell Helm seconded the motion, which passed unanimously.

Chair – Thank you.

B. Related Items – Collective Coversheet

(1) Recommended for Approval with Conditions

(a) Robarts Family Funeral Home Inc (Wauchula)

- **Application for Registration as a Training Agency**
- **Request for Waiver of Rule 69K-18.004**

Ms. Simon – Robarts Family Funeral Home Inc, a Florida Company, sought approval of its applications for licensure of one funeral establishment and one training agency, as well as its application for transfer of a preneed license. The applicant was also seeking a waiver of Rule for 69K-18.004, Florida Administrative Code, regarding certain requirements for licensure as a training agency. Lastly, they were seeking to have their funeral establishment continue its training agencies status as it had been under previous ownership. These matters went before the Board at the January 2021 meeting. The Board approved the applications for licensure of a funeral establishment, training agency, and transfer of a preneed license. The Board also approved the request for waiver of Rule 69K-18.004, Florida Administrative Code, and approved having the funeral establishment continue its training agency status under its new ownership.

However, towards the end of the meeting, it was determined that the required publication of the waiver of Rule 69K-18.004, Florida Administrative Code, had not been completed. Therefore, the Board recalled and rescinded the vote only as to the application for registration of a training agency, the rule waiver, and the matter of the funeral establishment continuing its training agency status. All other findings of the Board related to the applications presented remained and were untouched. The required publication has now taken place. Therefore, the remaining issues for the Board to decide are the application for registration as a training agency, the request for waiver of Rule 69K-18.004, Florida Administrative Code, and the request that the funeral establishment continue its training agency status as is existed under previous ownership. Enclosed in your Board package is the application and motion at issue, as well as information regarding the required publication. The Division recommends approval subject to the condition(s) as follows:

- 1) Approve the application for registration as a training agency and permit the funeral establishment to continue its training agency status under its new ownership; and
- 2) 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 thirty (30) days of the date the request was published.

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

Ms. Rachelle Munson – This is Ms. Munson. If I may just clarify? Can we just confirm appearances, so that the record will properly reflect, and the Order will the same? Are any of the parties present?

Ms. Simon – Ms. Wiener should be present at a meeting today.

Chair – Is there anyone representing Robarts Family Funeral Home? Hearing no response. The motion carries.

Ms. Simon – Thank you.

C. Update on Work and Son Properties

Ms. Simon – In your Board package, there is a summary of the current status of the Work and Son properties, and we will hear today from attorney Robert Wahl. Mr. Wahl?

Robert Wahl – Good morning. My name is Robert Wahl. I am the Bankruptcy Attorney for Stanley Murphy, who is the Court appointed Chapter 11 Trustee in the Bankruptcy case pending in Tampa. Mr. Murphy is also I believe, at this meeting, via your electronic transmission, and should be able to answer any questions you may have after I provide the update. Thank you for giving me the opportunity to provide to the Board an update of some of the more significant items that have been transpired in this bankruptcy case of the consolidated Work and Son entities, and also some actions that the trustee is planning on taking. Since the last time that we appear before the Board, some significant events that occur include the sale of the Bradenton Funeral Home for \$1.3 million. The Bradenton Funeral Home was not operating as a funeral home at the time of the bankruptcy, and it was sold not as a funeral home, but as a commercial property. The Trustee at Royal Palm South in St. Petersburg, Florida, has undertaken some significant actions to improve the conditions there, that many of which are the subject of some Administrative Complaints by the Department. The Trustee has spent over \$184,000 in having the roads refurbished and repaired at Royal Palm, which has significantly improved the optics, the site conditions, of the property. The Trustee has also spent over \$25,000 in removing dead trees that the City of St. Petersburg identified as being hazardous and has replanted, at an expense, new trees at that facility. The major item at that facility is the disrepair of the three (3) mausoleums at that site. The Trustee obtained court-approval to hire an architect engineering firm to develop the plans. Once we went through a bidding process, and contractors were approved, and the work has commenced to repair those three (3) mausoleums at a cost of approximately \$676,000, not including the costs for the architect and engineers. So, significant funds have been spent and are being spent to remedy some of the conditions at the Royal Palm South Cemetery.

The goal in this bankruptcy case ultimately is to get a plan of liquidation confirmed and to sell all of the debtor's assets. In connection with that, the Trustee has filed a plan of liquidation with the Court. There is a competing plan of liquidation filed by Signal Management. Signal Management's plan provides for a sale to Signal Management for \$1.7 million less and \$300,000 credit. Our plan contemplates a sale through a marketing process and the Court has just recently yesterday, the Bankruptcy Court, approved a contract, subject to receiving higher and better offers, to Faithful Heritage, Holdings, Inc., which my understanding, it owns and operates other funeral homes in Florida, and I believe a cemetery as well. That contract with \$2.4 million is subject to higher and better offers and the court orally approved bidding procedures so that there would be an orderly procedure to review and obtain higher and better offers from other parties if they so choose. There's an (inaudible) that once the Court enters the Order, we anticipate the deadline to submit other offers for the facilities to be March 3rd. There then will be, if there are other offers, an auction on March 8th. And then the highest bidder, highest or best offer would be selected and presented to the Court the following day on March 9th, which is also the date set for the confirmation hearing for the cleanup liquidation. Now, Faithful Heritage's offer of \$2.4 million does not include the Rhodes Funeral Home. Rhodes Funeral Home is being marketed as a standalone commercial property, as well. We have not received a written contract, although that could be part of the auction process, for people to add that to the package if they submit a qualified bid. Now, what's important to understand is Faithful Heritage's contract does assume the contracts and preneed trust liabilities associated both with the Bradenton facility and the Rhodes facility, as well as all the other facilities, so that there won't be consumers out there that don't have a vehicle to look to, to fulfill those contracts or to administer those preneed trusts.

So, that's going on in the Bankruptcy case. Now, the other part of the update in this memo concerns trust investment options, which were the life insurance policies that were sold prior to when the Works had acquired the facility, and I think even before the Loewen entities ultimately filed bankruptcy, too. So, these are old insurance policies that were sold in connection with funding preneed and care and maintenance trusts. What the trustee has been attempting to do, as deaths are determined or found making claims on those policies, the trustee has received funds from those insurance policies. However, these trust investment options, were a poor investment. Most of them were single premium policies that were purchased decades ago, for \$4975, where the death benefit is only approximately \$4450. And therefore, these policies generate virtually no income for the entities that actually have a negative income when you factor in the cost for administering those policies, such as from FSI. So, what the trustee is going to do is he's going to cash in for the cash to redeem the policies for the cash surrender value, to the extent that the TIO policy is associated with a care and maintenance trust, those funds will be put into the care and maintenance trust, with the facilities. And with respect to those that are associated with preneed trust that's anticipated, the

trustee will treat those as unrestricted cash, which then brings me into the issues involving the preneed trust with these facilities.

In October of 2020, the trustee discovered an audit of the debtor's preneed trust that was performed by the Department that set forth the amount of funds that the Department asserted was required to be in those trusts, as of December 31, 2012. In establishing those required balances, the Department used the full preneed contract amount and not just the statutory percentage that was required to be deposited into the statute. The 2012 audit also identified those unfulfilled preneed contracts that the Department contended remain existed and unfulfilled as of December 31, 2012. In reviewing these documents, the trustee then discovered and obtained from the Department, a preneed trust audit for the period through the year 2000, which established those preneed trust required balances for contracts that were sold through 2000. In investigating and reviewing these audits, it appeared {inaudible} that these trusts were grossly overfunded. So, it needs to be pointed out that no preneed contract has been sold by the Work and Son entities since 2005. So, the audit establishes those contracts that the Department content were unfulfilled and what the balance needed to be in that trust. The trustee, without doing any further review, in January, the trust balance, and I'm going to use the Royal Palm South Preneed Trust as the example, because that's the one where the trustee's done the most work on, so far, had a balance of \$2,722,000. However, the 2012 and 2000 Department's audits reflected a funding requirement of only \$1,623,000. Therefore, without even adjusting the funding requirement for contracts that have been fulfilled since 2005, the trust has been overfunded by approximately \$1.1 million. What the trustee has done, in a very time consuming, inexpensive proposition, he has gone through, so far, at the Royal Palm South facility. A look at all of those contracts was identified in the audits, to determine whether or not they have been fulfilled. He completed the Royal Palm South audit just recently. And it revealed that of all of those contracts identified in the Department's audits, only approximately a little less than \$600,000 of those contracts, remain unfulfilled.

The trustee has been working with the Department and provided documentation and results of his audit, and the Department has done, what I understand is called a limited review, and selected 76-78 contracts to verify the paperwork that the trustee reviewed, and to verify the conclusions that the trustee reached with regard to Royal Palm South. It's my understanding, as of yesterday, that the Department has completed that review, and determined that the trustee was 100% right in the review of his audits on those contracts. So, the trustee will be filing a petition for the next Board meeting to withdraw and obtain the excess preneed trust funds from Royal Palm South. In the meantime, he is going through the other facilities to do a similar audit process and work with the Department to determine how much excess preneed truss funds are in those trusts associated with those facilities. So, that will be coming down the pipe. And so, that's what we have, and I wanted to let the Board know what's been happening in the bankruptcy is some major items, and also what actions that the trustee will be taking here in the very near future. And, if Mr. Murphy might be able to, if you have specific questions concerning more on the process of his audit, he might be able to answer those, as he was more involved in that than myself. So, I don't know if you have any questions on that or if the Department would like to make any comments.

Chair – Thank you, Mr. Wahl.

Ms. Schwantes – Mr. Chair, may I?

Chair – Yes, ma'am?

Ms. Schwantes – Thank you, sir. I just wanted to make a couple of brief comments on behalf of the Division. As Mr. Wahl pointed out, we have been working very closely with the trustee and with his attorney on these matters. As you all know, this is a very, very complex situation and highly unusual for us, in that a Bankruptcy action is also involved. So, we have been working with the trustee and our counsel, of course, to try to resolve some of these issues. The limited review that we performed, and I think we can get into this at this meeting, we asked Mr. Wall and Mr. Murphy to come forward and give an update on these matters, both in preparation for next month's meeting when they come forward with an actual request for the Board, and also because of the tight timelines that the bankruptcy court is going through right now. I think, Mr. Wahl explained that the bidding process itself was established yesterday and at their March bankruptcy court hearing, which occurs after our March Board meeting, the bankruptcy court is expected to select, and please correct me if I'm wrong, Mr. Wahl, but I understand that the Bankruptcy Court is expected to select a prospective buyer for the properties. At that point in time, well let me back up again. We have asked all of the prospective buyers to submit applications to our Division for all properties that they are interested in, and to submit all documentation to support those applications, with the exception of the fees. The fee would not be due until after the Bankruptcy Court hearing when the prospective purchaser is selected. And at that time, that

entity would provide the application fees to us, which would start the ninety (90) days that we're used to dealing with for deemer, et cetera. And so, we would be coming before the Board with, I hope, with an application on these properties, after that March bankruptcy hearing. So, we're looking at April, May, June somewhere in there, depending on the timing, but we hope that the prospective buyers will have submitted everything else, and that there will not be any deficiencies in their application, other than the fees, prior to that bankruptcy hearing. So, that kind of gives you a background on that.

The limited review that we did of the trust reconciliation performed by the trustee was based upon our standard exam procedures. However, it was limited for the sole purpose of determining whether the trustee's reconciliation was correct and whether they determined that the preneed contracts were fulfilled or half fulfilled, which would be in the case where you have spouses and one spouse passes, but the other one is still alive. That kind of situation. So, we did this in two (2) phases, and with the idea that if they passed Phase One, that we would not need to go forward and look at it any further. In our sample, and as Mr. Wahl pointed out, that was confirmed yesterday that they did pass that. So, one of the reasons why we wanted to bring this up, again, was because the complexity, but also, in case any of the Board members have questions regarding the methodology that was used by either the trustee, in the trust reconciliation, or by us, in our limited review. If there are concerns, then there is some small amount of time to make corrections and make some changes prior to some of the other tight timeframes that we're facing. So, that was the thinking behind all of this. And that concludes my comments at this time, unless there are questions.

Chair – Thank you. Board members, any questions of Mr. Wahl or Mr. Murphy, or perhaps Ms. Schwantes?

Mr. Knopke – Mr. Chairman?

Chair – Go right ahead.

Mr. Knopke – Mr. Wahl and Mr. Murphy, thank you for your time today. Just a couple of questions, and they may lead to more and may not, I don't know. Just as a general observation, I find it hard to imagine that there's excess in any of these funds, based upon the prior owners. Not so much the current owner of the Work and Son, but the Loewen Group, and others before that all ran into financial difficulties. That being said, and historically, not this Board, but the prior Board, Board of Funeral and Cemetery Services, when anyone came before that Board and wanted to withdraw anything from trust fund, over and above what was approved to be withdrawn, that Board took the position that you needed to provide an audit back to the beginning of whenever audits were required or trusting was required. So, on a PC fine, you go back to the 50s, to preneed funeral trust. I'm going to look to somebody else to do that one for me, but I believe that was maybe '76. And bring those funds forward, from time beginning to determine if the actual money there was truly what was supposed to be there. I don't sense, that's what's been done here, and it's not been done based upon what the comments have been. The other thing that I would say is that the Department, I've been in this business since '72, put it that way, and the Department has always done exams, where they came to visit cemeteries or funeral homes. They never did audits. Audits are. I think a little more detailed. They examined your records for the time period, they sampled contracts and so forth. They never checked everything. They referred to them back then as exams, and I think they refer to them as exams today. I'm very, very hesitant myself to approve any withdraw from any fund until all the funds have been thoroughly checked. Because once you all are done, and I don't mean this badly to you, but once you're done and the new owner takes it on and he or she or it starts finding stuff, the bankruptcy is over, then there's a problem for them and then there's a problem back again for the industry. So, this being something that's first for all of us, I know I'm going to be watching it, have been watching and I'm going to continue to watch it closely, because it's going to set a precedent going forward. More comments than questions at this point. Thank you.

Chair – Thank you, Mr. Knopke. Any other comments or questions? Mr. Murphy, did you care to comment to the Board?

Stanley Murphy – Yes, sir. Thank you. On the last question/comment, I would encourage the Board to keep in mind that no preneed contracts have been sold for over sixteen (16) years. If you just look at the math of what's going on here, just even from a high level, let's put aside the audit for a minute, from my understanding, the average life of a preneed contract is about seven (7) to ten (10) years. It's been fifty (50) years since some of these contracts that we started with were sold. Some of these started in the mid to late 70s, so what has happened is a lot of time has gone by with no new preneed sales and a combination of factors that really led to this substantial overfunding. I went through the Department in 2012 and 2000 audits, Obviously I wasn't there and wasn't doing it, but the process that was described in these audits is they looked through all the contracts. And again, we provided these. Obviously, the Department has these audits, but it's my understanding, I think they started

early in the year, and they were there all the way through October of 2013 on the last audit. So, my impression from reading those exams, was they looked at all the contracts and they included any preneed liability outstanding at 2012 and 2000. They included every single contract that they could not prove that based on their work was not fulfilled. So, my perception from looking at those audits/exams is it was a lot of very detailed work. And, I think we've exhausted and done a thorough job here because we started with over 3000 contracts on those audits, and we're going to look at every one of them. We've already looked at nearly a thousand for Royal Palm South. We found the contracts, all the documents in the contract files, and we found absolute proof, and the Department agreed with our findings for Royal Palm South, and we can prove that it has been fulfilled. So, it's inconceivable to me that there can be many outstanding contracts. They go back to the 70s, 80s, and 90s. These things, I think they've matured and if I had to take a guess, if we had more time, we could prove, I believe, that additional ones were fulfilled at Royal Palm South. So, I just wanted to just say that I encourage you to read those exams from 2000 and 2012, because what was described is they went through every single contract, including the at-needs. They didn't just look at the ones designated as preneeds.

Chair – Thank you, Mr. Murphy. Any other questions? Any other comments? Well, thank you for that report. We do appreciate it. We look forward to additional action, and we await further information at the March Board meeting. So, thank you so much.

Mr. Wahl – Thank you.

Chair – Ms. Simon?

Ms. Simon – Yes, sir.

4. **Disciplinary Proceeding(s)**

A. Material Facts Not Disputed (Section 120.57(2) Hearings) (Probable Cause Panel A)

(1) Evergreen Memorial Park Cemetery Inc.: DFS Case Nos. 253449-19-FC and 264475-20-FC; Division Nos. ATN-32973 & ATN-34348 (F039723)

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

Marshawn Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Evergreen Memorial Park Cemetery Inc (Respondent). The Division alleges Respondent engaged in the following: Respondent failed to meet the requirements for care and maintenance of its cemetery grounds; and Respondent failed to perform a statutory or legal obligation related to the care and maintenance of its cemetery grounds. Respondent failed to file a responsive pleading in case number 253449-19-FC. Respondent filed a responsive pleading in case number 264475-20-FC, however, Respondent alleged that there were no material facts in dispute. The Motion requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Mr. Knopke – Mr. Chairman?

Chair – Yes, Mr. Knopke?

Mr. Knopke – I need to recuse myself on 4. A. (1) and 4. A. (2), as both were Probable Cause Panel A.

Chair – Thank you for that declaration. So, go ahead, Mr. Griffin.

Mr. Griffin – Respondent is a cemetery licensed under Chapter 497, Florida Statutes, license number F039723. On or about February 20, 2020, two (2) Administrative Complaints were filed against Respondent. Based on the foregoing, Respondent has violated the following ss. 497.152(1)(b), 497.262, as well as 497.152(4)(h), Florida Statutes, and is subject to discipline. There were two (2) Administrative Complaints. One was served on Respondent by certified mail on February 25, 2020, and included within that complaint was notification that Respondent had twenty-one (21) days, from the date of service of the complaint, to request a hearing in this matter, which was March 18, 2020. The Department did not receive an Election of Proceeding, or any form of written response from Respondent on the first Administrative Complaint. However, Respondent did file a timely

response on the second Administrative Complaint. As to both Administrative Complaints, Respondent has failed to request a formal administrative proceeding in these matters. Therefore, the Department requests that the Chairman of the Board entertain a motion finding that Respondent was served with the Administrative Complaint by certified mail containing a Notice of Rights and an Election of Proceeding Form, and that it failed to respond within the allotted twenty-one (21) day period, as to the first Administrative Complaint, and has therefore waived its right to request a proceeding involving disputed issues of material fact. A copy of this memo, along with a copy of the Motion for Determination of Waiver or Final Order was sent to Respondent's last known address of record. At this time, it would be appropriate for the Chair to entertain a motion determining whether Respondent has waived its right to request a Section 120.57(1) Hearing, based on Respondent's failure to file a timely response to the Administrative Complaint filed on February 20, 2020.

Chair – Is there a motion?

MOTION: Mr. Clark moved that Respondent has waived its right to a s. 120.57(1) Hearing based on the Respondent's failure to timely file a response to the Administrative Complaint filed on February 20, 2020. Mr. Jones seconded the motion, which passed unanimously.

Mr. Griffin – Additionally, it would be appropriate for the Board to entertain a motion determining that as to the Administrative Complaint filed on August 7, 2020, that Respondent did file a request for Hearing, but however waived a Section 120.57(1) Hearing in that matter.

MOTION: Mr. Hall moved that Respondent did file a request for Hearing, but however waived a Section 120.57(1) Hearing. Mr. Clark seconded the motion, which passed unanimously.

Mr. Griffin – Now that the Board has determined the Respondent has waived his right to request a proceeding in this matter, the Department believes that it is appropriate at this time for the Chair to entertain a motion adopting the allegations of the facts as set forth in both Administrative Complaints.

MOTION: Mr. Helm moved to adopt the allegations of the facts as set forth in both Administrative Complaints. Mr. Hall seconded the motion, which passed unanimously.

Mr. Griffin – The Department now contends that the Board's findings of fact support a finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaints. The Department believes that it is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaints.

MOTION: Mr. Hall moved to find the Respondent in violation of the statutes as charged in the Administrative Complaints. Mr. Helm seconded the motion, which passed unanimously.

Mr. Griffin – The Department also offers into evidence the investigative reports with exhibits, a copy of which has previously been furnished to the Board to establish its prima facie case for the violations of the alleged and the Administrative Complaints. The Department recommends that the following penalty be imposed: that Evergreen Memorial pay a \$2000 fine and be given nine (9) months to fix all of the outstanding issues observed in the two (2) inspections.

Chair – Thank you. Is there anyone with us today from Evergreen Memorial Park Cemetery? I was certainly hoping that we would be able to speak with a representative. Is there a representative of Evergreen? Is there someone trying to get on the line representing Evergreen? Hearing none. So, Board, what's your pleasure?

Mr. Hall – Mr. Chair?

Mr. Clark – Mr. Chair?

Chair – Go right ahead.

Mr. Hall – Mr. Chair, this may be for the Division. Maybe they can help us since there's no one on the line. Can you tell me, Ms. Simon, how many acres this cemetery is, or how much is available? What the Care Maintenance Trust Fund? Is there any information like that available to us?

Ms. Simon – Unfortunately I don't have that information at this moment, Mr. Hall. I don't think I'd be able to get up for this Board meeting.

Mr. Hall – The one picture that shows the vaults and stuff and they define two (2) bags when they entered the property, two (2) plastic bags or paper bags. One (1) containing the body, and one (1) next to it. Is that the picture of this vault that is covered and cracked? Were they in that vault? Do you know? Or were the two (2) bodies actually in a bag there? Since no one's there from the cemetery, there's no way we can finally determine what was going on there, can we?

Chair – I believe that was defined as animal carcasses.

Mr. Hall – What is it? It just said two (2) carcasses, but I couldn't determine whether it was human or animal. Does the Division {inaudible} with these people? I mean, they haven't done anything as far as cleaning up or doing repairs. At this point, they haven't responded back to Mr. Griffin, or anything else. What confidence do we have that they'll go ahead and make these changes and clean up?

Mr. Griffin – Well, if I may? They did respond to the second Administrative Complaint. Given the nature of the type of license at play here, we are kind of left with the fact that it is a cemetery, and so given the nature of how that licensed works, the Department feels like what we have asked for is basically the best that we can do, in the circumstances.

Chair – I will note that on Page 79, Lorraine Cammock, who appears to be the owner, indicates a plan to repair the fence. I was hoping that they would be on the line today to answer just a couple of questions. And the allegation is that there's no burials since they've owned it, and I'd like for them to confirm that and I would like to hear from the Division on that, whether that's a true statement or not. And additionally, I was hoping that we could talk with the owners about the possibility of organizing a community event for an organization to do a cleanup through some type of community event at that cemetery, but we're not getting to communicate that with the owners.

Mr. Knopke – Mr. Chair? This is Mr. Knopke. I know I've recused myself, but I need to ask Ms. Munson a question, or Ms. Simon a question. I'm familiar with the cemetery there, having worked in Miami years ago, and I can answer some of the questions that the chair is asking, if that's possible.

Ms. Munson – This is Ms. Munson. It is not.

Mr. Knopke – Ok. Thank you very much.

Ms. Munson – Sorry.

Mr. Knopke – Not a problem.

Mr. Griffin – Sensing the mood of the Board, would it be possible then to continue this matter to a Board meeting at which time we can secure the attendance of a representative from Evergreen Memorial?

Mr. Hall – That would be good on my part, Mr. Chair, if that's agreeable with you. Maybe we can get some answers to some of the questions that we have.

Chair – Good suggestion, Mr. Griffin. And Mr. Hall, thank you for your input on that. And I would certainly entertain a motion of continuation on this.

Mr. Helm – Do you want it as a table, or a continuation?

Chair – What's most appropriate?

Mr. Helm – Ms. Munson?

Ms. Munson – I think tabling would technically be more appropriate.

Chair – Thank you.

MOTION: Mr. Helm moved to table the matter until the next meeting. Mr. Clark seconded the motion, which passed unanimously.

Mr. Helm – Mr. Brandenburg?

Chair – Yes, Mr. Helm?

Mr. Helm – Do I need to put in that table motion that, do I need to try to have those people online or anything next time?

Chair – Ms. Munson?

Ms. Munson – That is not necessary. I think the record will reflect the purpose, so, it's fine the way it's been stated. Thank you.

Mr. Helm – Ok.

Chair – Thank you very much. Ms. Simon?

(2) *Marion Graham Mortuary; DFS Case No. 243643-19-FC; Division No. ATN-32444 (F040391)*

Ms. Simon – Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. The Department is going to request to move this matter until April of this year. I was in communication with the licensee, and the licensee advised that he would be unable to attend this meeting. And so, the Department would request that we move this matter to the April 2021 Board meeting.

Chair – April, and not March?

Mr. Griffin – I believe, based on the circumstances, April would be most appropriate.

Chair – Is there a motion?

MOTION: Mr. Jones moved to defer the case until the April meeting. Mr. Hall 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) *APEX Continuing Education Solutions (4201)*
(2) *Cremation Association of North America (16008)*
(3) *Elite Professional Education, LLC (113)*
(4) *Independent Funeral Directors of Florida Inc (135)*
(5) *International Cemetery, Cremation and Funeral Association (22808)*
(6) *Matthews International (30408)*

- (7) *National Funeral Directors Association (136)*
- (8) *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 Addendum C have been reviewed by the Division and the Division recommends approval for the monetary amounts so indicated.

MOTION: Mr. Knopke moved to approve all the claim(s), for the monetary amounts indicated. Mr. Clark 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) *Gabel, Caroline*
 - (2) *Funeral Director (Internship and Exam)*
 - (a) *Thompson, Linda B*
 - (3) *Funeral Director and Embalmer (Endorsement)*
 - (a) *Bailey Heaven L*
 - (b) *Jacobsen, Brett M*
 - (4) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Davis, Nicole M*
 - (b) *Sylvester, Simbryt*

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) *Kopchak, Mary A F486444*
 - (2) *Funeral Director and Embalmer*
 - (a) *Alvarado, Isayana J F486913*
 - (b) *Baloun, Emma L F483625*
 - (c) *Niles, Stephen T F481279*
 - (d) *O'Dell, Keith T F483606*
 - (e) *Vandercook, Stacie J F416922*

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.

- B. *Application to Renew Concurrent Internship*
 - (1) *Recommended for Approval without Conditions*
 - (a) *Almarales, Lazara (F414578)*

Ms. Simon – An application to renew the concurrent internship license was received on January 4, 2021. The current internship license (F414578) expired on January 6, 2021. Ms. Almarales has not completed school and has not passed the National Board Examinations. The Division is recommending approval without conditions.

Chair – Is there a motion?

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

- 10. Application(s) for Embalmer Apprentice**
A. Informational Item (Licenses Issued without Conditions) – Addendum F
(1) Heinke, Shaylee M F468836
(2) Patrick, Richard C F486116

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 Preneed Branch License**
A. Recommended for Approval without Conditions – Addendum G
(1) Family Owned Service Company Inc d/b/a Parklawn Memorial Cemetery (F019425) (Dunedin)

Ms. Simon – The applicant listed on Addendum G, 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 application.

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

- 12. Application(s) for Broker of Burial Rights**
A. Recommended for Approval without Conditions
(1) Lou McDermott (New Port Richey)

Ms. Simon – The application was received on January 7, 2021. The Department completed a background check of Applicant's principal and owner, Lou McDermott, which revealed no criminal history. The Division is recommending approval without conditions.

Chair – Is Mr. McDermott on the call? Mr. McDermott? Hearing no response.

Mr. Knopke – Mr. Chairman?

Chair – Go right ahead, Mr. Knopke.

Mr. Knopke – In looking through the application, I was really hoping Mr. McDermott would be on the line. It looks like, if I'm following the paperwork correctly, he wants to be a burial rights broker. He currently may work for National Cremation Society. He's got a license from them or with them, or he did at one point. It looks like he's still active. And also, he has a preneed license with a company called Treasured Memories, LLC, which I believe it's the Altmire Group. Those entities, well I guess, will get notified by the Department if he's approved, but it's kind of interesting that they're all in the same market. He'll be representing three (3) different people. That is something that we don't see very often.

Lisa Coney – Mr. Chairman?

Chair – Yes?

Ms. Coney – This is Lisa County with Dignity Memorial, with National Cremation Service. He was a preneed sales agent for us years back. It was long ago terminated. He does not represent our company in any capacity now.

Chair – Thank you, Ms. Coney.

Mr. Knopke – Ok, thank you. That narrows it down to two (2). Thank you. This question is not something for denial or anything. It was just a question.

Chair – Thank you. Board?

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

13. Application(s) for Funeral Establishment

A. Recommended for Approval *with* Conditions

(1) Southern Belle Services LLC d/b/a Precious Memories Home for Funerals (Panama City)

Ms. Simon – An application for a funeral establishment was received on by the Division on January 4, 2021. The Funeral Director in Charge will be Ursula Staten (F043512). A background check of the principals revealed no criminal history. Within your application, there is an entity that is listed as the entity to do the cremation and refrigeration for this facility. It has been determined that that entity was over 75 miles away from the establishment’s address. After speaking with the contact individual for the establishment, the Division has received documentation indicating that Peavy Funeral Home has offered their cremation and refrigeration services to Southern Belle Services, and this establishment is under 75 miles away from the applicant. As a result, the Division recommends approval subject to the condition that the establishment passes an inspection by a member of Division Staff. And, Mr. Brandenburg, if I can anticipate your question, we have received documentation from the applicant indicating the new refrigeration and cremation service. And, additionally, we’ve received other documentation from them, indicating that they do indeed have another license. It was answered incorrectly on the original application that was answered that they did not. We have received an “Other Licenses Form” as well, from the applicant, because they also have a location in Tallahassee.

Chair – Thank you for being proactive on that, and providing that information to the Board. It’s good for us to know that. Board, is there a motion or any questions?

Ms. Munson – This is Ms. Munson, with just a quick question, if I may? Is there a need to amend the application? And this is just because I don’t know what the process is.

Ms. Simon – We have received the documentation in our office, which effectively amends the application, indicating the new establishment. And in previous situations, the Board has accepted our statement to that effect, because we received it subsequent to the time that the agenda went out.

Ms. Munson – Ok, thanks.

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

14. Application(s) for Removal Service

A. Recommended for Approval *with* Conditions

(1) Leon A White Mortuary Transport Services LLC (Jacksonville)

Ms. Simon – An application for a removal facility was received on by the Division on January 5, 2021, and a completed application was received on January 15, 2021. A background check of the principals revealed no criminal history. The Division is recommending approval subject to the condition that the facility passes an inspection by a member of Division Staff.

Chair – By the way, I see that Mr. Leon White is on the call. Mr. White, did you want to address the Board or you’re merely here to answer any questions, if they arise?

Leon White –Yes, sir. My name is Leon White. I wanted to address that. I recently just had...

Ms. Simon – Excuse me, Mr. White. If you're going to make comments, if you could please raise your right hand and be sworn in.

Mr. White – Yes, ma'am.

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

Mr. White – Yes, ma'am.

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

Mr. White – My name is Leon White, W H I T E.

Chair – Go right ahead, Mr. White?

Mr. White – I just wanted to add that the inspector came out January 27, 2021, around 5:00 PM, and she did the inspection already.

Chair – Thank you for that information. We appreciate it. However, the Board uses that as a condition of approval. So, Board, is there a motion?

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

Chair – Thank you, Mr. White.

(2) MS Mortuary First Call LLC (Orlando)

Ms. Simon – An application for a removal facility was received on by the Division on December 15, 2020, and the completed application was received on January 15, 2021. One of the principals had relevant criminal history, which is included in your Board package. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff, and that if licensed, the facility be placed on probation for two (2) years. Is there a representative of MS Mortuary First Call on the telephone today?

Maria Rosales – Hello, yes. My name is Maria Rosales, MS Mortuary First Call LLC.

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

Ms. Rosales – Yes.

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

Ms. Rosales – Ok, my name is Maria Rosales, R O S A L E S.

Ms. Simon – Board Members?

Chair – Thank you. Ms. Rosales, is Mr. Garcia with you?

Ms. Rosales – Yes. He's here.

Miguel Garcia – It's me. Miguel Garcia.

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

Miguel Garcia – That's true.

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

Mr. Garcia –Yes. My name is Miguel Garcia, MS Mortuary First Call.

Chair – Thank you. Would you want to address the Board about your criminal history? I am interested in knowing more about the incident that took place.

Mr. Garcia – {inaudible} I was renting a {inaudible} from a Rent-to-owner. I put it in the pawn shop because of a financial situation. I put it in the pawn shop but I couldn't get it out. {inaudible}. You know, the owner, that is the problem. But I paid the court. I paid everything. {inaudible} and that was thirteen (13) year ago.

Chair – Thank you. My concern is, as a removal service, you'll be going into family's, houses. You'll be closing the door to take the deceased into your care. There may be items of value lying about and what happened in the past concerns me. There is a certain trust that's implied, and I'm concerned about you.

Mr. Garcia – Ok. I worked in Puerto Rico and the Caribbean for thirteen (13) years, and did embalming in the Caribbean Island {inaudible} in the funeral home. {inaudible} Funeral Home. {inaudible} I am a Christian. {inaudible} probation. That was thirteen (13) years ago. {inaudible} cleared that rule in Florida. But understand, I work at {inaudible} here in Florida, with the supplies and the restaurants. But I want to come back to my profession. I'd be {inaudible} in Puerto Rico. I want to continue here. Five (5) years ago, I worked in a funeral home in Orlando {inaudible}.

Chair – In recent years, did you say you worked in a funeral home in Kissimmee?

Mr. Garcia – Yes. Before {inaudible} Funeral Home. I {inaudible} Orlando, and I was working. I think around five (5) years ago.

Chair – Were you working as a funeral director and embalmer there?

Mr. Garcia – Not here in Florida. In Puerto Rico.

Chair – Have you done embalming here in Florida?

Mr. Garcia – No. Only working for another funeral home for only removals and stuff.

Chair – Thank you.

Mr. Garcia – You're welcome.

Mr. Williams – Mr. Chair?

Chair – Go right ahead, please, Mr. Williams.

Mr. Williams – Is it possible, Ms. Simon, if we could ask for some character references before we approve this? I agree with Chair Brandenburg's concerns. I just don't feel like we should just approve this without having any background on the applicant without having some type of character support from another firm or something. Is that possible?

Mr. Hall – Mr. Chair?

Chair – Yes, Mister Hall?

Mr. Hall – I agree with both of you. I was just wondering if he could tell us how many years was he with those two (2) funeral homes? And could he get reference from those firms for us? that would verify he was with him so many years, and there were no issues, no problems? Do we have a deemer issue if we table it till the next meeting in getting those references?

Mr. Garcia – Yes. I worked at the funeral home {inaudible}. I worked at {inaudible} Funeral Home here and Family Cremation Funeral Home in Deland. {inaudible} I gave the information.

Mr. Hall – How long were you at those two (2) funeral homes, Sir?

Mr. Garcia – I worked in Kissimmee around a year and a half, and {inaudible}, maybe one (1) or two (2) years. I don't remember exactly. I know {inaudible} Cremations and Family Cremations in Kissimmee, I know {inaudible} reference. If {inaudible} funeral director, {inaudible} Cremations of Kissimmee. She is the owner, she's the funeral director and the embalming lady. {inaudible} for me. I don't have a problem with calling her or something.

Mr. Hall – Is there any deemer issues, Ms. Simon?

Ms. Simon – Thank you, Mr. Hall. There are no deemer issues as the application was completed on January 15th. We can easily get it before the March Board meeting, but if I may, for the Board members? I see that payments have been made to the courts. I think it's sufficient to pay the restitution. I am looking at that right now. I do not believe there is a balance at the court. And, if you can bear in mind that this occurred in 2007, and we tried to get as much information as we could to you, of course, for your concerns, as this is a removal service, and they'll be going into people's homes. We can continue this until March, if the Board is making requirement that additional information be submitted before the application can be approved. I would just ask that that be laid out with specificity, so the applicants know what they need to provide to us, and by when.

Mr. Hall – For me, the fact that it does go back that far helps me. I do have the same concerns that Mr. Brandenburg and Mr. Williams expressed, in that going in and out of people's homes, hospice organizations, etc. In reading the information we have on file, when it got tight or difficult is what enticed him to do this and sell this. So, if that situation came up again, I don't want this to happen again to the families. But I think I would feel comfortable if he's able to get those letters of recommendation from those other firms he's been with for a while. It would give me a lot of comfort on the vote.

Ms. Rosales – Mr. Chairman?

Chair – Yes, ma'am.

Ms. Rosales – I would like to try and clarify the situation. It was a situation that he bought gold chains that he was paying to rent to own, making payments, but he ran into some financial situation, and so he pawned the chains, with intention to pick them up again. He needed the money at the time, but I guess the time passed and he couldn't pawn them out. So, he had to be honest with the store and tell them that he pawned the chains, and couldn't get him out on time, but advised that he would still going to make the payments, you know, continue the payments and everything. And, in his honesty, he wanted to let the store know, but the store decided to call the police, and that's the situation.

Chair – Thank you so much for that explanation. That is a part of our Board packet, and we have all of that information. And I think the Board members are referring to that as part of the concern. We are at a position where if we approve it, then you're placed on probation for two (2) years. Or, if we continue it, for the purpose of him obtaining some letters of reference. So, is there a motion? Board, what's your pleasure?

Mr. Knopke – Mr. Chair?

Chair – Mr. Knopke?

Mr. Knopke – A question to the lady and the gentleman there. I would assume that you're ready to open your business. Is that correct? If you got approved today?

Mr. Garcia – Yes.

Ms. Rosales – Yes.

Mr. Knopke – I'll make a motion to approve them with the conditions that are currently stated by the Department, and with them providing letters of recommendation from previous employers in Florida, to the Department. And if they're acceptable to the Department, then their license should be issued. If that makes sense?

Chair – By what date should those letters of recommendation be received?

Mr. Knopke – As soon as they can get them to the Department, and the Department says they're acceptable, they can issue the license, and it doesn't have to go all the way to the next meeting.

Ms. Simon – If I may? How many employers are you wanting to get letters from, so that the applicants can be as clear as possible, in what they need to submit to the Division?

Mr. Knopke – I believe they said San Juan Funeral Home and they mentioned Newcomer. Two (2) letters of reference would be fine by me.

Ms. Simon – From those two (2) entities, at least?

Mr. Knopke – No, two (2) letters of reference from Florida funeral homes.

Ms. Simon – Thank you, sir.

Chair – Ms. Munson, how is that with you?

Ms. Munson – That sounds fine. Thank you.

Chair – Thank you. And, Board members, do you understand the motion, and if so, and there's no questions, is there a second?

MOTION: Mr. Knopke moved to approve the application subject to the condition that the facility passes an onsite inspection by a member of Division Staff, receipt of two (2) letters of reference from Florida funeral homes and once licensed, the facility be placed on probation for two (2) years. Mr. Jones seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Garcia. Thank you, Ms. Rosales.

Ms. Munson – Before he leaves, before they leave, Chair Brandenburg, if I may?

Chair – Please.

Ms. Munson – To clarify for the record, if those letters are not received by the time limit for the deemer purposes, is it then the vote of the Board that the application is denied?

Mr. Knopke – That would be my intent for that to occur.

Ms. Munson – I wanted the parties to at least understand what parameters they were working within.

Mr. Knopke – So, my point is to put the responsibility on them to get the letters in, so they can get their license to operate, because right now, they can't.

Ms. Simon – To be clear, my impression from the motion was that Mr. Knopke was simply stating that the application be approved, subject to at least two (2) letters of recommendation coming in from Florida funeral homes, and it was only at the point that those two (2) letters are received that the application be issued.

Ms. Munson – Right, but if they're not issued by whatever the deemer date is, it is denied.

Ms. Simon – And that will be April, approximately April 14th.

Ms. Munson – Feel free to follow up with the Division for a specific date.

Chair – Thank you. Mr. Garcia and Ms. Rosales, do you understand what your requirement is?

Ms. Rosales – Yes.

Chair – Good and good luck to you, by the way.

Ms. Rosales – Thank you.

Mr. Garcia – Thank you.

Chair – Thank you. Ms. Simon?

Ms. Simon – Yes, sir.

(3) Peaceful Partners Removals LLC (Apopka)

Ms. Simon – An application for a removal facility was received on by the Division on January 6, 2021. The application was incomplete when submitted. A complete application was received on January 15, 2021. A background check of the principals revealed no criminal history. The Division is recommending approval subject to the condition that the facility passes an inspection by a member of Division Staff. Is there a representative of Peaceful Partners Removals on the call today?

Marshaena Tyson – Yes. My name is Marshaena Tyson, and I'm representing Peaceful Partners, LLC.

Ms. Simon – Thank you.

Chair – Thank you. Did you want to address the Board, or you're just here to answer questions if the Board has any?

Ms. Tyson – I am here to answer questions, if the Board has any.

Chair – Thank you so much. Board?

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

Chair – Good luck, ma'am.

Mr. Helm – Mr. Chairman?

Chair – Mr. Helm?

Mr. Helm – Can we take a five (5) minute break, please sir?

Chair – Yes. I have 11:27. Why don't we come back at 11:35. That should give everybody enough time, eight (8) minutes. We'll come back then. We're on a break. Thank you.

*****BREAK*****

Chair – I'd like to call the meeting to order. Ms. Simon?

Ms. Simon – Yes, sir.

15. Collective Application(s)

A. New Application(s)

(1) Recommended for Approval with Conditions

(a) Foundation Partners of Florida LLC d/b/a Ammen Family Cremation (Melbourne)

- **Centralized Embalming Facility**
- **Cinerator Facility**

Ms. Simon – Foundation Partners of Florida LLC d/b/a Ammen Family Cremation, a limited liability company, seeks approval of its applications for centralized embalming facility licensure and cinerator facility licensure. A completed background check of the principal(s) for the business revealed no relevant criminal history. The entities that are being applied for are Foundation Partners of Florida LLC d/b/a Ammen Family Cremation, a centralized embalming facility, located in Melbourne FL, and at the same address, there is a cinerator facility of the same name. The Division is recommending approval subject to the condition that the establishments pass an inspection by a member of Division Staff.

Mr. Clark – Mr. Chairman?

Chair – Mr. Clark?

Mr. Clark – I just want to state my affiliation with Foundation Partners Group LLC, and I'll recuse myself for this matter.

Chair – Thank you.

MOTION: Mr. Hall moved to approve the applications subject to the condition that the establishments pass an onsite inspection by a member of Division Staff. Mr. Knopke seconded the motion, which passed unanimously.

(b) Legacy Options Fort Myers LLC (Fort Myers)

- **Cinerator Facility**
- **Funeral Establishment**

Ms. Simon – Legacy Options Fort Myers LLC, a limited liability company, seeks approval of its applications for cinerator facility licensure and funeral establishment licensure. A completed background check of the principal(s) for the businesses revealed no relevant criminal history. The applications for each are included as part of your Board package. The Division is recommending approval subject to the condition that the establishments pass an inspection by a member of Division Staff.

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

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

A. Recommendation for Approval without Conditions

(1) Preconstruction Performance Bond

(a) SE Combined Services of Florida, LLC d/b/a Fountainhead Memorial Park (F039545) (Palm Bay)

Ms. Simon – SE Combined Services of Florida, LLC d/b/a Fountainhead Memorial Park intends to construct a 228-space mausoleum. Pursuant to s. 497.272, Fla. Statutes, typically, a pre-construction trust must be put in place if sales are going to occur prior to completion. However, s. 497.272(8) provides that in lieu of the pre-construction trust fund, the cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator. The licensee has submitted for approval a performance bond, in lieu of a pre-construction trust, the specifics of which are found within your Board package. The cemetery agrees to complete said construction in accordance with the terms of the construction agreement. The Division recommends approval of the preconstruction performance bond without conditions.

Chair – I'd like to declare my affiliation with SCI Funeral Services of Florida, LLC. This affiliation will in no way affect my ability to make a fair unbiased decision on this case or any case coming before the Board today.

MOTION: Mr. Knopke moved to approve the preconstruction performance bond without conditions. Mr. Clark seconded the motion, which passed unanimously.

(b) SE Combined Services of Florida, LLC d/b/a Garden of Memories (F077506) (Tampa)

Ms. Simon – SE Combined Services of Florida, LLC d/b/a Garden of Memories intends to construct a 260-space mausoleum. The licensee has submitted for approval a performance bond, in lieu of a pre-construction trust. The mausoleum project, and the bond, is summarized within the cover sheet, as well as your Board package. The cemetery agrees to complete the construction in accordance with the terms of the construction agreement within your Board package. The Division recommends approval of the preconstruction performance bond without conditions.

MOTION: Mr. Helm moved to approve the preconstruction performance bond without conditions. Mr. Knopke seconded the motion, which passed unanimously.

B. Recommendation for Approval with Conditions

(1) Preneed Sales Agreement(s)

(a) Curlew Hills Memory Gardens Inc d/b/a The Unity Trust Funeral Trust (F019277) (Palm Harbor)

Ms. Simon – Curlew Hills submits the preneed sales agreement that is in your Board package for approval. This agreement is entitled Interment Rights, Services and Merchandise Agreement. If approved, this agreement will be used for the sale of cemetery preneed contracts by the aforementioned establishment and its associated preneed branches. The Division recommends approval subject to the condition that two (2) full-sized print-ready copies of the revised preneed sales agreement are received by the Department within sixty (60) days of this Board meeting.

Chair – Mr. Knopke?

Mr. Knopke – Yes, sir. Since I am President of Curlew Hills, I will recuse myself from participating in this.

Chair – Thank you.

MOTION: Mr. Helm moved to approve the agreement subject to the condition that two (2) full-sized print-ready copies of the revised preneed sales agreement are received by the Department within sixty (60) days of this Board meeting. Mr. Hall seconded the motion, which passed unanimously.

17. Request for Renewal (Criminal History)

A. Recommended for Approval without Conditions

(1) Departuer Transporting LLC (F340662)

Ms. Simon – The license for Departuer Transporting LLC, F340662, expired on November 30, 2020. An application to renew the removal facility license was submitted on January 7, 2021. One of the principals, James Mauesby, has reported criminal history, to wit Mr. Mauesby pled no contest to a misdemeanor charge of Possession of Cannabis and was placed on a six (6) month probation. That probation has been successfully terminated. The Division recommends approval without conditions.

Mr. Helm – I've got a question, Mr. Chair.

Chair –Mr. Helm, go right ahead.

Mr. Helm – Why is there not a fine with this one? This is for the Division, excuse me. Did you hear me?

Chair – Yes.

Ms. Simon – I did hear you, Mr. Helm. I was looking at that. While this individual was required to let us know about this charge, to which he pled no contest, it is not relevant to the practice. Relevant isn't the right term, but if it was a fraudulent

crime or a felony, it would be looked at differently. But, as it is a renewal, it may be appropriate to place it on a probationary period, but, to be honest, we did not consider the fine, although Board may object.

Mr. Helm – Excuse me. I really wasn't referring to that. I was referring to the expired license.

Chair – The late fee?

Mr. Helm – Yes.

Ms. Simon – I am not sure whether this individual or this entity practiced after the time the license expired.

Mr. Helm – I'm sorry, I didn't understand what you said, Ms. Simon.

Ms. Simon – I am not certain, and research was done into this matter, but I do not believe that this entity practiced or continued the practice of a removal facility when their license had expired.

Chair – Is there anyone on the call from Departuer Transporting LLC? Or Mr. Mauesby? Anyone representing? I wanted to ask, since their license was expired in November, how's business been, between now and then?

Ms. Simon – I do not believe that there is a deemer issue associated with this matter, Mr. Chairman, but whatever the Board is inclined to do. I just wanted to bring that up.

Mr. Knopke – I'll make a motion to table it till the next meeting and ask the Department to contact them to appear.

Mr. Hall – Second, Hall.

Mr. Clark – Mr. Chair?

Chair – Go right ahead.

Mr. Clark – A question, before we vote on that. On page 2, it looks like he paid a \$50 late fee. Is that accurate, Ms. Simon?

Ms. Simon – It does appear that he did that, and the only reason we are bringing it forward to the Board now is because of the criminal history. Yes, sir.

Mr. Knopke – Ok, so he's paid the late penalty and so forth, Ms. Simon?

Ms. Simon – Yes sir.

Mr. Helm – I'm sorry. I did not see that.

Mr. Knopke – I'll withdraw my motion.

Mr. Helm – Thank you, Andrew.

Mr. Clark – No problem.

Chair – Motion has been withdrawn. Is there a subsequent motion?

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

18. Related Items - Application for Monument Establishment and Monument Retail Sales Agreement
A. Recommended for Approval without Conditions

(1) Lasting Impressions of Central Florida LLC (Ocoee) (Establishment)

Ms. Simon – An application for monument establishment retail licensure was submitted on September 28, 2020. The application was incomplete when submitted, and a completed application was received by the Division on November 10, 2020. A completed background check revealed not criminal history for its listed principal. If approved, Applicant will operate as a monument establishment retailer at the above specified location. And this will, according to the application, be an online establishment. Is there a representative of Lasting Impressions on the call today? Hearing no response.

William Gray – Yes, ma'am, this is William Gray. Thank you.

Ms. Simon – Mr. Gray, 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. Gray – I do.

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

Mr. Gray – My name is William, last name is Gray, G R A Y.

Ms. Simon – Thank you, sir.

Chair – Thank you, Mr. Gray.

Mr. Gray – Yes, sir. Thanks for having me.

Chair – Were you here to address the Board, or merely to answer any questions that the Board?

Mr. Gray – Either one. Basically, I kind of wanted to give you an overview of what I'm looking at wanting to do. Basically, my business will be set up as an online business only, Meaning I will not have any foot traffic or anything like that. Due to the {inaudible} and things of that sort is kind of the reasoning behind this. It's kind of make it to where families can do everything online, of course, as the funeral industry is going all virtual pretty much now. So, this is kind of my step in taking in going on and opening up a headstone business doing basically just headstone sales over the internet.

Chair – Thank you, Mr. Gray. You said something about a funeral home. What is your funeral home?

Mr. Gray – What's that, sir?

Chair – What is the name of your funeral home?

Mr. Gray – I don't have a funeral home, sir. The name of the company is going to be Lasting Impressions.

Chair – I'm sorry. I thought you said something about in connection with your funeral home.

Mr. Gray – No, sir.

Chair – I'm sorry, I misunderstood. Thank you. Thank you, Mr. Gray. Board members?

Mr. Helm – Mr. Chair?

Chair – Yes?

Mr. Helm – May I?

Chair – Mr. Helm, go right ahead.

Mr. Helm – Mr. Gray, you have me scratching my head and studying things here. And I don't know you, so this is not personally against you or anything, but I don't see where we have anything for online businesses, and that's what bothers me about it. I understand what you're saying, and I'm asking the Board for help here, also, because in my opinion, what the statute or rule says is that you must have a physical address. And you don't have that because your address would be residential, and that would not be under the guidelines. And that's s. 497.550(1)(d), F.S., but as I said, I understand what you're talking about, and I don't really think we have anything to address an online business, which we should have, nowadays, but when this was all done, this was not something that was happening. So, I saw in Section 9...are you already selling monuments?

Mr. Gray – No, sir.

Mr. Helm – Well, it said selling.

Mr. Gray – No, sir. That's what my intention is to do.

Ms. Simon – Mr. Chairman?

Mr. Helm – Go ahead.

Ms. Simon – If I may? I have had conversations with Mr. Gray. I have contacted him or tried to call him on the monument establishment number that he provided. However, that's not being answered. I have been instructed that that will be used in business in the future. And for the interests of the Board members, I did contact the Local Government Offices in Ocoee and asked about businesses being operated out of the home. And, home businesses are acceptable to the City of Ocoee, as long as certain parameters are met. One being that there is no inventory at the address, and I have been told there will be no inventory at this address. And I understand that there is concern about foot traffic inside the facility, and that has already been answered, as this will be only an online business. And I apologize for interrupting, Mr. Helm.

Mr. Helm – Ok, let me...hang on just a second. Well, I know I saw it, but now I can't find it

Ms. Munson – This is Ms. Munson. What are you looking for, Mr. Helm?

Mr. Helm – Section 9. It says, "Have you, the applicant, or any principals of applicant, had any prior experience in the monument establishment industry or in the death care industry? And the response says, "Worked at Loomis F H selling monuments and now starting my own business selling and cleaning headstones." So, you were selling monument at one time, Mr. Gray. Is that correct?

Mr. Gray – Not for myself. No sir. It was through the funeral home.

Mr. Helm – Well, that's what I meant. But there's two (2) separate statements there, and now, you're opening up your own business, selling and cleaning. Right?

Mr. Gray – Yes, sir.

Mr. Knopke – Mr. Chair?

Mr. Helm – I'll yield.

Mr. Jones – Mr. Chair, I have a question, also.

Chair – Thank you, Mr. Helm, you go ahead and complete your statement.

Mr. Helm – Well, I said I'll yield to them. Go ahead, Mr. Brandenburg.

Chair – I'm sorry. The first one was Mr. Knopke.

Mr. Knopke – Yes sir, thank you. Mr. Gray, are you today sitting in your monument shop?

Mr. Gray – No, sir, I'm not.

Mr. Knopke – Ok. So, you're not at your home, I take it?

Mr. Gray – No, sir.

Mr. Knopke – Ok. Thank you. Thank you, Mr. Chair.

Chair – Mr. Jones?

Mr. Jones – Just a question. I also went out and looked at the Lasting Impressions website, Mr. Gray. It shows that it's already active. It shows that you are already offering to sell monuments before license. Can you answer that?

Mr. Gray – No, sir. I am not. Basically, what I have is a page set up of doing headstone cleaning and resurfacing. Basically, what I do is I go out and I just started up a business as far as cleaning headstones, and releveling headstones, and things like that. Back in September or July when I first started this, I called the Board, and they said that you did not need to have any type of licensing or anything to do so. So, I started up a little side business cleaning and re-leveling and things like that. As far as an actual website, I have not started a website selling headstones, as of yet. That is my next goal if I do get my license.

Mr. Jones – Can you answer me a question? I looked at the Facebook post. Your Facebook post shows cleaning, but there is the website out there, and it has William Gray Ocala, Florida, your telephone number, and it says, on there, we offer granite monuments in a wide selection of color. It goes on and on. On your page, there is a form on there where I could request information. You did not put that out there? My concern is it's out there before you're licensed.

Mr. Gray – No, sir. I'm in Ocoee and not Ocala.

Mr. Jones – My error. It says Ocoee. But, that website is out there advertising monuments. I'm just trying to get a clarification.

Mr. Gray – No, sir. I actually do not have a headstone website out.

Mr. Helm – Mr. Chair?

Mr. Jones – One last question for the Division, real quick, I'm sorry. If this is a private home, I guess inspections can be conducted in the private residence for the Division. I have a concern over that as to what rights the Department has to enter one a resident/business. If you all can, please clarify that for me.

Mr. Griffin – Actually, if I may? Because he's applying as a monument established retailer, we actually cannot inspect his house. If you look at s. 497.550(1)(d), F.S., the requirements of this chapter apply both to monument retailers and monument builders, except as provided in this paragraph. Each monument establishment shall be a physical structure that is located on any specific street address and compliance with zoning regulations of the appropriate local government, and not located on property that is exempt from taxation, but a monument retailer may not otherwise be required to comply with s. 497.552, F.S., or be subject to inspection under this chapter.

Mr. Jones – Thank you, Mr. Griffin.

Mr. Knopke – Mr. Chair?

Chair – Mr. Knopke?

Mr. Knopke – Back to Mr. Gray. Your business is located in Ocoee?

Mr. Gray – Yes, sir.

Mr. Knopke – And it's called Lasting Impressions and that's the website. LastingImpressionsCFL.com?

Mr. Gray – Lasting Impressions of Central Florida.

Mr. Knopke – Ok, but the one that I'm looking at is not yours? Is that what you're saying? The one that's out there that Mr. Jones has been referring to?

Mr. Gray – That one has been taken down. Lasting Impressions CFL was not a website that was set up for my business. That was basically a program designed by Design Mart that we just put into place to kind of see what it would do, as far as being able to do this ahead of time. As far as being able to design headstones online, and kind of being able to put a product together to where if you guys needed any information I could provide it to you. If you do a Google search for anything like that, there is no website on. It is not on Google or anything like that.

Mr. Jones – When did it go down, because I looked at it yesterday, Mr. Gray?

Mr. Knopke – I'm looking at it now.

Mr. Jones – It's out there, that's the reason why I'm asking.

Mr. Gray – That has been down. Actually, I've got an email from Design Mart on that, too, that I sent them. Give me one second so I can look at my phone and tell you the exact date. I sent them an email on that, too. On 12/18, when we were talking about that, and I told them that my license had not been approved yet, that I'm still waiting for the State approval, so do not go live with this website. So, that was on the 18th of December. Because I've been talking to Ellen, of course, back and forth on things, and, you know, I want to do things by the book, and I want to make sure I'm straightforward with everybody. And what I was trying to do is make sure that I am able to do everything online, as far as a family basically goes to the cemetery, they would take a picture of a headstone, and they will send it to me and say this is what they would want. Then I would email them the contract or the proof. Everything will be done through email. Well, with Design Mart, they're basically an online templates service. They do not make customized websites. So, I was on the phone with them, talking to them about doing our website when that time comes, and just seeing what kind of products they offer, because they use products through {inaudible} Georgia, to do the headstones and stuff, and that was who I will be going through when that time comes. The thing is, I didn't know how this would work, and I wanted to make sure I had a game plan before I went in front of the Board to say everything is up and working. But, you know, that website should not be live, and I don't know why it is live.

Mr. Hall – Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – Mr. Gray, a couple questions. The business that you started in July or September or whatever to do the leveling, the cleaning, etcetera, that's done from your house, also?

Mr. Gray – Yes, sir.

Mr. Hall – Where do you keep the equipment for that? At your house?

Mr. Gray – Basically, all it is, is some drills and some cleaning materials, and a pressure washer.

Mr. Hall – It's kept there at the house, is what you're saying?

Mr. Gray – Yes, sir. All my headstones and stuff that I would be doing through my company, would be going to Atlas Vaults. They would be the ones that would be installing all my monuments and stuff for me. So, basically what I would do is I would just take the order. It would go from being shipped from the monument manufacturer to Atlas Vaults. I would go out and dig the foundations for the concrete and then they would set them for me.

Mr. Hall – They're doing the leveling and stuff, refurbishing, also.

Mr. Gray – Yes, sir. They are one of the ones that do the leveling. All the cleaning and stuff like that. I do myself because I don't have the heavy equipment, you know, to move big markers and stuff like that.

Mr. Hall – Currently do they require a business license, being that you're operating a business in that home?

Mr. Gray – Yes, sir, they do.

Mr. Hall – Do you have that?

Mr. Gray – No, sir, I don't, because I have not been operating. I have to have my State license and all that stuff.

Mr. Hall – OK. They don't require that for the pressure washing and the other?

Mr. Gray – No, sir.

Mr. Hall – You understand why some of us may have some concern, though, that you tell us you had them put the site up on the website, and then you asked them to pull down? You were a little bit {inaudible}. Do you understand why that would create some concern for Board members?

Mr. Gray – Yes, sir, I can completely understand that. And that website, like I said, it was supposed to be a trial run and that website should not be online. That's why it's not even posted on my Facebook page.

Mr. Hall – Like I said, I think some of the members here are concerned if you're going to be evasive to us, would you be to customers online? Why should we feel comfort in that?

Mr. Gray – As far as? You lost me on that question, sir.

Mr. Hall – Ok, if you're going to be evasive with us as to answer honestly to the questions that they've been asking you.

Mr. Gray – Yes, sir.

Mr. Hall – When the site went up did you request it to go up? I mean, they wouldn't have put it up by themselves. You had to request that. That company doesn't just put those things on your site for you automatically, without your permission. But then when they kept asking, you repeated, no I didn't do that. Then you said, well I asked them to take it down. Why should I feel like you will be honest with customers online and stuff, if you won't be honest with us?

Mr. Gray – I am being honest with you, sir. Basically, what I was saying is, is that whenever we set that up, I was just making sure of everything. We did not go live with it. It was never meant to go on Google or anything like that. Basically, what it was, is just a test run to say, I can do this before I went and got my feet wet applying for licenses, and all that stuff. This was never an intention of going live. I don't know why the website went live to be honest with you. I didn't even know it was live until you guys told me about it. I'm being honest with you. I did not know that. I talked to Design Mart guys back in November, December to see what kind of products they had and they sent me a thing. We did a test markup of what it's going to look like, and we never went any further with it. And that's why I put them on the back burner. I said I would get my license first before I do anything. And that's where I'm at now. You know, I've never been a person to lie to people. I've always been straightforward. I've been in the funeral business for over twenty (20) years and I've always tried to be straightforward. Ever since this problem has been about, I've been straightforward and honest with everyone. I'm not the type of person that wants to hide anything or try to cover anything up.

Chair – Mr. Gray, I have a question for you.

Mr. Gray – Yes, sir?

Chair – During those times that your website has been up without your knowledge, have you had any customer inquiries?

Mr. Gray – No, sir. I have not, as my phone has been off for that company.

Ms. Munson – Chair Brandenburg?

Mr. Jones – Mr. Gray, when you say your phone is off, I just called that number that's on that website. You answered it as a recorded message as Lasting Impressions. Now, I don't know if that's your Facebook company or this company, but that number just rang to you with your message, as Mr. Brandenburg said, I'm concerned that if I feel that form out and send it to you. Have you worked with any customers or sold any monuments? Because it is linking to you. That's my concern.

Mr. Gray – Well, no. Lasting Impressions is set up right now basically a monument cleaning company, and I have not sold any headstones or done anything as far as that goes, through the company. The only thing I've done is the last job that I had was back in October or November, a relevel out at Greenwood Cemetery here in Apopka. I do keep the phone on for business like that, but I never answer it. It's been on, but I never answer the phone. It stays on voicemail, and when I get home, I check my voicemail, and that's it.

Mr. Jones – Well, Mr. Gray, the only question, as Mr. Brandenburg said, you just told him that number doesn't relate to the website, but it does. Again, I'm just trying to get clarity that I feel comfortable that you're being straightforward with us. Now, if you told them to take the site down, and you've got proof of that, I want you to be straightforward with us. But, I'm uncomfortable right now, with some of the answers: that this website was to go down; and that number does not relate. I just dialed the number from the website. It went to you, and I don't know if you're getting business off of it.

Mr. Gray – No, sir. I'm not. You know, I mean, of course, this is his version of the truth type thing. But, I can promise you guys and girls that this is something that I want to be upfront and honest with everyone on. I'm not trying to cover anything up. I'm not trying to do anything shady. Basically, this is all new to me, so I don't know what's the best route to go with. And, you know, the reason I had Design Mart to do a mock website is to just see. Well, when you do a website, of course, they need your name, they need your phone number, and things like that. Well the phone number that would be associated with that was my Lasting Impressions of doing the monument company. So, that's where that number came from. I'm not doing any type of monument sales or anything like that, because I can't until I get my monument license. I haven't been selling any headstones. The only thing I've done is a few cleaning jobs, and I posted them. You know, I can get you copies of the work that I've done. You know, I want to be honest. You know, I'm not that type of person. You know, you can check back on my funeral director's license and everything else. I've been straightforward in my twenty (20) years, and I'll continue to do it for my next twenty (20) years. You know, I've always been that type of person to put my best foot forward, and that's exactly what I want to do here, and I don't want you guys to think that I'm trying to cover something up here, because I'm not. To be honest with you, I don't even know why the website is even up. I don't have an answer for you on that. The Facebook page is the page that I run. And yes, it does have my number on there for that. I've got two (2) different phones. I've got that phone number, and I've got 407-467-3011, which is my new cell phone. That is a number that's with me at all times. The other phone, like I said, it just stays at home, and I refer to the messages. If I do any headstones, I always send them to Southern Monuments. Now that Southern Monuments does not clean headstones in our area, that was the reasoning for me to decide on trying to get my monument license to where I can do that through Lasting Impressions of Central Florida.

Ms. Munson – Chair Brandenburg, if I may?

Chair – Mr. Gray, are you working at a funeral home now, as an employee?

Mr. Gray – Yes, sir.

Chair – I'm sorry, I missed it.

Mr. Gray – Yes, sir.

Chair – Thank you. Ms. Munson?

Ms. Munson – Just a couple of quick questions. Mr. Gray, when you indicated on your application that you've complied with any local government zoning regulations, what did you mean by that?

Mr. Gray – That I've applied? What was that?

Ms. Munson – The question asked, have you complied with any local government zoning regulations, and you answered, yes, And I was curious what you meant by that.

Mr. Gray – As far as getting my license, have I complied with any zoning?

Ms. Munson – It's on Page 5 of the materials, but it's just a standard application question. And you kind of just elaborated, indicating that it's an online service with Atlas Vaults doing all of the installations, but you answered yes, that you complied with all local zoning or local government zoning regulations. I was just curious what you meant when you gave an affirmative response regarding that compliance. And it says you haven't requested anything because you are waiting for the application to be approved, so I wasn't sure exactly what you complied with.

Mr. Gray – And that's the thing. I put yes, because as far as I know, you didn't have to have any type of licensing or anything like that to do an online business, except for the monument business, and now, of course, I can't get my license through the City until I have my business license.

Ms. Munson – Ok. So, you've not done anything regarding local government zoning regulations thus far?

Mr. Gray – No ma'am. I don't guess so, because I don't know, like I said, I don't know what the requirements are on that, because this is all new to me, and I guess to you guys, as well, and I don't know what the requirements are. I did talk to Ocoee and they said that I would have to have a business license, of course, which I'm assuming is my headstone license, once I get that.

Ms. Munson – If I can just ask as a follow-up? You probably can determine that there may be a fairly loose accountability with this online business that you care to pursue. You stated a number of times that you did not know why the website was up. So, if for any reason this application or the Board considers this application for even conditional approval, do you have any type of infrastructure, or any mechanisms in place to manage a website? Would you have a website manager, since your entire business will rely on online presence?

Mr. Gray – Yes, ma'am.

Ms. Munson – What is your plan? Because I keep hearing, "I don't know where it came from," I didn't know it was up." So, I don't know what accountability you personally hold regarding this online administration that you attempt to launch.

Mr. Gray – Well, basically it would be set up through...Design Mart would be the ones to do the monuments, because, of course, they have all the posters and things like that. Network Solutions will probably be the ones, they're the ones that handle all of our servers and stuff like that, with my wife's company, and he would probably be the one that would be running my company, as well, making sure, you know, having everything on the server on the cloud, maintaining the website, doing the SCOs and the search engine optimization. All that stuff, he would be in charge of.

Ms. Munson – So, you stated that you think, you suppose. Are those pretty much your definite plans as to who will oversee, and who is going to be responsible for website content?

Mr. Gray –Chris {inaudible} and Design Mart would probably be the ones that would be in charge of the website content. As far as myself, I would be the one to give them the information of what to put on the website, of course, once that time comes, because when it comes to computers, I cannot design a website, but I can pretty much run them and things like that, once they're up and running. Chris would be my backup on that. He would be the one at Network Solutions, the one I go to on the computer site things with making sure everything runs, making sure order summaries come on, contracts are done properly. Things like that.

Ms. Munson – I guess I'm mentioning all of that to say, you probably can deduce that this is a fairly new area for the Board regarding online presence, So, anything having to do with this online administration and website management would fall on you as the licensee to make sure that the content is accurate, that the management is current, that the information available to

the public does not violate any of the existing laws or rules. So, your statements appear to indicate that you are placing responsibilities on these other managers, but I was just wondering if you understood that you would need a very hands-on approach to make sure that everything they were doing is protecting your license? And, it's not just a matter of you retailing, serving as a retailer of monuments. It would also require you, to a very great extent, manage this online presence because that is the only basis for oversight that could possibly exist.

Mr. Gray – Yes, ma'am. And I would be. Everything would come through me first. You know, when I sit down with a family, and they text me or email me and say, OK, this is what I want. My approach to this is going to be a family contacts Lasting Impressions to say they want a headstone. OK. Can you send me an email of the headstone that you're looking at? They email it to me. I get a price quote form, and send them an email back with the price quote. If they approve it, then I will go ahead and get a drawing figured out of what they would want. Once I got the drawing, I would send it off to the marker manufacturer. Once they have it, they get me a proof back, and I would email it to the family. The family would sign off on that proof. It would go to the monument company at that time, as a signed off proof saying everything is good to go. The other copy would be going into the person's file. At that time, we would draw up a contract. We would email them a contract, and they can electronically sign it through E-signature, and send it back to me. That is kind of the game plan that I had for that. All of my website content and things like that, I will produce and they would just be the ones behind the scenes making sure that the contracts were coming through the emails, making sure that the documentation is taken care of properly, and there's no loose ends. If something fails, you know, as far as if the server crashes, I've got someone more that can get the website and everything else back up and running.

Ms. Munson – Again, I just wanted to note for the record, and the Board will make the decision however the Board so approves. It's currently been presented as an approval without conditions, but if the Board feels inclined to perhaps recommended approval with conditions, then this would be the opportunity to outline specific conditions that you would be held, even if it's for a probationary time, to see how this online presence actually works. And, I just wanted to share that information on the record. Thank you, Chair Brandenburg.

Chair – Thank you.

Mr. Hall – Mr. Chair?

Chair – Yes? Go ahead, Mr. Hall.

Mr. Hall – My question is, and I agree with Mr. Helm in that in today's world the online is, as we've said, this is a new path for us. This is a totally new thing for us, however, it does not address it in the statutes. The statutes require a facility. So, even though we may need this, would we not have to get a change in statute, Ms. Munson, to go down this path? Is that required? And, the second question I have for Mr. Gray after that is there seems to be some secret. Is there a secret as to what funeral home you're with? Are you full-time at that facility?

Mr. Gray – Yes, sir. It's Loomis Funeral Home.

Mr. Hall – Pardon me?

Mr. Gray – Loomis Funeral Home.

Mr. Hall – Ok. If you're full-time with that facility, how would you oversee this site, as Ms. Munson is discussing? And how are you going to contact the people and do follow up? In overseeing, you weren't even aware that the site was up or down. How will you do that if you're working full-time at the funeral home?

Mr. Gray – That's the thing. I'm looking at trying different options. You know, I mean, I've been in the funeral business for twenty (20) years, so this is a new step for me, and it's something that if I can get up and running, you know, every person in the world has always wanted to be an entrepreneur. I've always wanted to be that guy. You know, I've always wanted to own business, and that's what I'm striving to do right now. And, my thing is if this takes off, then I can, by all means, do that full-time and work here when I need to.

Mr. Hall – Ms. Munson, what is your opinion, between the online and the facility requirements that they're asking for and the statutes? What's your opinion there?

Ms. Munson – Well, and I will definitely welcome the Division's and Mr. Griffin's comments on this as well, but I was thinking that the way the statute was written, it was to some extent bifurcating the requirements for the establishment and the requirements for the retailer. But maybe I can get better clarification from those with extreme knowledge.

Mr. Griffin – I would point out that his establishment, first off if you just take the business model that he's contemplating, the establishment has a physical address. He just has an online storefront, but the company, the entity that is Central Florida, it has a physical address. It's his house. It just doesn't have a physical storefront and the statute doesn't say you have to have a physical storefront. And I would point out that the statute is also clear that as a monument establishment retailer, he's not required to meet that list of checklists that's contained in 497.552, F.S., with the list of the five (5) requirements that the physical establishment has to have, but the statutes language is very clear, retailers aren't required to comply.

Ms. Munson – I guess I was just giving some deference because I know that the Office of General Counsel would be responsible for prosecuting any violations, and I just wanted to make sure it was clear what the parameters were for these violations to possibly exist with it. But, again, because the online administration is such a very new concept, it appears we do have an ultimate goal for the safety to the public, which it was my underlying concern what Mr. Gray's management dynamic was going to be regarded this effort. And I think that's just the baseline. And it's a baseline consideration regarding whether or not this application is eligible, or should I say, worthy of approval with conditions or without. So, I was trying to get very clear, distinct clarification from Mr. Gray what his means or abilities were going to be to ensure that type of safety to the public, based on what you were planning to do, and what type of oversight you are going to maintain to make sure of this, because it's so loosely governed otherwise, that this Board can feel comfortable, even with a conditional approval. I know, like I said, the Division recommended without conditions, so, Ms. Simon, I don't know if you want to add anything regarding maybe why there may be no need for conditions.

Ms. Simon – I did not see what conditions can be put on this licensee, and to be honest with you and with the rest of the Board, when I read over this application I saw that it did fit in with the statute. I saw that the statutory ramifications have been met, which is why it was designed the way it was. I understand that the Board members may feel differently, but from a statutory concept, I feel that those items have been met, and I don't know what you would put as conditions for licensure, because as Mr. Griffin said, there is not an inspection that will take. So, I don't know what. Just like for any monument establishment retailer, I do not know what conditions you would put down that would be able to be followed.

Ms. Munson – I was just going to note, the only condition I was contemplating was at least some type of business plan or effort on the part of Mr. Gray, to at least recognize that his website exists and is properly filled with content. I mean, the fact that you can have a website and not know what's up or not know what's on it, or not know anything, which is what the record would reflect from his information shared today, I thought: would draw some concern.

Mr. Gray – Can I speak real quick?

Chair – Yes. Go right ahead, Mr. Gray.

Mr. Gray – I wanted to touch points regarding that and to let you know that, of course, I don't go onto the website every day to check and see if my website is up. You know, that was kind of a thing that was a test run just to make sure to see that we could do this. When I spoke to them about taking that off, I thought it was off. That's why I don't have the link posted anywhere on my Facebook page or any of my posts that I post on Facebook, for that reason. Same thing on my personal. Everybody makes mistakes and, you know, nobody's perfect. And I guess that's my thing and I'm mad. It is my total mistake that that website was up and running. I did not know that that website was up and running. I had no intention of that website being up and running until we had this talk, and everybody was on the same page of what we could do. I'll be honest with you, I don't want to be that guy that sounds like, you know, I'm trying to hide something, because I'm really not. It's all new to me, you know, our funeral arrangements now have gone to where a lot of the times I'm meeting with families on Zoom and stuff like that. That was the reasoning behind this, is to set something up for that. Now, the website, I did not give them any information. You can work with Design Mart's websites, and you will see that it's a basic layout template. All they did was put my name on there to kind of give me an example of the way it would look. All the information that is on there is the same.

They just change my phone number, the email, and stuff like that. So, all of that is pre-generated. I have not designed, as a matter of fact, the website that I plan on designing will be ten (10) times better than that one. Because that one's kind of generic, in my opinion, from what I was looking at, and that's why I didn't even think it was even up. So, I just want the Board to know that I put my hand up for a right-hand reason this morning before I spoke to you, and that is the truth. I did not even have the intention of that website being up and running right now, as we're having this conversation.

Mr. Jones – Mr. Chair?

Mr. Knopke – You're muted, Jody. You're muted.

Chair – Go right ahead, Mr. Jones.

Mr. Jones – Mr. Gray? Two (2) questions. You've been licensed in Florida for twenty (20) years?

Mr. Gray – Since 2006. Yes, sir.

Mr. Jones – No disciplinary actions at all?

Mr. Gray – No, sir.

Mr. Jones – The website will be down when we get off this call?

Mr. Gray – It should be down. If not, I'm going to call Design Mart right now and tell them to take it down.

Mr. Jones – Thank you.

Mr. Knopke – Mr. Chair?

Chair – Ok. Mr. Jones, were you finished?

Mr. Jones – Yes, sir. I am.

Chair – Mr. Knopke?

Mr. Knopke – A couple of questions for Mr. Gray.

Mr. Gray – Yes, sir?

Mr. Knopke – What is your selling area with this website? Who do you expect to sell to?

Mr. Gray – Central Florida area, Orange. My main focus is going to be Orange, Seminole, and Osceola Counties, and Volusia because one of the big retailers that we were dealing with, Southern Monuments, who we're referring everybody to, has moved out of the area now. They didn't move, they just said they're not servicing our area anymore because they've gotten so busy. So, that is the reasoning behind me going about opening up this monument company, because we got another monument place in the area that we've been getting a lot of negative feedback. We refer families to them and things are not going as planned. So, basically, I put my foot in and said, you know what? I would like to open up a headstone business and start doing headstones and stuff like that. So, that is the reasoning behind This.

Mr. Knopke – Ok. I believe you describe the purchase process when somebody inquires earlier for Ms. Munson. I didn't hear anywhere in there how you were going to get a monument approved by a cemetery that you're going to install in. Or is it your intention to do that?

Mr. Gray – Yes, sir. What I do is, of course, anytime that we would do that, you have to pull a permit with the local cemeteries, and I don't know if it's every cemetery or not, but most times we will notify the cemetery, give them the parameters of the

headstone or a layout of it, and they will approve it or deny it. Because most of the time the cemeteries have requirements here, of the height and the width and things like that of the gravesites. So, kind of me being as a funeral director, you know that the basic gravesite is 3.5 by 7 feet, or 3.5 by 10, in some cemeteries. So, a lot of the local cemeteries will kind of set the same parameters, but what we would do is, of course, once the family approves it, I would send a copy to either the City or the perpetual care cemetery, whichever one it may be, and say, I'm in contact with Ms. Jones regarding her headstone, and this is a layout. Does it meet the approval of the cemetery? They say yes it does, and then I'll ask them can you send me the information for the permit when that time comes? And then we'll fill out the permit and get everything going forward.

Mr. Knopke – Do you know what the statutory requirements are for notifying the cemetery and so forth?

Mr. Gray – As far as the statutory requirements? No, sir.

Mr. Knopke – Statutory requirements for notifying the cemetery that if you're selling a monument or whatever, and are either requesting their specifications or seeking their approval?

Mr. Gray – Yes, sir.

Mr. Knopke – You do know?

Mr. Gray – Yes, sir. I know I know a lot as far as the local cemeteries and stuff like that goes. Yes, sir.

Mr. Knopke – Ok. When you sell something out of your area, how are you going to get it installed? Because I assume Atlas covers the same area that you say you're focusing on.

Mr. Gray – If there is an area out of my jurisdiction, then what I would do is I'll find a monument company in that area and refer them to that person.

Mr. Knopke – Ok. Thank you.

Mr. Clark – Mr. Chairman? I just have a couple of questions. I'll be brief.

Chair – Mr. Clark?

Mr. Clark – Thank you, Mr. Chairman. You mentioned, you know, due to the pandemic, more families are choosing online arrangements. I know we've seen that as well. We still have families that want to meet in person. If you have a customer that wants to meet in person, what is your plan? Is it to meet them at the funeral home? Is it to refer them to somewhere else? What's the plan?

Mr. Gray – Basically, what I would do, sir, is I would meet them either at the cemetery or at their home. I will not be bringing them to the funeral home or anything like that.

Mr. Clark – Ok. And then you're using a third party for the design. You're using a third party for installation. Working closely with the cemetery, even if a family signs off on a proof, I know there are times where there's something wrong or complaints. How are you going to address that when customers don't have a place to go to meet with you? Are you just going to meet them at the cemetery?

Mr. Gray – Yes, sir. And, that's the way I think that a lot of people do it. My attention on that is to just ask them, you know, do you guys already have an idea of what you would want, and if they say, no, then, ok, where is your loved one located at? And then they'll tell me what cemetery and I'll say, ok, why don't we meet out at the cemetery at two o'clock, and kind of take a look at some different options, and stuff like that for you, and see what you like.

Mr. Knopke – Mr. Gray, or Mr. Chair?

Chair – Go right ahead, Mr. Knopke.

Mr. Knopke – Mr. Gray, when you say you're going to meet at the cemetery, are you meeting in the car? Or you're going to meet in the office? Where are you going to meet?

Mr. Gray – We would just meet at the car or at the gravesite there and get some information. And what I would do is I'd say, OK, you like this down here, it's going to be roughly around \$1500, \$1800, depending on what type of writing you would want. What I can do is, I can get you a price quote on this, if you know what you'd want. And I would just write it down on a clipboard or a piece of paper, and say, OK, can I get your email address, and I'll email you a price quote or call you with it and let you know what it's going to be, and we'll proceed from there.

Mr. Knopke – My guess is a lot of the cemeteries you may enter that are licensed cemeteries, might not be real happy about you selling monuments in the middle of their cemetery in competition with them.

Mr. Gray – Well, a lot of those cemeteries, like the perpetual cares and stuff like that I will not be really dealing with, because they give us so much of a hassle. Most of the time, what we would be doing, because around the Central Florida area now, a lot of the perpetual care cemeteries have lowered the prices of their headstones, where you can't even compete with them, because what they want to do is lock down that market. So, what I would do is, you know, like our local city cemeteries and stuff like that. You know, like the City of Winter Park, Winter Garden, Brevard, you know, local places like that, that we go to is where I'd be mainly doing business at in their cemeteries. Like, if somebody calls me and says, hey, I've got a space in Woodlawn. Well, the best bet is to go through Woodlawn to get that, and that would be my reply to that. If it's a Greenwood Cemetery Orlando or something like that, with it being a city cemetery, you know, you really don't have any issues going out there. So, that's kind of my thinking on that as well.

Mr. Knopke – Thank you.

Mr. Hall – Mr. Chair? I think Mr. Ray was trying to get your attention earlier.

Mr. Knopke – He's waving his hand. Don Ray.

Chair – Just a moment, please. Ms. Munson?

Ms. Munson – Yes, sir?

Chair – On an application like this, are we permitted to have input from those other than the Board and the applicant?

Ms. Munson – No, sir, not normally. I mean, this would be if Mr. Gray knows Mr. Ray, and wants him to speak on his behalf, but it's not public comments, sir. No.

Chair – Oh.

Mr. Knopke – Mr. Chairman?

Chair – Go right ahead, Mr. Knopke.

Mr. Knopke – I know Mr. Ray really well. Can he speak on my behalf? I've known him for twenty-five (25) years.

Chair – Ms. Munson?

Ms. Munson – Does Mr. Gray have an any objection to that? Because, depending on what Mr. Ray has to say, it would only have aa negative impact on him. So, if Mr. Gray does not care and would waive it, then there would be no other dispute.

Chair – I know that in the past when we've had applications come before us, and we've allowed other parties to comment on that, it's caused some problems with us in the past. Ms. Simon?

Ms. Munson – I fully understand that, but without Mr. Gray's approval, I don't think we should agree to that. Ms. Simon?

Ms. Simon – And, Mr. Chairman, to be honest with you, I don't know how we can ask the applicant right now to give his approval. He might not be aware of any other circumstances. I would like to bring up one other matter to the Board. I could suggest that we reach a compromise, and perhaps, if the applicant would agree, we place the applicant on probation for two (2) years and give the Division the authority to inspect his home quarters or his computer or whatever. I realize it's at his home. If he would be inclined to do that, perhaps during the two (2) year probationary period, that would give the Board sufficient comfort in any decision to approve the application, but I'm not even sure if the applicant will permit that.

Chair – Mr. Gray, how would you feel about that?

Mr. Gray – Whatever you guys would want, I will be more than happy to do it. Because, like I said, I want to be on the up and up and I have no issues with you guys wanting my emails and stuff like that, for two (2) years. That's fine. I have no issues with that.

Chair – Thank you. Board?

MOTION: Mr. Knopke moved to deny the application because the Board does not have the statutory authority to approve an online business. Mr. Hall seconded the motion.

Chair – There's been a motion made to deny, because we don't have the statutory authority to approve an online business. And it was seconded.

Ms. Munson – I'm sorry. I don't know if this is for discussion or not. So, this is Ms. Munson, and I wanted to clarify for the record. The statute does not prohibit it. The statute is silent on it, So, any Order that would be issued would reflect that information, not that it's authority may not necessarily exist. It is silent on it, and it looks like it's an area of for future legislation and rulemaking, but as of this time, and again, Ms. Simon or Mr. Griffin can interject, but it just appears to be silent on it.

Ms. Simon – And along with what Ms. Munson said, because it is silent, in the past, what we have interpreted, when the statutory provision is silent, as to some specific type of conduct, that it is not a prohibited type of conduct. Mr. Griffin?

Mr. Griffin – I would agree with the Division's interpretation. Just because the statute is silent to this, I don't think that the Board can say we can deny because it wasn't contemplated, by statute. I think if you're required to grant this licensing then that the correct answer is change the statute. But, as it stands, he meets the requirements. He has an application that is complete, and unfortunately, our statutes have not kept up with technology. But at the end of the day, I don't think that you can use a basis to deny that it's a forum that has not been contemplated yet.

Chair – Thank you, Mr. Griffin. Mr. Knopke, does that change your desire to make that motion?

Mr. Knopke – No.

Chair – Ok, we have a motion and a second. Any more discussion on it before we vote? All those in favor, aye?

Board members – Aye.

Chair – Any opposed?

Board members – Opposed.

Chair – Ms. Simon, can we have a roll call vote?

Ms. Simon – Absolutely. As to the vote as to whether you vote yea or nay on Mr. Knopke's motion to deny, Mr. Jones?

Mr. Jones – No.

Ms. Simon – Mr. Helm?

Mr. Helm – Yes.

Ms. Simon – Mr. Hall?

Mr. Hall – Yes.

Ms. Simon – Mr. Williams.

Mr. Williams – Yes.

Ms. Simon – Mr. Brandenburg, Mr. Chairman?

Chair – No.

Mr. Knopke – My vote is yes.

Ms. Simon – Thank you. That's is two (2) No and four (4) Yes in agreement with the motion.

Chair – So, the motion carries?

Mr. Clark – Mr. Chairman? I'm a yes, Ms. Simon.

Ms. Simon – I'm sorry, Mr. Clark. I apologize.

Mr. Clark – No problem.

Ms. Simon – But that is four (4) in agreement of the motion.

Chair – So, the motion to deny carries. Next case, Ms. Simon?

***B. Recommended for Approval with Conditions
(1) Lasting Impressions of Central Florida LLC (Ocoee) (Agreement)***

Ms. Simon – Lasting Impressions of Central Florida LLC submits a monument retail sales agreement for approval. I do not know if you would like me to read the script for that, or how you would like that handled.

Chair – No, we don't need it.

MOTION: The Chair moved to deny the agreement on the basis that Lasting impressions of Central Florida, LLC does not have a monument dealers license. Mr. Knopke seconded the motion, which passed unanimously.

**19. Executive Director's Report
A. Operational Report (Verbal)**

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

Ms. Schwantes – Mr. Chair, may I?

Chair – Please go right ahead.

Ms. Schwantes – Thank you, sir, and good afternoon now. Before moving on to other topics, I'm extremely pleased to inform you all that CFO Patronis has re-appointed Jody Brandenburg to serve as Chair of this Board for 2021, and Keenan Knopke to serve as Vice Chair. So, I hope all of you will join me in congratulating both gentlemen on the record. Thank you.

Chair – On the record, I'm honored and humbled. Thank you so much.

Mr. Knopke – Thank you, as well. I'm honored and humbled, almost as much as Jody.

Ms. Schwantes – We are pleased to be working with you all again in this capacity. So, moving on to Legislation 2021. A few updates on the legislative session. The regular session begins on March 2, 2021. However, committee meetings are well underway, and there are a few bills again of interest. We spoke last month about the Deregulation Sunset Bill, which is SB344 and HB471. These are similar to those that were filed last year. The Bill potentially impacts the licensees in the death care industry by requiring review of the licensing requirements prior to July 1, 2023 to determine if the requirements should expire, be renewed without modifications, or other action taken. The current status of the bills: The Senate Bill has been referred to the first of its three (3) committees, which is the Governmental Oversight and Accountability Committee. No date has been set for its review yet. The House Bill was only just filed at the end of January, and has not yet had further movement.

There is, again, an Abandoned Cemeteries Bill out there. Actually, two (2), SB222 and HB0037. These are, again, similar to bills filed last year, which in part were the result of issues arising from former Zion Cemetery, and the Ridgewood Cemetery in the Tampa area. These bills create a Taskforce on Abandoned African American Cemeteries. They require the Department of State to partner with the University of South Florida and FAMU in investigations, identification, and location of next of kin. Directs the historical resources of the Department of State to ensure the listing of certain cemeteries in the Florida Master Site File. And requires the Division of Historical Resources to seek placement of historical markers at certain abandoned cemeteries, subject to certain limitations. The Senate Bill has been referred to the first of its three (3) committees, also the Governmental Oversight and Accountability Committee. No date has been set for its review. The House Bill is also now in the first of its three (3) committees, which is the Government Operations Subcommittee and no dates have been set for its review.

The next bill that we're following is the Animal Cremation Bill. This is SB526. There is no companion House bill at this time. This is also similar to a bill filed last year that was called the Sevilla's Law. Sevilla was cremated before its owners could say their final farewells or attend the private cremation that they had ordered. The bill requires the provider of companion animal cremation services to provide a written description of their services to the owner of the deceased animal, the person making arrangements for the owner, veterinarians, pet shops, the Department of Agriculture and Consumer Services, and any person, upon request. It prohibits written descriptions of services to contain false or misleading information. The provider must include a certification along with the returned cremation remains. The bill provides civil penalties for unlawful acts by the provider and authorizes the Department of Agriculture to oversee the provisions of the Act. This bill is in the first of its three (3) committee stops, and is on the agenda for the Agriculture Committee this morning. Assuming it passes, the next committee to review the bill will be the Judiciary Committee. Again, there is no corresponding House Bill.

I wanted to give you a little more information, as some of you have asked for this, on the COVID-19 liability shields for businesses. HB7 and SB0072, most usually you'll see it referred to as HB7, provides several COVID-19 related liability protections for businesses, educational institutions, government entities, religious organizations, and other entities. A business entity has the same meaning as provided in s. 606.03, which defines a business entity as "any form of corporation, partnership, association, cooperative, joint venture, business trust or sole proprietorship that conducts business in this state." The reason I read through that description is because we have actually had inquiries on whether or not the bill would apply to our licensees. Under the Bill, a covered entity that makes a good faith effort to substantially comply with applicable COVID-19 guidance is immune from civil liability for COVID-19 related civil action. The bill also provides that for any COVID-19 related civil action against the covered entity, a plaintiff has the burden of proof, would have to plead his or her complaint with particularity and submit, at the time of filing suit, a physician's affidavit confirming the physician's belief that the plaintiff's COVID-19 related injury occurred because of the defendant's conduct. Prove, by clear and convincing evidence, that the defendant was at least grossly negligent. The bill's liability protections do not apply to a health care provider, such as a hospital, nursing home, assisted living facility, or other healthcare related entity. It provides a one-year statute of limitations for COVID-19 related claims. For a plaintiff whose cause of action has already accrued, the one-year period does not begin to run until the bill becomes effective. Finally, the bill provides that it is effective upon becoming a law and applies retroactively. The House Bill is now appearing in the third of its three (3) committee stops. It has passed the Committee on Civil Justice and

Property Rights and the Committee on Pandemics and Public Emergencies. The final committee stop is before the Judiciary Committee. No date has yet been set for review in that committee. The identical Senate Bill is now in its second committee stop. It has passed the Judiciary Committee and is now before the Committee on Commerce and Tourism. Again, with no date set for its review before that committee.

At this time, the Department's Bill has still not been filed. Updates on that will be provided at a later meeting, as they become available. I have a couple of brief updates on ongoing projects. Again, there's no update on the Board Appointment Process at this time. And, on COVID vaccination priority issues, I know Deputy CFO Jones already mentioned to you all that the Department has submitted a letter to the Division of Emergency Management requesting that our individual licensees be prioritized for purposes of obtaining the vaccination. We'll keep you updated on any news or progress or response on those endeavors. Florida remains in the first phase of the vaccination rollout and is now additionally requiring some proof of Florida residency to obtain vaccination. The next Board meeting will be a videoconference meeting on Thursday, March 4, 2021. That ends the Operational Report, unless there are questions. Thank you, Mr. Chair.

Chair – Thank you, Ms. Schwantes. We always appreciate your report. Ms. Simon?

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

Ms. Simon – This is informational, unless there are any questions.

Chair – I may have one.

Ms. Simon – Yes, sir?

Chair – Can someone jog my memory on the Mark Brooks fine? Well, does anybody remember what that was?

Ms. Simon – I can find it in the moment.

Chair – That's ok.

Ms. Simon – Ok. If you'd like me to, it's up to you.

Chair – We'll talk later on it then.

Ms. Simon – Ok. Are there any other questions? Hearing none.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 Date of Board meeting: February 4, 2021
 Date report was prepared: January 25, 2021

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Going Home Cremation Services, Inc	1/7/2021	239742-19-FC				
Alexander Funeral Home	1/7/2021	270659-20-FC				
Donald D. Alexander	1/7/2021	270662-20-FC				
Chestnut Funeral Home	1/7/2021	254987-19-FC				
Charles Chestnut	1/7/2021	261483-20-FC				
Anthony Siders	1/7/2021	269133-20-FC 269187-20-FC				
Brown Memorial Funeral Home & Cremation Service LLC	3-Dec-20	243275-19-FC	\$300		Yes	
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	Yes	
Miami Funeral Services & Crematories d/b/a National Funeral Homes	3-Dec-20	243581-19-FC	\$4,000		Yes	
Holmes Funeral Directors	3-Dec-20	285585-20-FC & 258293-20-FC	\$5,000	1/24/2021		
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 Hill Funeral Directors Inc. d/b/a Yillman Funeral Home	5-Nov-20	254434-19-FC	\$2,000	2/22/2021		
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	Yes	
Maykel Ribalta	5-Nov-20	254491-19-FC	\$3,500	12/18/2020	Yes	
Alternative Transportation Services	5-Nov-20	267466-20-FC	\$1,750	1/15/2021	Yes	
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		The license has gone invalid
Coleman's Mortuary	5-Nov-20	243324-19-FC	\$2,000	1/1/2021	Yes	
St. Fort's Funeral Home, Inc	5-Nov-20	244271-19-FC	\$2,500	1/1/2021	Yes	
Evans St. Fort	5-Nov-20	244273-19-FC	\$2,500	1/1/2021	Yes	
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	27-Apr-21	Yes	
Rickey Sharnard Butts	1-Oct-20	256616-19-FC	\$1,500	27-Apr-21		
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	2/15/2021		
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. 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. C. The Order re this case is still in process, so no Due date is not yet established. D. Due date has not passed, as of the date of this report. E. As of the date of this report, monthly payments were current.</p>						

 1-26-2021

20. Chairman's Report (Verbal)

Chair – I have no report other than to compliment everybody on how well we're doing with the videoconferences. Even though we're doing well with those, I know that we all look forward to being able to have in person meetings, and I hope we're able to have them sooner than later. That's all.

Ms. Simon – Thank you, sir.

21. Office of Attorney General’s Report

A. Attorney General’s Rules Report (Informational)

Ms. Simon – Ms. Munson?

Ms. Munson – I’ll be extremely brief. My information is provided purely for informational purposes. The Rules Report reflects that we have no current rules under rulemaking at this particular time.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
FEBRUARY 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		

B. Public Records, The Sunshine Law, and General Guidance for Board Membership (Informational)

Ms. Munson – I provided this, just for the benefit of the Board, a reference guide. I thought it could be helpful if each of you had just some type of document, you could refer to for general statutes that may impact your service on the Board. We’ve not, or at least since my tenure, had any new Board member training, so most of you have been around probably for a good while. Recently, we appointed some of you, maybe not so recently, and in lieu of a new Board member training, I thought, it would be helpful. You can see the public records information was highlighted, simply because I think it might impact each of you more so than anything else. Just highlighting a note in there that remember, please, that your texts and emails, if they relate to Board business, are also considered public record and require retention, and the bolded information regarding the Division being the official custodian of public record. So, please keep them advised of any communication. Any other information, feel free to contact me on, but again, it was just meant for your convenience, and as a means of just making available to you at your fingertips, some general information that could be useful. Thank you.

Ms. Simon – Thank you, Ms. Munson.

22. Public Comments (Verbal)

Ms. Simon – This is an opportunity for public comment on any item on today’s agenda. Are there any public comments? Hearing no response. Mr. Chairman?

23. Administrative Report

The information was provided on the Agenda.

24. Disciplinary Report

The information was provided on the Agenda.

25. **Upcoming Meeting(s)**
- A. March 4th (Videoconference)
 - B. April 1st (Videoconference)
 - C. May 6th (Videoconference)
 - D. June 24th (Videoconference)
 - E. July (TBD)
 - F. August 5th (TBD)
 - G. September 2nd (TBD)
 - H. October 7th (TBD)
 - I. November 4th (TBD)
 - J. December 2nd (TBD)

26. **Adjournment**

Chair – Board members, anything for the good of the cause? Any comments? Anything exciting happening we should know about? Hearing no response, I'll adjourn the meeting. Thank you, again.

The meeting was adjourned at 12:57.