

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
June 18, 2019 - 10:00 A.M.
Rosen Plaza Hotel
9700 International Dr.
Orlando, FL 32819

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'. It's June 18, 2019. We're at the Rosen Plaza Hotel in Orlando. Ms. Simon, would you make your opening 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. As Mr. Brandenburg stated, today is June 18, 2019, and it is 10:00 a.m. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. Notice of this meeting has been duly published in the Florida Administrative Register. This meeting is taking place in Orlando FL, at the Rosen Plaza Hotel. An agenda for this meeting has been made available to interested persons, and extra copies are located in the meeting room. Ms. LaTonya Bryant is recording the meeting, and minutes will be prepared. Persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. At this time, Mr. Chairman, I will call the roll:

Joseph "Jody" Brandenburg, Chair
Keenan Knopke, Vice Chair
Jean Anderson **{ABSENT}**
Francisco "Frank" Bango
Andrew Clark
Lewis "Lew" Hall
Powell Helm
Ken Jones
Darrin Williams

Also noted as present:

Tom Barnhart, Board Legal Advisor
James "Jim" Bossart, Department Counsel
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Gene Brimmer, Department Field Staff

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

Chair – Thank you. Ms. Simon. First of all, I want to tell you how pleased the Board is to be able to meet in conjunction with the Florida Mortician's association annual convention. This is an initiative that we started that we want to have our Board meetings in conjunction with our association's conventions and we plan to have meetings at the mortuary colleges, also. So, it's really a pleasure. We're honored to be here. Thank you so much for having us. Is there a representative from the Florida Morticians Association that would care to address the Board and the guest here? Good morning.

Rodney Rocker, Sr. – Good morning.

Chair – Thank you for addressing us.

Mr. Rocker – Absolutely. Thank you. My name is Rodney Rocker, Sr. I am the President of the Florida Morticians Association, and I'd just like to welcome you all, as you partnered with us in this endeavor. On behalf of all of the members, of the Florida Morticians Association, I'd like to say welcome. Thank you for being here and we hope you have a great time. God bless you.

Chair – Again, thank you for having us. We’re so pleased to be here. Ms. Simon?

Ms. Simon – At this time, it is appropriate to take action on the minutes.

2. Action on the Minutes

A. April 18, 2019

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

B. May 2, 2019

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

3. Old Business

A. Informational Item – Monthly Report Requested by the Board

(1) Funeral Director and Embalmer

(a) Mitchell, Ivan W

Ms. Simon – At the April 18, 2019 Ivan Mitchell’s Concurrent Intern license application was approved with the following conditions: 12-month probation to include a monthly report submitted by the owner of Waldon Funeral Home on the first of every month, in addition to the required Supervisor’s Quarterly reports for interns. Two of the monthly reports have been submitted and are included as part of the Board package.

B. Material Facts Not Disputed (Section 120.57(2) Hearings)

(1) M. Maisano Mortuary Removal and Transport LLC (xF159892)

Ms. Simon – On or about December 3, 2018, the Division of Funeral, Cemetery, and Consumer Services received an Application to Renew License submitted by M. Maisano Mortuary Removal and Transport. The application to renew was heard by the Board of Funeral, Cemetery, and Consumer Services (Board) on February 7, 2019. The Board ordered denial of the application. A Notice of Intent to Deny was filed on February 28, 2019. On or about March 18, 2019, the Applicant filed a request for a hearing not involving disputed issues of material fact. The Division previously recommended denial as to the application for renewal.

Chair – Good morning, sir.

Edward Kelly – Good morning, Mr. Chairman. Good morning, members of the Board. Thank you very much for giving us this opportunity to be heard. Mr. Chairman, I do have a request this morning. I have two (2) witnesses that I was hoping I had the permission to present; Mr. Maisano and his mother, Ms. Donna Maisano.

Chair – Are you of counsel?

Mr. Kelly – I am. I’m sorry. My name is Ed Kelly and I’m counsel for Mr. Maisano, in this request.

Chair – It’s fine to have your witnesses here. When they come up, they’ll be sworn in. Did you want to address the Board or answer questions?

Mr. Kelly – I did want to initially address the Board, when we begin our case, just to go over the exhibits. It’s about eight (8) exhibits. I just want to briefly explain to them. I’ll try to move it as fast as I can, then I was going to put in Ms. Maisano and then Michael himself.

Chair – Please go ahead.

Mr. Kelly – Thank you very much. I'll call Ms. Donna Maisano. Thank you very much.

Ms. Simon – 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?

Donna Maisano – I do.

Ms. Simon – Please state your name for the record.

Ms. Maisano – Donna Maisano. I'd like to first thank you for letting me have this opportunity to speak. I just wanted, on behalf of my son, to give a little bit of Michael's background so that you understand where we're at and why we're here today. I'm going to go back to first grade when Michael was diagnosed with ADHD and since then he's struggled academically through school. He made it, God bless him, and he did a good job, but he was never able to really find his niche. Learning was difficult for him. He decided in high school that he was very interested in mortuary science. He went to school in Connecticut for it, Briarwood College, and he unfortunately didn't finish, but he did okay. And then he had in his head that this is all he wanted to do. This was his passion, and when you have a child like this with ADHD and some type of learning disability, it's very hard to have them focus on something they really like. And when they really like what they are doing, they put their whole heart and soul into it. This is something that my son is so passionate about. We moved to Florida, we spoke, my husband and I, we got everything we needed; the car, the equipment. He did all the testing. He was doing so well and then unfortunately he made a mistake, but in my opinion, we all make mistakes. Mistakes that can be remedied or just mistakes. Mistakes that you learn from and become a good person for. It's just a mistake. And believe me when I tell you Michael has been in the house, self-imposed. It's very sad to watch. He goes nowhere. He does nothing. It's difficult for him to do any other kind of a job right now. This is where his passion lies. This is what he loves. And speaking as a mom, I just really think he deserves a second chance. He is not a danger to anybody. I have never seen him harm or hurt anybody. Again, I'm owning up, he made a mistake, but he's taken full responsibility. He's been going to classes. He's been doing everything he could do to get past that, and I just ask that you keep that in mind, because this is what he loves. This is what he's good at. He is totally passionate about it. His dad and I stand behind him 100%. He's been through a lot. He's paid his dues. I apologize, but I am as passionate about my son as he is about his job.

Chair – Thank you so much.

Ms. Maisano – Thank you for listening.

Michael Maisano – Michael Maisano.

Chair – Mr. Maisano?

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

Mr. Maisano – I do.

Ms. Simon – Please state your name for the record.

Mr. Maisano – Michael J. Maisano. I would just like to thank everybody for taking the time to see me and listen to me. It was great to meet everybody.

Mr. Kelly – Michael, who do you live with?

Mr. Maisano – My mom and dad.

Mr. Kelly – In the past, have you ever been charged with any acts of violence? In the past? Other than the matter...

Mr. Maisano – Never.

Mr. Kelly – And, no arrests, ever?

Mr. Maisano – No.

Mr. Kelly – What would you see to the Board as far as being a danger to the community? Danger to the public for the renewal of this license?

Mr. Maisano – I’m definitely not a danger to the public. I’ve been going to the classes for 29 weeks and I continue to go to them and it continues to keep me on what to do if a situation like this ever rises again. I’ll walk away. I’m totally prepared for everything and anything.

Chair – Thank you.

Mr. Kelly – May I ask a few more questions, Mr. Chairman, if I could?

Chair – Please do.

Mr. Kelly – Thank you very much. You finished the program you were assigned to by the court.

Mr. Maisano – Yes.

Mr. Kelly – And, that was on March 21, 2019.

Mr. Maisano – That I finished it? Yes.

Mr. Kelly – Do you still attend those classes?

Mr. Maisano – I do.

Mr. Kelly – Why is that?

Mr. Maisano – Just because they help me and I help the other people that’s in the class.

Mr. Kelly – Does it cost you to attend these classes?

Mr. Maisano - \$30.

Mr. Kelly – And how often do you go?

Mr. Maisano – I go every week, every Tuesday. I’ve never missed a class. I’ve done all 29 weeks like I was supposed to. They recommended that I did very well with everyone in the class.

Mr. Kelly – The facts as they are laid out in the police report, you accept responsibility for your actions as you see them, but the facts you dispute, the facts in the police report do not agree with your recollection?

Mr. Maisano – Correct.

Mr. Kelly – But you accept responsibility?

Mr. Maisano – I accept full responsibility.

Mr. Kelly – How do you feel about the actions that had happened?

Mr. Maisano – It was a rough day and I tried to remove myself from the situation. Apparently, when I was walking out...

Mr. Kelly – How do you feel about your family, you, {inaudible} about this situation?

Mr. Maisano – I feel very bad for everybody involved in it and everybody who had to go through it.

Mr. Kelly – How would you be affected if your license was not renewed.

Mr. Maisano – I basically would have nothing to do because I have no college education or background. This is all I know. This is all I do.

Mr. Kelly – Have you made an investment in this?

Mr. Maisano – Yes sir.

Mr. Kelly – What is the investment?

Mr. Maisano – I bought a van, a mortuary cot, got the license, bought all the safety equipment. I've made great relationships with all the funeral homes. I've never had a complaint. I just enjoy helping families when they're in a very difficult time. It's just a fulfillment I get of knowing that I can be part of that, of the grieving process. Of the start of it at least.

Mr. Kelly – Do you see a probation officer one time a month?

Mr. Maisano – Yes.

Mr. Kelly – During that check in your cellphone and GPS is checked every time?

Mr. Maisano – Yes. They check my cellphone and they check the GPS on it to make sure. They go through the whole phone, text messages, everything.

Mr. Kelly – And as your mother said, you stay home every day, just about?

Mr. Maisano – Yes. Yes.

Mr. Kelly – I believe that's all for Mr. Maisano

Chair – Thanks so much.

Mr. Maisano – Thank you sir,

Chair – Mr. Maisano I have a question.

Mr. Maisano – Yes. Yes sir.

Chair – During the time of this incident, or leading up to this incident were you under the influence of drugs or alcohol?

Mr. Maisano – No sir. No sir.

Chair – What about present day?

Mr. Maisano – Like today?

Mr. Kelly – He wants to know if you use drugs or alcohol.

Mr. Maisano – Oh no, no, absolutely not. No. I'm sorry.

Chair – And they were not involved in this incident that is before us?

Mr. Maisano – No, absolutely not, no, no.

Chair – Board?

Ms. Simon – I just have one question.

Mr. Maisano – Yes ma'am?

Ms. Simon – Are you still on criminal probation?

Mr. Maisano – Am I still on what now?

Ms. Simon – Criminal probation?

Mr. Maisano – Yes. I am still on probation until --

Mr. Kelly – A year from August, we're going to seek early termination for this August.

Ms. Simon – But as of today, you're on criminal probation?

Mr. Maisano – Yes.

Ms. Simon – That's it, thank you.

Mr. Maisano – OK.

Chair – Board members any questions? Mr. Knopke?

Keenan Knopke – Ms. Simon, was he charged with felony or a misdemeanor?

Ms. Simon – I believe he was charged with violation of pretrial release and battery misdemeanor. But I don't think he pled until August, which means that he's on probation for a year after that. August 2018.

Mr. Knopke – OK.

Ms. Simon – I assume he got a one-year probation, which would take him to August 2019.

Mr. Kelly – Just to be correct about the probation, it was two (2) battery convictions that he pled to, and he received a year's probation, but they were consecutive not concurrent. So as of right now we are going to seek that it's terminated after the one-year in August, but as of right now the sentences run consecutive.

Mr. Knopke – Thank you.

Chair – Mr. Hall?

Lew Hall – Are you still involved with this young lady in this incident?

Mr. Maisano – No sir. I have no contact with her. My dad's a deputy for Collier County, the Sheriff's Office.

Mr. Hall – What funeral homes, how many funeral homes are you representing?

Mr. Maisano – I was helping out Shikany’s Funeral Home, Hodges Funeral Home, and at the time that was it because I was still trying to build up my reputation.

Mr. Hall – OK.

Mr. Maisano – And to this day, they all know that.

Mr. Hall – How long did you work for them? Approximately?

Mr. Maisano – I believe I got my license on April 13, 2017, I think, around that date.

Mr. Hall – OK.

Mr. Hall – And I still have all the equipment, but my father purchased it.

Ms. Simon – I have one more question. Based on what Mr. Knopke said, if you entered a plea in August of 2018 to two counts of battery, and they were consecutive, as of now you should not get off probation until August 2020.

Mr. Kelly – That’s correct.

Ms. Simon – But for any other motions you may file.

Mr. Kelly – That’s correct.

Chair – Board members? What’s your pleasure please?

Mr. Kelly – I had requested if I could briefly address the Board about the exhibits. There were about eight (8) exhibits that were filed.

Chair – Sure.

Mr. Kelly – Thank you very much Mr. Chairman. Exhibit number one, I’ll be brief, Mr. Chairman, was presented by Cal Twitty. He’s a counselor with the Counseling of Southwest Florida, that was the battery’s program. He speaks about how Michael has been open, and he has been participating. And there’s also too, the certificate that shows Michael graduated just in March 21, 2019. As he told you, he attends on his own at his expense, \$30 a week, because he enjoys working with the other group that is there. He gets help from them and they inform him that they get help from him.

Chair – Were you aware that we have these before us? We have these documents before us.

Mr. Kelly – Yes. I’ll kind of wrap it up quickly. The last exhibit was a letter to the previous counsel, John McGowan. And it was from the victim. The reason we’re bringing that up, he is taking responsibility for his actions. Since then, there has been a number of calls to the probation Department. I’ve submitted the probation officer’s name and the district attorney. Michael has been accused, many times of contact. Not once have they ever filed a violation of probation. She, for whatever reason, has been constantly calling the probation officer with information. Most recently he was at Germain Arena and approached her. They have never gone forward with any of these because they know, they’ve assessed her credibility. And in that last exhibit there was the letter to John McGowan. Ms. Marty who was the victim in this matter, states in that letter, she would say or do anything in court. Whatever it takes. She went on in that letter, just explaining how she would perjure herself at a hearing to get her way. She even submitted a defense that was completely contrary to her own statements. So that’s what the exhibits are about. We don’t want to take it as if we’re blaming the victim, but the exhibits clearly point out that her credibility is really in question especially with the probation Department and the state attorney’s office who’s never gone forward on a number of complaints.

Chair – Thank you.

Mr. Kelly – That's why we did that. If anyone has any questions?

Chair – Any questions, any additional questions?

Powell Helm – I have one question. I'm a little bit confused. This is for you, Michael.

Mr. Maisano – Yes sir.

Mr. Helm – Mr. Hall asked you if you had any contact with the woman, you said no?

Mr. Maisano – As of like today? After the incident happened?

Mr. Helm – Well, not exactly after it happened, but I mean in the last month?

Mr. Maisano – Oh no I don't have any contact with her because when I go to probation they hook my cell phone up into their computer and they go through everything on my cell phone, and give it to the IT people, and they make sure they look at the GPS. They look at everything in there to see, you know, that there's no contact no nothing, and I'm not doing anything wrong, you know.

Mr. Helm – So this letter it says, "a long happy future with Michael." That's just her dreaming? Is it?

Mr. Kelly – That was submitted prior, I think in 2018.

Mr. Helm – Well OK, but we just got this. This is her just dreaming?

Mr. Kelly – But since this incident, there's been no contact at all.

Mr. Maisano – Yeah. I absolutely don't want to have anything to do with her or anything.

Mr. Helm – Thank you.

Mr. Maisano – I just want to put this all behind me and move on and try to build my business.

Chair – We understand, thank you.

Mr. Maisano – Yes sir.

Chair – OK. Board?

Mr. Kelly – Thank you very much.

Mr. Knopke – Mr. Chair?

Chair – Yes, Mr. Knopke?

Mr. Knopke – And I'll direct again to staff, in the past similar or not so similar situations we've approved people and placed them on probation for misdemeanors. Yes?

Ms. Simon – If I may. According to my recollection, we have not approved licensure for anybody currently on criminal probation.

Mr. Knopke – OK thank you.

Tom Barnhart – But keep in mind that this is a renewal. It's not an initial application. It's for renewal.

Chair – It's a renewal application.

Mr. Knopke – So have we placed people on probation on renewal basis in the past?

Ms. Simon – I am not aware of the Board granting a motion to somebody who is currently on criminal probation.

Mr. Knopke – Whether it be an initial application for license or renewal?

Ms. Simon – To the best of my knowledge, no.

Mr. Maisano – May I say something? I promise you I would never ever let you guys down or make anybody look bad. I can promise you that 100%.

Chair – Thank you. Is there a motion?

MOTION: Mr. Knopke moved to approve the renewal subject to two-years' probation.

Chair – Do you have a type of probation, or just two-years' probation?

Mr. Knopke – Two-years' probation.

Chair – Thank you. There has been a motion made to approve with two-years' probation.

Ken Jones – May I ask one question to go with that?

Chair – Mr. Jones?

Mr. Jones – You had stated that you're trying to get the two-year probation reduced.

Mr. Kelly – Yes.

Mr. Jones – All right. Have you been before the court yet to do that?

Mr. Kelly – No I have not been. You at least have to wait one-year. So that will be August of 2019. You have to wait till 50% of the probation has been served before you can even make that motion.

Mr. Barnhart – OK. Mr. Knopke, would you consider amending your motion to include a vacation of the Notice of the Intent to Deny?

Mr. Knopke – Yes.

Mr. Barnhart – Along with your motion.

Mr. Jones – I'll second.

Chair – And that's been seconded. And all those in favor, aye?

Board members – Aye.

Chair – And any opposed?

Board member – No.

Board member – No.

Chair – Is that two (2) opposed?

Andrew Clark – I believe so.

Chair – And the motion carries. Thank you.

Mr. Kelly – Thank you very much.

Mr. Maisano – Thank you.

4. Disciplinary Proceedings

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

(1) Probable Cause Panel A

(a) BK's Removals, LLC: Case No. 230157-18-FC; Division No. ATN-30124 (F147785)

Ms. Simon – This case will be presented by Jim Bossart.

Jim Bossart – May I proceed, Mr. Chairman?

Chair – Please do, Mr. Bossart.

Mr. Bossart – Thank you. Members of the Board, Good morning. My name is Jim Bossart. I represent the Department of Financial Services in this matter. The above-referenced matter has been scheduled for a hearing not involving material facts in dispute. At all times material to this complaint, BK's Removals, LLC (Respondent) was licensed as a removal service under Chapter 497, Florida Statutes, license number F147785, in West Palm Beach, Florida. Respondent's registered place of business and operations is 108 Mill Pond Lane, Royal Palm Beach, Florida 33411.

On February 7, 2019, the Department filed an Administrative Complaint alleging Respondent is liable for the following violation: On or about January 25, 2018, the Department conducted an inspection of Respondent at its place of business and operations, where it found that Respondent had relocated its place of business and operations to 12989 Odessa Trail #1, Wellington, Florida 33414. Respondent failed to notify the Department of the change of location.

Based on the foregoing, Respondent violated section 497.385(1)(g)2, Florida Statutes, and Rule 69K-24.010(3), Florida Administrative Code, by failing to report the relocation of its place or business and by failing to apply for re-licensure as a removal service to the Department within ten (10) days after the relocation of its place of business. Respondent is therefore subject to discipline pursuant to section 497.152(1)(a), Florida Statutes.

Respondent did answer the Administrative Complaint. However, Respondent did not request either a formal proceeding be conducted in accordance with section 120.57(1), Florida Statutes, nor an informal proceeding to be conducted in accordance with section 120.57(2), Florida Statutes, and has consented to the immediate entry of a Final Order adopting the Administrative Complaint and the imposition of any sanctions or discipline that the Board wishes to impose.

A copy this memo along with a copy of the Motion for Determination of Wavier and for Final Order by Hearing Not Involving Disputed Issues of Material Fact has been sent by U.S. mail to the Respondent. The Department now 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 the Administrative Complaint.

MOTION: Mr. Hall moved to adopt the allegations of the facts as set forth in the Administrative Complaint. Mr. Darrin Williams seconded the motion.

Mr. Knopke – Mr. Chair?

Chair –Yes.

Mr. Knopke – I need to recuse myself, as I served on Probable Cause Panel A.

Chair – Thank you, Mr. Knopke. There's been a motion made, and seconded, and all those in favor, aye?

Board members – Aye.

Chair – And any opposed? That motion carries.

Mr. Bossart – The Department now contends that the Board finds the facts that support a finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint and believes that it is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of the statutes as charged in the Administrative Complaint.

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

Mr. Bossart – The Department also now offers into evidence the investigative report 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 Complaint, and we ask the Board receives the investigation file into evidence.

MOTION: Mr. Jones moved to receive the investigation file into evidence. Mr. Helm seconded the motion, which passed unanimously.

Mr. Bossart – And the Department now recommends the following penalty in this case that the Respondent's license should be placed on 12-month probation and should pay a \$1500 fine.

MOTION: Mr. Hall moved that the Respondent's license be placed on a 12-month probation and should pay a \$1500 fine. Mr. Helm seconded the motion, which passed unanimously.

Chair – Is there anyone here that's representing BK's Removal Service, that wants to address the Board? I'm sorry I should have asked that earlier. Hearing none, motion carries.

Mr. Bossart – Thank you sir.

(b) *Brown, Johnny Maurice: Case No. 236871-18-FC; Division No. ATN-32093 (F075619)*

Ms. Simon – This case is being presented by Marshawn Griffin.

Marshawn Griffin – Good morning. Marshawn Griffin with 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. The Respondent is a funeral director and embalmer license under Chapter 497, Florida Statutes, License Number F05619. On February 27, 2019, the Department filed an Administrative Complaint against Respondent alleging that Respondent entered a plea to a felony related to its ability to practice this profession under Chapter 497, Florida Statutes. The Administrative Complaint also alleged that Respondent knowingly concealed information relative to its violation of Chapter 497, Florida Statutes. Based on the foregoing Respondent violated Sections 497.152(2) and Subsection 4(e), Florida Statutes and is therefore subject to discipline.

The Administrative Complaint was served on Respondent by personal service on February 11, 2019. Included with the Administrative Complaint was a Notice informing Respondent that the failure to respond in writing within 21 days of publication, or by March 4, 2019, would constitute a waiver the right to request a proceeding on the matters alleged in the Administrative Complaint, and an Order of Suspension or Revocation by the Board would be entered against Respondent. The Department did not receive an Election of Proceeding Form or any other way response from Respondent by March 4, 2019, or for any date thereafter. This fact is attested to by the affidavit's executed by Division Executive Director, Mary Schwantes and the Agency Clerk, Julie Jones.

Respondent's failure to file a written response constitutes a waiver the right to request a proceeding on the matters alleged in the Administrative Complaint. Therefore, the Department requests that the Chairman of the Board entertain a motion finding that Respondent, Johnny Maurice Brown, was served with the Administrative Complaint, by personal service, and containing Notice of Rights and Election Proceeding Form, that he failed to respond within the allotted 21-day period, and has therefore waived his right to request a proceeding involving disputed issues and material fact in this matter.

A copy of this memo along with a copy of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact have been sent by U.S. mail to Respondent at his current address of record, or his current mailing address. At this time, it would be appropriate for the Chair to entertain a motion determining whether the Respondent has waived his right to Section 120.5(1), Florida Statutes, hearing based on Respondent's failure to file a timing response.

MOTION: Mr. Jones moved that Respondent has waived his right to Section 120.5(1), Florida Statutes, hearing based on Respondent's failure to file a timing response. Mr. Hall seconded the motion, which passed unanimously.

Mr. Griffin – The Department believes it is appropriate at this time for the Chair to entertain a motion adopting the allegations of the facts as set forth in the Administrative Complaint.

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

Mr. Griffin – The Department asserts that the Board's finding of fact by or support a violation of Chapter 497, Florida Statutes as charged in the Administrative Complaint. 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 Complaint.

Chair – Is there a motion?

MOTION: Mr. Hall moved to find Respondent in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Bango seconded the motion, which passed unanimously.

Mr. Griffin – The Department also offers into evidence the investigate report with exhibits, a copy of which has been previously furnished to the Board, to establish a prima facie case of the violations alleged in the Administrative Complaint. At this time the Department would request that the Board move to accept the exhibits into evidence and the investigative file.

MOTION: Mr. Helm moved to accept the exhibits into evidence and the investigative file. Mr. Clark seconded the motion, which passed unanimously.

Mr. Griffin – The Department recommends the following in this case, that Respondent's licensure is a funeral director and embalmer should be revoked.

Chair –I'm sorry, can you repeat that?

Mr. Griffin – The Department recommends that the following discipline in this case: that Respondent's licensure as a funeral direct and embalmer should be revoked.

Chair – Thank you. Is Mr. Brown here or anyone representing Mr. Brown? Mr. Brown?

Mr. Griffin – Mr. Brown is currently incarcerated with the Department of Corrections for the next 14 years.

Chair – Thank you. Board?

MOTION: Mr. Hall moved for revocation. Mr. Williams seconded the motion, which passed unanimously.

Chair – Thank you Mr. Griffin.

(c) *Related Cases (Division Nos. ATN-30260, ATN-31088)*

i. Reed's Funeral Home: Case Nos. 230173-18-FC, 236920-18-FC; Division No. ATN-30260 (F041347)

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

Mr. Bossart – May I proceed, Mr. Chairman?

Chair – Please do, Mr. Bossart.

Mr. Bossart – This is Jim Bossart, and I am representing the Department of Financial Services in this matter. The above-referenced matter has been scheduled for an Informal Hearing to consider the attached Motion for Determination of Waiver and for Final Order By Hearing Not Involving Disputed Issues of Material Fact. Respondent is a funeral establishment licensed under Chapter 497, Florida Statutes, license number F04134 7, in Pensacola, Florida.

On February 7, 2019, the Department filed an Administrative Complaint against Respondent alleging human remains of four (4) individuals received and being held by Respondent were present on its premises for more than 24 hours after death, and were not embalmed or being maintained at a temperature of 40 degrees Fahrenheit or below. In addition, Respondent also received the remains of M.D of Pensacola FL. M.D.'s human remains were present on the premises for more than 24 hours after death, but were not embalmed or maintained at a temperature of 40 degrees Fahrenheit or below, resulting in decomposition and decay of the body. As a consequence, M.D. 's human remains were not treated with dignity or respect. Finally, Respondent failed to notify the Department that Hubert C. Reynolds, Jr., was the funeral director in charge.

Based on the foregoing, Respondent violated ss. 497.386(2) and 497.386(4), Florida Statutes, and Rule 69K-33.001(2)(a), Florida Administrative Code, by failing to maintain unembalmed human remains at a temperature of 40 degrees Fahrenheit or below, and is therefore subject to discipline pursuant to sections 497.152(1)(a) and 497.152(1)(b), Florida Statutes. Respondent also violated section 497.380(12)(c), Florida Statutes, as well as Rule 69K.-21.008, Florida Administrative Code, by failing to notify the Department that Hubert C. Reynolds, Jr. was the funeral director in charge, and is therefore subject to discipline pursuant to sections 497.152(1)(a) and (1)(b), Florida Statutes.

The Administrative Complaint was served on Respondent by certified mail on February 11, 2019. Included with the Administrative Complaint was a Notice informing Respondent that the failure to respond in writing within twenty-one (21) days of publication, or by March 4, 2019, would constitute a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint, and an Order of Suspension or Revocation by the Board would be entered against Respondent.

The Department did not receive an Election of Proceeding form or any other written response from Respondent by March 4, 2019, or for any date thereafter. This fact is attested to by the affidavits executed by the Division Executive Director, Mary Schwantes, and the agency clerk, Julie Jones.

Respondent's failure to file a response constitutes a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint. Therefore, the Department requests the Chairman of the Board to entertain a motion finding that Respondent was served with the Administrative Complaint by publication and containing a Notice of Rights and an Election of Proceeding form, that it failed to respond with the allotted 21-day period, and has, therefore, waived its right to request a proceeding involving disputed issues of material fact in this matter.

A copy of this memo, along with a copy of the Motion for Determination of Waiver and For Final Order by Hearing Not Involving Disputed Issues of Material Fact, have been sent by U.S. Mail to Respondent's last known address of record. At this time, it would be appropriate for the Chair to entertain a motion to determine whether Respondent has waived its right for 120.571(a) hearing based Respondent's failure to file a timely response.

Chair – Is there a motion?

MOTION: Mr. Hall moved to find Respondent waived its right for a 120.571(a) hearing based Respondent's failure to file a timely response. Mr. Williams seconded the motion, which passed unanimously.

Mr. Bossart – Now the Board has determined the Respondent's waived it's right to request a proceeding in this matter, the Department believes it would be appropriate at this for the Chair to entertain a motion documenting the allegations of the facts as set forth in the Administrative Complaint.

MOTION: Mr. Jones moved to adopt the allegations of the facts as set forth in the Administrative Complaint. Mr. Williams seconded the motion, which passed unanimously.

Mr. Bossart – The Department now contends that the Board's findings of facts support a finding of the violations of Chapter 497 Florida Statutes, as charged in the Administrative Complaint. It would be appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

Chair – Is there a motion?

MOTION: Mr. Clark moved to find Respondent in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Hall seconded the motion, which passed unanimously.

Mr. Bossart – The Department now offers into evidence the investigative report of exhibits, a copy which has been previously furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint and I would ask at this time that the investigation report be received into evidence.

MOTION: Mr. Helm moved to accept the exhibits into evidence and the investigative file. Mr. Clark seconded the motion, which passed unanimously.

Mr. Bossart – The Department recommends the following penalty in this case, that the Respondent's license shall be fined \$5,250 and placed on two-years' probation.

Chair – Thank you. Is there anyone here representing Reed's Funeral Home? Reed's? Would you come forward please sir? Would you like to address the Board or are you just here to answer questions?

Donald Reed, Jr. – Yes sir. Mr. Chairman. First, I would like to say my name is Donald Reed, Jr.

Chair – We need to swear you in. Please swear in Mr. Reed.

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

Mr. Reed – I do.

Ms. Simon – Please state your name for the record.

Mr. Reed – Donald Reed, Jr.

Chair – Go right ahead Mr. Reed.

Mr. Reed – OK, Mr. Chairman. First of all, I'd like to apologize for the lack of response. On the date of the delivery of the certified letter, I was contacted by my daughter, who works at the funeral home, and she thought that it was tax related, and she told me that we had a certified letter. I picked the letter up that evening before going to Alabama with my wife. And on that night, around 8:00 p.m., 8:30 p.m., somewhere around that, she had a horrific three-car accident and she left in an ambulance. I was at work at my office in Alabama, and a friend came and picked me up, took me to the accident side. I left in the ambulance with her going to the hospital. She had surgery on her ankle, that she's still recovering from, the following morning. In the mayhem of the accident we were in a rental car and the letter got misplaced so I never had a chance to look at it or open it. It was in a manila envelope with the rest of the mail from the funeral home when I picked it up. And I never actually saw it, so I did not realize, or know that it was from the Board. Therefore, I was at a loss for being able to respond, because I didn't realize that we had it.

As far as the issues with not notifying the Board about Mr. Reynolds, my dad hired Mr. Reynolds. My dad is 83 years old. And when our former funeral director in charge, Charles Locke, retired he hired Mr. Reynolds and he thought and had the confidence in Mr. Reynolds that everything had been taken care of. The Board had been notified of his employment there. Once we had the inspection, and everything started falling apart there, we started looking for another director. And we do have another director now, Janice King, and we have Mr. Rodney Evans, acting as funeral director in charge. And Charles Locke is Board approved to supervise Janice King. We've made significant changes. As to the, MD case, the decomp case, when he was brought to the funeral home he was placed on refrigeration in our cooler, with other human remains. And when it was discovered, when the family came in to see him, it was discovered that there was a problem. The other cases in the cooler were fine, so I'm not sure what happened or what went wrong with Mr. Dudley. We did discover that we had a bad cooling fan in the cooler, however, and that was immediately resolved and taken care of. So, it's been working fine then. So, basically, we would like to ask the Board, like the young lady previous, for forgiveness, and a second chance. We've been in business for over 30 years. Never had any incidents like this before. And we don't plan to have any more like this ever again.

Chair – Thank you. Has the Board and the Division been notified of the change of funeral director in charge?

Mr. Reed – To the best of my knowledge, Janice King would have been handling that when she came on board. And to the best of my knowledge it has been notified to the Board.

Jasmin Richardson – Would you hold on for just a second so I can check?

Chair – Repeat that please?

Ms. Richardson – I said if you hold on for just a second, I can check.

Chair – Thank you. What was the name of the new funeral director in charge?

Mr. Reed – I know him as Rodney, but as she said, Joseph is what's on the license.

Chair – Last name?

Mr. Reed – Evans.

Chair – Thank you. Has been notified?

Ms. Richardson – Yes.

Chair – Has been notified.

Mr. Reed – Thank you.

Chair – Board members any questions of Mr. Reed?

Mr. Clark – Mr. Chairman, I have one.

Chair – Please.

Mr. Clark – Are you still doing county cremations for Escambia County?

Mr. Reed – Yes we are.

Mr. Clark – Thank you.

Chair – Any other questions? Ma'am did you want to address the Board, or are you here to answer questions, or just Support?

Unidentified person – I'm here as moral support.

Chair – OK. Board members? Mr. Jones?

Mr. Jones – You had addressed the one, the decomp, but there were four (4) other bodies they charged were not maintained. Can you address the other four (4)?

Mr. Reed – To the best of my knowledge that was under Mr. Reynolds' watch. Those cases came to us, we were inundated, if I remember correctly, with a lot of indigent cases. And it was during the winter and, if I remember correctly, the temperatures were below freezing in the prep room. I'm not sure when the temperature rose, you know. I'm not sure of the timeline from freezing to not freezing and the bodies actually being in the prep room.

Chair – Thank you.

Mr. Jones – Thank you.

Chair – Anything else, Mr. Jones?

Mr. Jones – No sir that's it. Thank you.

Chair – Mr. Williams?

Mr. Williams – Mr. Chair, well maybe it's Ms. Simon. Has there been an inspection since this last incident?

Ms. Simon – I'm afraid I can't tell you that.

Chair – Someone will be able to.

Ms. Richardson – Hold, please.

Mr. Jones – And if I may, Mr. Chair. Can you look at if there's been any prior disciplinary action from the Division? I know you stated there was not, but just to clarify.

Chair – Any prior discipline?

Ms. Richardson – It's going to take me a minute to look, so hold on for just a second.

Chair – Thank you. How are things going with your new funeral director in charge?

Mr. Reed – We're very pleased with her.

Chair – Good. Refrigeration unit working now?

Mr. Reed – It is.

Chair – You have a temperature control on it?

Mr. Reed – We do and after the situation with Mr. Dudley, we implemented a sign in log for the cooler as well as mandating that the employees check the cooler upon arriving in the morning at work, as well as checking it again before leaving that evening.

Chair – Thank you. And they have who to call if there's a problem with it?

Mr. Reed – Yes, yes sir.

Chair – And it is posted there?

Mr. Reed – Yes sir.

Chair – Do you know if you've had a subsequent inspection, since this incident?

Mr. Reed – I can't recall. I believe we did, but I can't swear to that.

Chair – Thank you.

Ms. Simon – As to the prior discipline, I see that there's been no final orders that have been entered. However, there was a Notice of Noncompliance from last year.

Ms. Richardson – There was an inspection and there were no findings in the current inspection from this year.

Chair – Thank you.

Mr. Jones – Thank you.

Chair – Board?

Mr. Jones – If I may, Mr. Chair?

Chair – Please.

MOTION: Mr. Jones moved to counter the Department's recommendation and imposed a \$2,000 fine with a one-year probation. Mr. Williams seconded the motion, which passed unanimously.

Chair – Thank you.

Mr. Reed – Thank you.

Unidentified person – Thank you.

ii. Reynolds Jr., Hubert C.: Case Nos. 230178-18-FC, 236982-18-FC; Division No. ATN-31088 (F046971)

Ms. Simon – This case is also being presented by Jim Bossart.

Mr. Bossart – Mr. Chairman?

Chair – Please.

Mr. Bossart – This is Jim Bossart again. The above-referenced matter has been scheduled for an Informal Hearing to consider the attached Motion for Determination of Waiver and for Final Order By Hearing Not Involving Disputed Issues of Material Fact. This is the companion case to the case that you just heard. Respondent is a funeral director and embalmer licensed under Chapter 497, license number F046971. Respondent is the funeral director in charge (FDIC) of Reed's Funeral Home (funeral establishment), a funeral establishment licensed under Chapter 497, Florida Statutes, license number F041347, in Pensacola, Florida.

On February 7, 2019, the Department filed an Administrative Complaint against Respondent alleging human remains of four (4) individuals received and being held by the funeral establishment were present on its premises for more than 24 hours after death but were not embalmed or maintained at a temperature of 40 degrees Fahrenheit or below. In addition, the funeral establishment received the remains of M.D of Pensacola FL. M.D.'s human remains were present on the premises for more than 24 hours after death but were not embalmed or maintained at a temperature of 40 degrees Fahrenheit or below, resulting

in decomposition and decay of the body. As a consequence, M.D.'s human remains were not treated with dignity or respect. Finally, the funeral establishment failed to notify the Department that Hubert C. Reynolds, Jr. was the funeral director in charge.

Based on the foregoing, the Respondent violated sections 497.386(2) and 497.386(4), Florida Statutes, as well as Rule 69K-33.001(2)(a), Florida Administrative Code, by the funeral establishment failing to maintain un-embalmed human remains at a temperature of 40 degrees Fahrenheit or below, and therefore subject to discipline pursuant to Sections 497.152(1)(a) and Section 497.152(1)(b) Florida Statutes. Respondent violated section 497.380(12)(c), Florida Statutes, and Rule 69K.-21.008, Florida Administrative Code, by funeral establishment's failure to notify the Department that Respondent was the funeral director in charge and is therefore subject to discipline pursuant to Sections 497.152(1)(a) and (1)(b) Florida Statutes. Pursuant to Sections 497.387(7) Florida Statutes, Respondent is responsible for these violations.

The Administrative Complaint was served on Respondent by certified mail on February 15, 2019. Included with the Administrative Complaint was a notice informing Respondent that the failure to respond in writing within twenty-one (21) days of publication, or by March 8, 2019, would constitute a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint, and an Order of Suspension or Revocation by the Board would be entered against Respondent. The Department did not receive an Election of Proceeding form or any other written response from Respondent by March 8, 2019, or for any date thereafter. This fact is attested to by the affidavits executed by the Division Executive Director, Mary Schwantes, and the agency clerk, Julie Jones.

Respondent's failure to file a response constitutes a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint. Therefore, the Department requests the Chairman of the Board to entertain a motion finding that Respondent, Hubert C. Reynolds, Jr., was served with the Administrative Complaint, containing a Notice of Rights and an Election of Proceeding form, that he failed to respond with the allotted twenty-one day period, and has, therefore, waived its right to request a proceeding involving disputed issues of material fact in this matter.

A copy of this memo, along with a copy of the Motion for Determination of Waiver and For Final Order by Hearing Not Involving Disputed Issues of Material Fact, have been sent by U.S. Mail to Respondent's last known address of record. At this time, it would be appropriate for the Chair to entertain a motion to determine whether the Respondent has waived his right for 120.57(1) hearing based on the Respondent's failure to file a timely response.

MOTION: Mr. Hall moved to find that the Respondent has waived his right for a 120.57(1) hearing based on the Respondent's failure to file a timely response. Mr. Helm seconded the motion, which passed unanimously.

Mr. Bossart – Now that the Board had determined that 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 the Administrative Complaint.

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

Mr. Bossart – The Department now contends that the Board's findings of facts support the finding of violations of Chapter 497, Florida Statutes, as alleged in the Administrative Complaint. It would be appropriate at this time for the Chair to entertain a motion finding the Respondent in violation Florida Statutes as charged in the Administrative Complaint.

MOTION: Mr. Helm moved to find the Respondent in violation Florida Statutes as charged in the Administrative Complaint. Mr. Bango seconded the motion, which passed unanimously.

Mr. Bossart – The Department now offers into evidence the investigative report with exhibits, a copy of which has previously been furnished to the Board, to establish a prima facie case for the violations as alleged in the Administrative Complaint. The Department would ask at this time that the Board receive the investigative report into evidence.

MOTION: Mr. Hall moved to receive the investigative report into evidence. Mr. Bango seconded the motion, which passed unanimously.

Mr. Bossart – And it's the Department's recommendation, the same as the recommendation of the previous case, that the Respondent should be fined for \$5,250 and placed on two-years' probation.

Chair – Is Mr. Reynolds here? Mr. Reynolds? Mr. Reynolds? Hearing no response. Board?

Mr. Helm – Mr. Chair? May I have your recommendation one more time please?

Mr. Bossart – For \$5,250 fine and two-years' probation.

MOTION: Mr. Helm moved that the Respondent should be fined for \$5,250 and placed on two-years' probation. Mr. Bango seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Bossart.

Mr. Bossart – Thank you.

Chair – Confirming the motion, the motion was for a fine of \$5,250 and two-years' probation. Is that your motion Mr. Helm?

Mr. Helm – That's correct.

Chair – Thank you.

(2) Probable Cause Panel B

(a) Related Cases (Division Nos. ATN-30441, ATN-30811)

i. Matt, Dwayne: Case Nos.: 228137-18-FC, 230775-18-FC; Division Nos. ATN-30441, ATN-30811 (F045183)

Ms. Simon – Again, representing the Department is Jim Bossart.

Mr. Bossart – Mr. Chairman?

Chair – Please.

Mr. Bossart – My name is Jim Bossart. The above-referenced matter has been scheduled for an Informal Hearing to consider the attached Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact. Respondent is a licensed funeral director and embalmer, under Chapter 497, Florida Statutes, license number F045183. Respondent is the owner and FDIC of Zion Hill Mortuary, Inc., a funeral establishment licensed under Chapter 497, Florida Statutes, license number F041229, in St. Petersburg, Florida.

On February 7, 2019, the Department filed an Administrative Complaint against Respondent, alleging Respondent, as FDIC of Zion Hill Mortuary, Inc., failed to provide a general price list before discussion or selection of burial rights, burial or funeral merchandise, or services; failed to provide a written contract prior to the funeral service and interment that listed in detail the items and services purchased together with the prices for the items and services; failed to disclose the price of the burial plot and the fact Respondent owned the plot prior to the funeral service and interment. In Count Two, Respondent, as FDIC, failed to refund to a consumer the insurance policy death benefit excess at the time of the funeral; and failed to provide a written contract prior to the funeral service and interment; and list in detail the items and services purchased together with the prices for the items and services purchased.

Based on the foregoing, Respondent failed to meet the requirements of sections 497.152(11)(a), and 497.152(12)(b), (13)(a) and (b), Florida Statutes, and is therefore subject to discipline pursuant to sections 497.152(1)(a) and (b), Florida Statutes. The Administrative Complaint was served on Respondent by certified mail on February 21, 2019. The Administrative Complaint contained a notice informing Respondent that the failure to respond in writing within twenty-one (21) days of publication, or by March 14, 2019, would constitute a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint, and an Order of Suspension or Revocation by the Board would be entered against Respondent. The Department

did not receive an Election of Proceeding form or any other written response from Respondent by March 14, 2019, or for any date thereafter. This fact is attested to by the Affidavits executed by the Division Executive Director, Mary Schwantes, and the agency clerk, Julie Jones.

Respondent's failure to file a response constitutes a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint. Therefore, the Department requests the Chairman of the Board to entertain a motion finding that Respondent, Dwayne Matt, was served with the Administrative Complaint, containing a Notice of Rights and an Election of Proceeding form, that it failed to respond with the allotted twenty-one day-period, and has, therefore, waived his right to request a Proceeding Involving Disputed Issues of Material Fact in this matter. A copy of this memo, along with a copy of the Motion for Determination of Waiver and For Final Order by Hearing Not Involving Disputed Issues of Material Fact, have been sent by U.S. Mail to Respondent's last known address of record. At this time, it would be appropriate for the Chair to entertain a motion to determine whether the Respondent waived the right to Section 120.57(1) hearing based on Respondent's failure to file a timely response.

MOTION: Mr. Knopke moved to find that Respondent waived the right to Section 120.57(1) hearing based on Respondent's failure to file a timely response. Mr. Hall seconded the motion, which passed unanimously.

Mr. Bossart – Now that the Board has determined the Respondent has waived its right to request the proceeding in this matter, the Department believes it's appropriate at this time that the Chair entertain a motion adopting the allegations of the facts as set forth in the Administrative Complaint.

MOTION: Mr. Knopke moved to adopt the allegations of the facts as set forth in the Administrative Complaint. Mr. Bango seconded the motion, which passed unanimously.

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

MOTION: Mr. Jones moved to find the Respondent in violation of Florida Statutes as charged in the Administrative Complaint. Mr. Hall seconded the motion, which passed unanimously.

Mr. Bossart – The Department also offers into evidence the investigative report with exhibits, of copy of which has been previously furnished to the Board, to establish a prima facie case to the violations as alleged in the Administrative Complaint. I would ask this investigation file be received into evidence.

MOTION: Mr. Knopke moved to receive the investigation file into evidence. Mr. Williams seconded the motion, which passed unanimously.

Mr. Bossart – Before the Department makes its recommendation, Ms. Garrett, Cheryl Garrett, who is the subject complainant victim of Count Two has specifically asked to address the Board on this matter.

Chair – Thank you. Ms. Garrett, would you please be sworn in?

Mr. Bossart – Relevant to Count Two.

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

Cheryl Garrett – Yes I do.

Ms. Simon – Please state your name for the record.

Ms. Garrett – My name is Cheryl Garrett.

Ms. Simon – Thank you.

Ms. Garrett – Yes, good morning. I just have some things I would need to address in reference to Mr. Matt. My husband passed away March 16, 2018. And we had a preplan policy with Mr. Matt, supposedly to be a locked in amount of like about \$7,600. I did learn that the funeral, not the funeral but the insurance company, Great Western, did release my husband's monies over to Mr. Matt, which was about \$15,241. And with that I, you know, was bothered about the funds that came back to me. Now on the actual funeral day, Mr. Matt presented to me a white envelope. At the time he was at my home, and he said well Mrs. Garret this is for you. And upon receiving it, I wanted to know what is this, you know. And I looked and, he says this is for you. So, it was a check for \$2,500. And I said well why did you give me a check? No itemized issues, here. I don't know anything, what the expenses were. And right now, I can stand and say that there was GPL list given to me dated back for 2005. So here we are dealing with the GPL list of prices and not even aware of prices that have been changed. We were not notified. So, at the point of receiving this \$2,500 check, in which I told him I wasn't satisfied, we didn't even get to any itemized items or anything, we want to meet with you on Monday.

Wherein, myself and my three (3) children went down to his office, and upon meeting with him, Mr. Matt went on and on and on and talking about his personal things and kind of stuff that was going on with him. And I found him to be a very conniving person. And I can stand and say that he is a liar, because we went through some things and he showed me, you know, what was Mr. Garrett, the prices have changed. And I said, well still hey I don't understand because I have a locked in plan with you all. So, where's all these expenses going? So, he began to go through some stuff. And I learned too that the staffing that he had at the time, we're not professional people. He was just kind of like using some people to kind of, help him out to pull him through with my husband funeral. And at the funeral there were some things done that was inappropriate to me really inappropriate. He had a beat-up pickup truck. My husband had so many flowers. He was a pastor and he had so many flowers that were there. And he had this old beat up truck, like it had come from a junk yard somewhere, putting all these flowers in and that was so, so bad to me.

And really, honestly I could stand and say that I was truly misrepresented by Mr. Matt. And I did try to address some things to him. And on the date of July 19, 2018, I got an unexpected visit from him. My granddaughter went to the door and she said, well Mr. Matt is here, because she knew him from the funeral. I was in the back on the patio sitting just kind of thinking over some things, and he came rushing in. How you doing today? And he said, I have a check here for you for \$1,609 and all I need you to do is to accept this Ms. Garrett, sign if off and everything. And I said no, I'm not signing anything. We have not settled this. You've never showed me any actual prices, no contract or anything. So, it's just been an up and down go around with Mr. Matt. And I'm very, very, very disappointed.

Chair – Thank you, Ms. Garrett.

Ms. Garrett – Very!

Chair – Thank you for coming before the Board. Is Mr. Matt here? Anyone representing Mr. Matt? Thank you ma'am.

Ms. Garrett – OK thank you. Thank you for listening.

Chair – Any questions, I'm sorry. Any questions from the Board?

Mr. Clark – Mr. Chairman I have a few quick questions.

Chair – Mr. Clark?

Mr. Clark – Ms. Garrett, who introduced you to Mr. Florence?

Ms. Garrett – Who introduced me to Mr. Florence?

Mr. Clark – Yes, the pastor that was associated with Mr. Matt?

Ms. Garrett – It came through him, through Mr. Matt and I'm glad you mentioned his name, because that was a mess. You know it's a lot I can say even with that, but that was a big mess. And right now, Mr. Florence, he doesn't even speak to me. He is a pastor. I know him. I really do, I know him. I know his wife. But these were not professional people to carry on what they should. And you know, and they even went on with me with, there was a charge of \$165 to put on my husband's pajamas, and \$165 to take off my husband's pajamas. I said, really? Really? I said well who's really doing all this? And it was so much of [inaudible]. Mr. Matt said this, and Mr. Florence went back on that. It's just a whirlwind of who do you believe, who do you trust in a situation like this. And it's sad for anyone to have to go through something like this.

Mr. Clark – Thank you. And to date have you received your full refund or no?

Ms. Garrett – No.

Mr. Clark – OK, thank you. Thank you, Mr. Chairman.

Chair – Any other questions? Thank you very much.

Mr. Bossart – As far as the recommended, Mr. Chairman, shall I proceed?

Chair – Please do.

Mr. Bossart – As far as the Department's recommended penalty, it's my understanding that you've been provided, at the last minute a Consent Order that was added to the Board packet for a previous offense of Mr. Matt did in Case Number 158718 entered in December of 2015 for a violation of 497152(1)(a), F.S. That is the case and this would constitute a second offense, and it is the Department's recommendation that Mr. Matt's licenses be revoked.

Ms. Simon – For the Board members, that's on page four.

Chair – Page four of the electronic copy?

Ms. Simon – Yes sir, 4 of 167.

Mr. Barnhart – Were those charges in the initial Administrative Complaint, and was Mr. Matt put on notice about the additional charges?

Mr. Bossart – Of this Administrative Complaint? No. No, he was not.

Mr. Barnhart – So, we need to proceed just in was on Administrative Complaint that he was charged with.

Ms. Simon – Well, the actual Consent Order was made part of the Board package and the actual Consent Order did deal with similar violations to what's on the Administrative Complaint.

Mr. Barnhart – OK. So are you saying that we should consider that as aggravating circumstances, but not part of the Administrative Complaint, correct?

Mr. Barnhart – Yes. You can, sir. Yes.

Chair – Thank you.

Mr. Barnhart – It's not part of the Administrative Complaint. I want to make that clear.

Chair – What was your recommendation again?

Mr. Bossart – Revocation. However, not even considering the previous offense, the theft of \$4,000, I think, certainly justifies a revocation.

Mr. Barnhart – Or you can also order restitution. Under your Chapter, you do have the power to do so.

Chair – Mr. Hall?

Mr. Hall – Has anyone ever looked at her preneed, the goods and services paid, to see what she was owed? Has anybody verified that? From the preneed and what today's costs were, has anybody done it?

Mr. Bossart – Well my understanding was, from looking at the investigation file, the funeral cost \$11,200, give or take \$100. And the check from the insurance company was \$15,200. She's entitled to the difference.

Mr. Hall – Did she get anything?

Mr. Bossart – I don't believe so. I think Mr. Matt or maybe Ms. Garret in the file makes a mention of waiving a check for \$2,000. I think he tried to make a partial payment. Mrs. Garrett, you never accepted the check, did you?

Ms. Garrett – Yes. The first check was \$2,500+, and then the other one was \$1,609, something like that.

Mr. Hall – And did you accept those checks?

Ms. Garrett – Yes. Well, honestly, it was said to me that this is it. You know Mr. Matt doesn't really owe you any more monies. So right now, I don't know. But I'm looking at the fact that he was issued the check for \$15,000 and whatever dollars and I'm in for a preneed locked in plan, seemingly there's some kind of, you know what I'm saying?

Mr. Hall – I think you testified earlier that maybe it started out at \$7,600 and had growth to that, is that correct? Did I understand that right, because at the time of death it was worth \$15,000 but it started at \$7600?

Ms. Garrett – Yes, and I even phoned Great Western to try to get some type of an explanation. He said, well ma'am that's what we do. You know, they call us up and said, hey this is the foregoing of the funeral, as far as the monies, and we just go ahead and issue the check to the funeral home. We don't really ask them questions about anything. We just give them the money. So, I don't know.

Mr. Hall – So we feel like then the restitution, as far as her payment, has been made, if I'm understanding that right, that part?

Mr. Bossart – It does not add up to \$4,000+.

Mr. Hall – Pardon me?

Mr. Bossart – Even if it's been made, it does not add up to over \$4,000.

Mr. Hall – Well the two checks she got would have.

Mr. Bossart – It's still not \$4,000.

Mr. Hall – \$2,500, and \$1,500?

Ms. Garrett – \$2,500 and \$1,600 is like \$4,000 something.

Mr. Barnhart – \$4,100.

Mr. Hall – So that's been taken care of.

Mr. Barnhart – But what we don't know is whether the amount that she was charged was reasonable. That's the part we don't know about.

Ms. Garrett – Right. That's my question with that.

Mr. Barnhart – Right.

Chair – Thank you. Mr. Knopke?

Mr. Knopke – Thank you, Mr. Chair. If you can take the two (2) checks, you're down what he said the funeral was \$11,131, within \$10 of it. So, he's attempted to reimburse her for what he believes that she should be based upon today's prices. The question that I have, when he offered that on the day of the funeral, \$2,500 is what Ms. Garrett said. The other \$1,600 came, I didn't look to see how many months later.

Ms. Simon – Mr. Knopke, if I may. I believe it came the night before our Probable Cause Panel.

Mr. Knopke – Oh. That was a coincidence. Mr. Chair?

Chair – I just want to make sure that Mr. Matt is not here, and is not represented by counsel. Hearing no response, Mr. Knopke?

MOTION: Mr. Knopke moved to revoke Mr. Matt's license. Mr. Hall seconded the motion, which passed with two (2) dissenting votes.

Chair – Thank you.

ii. Zion Hill Mortuary, Inc.: Case Nos.: 228129-18-FC, 230771-18-FC; Division Nos. ATN-30441, ATN-30811 (F041229)

Ms. Simon – This is also presented by Mr. Bossart.

Mr. Bossart – Mr. Chairman?

Chair – Please.

Mr. Bossart – This is Jim Bossart again. The above-referenced matter has been scheduled for an Informal Hearing to consider the attached Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact. Respondent is a funeral establishment licensed under Chapter 497, Florida Statutes, license number F041229, in St. Petersburg, Florida.

On February 7, 2019, the Department filed an Administrative Complaint against Respondent, alleging Respondent failed to provide a general price list before discussion or selection of burial rights, burial or funeral merchandise, or services; failed to provide a written contract prior to the funeral service and interment that listed in detail the items and services purchased together with the prices for the items and services; failed to disclose the price of the burial plot and that the Respondent owned the plot prior to the funeral service and interment. Count Two, the Respondent failed to refund to a consumer the insurance policy death benefit excess at the time of the funeral; and failed to provide a written contract prior to the funeral service and interment that listed in detail the items and services purchased together with the prices for the items and services. Based on the foregoing, Respondent failed to meet the requirements of sections 497.152(11)(a), and 497.152(12)(b), and (13)(a) and (b), Florida Statutes, and is therefore subject to discipline pursuant to sections 497.152(1)(a) and (b), Florida Statutes.

The Administrative Complaint was served on Respondent by certified mail on February 21, 2019. Included with the Administrative Complaint was a notice informing Respondent that the failure to respond in writing within twenty-one (21) days of publication or by March 14, 2019, would constitute a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint, and an Order of Suspension or revocation by the Board would be entered against Respondent. The Department did not receive an Election of Proceeding form or any other written response from Respondent by March 14, 2019, or for any date thereafter. This fact is attested to by the affidavits executed by the Division Executive Director, Mary Schwantes, and the agency clerk, Julie Jones.

Respondent's failure to file a response constitutes a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint. Therefore, the Department requests the Chairman of the Board to entertain a motion finding that Respondent Zion Hill Mortuary, Inc. was served with the Administrative Complaint and containing a Notice of Rights and an Election of Proceeding form, that it failed to respond with the allotted twenty-one day period, 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 and For Final Order by Hearing Not Involving Disputed Issues of Material Fact, have been sent by U.S. Mail to Respondent's last known address of record. At this time it would be appropriate for the Chair to entertain a motion to determine whether this Respondent has waived its right to a 120.57(1) Hearing based on Respondent's failure to file a timely response.

MOTION: Mr. Knopke moved that Respondent has waived its right to a 120.57(1) Hearing based on Respondent's failure to file a timely response. Mr. Hall seconded the motion, which passed unanimously.

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

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

Mr. Bossart – The Department contends that the Board's findings of fact support the finding of violations and Chapter 497 Florida Statutes as charging an issue of complaint. It would be appropriate at this time that the Chair entertain a motion finding the Respondent in violation of Florida Statutes charged in the Administrative Complaint.

MOTION: Mr. Knopke moved to find the Respondent in violation of Florida Statutes charged in the Administrative Complaint. Mr. Bango seconded the motion, which passed unanimously.

Mr. Bossart – The Department also offers into evidence investigative report of the exhibits, a copy of which has been previously furnished to the Board to establish its prima facie case for the violations alleged in the Administrative Complaint. The Department would ask that the investigative file be received into evidence.

MOTION: Mr. Knopke moved to receive the investigative file into evidence. Mr. Williams seconded the motion, which passed unanimously.

Mr. Bossart – And the Department recommends in this case, as the previous case, that the Respondent's license should be revoked.

Chair – Is there anyone here representing Zion Hill? Is there anyone here representing Zion Hill Mortuary? Anyone here representing Zion Hill? Hearing no response.

Mr. Knopke – Mr. Chair?

Chair – Yes.

Mr. Knopke – A question for staff. On the previous case in 2015 dated back, I think the Order was signed September 8, 2015, Mr. Matt indicates he's the LFD and the owner. Has there been any change in ownership of that firm since September of 2015 that you all are aware of?

Ms. Richardson – There was an application in 2019, but the Board took no action on the application.

Mr. Knopke – To change ownership?

Ms. Richardson – There was a new application.

Mr. Knopke – OK. My question was driven by if there were other investors in the firm that the Department was aware of. Then I would have been more inclined to a substantial fine, but no.

MOTION: Mr. Knopke moved to revoke the Respondent’s license. Mr. Williams seconded the motion, which passed three (3) dissenting votes.

Mr. Bossart – Thank you sir.

Chair – OK. Let the record reflect there were five (5) yea's, three (3) nays. All right.

B. Settlement Stipulations

(1) Probable Cause Panel B

(a) Scott, Vangie: Case No.: 223491-18-FC; Division No. ATN-30639 (F044038)

Ms. Simon – Marshawn Griffin will be presenting for the Department.

Mr. Griffin – Marshawn Griffin, on behalf of the Department. Vangie Scott (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F044038, in Monticello, Florida. The Department conducted an investigation and found that Respondent failed to disclose her plea to felony on her application for renewal of licensure and concealed a plea to a crime that relates to her ability to practice under Chapter 497, Florida Statutes, in violation of sections 497.142(10)(c)2, 497.152(1)(a), (4)(e), and (4)(h), Florida Statutes. Respondent has entered into a proposed settlement stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine in the amount of \$2,000 and undergo a two-year period of probation, subject to the usual terms and conditions.

To give the Board a little bit of an explanation of the procedural posture of this case, the Department filed an Administrative Complaint. Ms. Scott, via her counsel, Ms. Wendy Wiener, timely filed an Election of Proceeding requesting a hearing pursuant to Section 120.57(1) Florida Statutes. The Administrative Complaint that was filed only alleged one or two possible, or only one count. There's a potential second count. So, the matter went before DOAH. Ms. Scott requested a settlement of the issue, we brought it back here. Where it stands right now is that if this settlement is not accepted by the Board then this matter will go back before the Division of Administrative Hearings to go forth for a final or a formal administrative hearing, with potentially additional charges being added by the court.

Chair – So one count, the second count has not been adjudicated?

Mr. Griffin – No, well when you say adjudicated do you mean the second criminal case or the second count, the case that the second count would be based on?

Chair – Yes.

Mr. Griffin – Yes both cases have been adjudicated, at this time.

Chair – Thank you.

Mr. Barnhart – If you can clarify that? I don’t think that was what you meant. Adjudicated by the criminal courts?

Mr. Griffin – Yes perspective counts, in this case, would be based off criminal charges or criminal court cases. Both of those criminal court cases have been resolved and she’s been adjudicated on both of those cases.

Mr. Barnhart – But the Board has not considered either one of the cases?

Mr. Griffin – Correct.

Chair – And this is for only one of the two counts?

Mr. Griffin – Yes.

Chair – Thank you. Ms. Wiener?

Ms. Wendy Wiener – I'm here to answer any questions.

Chair – OK. Mr. Hall?

Mr. Hall – I'm confused. On page 52, I'm getting a total of nine (9) counts.

Mr. Griffin – Right. That's one (1) criminal case that has nine (9) counts.

Mr. Hall – Nine (9) counts.

Mr. Griffin – So each count in the Administrative Complaint contemplates one criminal court case.

Mr. Hall – With the seriousness of these charges, though, you felt that \$2,000 was adequate? Some of these counts are still pending, correct?

Mr. Griffin – No, they're not pending. All of those criminal cases have been resolved. The issue is and, given the nature of the counts at the time that this case was first coming up, I personally was not comfortable taking it to a potential administrative hearing, based on the allegations, to try and link up that count with Chapter 497.

Chair – Anything else Mr. Hall?

Mr. Hall – No.

Chair – I have a question. If the Board chooses not to accept this proposed Settlement Stipulation, what are the options of the Board?

Mr. Barnhart – If I can answer that?

Chair – Please.

Mr. Barnhart – If it's not accepted like Mr. Griffin said, this will go back to DOAH with the possibility of additional charges being filed.

Mr. Griffin – Yes.

Mr. Barnhart – Is that correct?

Mr. Griffin – Yes.

Mr. Barnhart – What you have in front of you is an Administrative Complaint that only deals with a count from, what was the year, 2013?

Mr. Griffin – Yes.

Mr. Barnhart – It -does not address the other counts that were mentioned.

Mr. Hall – 2016.

Mr. Barnhart – Is that clear enough?

Chair – Yes. Mr. Jones did you have a comment?

Mr. Hall –Your hesitancy to take it to DOAH, could you clarify?

Mr. Griffin – All right. So, related to chapter and at this point I think it's appropriate to let DOAH make the ultimate decision. However, related to Chapter 497, as I was drafting the complaint, I think that it was related to her, as I interpreted the statute, the offense is not related to the ability to the practice. Essentially this is and pretty much any crime is, and the statute's not written in a way that says any felony or any misdemeanor. It specifically is constrained to or related to Chapter 497, or relates to the ability to practice.

Chair – Mr. Barnhart?

Mr. Barnhart – At the same time though, in the commissions of certain crimes, doesn't the burden shift to the applicant or to the licensee to prove that they are not a danger to the public, under Chapter 497?

Mr. Griffin – I believe that they would. However, we'd have to meet the prima facia. Our threshold burden is the prove that the crime itself is linked to 497 before we'd even get to that point as a legal matter.

Mr. Barnhart – I understood Chapter 497 to relate to the crimes in regard to whether they are felonies or misdemeanors or whatever the classification is in 497, that licensees or applicants have to disclose. I believe this charge that's before us today, the licensee did not disclose that offense initially, correct?

Mr. Griffin – Yes.

Mr. Barnhart – I think, under 497, you have crimes which are directly related to the practice or the ability to practice and then you have also crimes that are in the nature of maybe a different classification, to which it makes a reasonable person think that this person might be a danger to the public, because of the nature of the crimes committed. So, I think there's really two (2) classifications that we need to be aware of on this. Do you agree, Mr. Griffin?

Mr. Griffin – Yes sir.

Chair – So, before the Board today is a proposed Settlement Stipulation. You can accept it, offer an alternative, or recommendations.

Mr. Knopke – Mr. Chair?

Chair – Yes? I'm sorry, I can't see you.

Mr. Knopke – That's okay. I've actually been quiet for a moment. To either Ms. Simon, Mr. Barnhart or counsel, would we expect to see other cases for the other count?

Mr. Griffin – OK, procedurally if this is not accepted today, I will file a motion with the Division of Administrative Hearings asking to reassume jurisdiction of this case, if the settlement is rejected. Once DOAH has jurisdiction reassumed, I would then file a motion before the court, which I assume would be opposed by Ms. Wiener, but it would be up to the court to decide whether or not they would give lead to the Department to add a second count to the Administrative Complaint. If the court gives us lead to do so then it would be a Two-Count Administrative Complaint before the court: one based on Count One that is currently before the Board right now, the Settlement Stipulation, and then Count Two would be based off the 2016 criminal case.

Mr. Knopke – OK I follow.

Chair – Go right ahead.

Mr. Knopke – If we accept this today, then it's all done?

Mr. Griffin – Yes.

Mr. Knopke – Both counts? The one that's here, and the one that may or may not be?

Mr. Griffin – It would dispose of the entire case, yes.

Mr. Knopke – OK.

Ms. Wiener – Well hold on. I want to make sure that I understand. So, if the Board accepts this Settlement Stipulation, then there will not be an additional case brought against her related to the 2016 criminal charges?

Mr. Griffin – Can I have a moment to confer?

Chair – Yes sir?

Mr. Griffin – The Department would request that you not accept this Settlement Stipulation. We think it would be best if, given the concerns about the second criminal case, that it goes before DOAH and have the Division of Administrative Hearings have a chance to decide whether or not.

MOTION: Chair moved to reject the Settlement Stipulation and send the case to DOAH. Mr. Clark 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.

**B. Recommended for Approval with Conditions (Criminal History)
(1) De La Osa, Richard (Appointing Entity: StoneMor Florida Subsidiary LLC)**

Ms. Simon – On December 6, 2018, the Appointing Entity applied electronically for the above named for licensure as a preneed sales agent, and no deficiencies were noted on the application. Thus, a temporary preneed sales agent license was issued for Mr. De La Osa, however, during the review of Mr. De La Osa's background check it was revealed that he did in fact have reportable criminal history that required disclosing.

StoneMor Florida Subsidiary, LLC, the employer, was notified of Mr. De La Osa's temporary preneed sales agent license suspension, and upon request, Mr. De La Osa provided the Division with a written explanation of the relevant criminal history, a completed Criminal History Form, and a copy of the court documentation regarding the final disposition of his case. In 2014, Mr. De La Osa pled no contest to a misdemeanor charge of refusal to submit to a breathalyzer test. This criminal offense occurred in Broward County, Florida. Mr. De La Osa was fined \$1,000, placed on probation for twelve (12) months, ordered to submit to random drug testing, and use of an ignition interlocking device for six (6) months during his probationary period. All court costs and fees were waived.

The Division recommends approval subject to the condition that the licensee pays a fine for failure to disclose a criminal history, on the original application, and that he be placed on probation for twelve (12) months, which includes the settlement agreement restrictions outlined within the Board package.

Chair – Is Mr. De La Osa here?

Richard De La Osa – Yes sir.

Chair – Mr. De La Osa, do you want to address the Board, or are you just coming before us to answer questions?

Mr. De La Osa – I would like to address the Board.

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

Mr. De La Osa – Yes, I do.

Ms. Simon –Please state your name for the record.

Mr. De La Osa – Richard De La Osa. The reason why, when I got into the business of preneed for the funeral services in February, I was assigned. We filled out an application, which my general manager was filling it out and asked me if I had any crimes. And I said, well I have a misdemeanor for refusal to a submit to a breath test. So, he explained to me that that's a traffic ticket. Do you have any criminal, you know, any felonies or anything -- or settlements? And I said no. And so I was awarded a temporary a preneed license. At the same time, I was taking my 215 license, and I filled out an application and I disclosed everything. I passed the course, and I got my license. And then they sent the letter to StoneMor from the CFO office saying that my application was denied. I called Ms. Morris at the office, and she told me that I never submitted my fingerprints. So, I told her I did. As a matter of fact, I submitted it for the state licensing for my 215. So, she says, OK. So, I gave her my information. I called her back 48 hours, she got in and she said, oh the system it shows that you put no crime, but you have a misdemeanor. And I said, well I did disclose it to my internal manager, but at the time he thought it was not, you know, relevant, but now he knows it is. Corporate called him back. So that's the reason why I was coming in front of the Chairman of the Board to see if we can set my application without any conditions. My license is in perfect condition. I've never committed a crime, like someone said in the last 50 years or so. And I would like to see if I can have the application accepted without any condition. Thank you.

Chair – Thank you.

Ms. Simon – Mr. Chairman, I believe that there was a stipulation. Correct?

Mr. De La Osa – That's why I came.

Chair – Yes there was a stipulation. On page 11, there's a stipulation that's been executed. It's not been signed, I'm sorry, not been executed. So, Board what's your pleasure?

Mr. Helm – Question for Division.

Chair – So the proposed stipulation is on page, starting on page 11.

Mr. Helm –How much of a fine? It was not put down.

Ms. Simon – I would say a \$1,000 fine.

Chair – In the stipulation it says to be determined.

Ms. Simon – Typically, when we have a matter like this, before the Board, I think in the past we have included a fine with probation, but I am not certain about that.

Mr. Knopke – Mr. Chair a question for Mr. De La Osa. Are you still on probation?

Mr. De La Osa – No, everything's been completed as of 2015, September 1st.

Mr. Knopke – OK.

Chair – I make a motion that if Mr. De La Osa will accept the Settlement Stipulation before us and a fine of \$250, we can move on with it, or not accept it.

Mr. De La Osa – I just want to be clear. Meaning that the application will be accepted without condition, just for the \$250?

Chair – No. The condition of the Stipulation for Licensure. Do you have that?

Mr. Knopke – Has he been given that?

Chair – Have you been given the Stipulation for Licensure?

Ms. Simon – We did have somebody in our office speak with the applicant and let him know about the Stipulation for Licensure. At that point he did not wish to sign it and wished to appear here.

Mr. De La Osa – Correct.

Ms. Simon – But he had been made aware of the fact that the stipulation did called for one-year probation and the fine to be determined.

Mr. De La Osa – And when I spoke, that's why I'm in front of you saying that it wasn't my fault that I didn't put it on there because my general manager was filling out when I got hired. So, I did disclose it to him, but he just thought at the time that it was irrelevant because it was a traffic ticket. When I took my state exam for my to 215 license it says that if I have a misdemeanor, and it applies to any criminal act like embezzlement or settlements, anything like that, that I couldn't apply. But since it was a refusal for sub-breath test, I got my 215 license, and I thought that he put that on there. So that's why I'm here in front of the Board asking if I can have this application reinstated without conditions. That's all. Thank you.

Mr. Barnhart – Sir do you realize that's not a traffic ticket?

Mr. De La Osa – Excuse me?

Mr. Barnhart – That's not a traffic ticket. Do you understand that?

Mr. De La Osa – No it is not. I understand that. I disclosed it to him, and I disclosed it on my application. So, my driver's license is perfect. My 215 license is active at this time and I've been licensed before and I've never committed a crime.

Ms. Simon – If I may?

Mr. De La Osa – Yes?

Ms. Simon – That was criminal before, the failure to submit to a breathalyzer.

Mr. De La Osa – Oh.

Ms. Simon – However, as I mentioned to you previously, and it says a year probation, however, the Settlement Stipulation actually called for six (6) months of probation.

Chair – So I think I made the motion.

MOTION: Chair moved to approve the application subject to the condition that Mr. De Le Osa accepts the Settlement Stipulation and a fine of \$250. Mr. Clark seconded the motion, which passed with one (1) dissenting vote.

Chair – So, in order for your license to be reinstated, the Board has given you a Settlement Stipulation. If you agree to that, your license will be reinstated, if not it won't be reinstated.

Mr. De La Osa – Six (6) months?

Chair – Six (6) months' probation.

Mr. De La Osa – I'll accept.

Chair – Thank you very much.

Mr. Helm – And \$250.

Mr. De La Osa – Yes sir.

Chair – Thank you.

Mr. De La Osa – Thank you for your time.

Chair – Good luck to you.

Mr. De La Osa – Thank you.

6. Application(s) for Continuing Education Course Approval

A. Recommended for Approval without Conditions – Addendum B

- (1) *APEX Continuing Education Solutions (4201)*
- (2) *Cremation Association of North America (16008)*
- (3) *Education Workers Group (11208)*
- (4) *Florida Cemetery, Cremation & Funeral Association (75)*
- (5) *Funeral Service Academy (23408)*
- (6) *In-Sight Books (10008)*
- (7) *International Cemetery, Cremation and Funeral Association (22808)*
- (8) *International Order of The Golden Rule (2201)*
- (9) *National Funeral Directors and Morticians Association, Inc. (15608)*
- (10) *National Funeral Directors Association (136)*
- (11) *New Jersey Funeral Service Education Corp. (7002)*
- (12) *SCI Management - Dignity University (99)*
- (13) *TRS Enterprises (71)*

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the courses presented 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. Williams moved to approve the applications. Mr. Knopke seconded the motion, which passed unanimously.

Chair – I'd like to declare my opinion of SCI Funeral Services of Florida. And that affiliation will in no way affect my ability to make a fair judgment on anything coming before the Board today.

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

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

- (1) *Funeral Director (Endorsement)*
 - (a) *St George, Ann Marie*
- (2) *Funeral Director (Internship and Exam)*
 - (a) *Durbin, Joshua C*
 - (b) *Elias, Miriam M*
 - (c) *Neun, Marybeth*
- (3) *Funeral Director and Embalmer (Endorsement)*
 - (a) *Johnson, Grantheum F*
 - (b) *McCarthy, Jeffery V*
 - (c) *Moody, Jason J*
 - (d) *Nuzzi, Matthew J*

- (4) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Greenidge, Debra L*
 - (b) *Torrence Jr., Harold C*
 - (c) *Vermillion, Brittney E*

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

- B. *Recommended for Approval with Conditions (Criminal History)*
 - (I) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Wilson, Cedricjuan D*

Ms. Simon – This is an application submitted by Cedricjuan Wilson. Is Mr. Wilson here in the audience today? Please step forward sir.

Mr. Knopke – Mr. Chair?

Chair – Yes.

Mr. Knopke – I apologize for interrupting Ms. Simon. Can we take about a ten-minute recess?

Chair – We absolutely can. I'm sorry Mr. Wilson, we'll take a break now. Let's come back at 12:00 noon, 12:00 noon.

*****BREAK*****

Ms. Simon – An application for a Funeral Director and Embalmer license was received by the Division on May 8, 2019 and was complete when submitted. A background check revealed a relevant criminal history to wit, on or about January 9, 2017 the applicant pled guilty to one count of Child Abuse. It was ordered that adjudication be withheld and the applicant was placed on Veterans Treatment Court Probation for twenty-four (24) months, which was terminated on February 5, 2018. The Division is recommending approval subject to the terms & conditions of the executed Stipulation for Licensure.

Chair – And those conditions generally are probation?

Ms. Simon – The condition is twenty-four (24) months' probation.

Chair – Thank you.

Ms. Simon – Do you want to address the Board?

Mr. Wilson – No. Just answer questions.

Chair – Mr. Wilson, would you please be sworn in?

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

Mr. Wilson – I do.

Ms. Simon – Please state your name for the record.

Mr. Wilson – Cedricjuan Wilson.

Chair – Mr. Wilson did you want to address the Board, or answer questions of the Board?

Mr. Wilson – I can answer questions, sir.

Chair – Thank you. Have you previously seen the Settlement Stipulation?

Mr. Wilson – Yes, I have.

Chair – And you did execute it? You did sign it?

Mr. Wilson – Yes, I did.

Chair – Thank you. Board?

Mr. Helm – Question?

Chair – Please Mr. Helm.

Mr. Helm – Mr. Wilson if I remember reading everything correctly, this was just over a spanking?

Mr. Wilson – Absolutely.

Chair – Board?

MOTION: Mr. Clark moved to approve the application subject to the terms & conditions of the executed Stipulation for Licensure. Mr. Williams seconded the motion, which passed unanimously.

Chair – Good luck, Mr. Wilson.

Mr. Wilson – Thank you.

C. Recommended for Denial
(1) Funeral Director (Endorsement)
(a) Copeland, Richard E

Ms. Wiener – We would like to pull that item from the agenda, please.

Ms. Simon – Thank you. That will be withdrawn from the agenda. Ms. Wiener, the deemer?

Ms. Wiener – We would appreciate it that application would be tabled for now. And we would waive any applicable days associated with the deemer.

Ms. Simon – Thank you.

Ms. Wiener – Thank you.

Chair – We'll need a motion.

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

Chair – So that was tabled and the deemer has been waived.

(b) Taylor, Gordon

Ms. Simon – I believe this is Mr. Taylor?

Gordon Taylor – Yes ma'am.

Ms. Simon – Please step forward. Mr. Taylor submitted an application for a Funeral Director license on May 14, 2019, at which time the application was complete. The applicant's fingerprints returned with no criminal history. The applicant does not meet the educational standards set forth by s. 497.373, F.S. While Gupton-Jones college has been authorized to grant A.S. degrees since 1982, Mr. Taylor did not receive an A.S. degree and instead graduated with a Diploma in Funeral Science on August 16, 1991. He passed the Arts section of the National Board Examination on August 15, 1991. Mr. Taylor received his Funeral Service license in North Carolina on September 23, 1991 which is in Active status. Mr. Taylor also holds a Valid Florida Embalmer license (F042967) that was issued on February 3, 1999. The Division is recommending denial.

Please raise your right hand for me. Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Mr. Taylor – Yes ma'am.

Ms. Simon – Please state your name for the record.

Mr. Taylor – Gordon Taylor.

Chair – Mr. Taylor, do you want to address the Board, or are you here to answer any questions?

Mr. Taylor – Well I guess answer any questions. I've been in the funeral business forty-eight (48) plus years. And with being licensed in North Carolina and an embalmer here, I was just wondering if the Board would approve me for a funeral director license.

Chair – Board?

Mr. Knopke – Mr. Chair,

Chair – Yes?

Mr. Knopke – Question to the applicant. In 1999, when you became licensed as an embalmer in Florida, why didn't you apply for a combination license then?

Mr. Taylor – Well at that time, we moved down, because my wife's mother lives here, and we figured we were going to be going back to North Carolina. But we will remain here because her mom's 90 and her dad's 88, so we're going to remain here. The funeral home that I work at wanted to see if I could get my funeral director's license.

Mr. Knopke – But since 1999 you've been a licensed Florida embalmer?

Mr. Taylor – Yes sir.

Mr. Knopke – In Florida.

Mr. Taylor – Yes sir.

Chair – And you passed the National Board Exam?

Mr. Taylor – Yes sir.

Chair – Both sections?

Mr. Taylor – Yes sir both sections.

Chair – Arts and Science?

Mr. Taylor – Yes sir.

Chair – I'm sorry. Mr. Hall?

Mr. Hall– It's showing us here that Gupton-Jones started in '82 issuing the AS degrees, but that you got the diploma in Funeral Services in '91.

Mr. Taylor – Yes sir.

Mr. Hall – Is there a reason or was it the same criteria?

Mr. Taylor – No sir.

Mr. Hall – Or hours?

Mr. Taylor – You could either go for a year or eighteen (18) months and the gentleman I was working with in North Carolina asked me to come back after I graduated.

Mr. Hall – So they had two different ones at that time that you could select from?

Mr. Taylor – Yes sir.

Chair – And your North Carolina license is for both funeral director and embalmer?

Mr. Taylor – Yes sir.

Chair – Board?

Mr. Jones – If I may, Mr. Chair? You perform both functions in North Carolina?

Mr. Taylor – Yes sir I did. And Mr. Vargo, who I work for, I think he sent a letter to the Board.

Chair – Mr.?

Mr. Taylor – Mark Vargo, Southern Funeral Care.

Chair – Is Mr. Vargo there?

Mr. Taylor – No sir he's not.

Mr. Clark – Mr. Chairman I have two (2) quick questions.

Chair –Yes?

Mr. Clark – In your time as a funeral director in North Carolina, approximately how many families did you make arrangements with?

Mr. Taylor – Well I was licensed for ten (10) years and I was the only funeral director and embalmer we had. One owner was licensed and the other one was not. I was meeting with probably 168 families a year. Doing the funerals, waiting on families, dressing, etc.

Mr. Clark – And has there ever been any discipline or adverse to your North Carolina license?

Mr. Taylor – No sir, North Carolina or Florida.

Mr. Clark – Thank you sir.

Mr. Taylor – Thank you sir.

Chair – Board?

MOTION: Mr. Clark moved to approve the application. Mr. Jones seconded the motion.

Chair – Motion made to approve, and it's been seconded.

Mr. Barnhart – Before we vote, can I make a statement?

Chair – Please.

Mr. Barnhart – Board members, I just wanted to recommend to you that you make sure that all the statutory requirements are satisfied. Not on the basis of what you think they should say, but on the basis of what they actually say. I know some of these cases can be difficult with all the experience that some of the people have. I just recommend that you pay particular attention to all the different requirements that are in the statute. It just seems like we have a lot of people, or at least more than usual, that have a lot of experience but may not meet all the criteria. I just wanted to recommend that we look at that very carefully. Thank you.

Ms. Simon – And a point of fact, Mr. Chairman. Based on what Mr. Hall had questioned, there were two (2) different tracks to go down in schooling. And one track was taken and that was the track for the diploma, as opposed to taking the courses required for an AS degree.

Chair – So we have a motion to approve.

Mr. Clark – That's correct.

Chair – And we have a second.

Mr. Jones –Yes sir.

Chair – And all those in favor, aye?

Board members – Aye.

Chair – And any opposed?

Board member – No.

Board member – No.

Chair – So we'll have a count here, and would you please do a roll call so we can hear the count?

Ms. Simon – Absolutely. Mr. Helm?

Mr. Helm – No.

Ms. Simon –Mr. Bango?

Mr. Bango – Aye.

Ms. Simon – Mr. Jones?

Mr. Jones – Yes.

Ms. Simon – Mr. Knopke?

Mr. Knopke –Yes.

Ms. Simon – Mr. Clark?

Mr. Clark – Yes.

Ms. Simon – Mr. Williams?

Mr. Williams – No.

Ms. Simon – Mr. Hall?

Mr. Hall – No.

Mr. Barnhart – Four (4) to three (3) in favor.

Ms. Simon – Four (4) to three (3) in favor.

Chair – So the motion carries. Thank you.

Mr. Barnhart – But we have eight (8) Board members here, so we need another vote, right? Did the Chair say yes or no? I didn't hear.

Chair – Yes.

Mr. Barnhart – Five (5) to three (3) in favor.

Chair – And the motion carries. Thank you Mr. Taylor.

Mr. Taylor – Thank you.

(2) Funeral Director and Embalmer (Endorsement)
(a) Bean, Bill

Ms. Simon – Mr. Bean submitted an application for a Funeral Director license on May 20, 2019, at which time the application was complete. The applicant's fingerprints returned with no criminal history. Mr. Bean did not receive an A.S. degree and instead graduated with a Diploma in Funeral Service on February 21, 1997 from the Dallas Institute of Funeral Service. He passed both the Arts and Science sections of the National Board Examination on February 20, 1997. Mr. Bean received his Funeral Director and Embalmer license in Texas on May 25, 1998 which expired on May 31, 2003 and is now in Null and Void status; and received his Funeral Director and Embalmer license in Arkansas on March 25, 2002, which is currently active and in good standing. The Division is recommending denial.

Chair – Ms. Wiener did you want to address the Board?

Ms. Wiener – Briefly, yes, thank you. This is Wendy Wiener, I am representing the applicant, Mr. Bean. The relevant analysis for this Board as in any case such as this is whether Mr. Bean's education at the time he received his initial licensure, in this case in Texas, whether it was substantially equivalent to or superior to that which would be required of a Floridian being licensed at the same time period. I will not go through the table that I provided to you, but if you give that a look you will see that Mr. Bean's education in fact goes above what is required even today to obtain an Associate's Degree from St. Petersburg College. And therefore, he should be appropriately qualified for licensure under the standard by which you are governed.

Chair – Mr. Knopke?

Mr. Knopke – Question to Mr. Bean. You'll probably have to be sworn in.

Chair – Please swear him in.

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

Bill Bean – I do.

Ms. Simon – Please state the name for the record?

Mr. Bean – Bill Bean.

Mr. Knopke – Good afternoon sir.

Mr. Bean – Good afternoon.

Mr. Knopke – Question. Your null and void Texas license. Why did you walk from that?

Mr. Bean – Well, my family and I moved to the State of Arkansas, where I was managing a funeral home for Stewart Enterprises, and after keeping it up for year I did not want to continue the continuing education and financial requirement for the State of Texas, so I let it drop.

Mr. Knopke – To ask the question that I think Mr. Hall asked earlier to the other gentleman, how many families have you seen throughout your career, approximately?

Mr. Bean – Approximately between 125 - 150 a year and that does include removals, embalmings, dressing and casketing all of standard fare for funeral directors, as well as managing funeral homes for both corporate and private entities.

Mr. Knopke – Of those families, how many did you make funeral arrangements with? All of them?

Mr. Bean – Between 125 to 150, yes sir.

Mr. Knopke – Okay. That's all Mr. Chair. Thank you.

Chair – Mr. Williams, did you want to address the Board or you're just her to answer questions?

John Williams – I'm just here to answer questions.

Chair – Okay.

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

Chair – Congratulations.

Mr. Bean – Thank you everybody. Thank you Board, I appreciate your time.

Ms. Wiener – Thank you.

Chair – Best of luck to you.

8. **Application(s) for Internship**

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

(1) Funeral Director and Embalmer

- (a) Brewer, Christopher L F059019**
- (b) Durbin, Joshua C F086566**
- (c) Thompson, Tracie L F071493**

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

B. Recommended for Denial

(1) Funeral Director and Embalmer

- (a) McWhite II, Albert R**

Ms. Simon – This is an application submitted by Albert McWhite, II. Is Mr. McWhite in the audience?

Albert McWhite, II – Yes, ma'am.

Ms. Simon – Please step forward. An application for a Concurrent Intern license was received by the Division on April 4, 2019. The application was incomplete when submitted. All deficient items were returned on May 20, 2019. A background check revealed relevant criminal history to wit on December 14, 2007 the applicant pled Nolo Contendere to Robbery No Weapon and two counts of Driving While License Suspended, Habitual Offender and was sentenced to 2-year incarceration followed by a 3-year probation to run concurrent.

Mr. McWhite originally started his Concurrent internship on December 27, 2007 at which point the Division was unaware of a disposition in the criminal cases. As a result of sentencing on those charges, Mr. McWhite was incarcerated and did not complete his internship. In 2009 and 2012 Mr. McWhite expressed his interest to renew his internship; however, he did not apply and complete the necessary steps to go before the Board until 2019. The Division is recommending denial based upon the fact that this application is substantially past the period of his previous internship, well over a year.

Ms. Simon – 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?

Mr. McWhite – Yes ma'am.

Ms. Simon – Please state your name for the record.

Mr. McWhite – Albert Raynard McWhite, II.

Chair – Hello, Mr. McWhite.

Mr. McWhite – Hello.

Chair – Would you like to address the Board or you're just here to answer the questions?

Mr. McWhite – I will like to answer questions, but I have the Funeral Director in Charge at the funeral where I work at now, to address the Board on my behalf. Is that okay?

Chair – Will that person please come forward. Good afternoon. Would you please be sworn in?

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

Saraita Marcelin-Anderson – I do.

Ms. Simon – Please state your name.

Ms. Marcelin-Anderson – Saraita Marcelin-Anderson.

Chair – And you're from?

Ms. Marcelin-Anderson – Pax Villa Funeral Homes.

Chair – Thank you. Would you like to address the Board?

Ms. Marcelin-Anderson – Yes, sir.

Chair – Please do.

Ms. Marcelin-Anderson – The latter part of last year, Mr. McWhite did tell me that he was going to go back before the Board to apply for internship. He did ask me to write a letter of recommendation, which I did. I have actually known McWhite since 2002. We went to Mortuary School together, so he should be licensed just as long as I am. But he was a little more immature and did a lot of things in his past, which I can account for. He has definitely matured personally, professionally. He does work for the funeral home as one of our runners. He helps with transporting bodies, helps with dressing, and he has been extremely instrumental in helping us at the funeral home. Watching him grow over the years. I can honestly attest that he has grown and I believe that he should be granted a chance to continue.

Chair – Thank you. Mr. McWhite, I have a question for you. Can you tell us about the criminal case, the robbery?

Mr. McWhite – Yes sir.

Chair – Where you under the influence of drugs or alcohol?

Mr. McWhite – No sir. I was actually just trying to do a prank, but it wasn't taken that way.

Chair – Robbing a back is usually not a prank. I guess you've learned that.

Mr. McWhite – Yes sir.

Chair – There's nothing that I can say to reinforce that. Please.

Ms. Simon – I'm afraid I may have misinformed the Board. I originally stated that this was an application to renew the gentlemen's internship. However, it was an application submitted for another internship while he already had one in the past that he was unable to serve because he was incarcerated.

Chair – Got it.

Mr. McWhite – But may I say?

Chair – Please do.

Mr. McWhite – I started my internship in 2007, right after the driving with a revoked license. Then I did the prank in July, 2007 and they deemed that as a felony. So, when I went back to Court in October they told me that I couldn't be out on two (2) felony bonds, so when they revoked my bond that's what interrupted my internship.

Chair – And it's been a long time. You're just now reapplying for the internship?

Mr. McWhite – Yes sir. I had bad counsel. People were telling me to wait. They told me not to go right up before the Board. They told me to just wait, but...

Chair – And what about your National Board Exams?

Mr. McWhite – I passed the National Boards in 2006.

Chair – Both Arts and Sciences?

Mr. McWhite – Yes, sir.

Chair – So, all you had to do was complete your internship?

Mr. McWhite – Yes sir.

Mr. Jones – You're not pranking anymore, are you?

Mr. McWhite – No sir. Long time removed from pranks now.

Mr. Helm –What have you done for a living this whole time?

Mr. McWhite –Well I was serving tables, I was doing demolition and construction.

Chair – Where would you start your internship if you were granted another internship? Really, against the statutes.

Mr. McWhite –At McWhite's Funeral Home.

Chair – That's where you are?

Ms. Marcelin-Anderson – No. I'm with Pax Villa. McWhite is his dad's. He ultimately has the option of either or.

Mr. McWhite – Yes, I chose Mr. McWhite because I didn't want him to feel any type of way by me doing my internship somewhere else.

Chair – What does your father think about this?

Mr. McWhite – I mean he told me go for it. He told me to try it. He said you won't know unless you try it.

Chair – Yes please?

Ms. Simon– Under Rule 69K-18.003, Florida Administrative Code, just to mention it to the Board, it provides that no person shall be issued more than one (1) concurrent internship license in their lifetime.

Chair – So, how would Mr. McWhite go about trying to become a licensed funeral director/embalmer in the state of Florida now?

Ms. Simon – He could be licensed in another state and it would be my endorsement. I mean, a concurrent internship, it says it's provided in Rule and you cannot do more than one. Well, there is one other option. If the Board is so inclined, what we could do is we can table this and we can have him waive deemer and if you would like to do a motion to waive the rule requirement and come back before the Board.

Chair – That's what I was going to discuss. Ms. Wiener?

Ms. Wiener – I was simply going to remind the Board that that is a rule that can be waived. I'm not sure that it would be necessary for there to be a formal petition to waive the rule. I think this Board would be within its rights to waive the application of the rule today, during this hearing, if it were inclined to do so.

Chair – Thank you.

Mr. Barnhart – I don't believe that's possible. I think the proper way is to file a petition and give public notice of the petition in the Florida Administrative Register and informed the public about what's being done, or asked for, then have a meeting down the road in two (2) weeks, four (4) weeks where the petition could be heard. I don't believe you can just agree to waive a rule during the meeting. That's just my take on it, but if I'm mistaken, case law or anything could be pointed to. I just don't know of anything right offhand.

Chair – It's important for Mr. McWhite to understand what we're discussing. If it were a statute, we might not be able to waive it, but if it's a rule that Ms. Simon just read, the Board has the ability the waive a rule, but it's standard for the Board to be petitioned to waive a rule and then it comes before the Board as a rule waiver.

Ms. Wiener – Would the Board be willing to table this for just a few minutes so that I can look and Chapter 120 to see if there is a possibility to waive it without the formality of petition, and bring it back up later in the meeting?

Chair – Mr. McWhite, do you have counsel?

Mr. McWhite – No, sir I didn't but she just... {laughter}

Chair – Yes. Please confer if you wish. Let's go on to the next case.

9. Application(s) for Embalmer Apprentice

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

- (1) Conner, Charlie L F358181
- (2) Flanders, Riley T F356127
- (3) Humphreys, Jared T F359766
- (4) Miranda Cordero, Raul A F359357
- (5) Smith, Ahna E F354636
- (6) Weising, Jordan E F356288

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

10. Application(s) for Registration as a Training Agency

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

- (1) Rucker-Cusack Mortuary (F062239) (Leesburg)

Ms. Simon – This is an informational item. The Division has reviewed the application listed and found it to be complete and that the applicant met the requirements to be a training agency. Pursuant to Rule 69K-1.005, F.A.C., the Division has previously approved this application.

B. Recommended for Approval without Conditions

(1) Petition(s) for Waiver

- (a) Genesis Funeral Home and \$495 Cremation Center Inc. (Hollywood)

Ms. Simon – Is there anybody in the audience representing this entity? Hearing no response. Genesis Funeral Home and \$495 Cremation Center Inc, a limited liability company, previously submitted an application for approval of a funeral establishment based upon a change of ownership, which was approved at the May 2, 2019 Board meeting. Under previous ownership, this establishment had been registered as a training agency. This newly approved establishment is now seeking approval of a waiver of Rule 69K-18.004, Florida Administrative Code, regarding certain requirements for licensure as a training agency. Additionally, this establishment is seeking to continue their training agency status. The funeral establishment seeking this waiver is located in Hollywood, FL. The Division is recommending approval subject to the following conditions:

- (1) That Rule 69K-18.004, Florida Administrative Code, be waived as requested by the licensees, provided there has been no dispute by the public within 30 days of the date the request was published; and

- (2) That the Application for Registration of a Training Agency be granted so that the aforementioned funeral establishment may continue to be registered as Training Agencies under the new ownership.

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

Chair – Just let me say, to everybody out there, the Board members have heard me say before that we pray for the Wisdom of Solomon. Sometimes we’re granted that wisdom and sometimes we’re not granted that wisdom, but we all pray for the Wisdom of Solomon.

11. Notification(s) of Change in Location

A. Information Item – Addendum G

- (1) *A L Hall Funeral Directors Inc d/b/a Tillman Funeral Home (F041664) (Monticello)*
- (2) *Cremation Care Providers of Central Florida LLC (F163616) (Kissimmee)*

Ms. Simon – This is an informational item. The establishments listed have applied for a change of location of their businesses. The only criteria for approval is that the new locations pass inspection by the Division. In the case of the entities listed, the inspections have occurred and were approved by the Division and the change of location was approved by the Division.

12. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions – Addendum H

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

MOTION: Mr. Jones moved to approve all the claim(s), for the monetary amounts indicated. Mr. Williams seconded the motion.

ITEM REVISITED

B. Recommended for Denial

- (1) *Funeral Director and Embalmer*
 - (a) *McWhite II, Albert R*

Ms. Simon – If we can go back to Item number 8. B. (1) (a) Albert McWhite.

Chair –Mr. McWhite, would you come forward please? Mr. McWhite, were you conferred with?

Mr. McWhite – Yes sir.

Chair – Ms. Wiener?

Ms. Wiener – Thank you. Yes, we agree that a petition will be necessary, so we would ask that the Board table this matter waiving any deemer, and he will be filing a petition for waiver or variance of the relevant rule.

Chair – And Board understand you don't have to do that. You can move on this, you can table it or any of our usual actions.

MOTION: Mr. Jones moved to table the application to allow applicant time to file a petition for waiver or variance of the relevant rule. Mr. Knopke seconded the motion, which passed unanimously.

Chair – And there is no deemer concern, correct?

Ms. Simon – Ms. Wiener has already waived for the applicant and the applicable deemer requirements.

Ms. Wiener – He has.

Chair – I didn't hear that, I'm sorry. Thank you, Mr. McWhite.

Mr. McWhite – Thank you.

13. **Application(s) for Change of Ownership (Collective Cover)**
 - A. **Recommended for Approval with Conditions**
 - (1) **Memorial Gardens Cemetery of the Florida Keys, LLC (Big Pine Key)**
 - (a) **Application to Acquire Control of an Existing Cemetery Company**
 - (b) **Application for Transfer of Preneed License**

Ms. Simon – Memorial Gardens Cemetery of the Florida Keys, LLC (Memorial Gardens Cemetery), a limited liability company, seeks approval for the following applications for a change of ownership: an application to acquire control of an existing cemetery (F039562), and an application for transfer of a preneed license (F036562). The change of ownership is due to a change of control via a stock purchase agreement wherein the new owner, James Robert Dean inherited the majority interest in Memorial Gardens Cemetery upon the passing of his wife. The new owners are assuming all the cemetery and preneed assets of these locations. The fingerprints for the principals were returned without criminal history. More specifically, the entities that are being acquired is as follows:

- 1) Memorial Gardens Cemetery of the Florida Keys, LLC, a licensed cemetery, license # F039562, physical address: 31140 Overseas Hwy, Big Pine Key
- 2) Memorial Gardens Cemetery of the Florida Keys, LLC, a licensed preneed main, license # F039562, physical address: 31140 Overseas Hwy, Big Pine Key

If approved, Applicant is assuming responsibility for any outstanding preneed contracts that have previously been issued by or for fulfillment at the above referenced locations. The Division has no record of disciplinary action regarding Memorial Gardens Cemetery. The Division recommends approval subject to the following conditions:

- (1) That the closing on the transaction to acquire ownership shall occur within 60 days of the date of this Board meeting.
- (2) That the closing on the transaction shall be substantially on terms and conditions as represented to the Board at this Board meeting.
- (3) That Applicant shall assure receipt by the Division within 75 days of the Board meeting, of a letter signed by applicant or applicant's attorney, addressed to the Division, certifying that closing has occurred and stating the date of closing, and stating that closing occurred on terms and conditions not inconsistent with those as represented to the Board at this Board meeting, and providing a copy of the fully Bill of Sale, Stock Purchase Agreement, or other document by which the acquisition transaction is consummated, executed by all parties, and any and all amendments, schedules, and other attachments thereto, also fully executed.
- (4) That the Director of the Division of Funeral, Cemetery, and Consumer Services may extend any deadline set out in these conditions, by up to 90 days, for good cause shown. The Director shall report any such extensions to the Board as an informational item.
- (5) That all representations by the applicant in the application and related materials provided to the Board or FCCS Division by the applicant, in support of the application(s), are deemed material to the Board's action herein.
- (6) That the Applicant (new owner or controlling party) shall assume all existing preneed liabilities of the location(s) being acquired.

Chair – Ms. Wiener, are you here to address the Board or maybe to answer questions?

Ms. Wiener – The latter Sir, thank you.

Chair – Thank you.

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

14. **Application(s) for Direct Disposal Establishment**
 - A. **Recommended for Approval with Conditions**
 - (1) **Tulip Cremation Inc. (Miramar)**

Ms. Simon – Is there anybody here in the audience representing that entity? Hearing no response. An application for a Direct Disposal Establishment was received on April 29, 2019. The application was complete when submitted. The Funeral Director in Charge will be Brianna Constable (F084707). A background check of the principals revealed no relevant criminal history. The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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. Hall – Question, Mr. Chair?

Chair – Yes, Mr. Hall?

Mr. Hall – I'm assuming it's a typo or something but the last page from Valles Funeral Home that's going to take care of renewal, refrigeration, etc. It also covers embalming? Can we just drop them a note, reminding that there it can't be any embalming with a direct disposal.

Chair – That's on page 6 of 16.

Ms. Simon – Yes that must have been in error, Mr. Hall.

Mr. Hall – Yeah.

Chair – But you're requesting that the Division --

Mr. Hall – Just notify and remind them. I think we did that on the last.

Chair – Will you do that?

Ms. Simon – Yes. I believe we had a motion.

Chair – Can we do that?

Mary Schwantes – Yes sir.

Chair – Thank you. We have a motion to approve with the condition of passing an onsite inspection and it's been seconded and all those in favor aye.

Board members – Aye.

Chair – And any oppose? And that motion carries.

15. Application(s) for Funeral Establishment
A. Recommended for Approval with Conditions
(1) Angels of Paradise Mortuary LLC (Miami)

Ms. Simon – Is there anybody here today in the audience representing that entity? Hearing no response. An application for a funeral establishment was received on April 11, 2019. The application was incomplete when submitted and was deemed completed on May 8, 2019. The Funeral Director in Charge will be Cedene Augustin (F087607). A background check of the principals revealed no relevant criminal history. The establishment is recommended for approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

16. **Application(s) for Monument Establishment Sales Agent License**
A. **Informational Item (Licenses issued without Conditions) – Addendum I**
(1) *Deshong, Andrea M F357517*

Ms. Simon – Pursuant to s. 497.554, F.S., the Division has previously approved the applicant listed on Addendum I.

17. **Application(s) for Preneed License Renewals**
A. **Recommended for Approval without Conditions – Addendum J**

Ms. Simon – The Division staff recommends that the preneed licenses listed on Addendum J have their preneed licenses renewed effective July 1, 2019, based on meeting the minimum net worth requirements for renewal.

MOTION: Mr. Hall moved to approve the application(s). Mr. Williams seconded the motion, which passed unanimously.

- B. **Recommended for Approval with Conditions**
(1) *A B Coleman Mortuary Inc. (F019311) (Jacksonville)*

Ms. Simon – The license fee reports a net worth of approximately \$25,000. However, the minimum net worth for renewal \$60,000. The licensee has provided a personal guarantee and the Division is recommending approval, if the Board accepts the personal guarantee of the licensee's pre-need obligations executed by the licensee's principal, Arlene B. Coleman, dated June 4, 2019 and accepts the attached current statement of personal assets and liabilities executed by the licensee's principal Ms. Coleman and the agreement to voluntarily trust 100%.

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

- (2) *Boynton Memorial Chapel Ltd (F019300) (Boynton Bch)*

Ms. Simon – This licensee reports a negative net worth of approximately \$491,000. The required minimum net worth for renewal is \$100,000. As the Board is aware that there can be alternatives if the applicant does not meet the threshold requirements, the financial requires for licensure. The Division recommends that the application for renewal is granted subject to the conditions that the Board extends the stated conditions of the personal guarantee of the licensee's pre-need obligations executed and dated July 18, 2012 and that the licensee's principal, Stormet Norem, provides to the Division within 60 days of this Board meeting a current statement of personal assets and liabilities and then agreement to voluntarily trust 100% by the entity. The Division also recommends that the license be suspended but the imposition of suspension stay for 60 days from the renewal date. If the licensee provides the required documents by the 60th day, the suspension shall not take effect.

Mr. Hall – Question?

Chair – Mr. Hall?

Mr. Hall – Each year we deal with this applicant. Each year we do a personal financial, like we do with the others. We do the financial statement, personal guarantee, so the routine is known. But by not sending a complete packet in should there be a fine attached to this for being late? I know there is a suspension for 60 days, but for not providing all the material, should be a fine?

Ms. Simon – I believe there's a fine for certain aspects of the application process. However, for submitting the alternatives late, I do not believe that there is a fine mentioned in the statute.

Chair – Good question. Thank you, Mr. Hall. Is there a motion?

Mr. Jones – I have one question.

Chair – Mr. Jones?

Mr. Jones – I'm looking at these. As Mr. Hall says, we look at this every year. The Division goes through and makes recommendations. Here is a negative \$491k. Just so that I can better understand, consumer protection? Where does the Department stand? We continue to see these negatives or under balances.

Ms. Simon – If I may respond, Mr. Chairman?

Chair – Please.

Ms. Simon – In this particular matter, the net worth of the licensee since 2016 has been in a negative status. However, that negative status has lessened year after year and year and the Board continues to renew this licensure based on the alternatives that are mentioned. The Board's position --

Chair – The personal guarantee.

Ms. Simon – The personal guarantee. The recommendation is based on what the Board has done previously.

Mr. Jones – I understand and I guess I'm asking because of what we've done and as we continue to look at these in the future and just addressing the future aspect of the negative or not meeting net worth period. I'm just bringing it up. This may be something we need to look at.

Ms. Simon – I believe in the past we have recommended that the license not be renewed but based on the Board's actions, in the past, those recommendations have changed. This entity is indeed in the negative net worth.

Chair – Mr. Williams?

Bill Williams – On behalf of Boynton Memorial Chapel, there is a lot of things that go into these financials obviously and he has shown steady improvement year over year, over year over, year but the firm is old. When you acquire a firm today, let's say you pay a \$1 million for work. You depreciate most of the assets over a period of time, so the net worth, assuming you had no income and no expenses, would continue to diminish over a period of time. This doesn't take into consideration the current value of the actual firm itself should you put it on the market to sale. You could do that and add that to a GAAP based statement it would be probably pretty phenomenal.

Mr. Jones – And you make a point there, as far as when we do personal guarantee it would help to make that personal guarantee maybe a little more valid.

Ms. Simon – Before Mr. Williams goes on, could you please raise your right hand? Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. B. Williams – I do.

Ms. Simon – Please state your name for the record.

Mr. B. Williams – Bill Williams, President of FSI. I'm sorry, your question?

Mr. Jones – I was just saying that would help make it more valid. I'm just trying to understand as we move forward and continue to look at these.

Chair – And please understand what I just said is not true in every case. There are a lot of cases that it's not true in. This one is pretty much so.

Chair – And I think Mr. Jones's statement was a general statement, not directed at this particular one.

Mr. Jones – Correct, general overall.

Chair – Thank you, Mr. Williams.

Mr. Knopke – Mr. Chair?

Chair – Yes, Keenan?

Mr. Knopke – Mr. Jones, having been around this industry longer than some people in this room, this issue with this particular firm started twenty (20) years ago or longer and it was up over \$2 million, I think at one point, and it's slowly declined over time. The same question comes up every year. I was sitting here looking at it thinking I may be here long enough to see it get to a positive number. So, something I never thought I would years ago.

Chair – You might be able to make it happen.

Mr. B. Williams – If I may, Mr. Chair?

Chair – Mr. B. Williams?

Mr. B. Williams – One other thing to consider also when you're looking at some of these firms, especially looking in the equity position, if there are treasury stock issues. Whenever there is a treasury stock issue that's a double whammy, if you would, to the equity position of the firm. So, if you're taking that treasury stock out, just say \$1 million, it's going to be a \$2 million negative hit to your equity position, so you have to look at that also on some of these firms.

Mr. Knopke – And that's exactly what this one was years ago.

Mr. B. Williams – Yes, absolutely.

Chair – I think one of the things that may concern the Board members is when we see the net worth continuing to decline and then we look at the operating income statement and they're negative year after year; and we're charged with protect in the public's interest and this.

Mr. Jones – I just wanted to voice my concerns so thank you.

Chair – Thank you for that.

Mr. Hall – And I think when that financial is provided to the Division, and if it's made available to the Board. I don't think we did get it last year. We were in Orlando. It wasn't provided at that meeting. I hope they provided it to the Division, but I don't think we received a copy. All the other members are providing it to them, so I think, in a matter of being consistent across the board, each applicant should do that.

Chair – You mean the personal guarantee?

Mr. Hall – Well no the financials. He's agreed to sign the personal guarantee but financials, each one of these other ones have provided the guarantee plus their financial statement showing that their personal financial statement will push them over that limit. That's an option for them, but this individual continues not to provide that to us. He may have for you all.

Ms. Simon – And that's an alternative measure.

Mr. Hall – Right. It's something that's available to him and a lot of our people use it.

Ms. Simon – And he did not provide it?

Mr. Hall – No, he did not.

Ms. Simon – I don't believe so.

Mr. Hall – Not on this year.

Chair – The Division's recommendation pretty well covers that it. If he doesn't send it in, then his license is suspended.

Mr. Hall – Okay.

Chair – Within a reasonable amount of time, sixty (60) days. We still need a motion on this particular case.

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

(3) *Corey-Kerlin Funeral Home PA (F038706) (Jacksonville)*

Ms. Simon – This licensee also reports a negative net worth and as an alternative to meeting the threshold requirements, the personal guarantee of the licensee's pre-need obligations executed by the licensee's principals has been submitted along with the personal financial statements and assets for the principals, and an agreement to voluntarily trust 100% or utilize insurance funding by the entity. The Division recommends that if you accept these alternative requirements then that you renew this licensure.

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

(4) *Dees-Parrish Family Funeral Home Inc. (F039886) (Lake City)*

Ms. Simon – An update on this matter is that the entity has submitted payment of \$200 in late fees. We received it earlier this month. As a result the Division recommends approval without conditions.

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

(5) *Faith Funeral Home Inc. (F050784) (Havana)*

Ms. Simon – For this year, the licensee initially reported a net worth of approximately \$69,000. The licensee reported total pre-need contracts outstanding of approximately \$738,000. The minimum net worth is \$80,000. As on June 7, 2019, the licensee's CPA provided a corrected balance sheet demonstrating a net worth of \$97,436. As a result the Division finds that the licensee has met the required net worth for renewal and as a result the Division recommends approval without conditions.

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

(6) *Fountain Funeral Home Inc (F092399) (Avon Park)*

Ms. Simon – The licensee's renewal package was received by the Division on or about April 2, 2019. However, the submission did not include the R2B income statement, and Forms R3A and R3B renewal statements. The licensee's balance sheet does not appear to be properly evidencing its net worth. On May 24, 2019, the Division mailed a deficiency letter to the licensee advising them of the noted deficiencies. The licensee has not yet documented that they meet the net worth for approval. The Division recommends that the application for renewal be granted, but that the renewal licensee be suspended effective upon renewal and shall remain suspended until the licensee meets the conditions outlined within your Board package.

Chair – Is there a motion?

MOTION: Mr. Hall moved to approve the application subject to the conditions recommended by the Division. Mr. Knopke seconded the motion.

Mr. Helm – May I ask a question?

Chair – Mr. Helm?

Mr. Helm – There is a time limit on when that the fine can be paid, correct?

Ms. Simon – Actually, I believe that what we stated was that the license shall remain suspended until such time as all of those conditions are met. That was the recommendation.

Mr. Helm – Okay, thank you.

Chair – And that the late fees be paid. And it's been seconded. All those in favor, aye?

Board members- Aye.

Chair – And any oppose? Motion carries.

(7) Gracefully Southern LLC (F211908) (Ocala)

Ms. Simon – The licensee's annual preneed license renewal statement was due to the Division no later than April 1, 2019, but the forms were received by the Division on May 3 2019, and were thirty-two (32) days late, which indicates the late fee of \$500. The Division is recommending approval subject to the condition that the licensee make payment a \$500 late renewal fine. The Division is recommending suspension. However, we're recommending that the suspension be stayed for sixty (60) days and if the late fine is paid within those sixty (60) days, the suspension not take effect.

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

(8) Jack Spangler and Associates (F086407) (Lakeland)

Ms. Simon – The licensee for this year recorded a net worth of \$3,000. The minimum required net worth is \$10,000. The Division recommends that the Board approves the application for preneed license subject to the Board accepting a personal guarantee of the licensee's preneed obligations executed by the licensee's principal, John Spangler, dated May 11, 2018 and accepts the current statement of personal assets and liabilities executed by licensee's principal and an agreement to voluntarily trust 100% and or sell insurance funded preneed contracts by the entity.

Mr. Knopke – Mr. Chair?

Chair – Yes?

Mr. Knopke – Just a comment. I guess that is a small firm in some nature, but the net worth for the last four (4) years continually declines and now is in the negative, yet I would assume its outstanding preneed contract balance has grown through time period. I assume nobody is here from that firm.

Chair – Anyone hear from Spangler? Hearing no response.

Mr. Knopke – Just a real concern. Historically small firms are the ones that end up in the Consumer Protection Trust Fund, too.

Chair – During the calendar year, they entered into fifty-seven (57) preneed contracts totaling \$41k. Board, what's your pleasure?

Mr. Knopke – Mr. Chair, what are our options? We can approve with the staff's recommendation. I guess we can deny?

Chair – Counsel, the question is what are our options?

Mr. Barnhart – Well I believe you can deny if they don't meet the requirements. You can certainly deny.

Ms. Simon – If I may? You do not need to accept the alternatives.

Chair – Do you have to give a reason why?

Mr. Barnhart – They don't meet the statutory requirements.

Ms. Simon – And that the protection of the public is not evidenced.

Mr. Helm – Well, I understand what Keenan is saying, but in all fairness, we let everyone else do it. He's offering a personal guarantee. In fairness, I don't hardly see how you can turn him down.

Mr. Knopke – Mr. Helm my concern is it's getting worse.

Mr. Helm – I understand.

Mr. Knopke – It's getting worse to the point that now it is negative on the net worth. Even though the last two (2) didn't meet the requirement, now we actually more negative, if that's the right way to say it.

Mr. Helm – As someone once said, Wisdom of Solomon, sometimes it doesn't show up.

Chair – Thank you, Mr. Helm.

Mr. Helm – Sometimes it doesn't show up.

Mr. Jones – I will make the motion to approve with conditions, but I do understand the concerns and I do feel this is something we probably need to discuss with the Division and get a better grasp on.

MOTION: Mr. Jones moved to approve the application subject to the conditions recommended by the Division. Mr. Helm seconded the motion, which passed with one (1) dissenting vote.

(9) Kaduk Investments Inc. (F309037) (New Port Richey)

Ms. Simon – The licensee reports a net worth of approximately \$18,000. The licensee also reports a total of preneed contracts outstanding approximately \$1.2 million. The required minimum net worth for renewal is \$100,000. The Division recommends that the Board approves the application subject to the Board approving the alternatives of voluntarily trusting 100% and/or selling only insurance-funded preneed contracts by the entity.

Chair – Mr. Hall?

Mr. Hall – Are we doing a personal guarantee also?

Chair – I don't see any evidence of that.

Mr. Hall – This isn't the one we got an amendment or something later saying it was a member of a parent company that's under that umbrella and the net worth was more, is it? Didn't we get one like that?

Mr. Knopke – Yes. It's not them.

Mr. Hall – It's not that group?

Mr. Knopke – No.

Chair – That's a StoneMor subsidiary.

Mr. Hall – Okay. In a matter of consistency I'd just request that the personal guarantee be added to it. That's what we've done on all the others.

Ms. Simon – I understand, but in terms of this the applicant submitted their alternatives. If you are requiring the personal guarantee then I would suggest that a motion be made to suspend the licensee's preneed license, but to stay the suspension for sixty (60) days and if the personal guarantee is submitted within the sixty (60) days, the suspension never could take place. That also includes the agreement to voluntary trust 100% and sell only insurance funded preneed contracts.

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

(10) Kronish, Sunshine & Company Inc. (F230140) (Boca Raton)

Ms. Simon – The licensee submitted payment of the late fee of \$1,000 on June 11, 2019. Therefore, the Division recommends approval without conditions.

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

(11) Loomis Funeral Home Inc (F019355) (Apopka)

Ms. Simon – The licensee is responsible for paying late fees in the amount \$500, due to the late submission of their financial statements. The Division received this \$500 late fee on June 6, 2019. The Division finds that the licensee has met all requirements for renewal. Therefore, the Division recommends approval without conditions.

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

(12) Maloney Funeral Home LLC (F268639) (Bradenton)

Ms. Simon – The licensee is required to pay late fees of \$1,000 due to late submission. The Division received the late fee on June 4th, 2019. The Division advised the licensee has met all requirements for renewal and therefore the Division recommends approval without conditions.

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

(13) McIntee Holdings LLC (F019193) (Jacksonville)

Ms. Simon – The update on this matter is that the licensee submitted a letter of opinion from a realty broker of a property appraisal in the amount \$2.4 million in assets. The Division recommends approval if the Board accepts that letter as well as an agreement for the licensee to voluntarily trust 100% and/or only sell insurance funded contracts.

Mr. Hall – Question?

Chair – Yes?

Mr. Hall – Even though we have this appraisal, that doesn't tell us what the rest of financials look like. I would like to request a financial statement, not just an appraisal.

Mr. Barnhart – I'm not sure it's an appraisal. It's a broker price opinion, which is not anywhere near the level of an appraisal.

Mr. Hall – I would like to replace that with a personal financial.

Ms. Simon – Then the Division would recommend that the licensee’s license be suspended for sixty (60) days; however, it not be imposed within those sixty (60) days if the licensee submits a statement of personal assets and liabilities to the Division, along with the condition that the licensee agrees to voluntarily trust 100% and/or only sell insurance funded contracts.

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

Chair – Just one administrative thing on this. McIntee Holdings has an address of Jacksonville, Florida. We mentioned that last year. It has nothing to do with Jacksonville Florida. That actually address is Corey-Kerlin Funeral Home in Jacksonville. So maybe administratively we could just get that cleaned up. Thank you.

Mr. Knopke – Also it looks like this realty thing that’s in the packet its dated 2016. It looks like this.

Ms. Simon – I think it was subsequently submitted. It’s simply not included in your Board package.

Mr. Knopke – Okay. So, there is a new one? Because it says on the second page of it, it looks like “6/3/19 has not been updated since last year.” It’s a handwritten note.

Ms. Simon – Our notice is that the licensee submitted a letter of opinion as part of this renewal package.

Mr. Knopke – Okay. So, what’s in here is something that we’ve gotten previously?

Ms. Simon – That’s my understanding.

Mr. Knopke – Okay.

Ms. Schwantes – We’ll double-check.

Mr. Knopke – Okay.

(14) Shannon Funeral Home PA (F019265) (Bradenton)

Ms. Simon – They have submitted their application for renewal of their preneed main licensee. They are responsible for \$700 in late fees due to submitting their necessary paperwork in a late fashion. The Division received payment of that \$700 late fee on June 6, 2019. Therefore, the Division finds that the licensee has met all the requirements for renewal and recommends approval without conditions.

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

Chair – I believe this is the subsidiary that you were referring to, Mr. Hall.

(15) StoneMor Florida Subsidiary LLC (F050433) (Levittown, PA)

Ms. Simon – The licensee initially reported a net worth of \$53,000. The minimum net worth is \$100,000. However, the licensee provided a balance sheet and that balance sheet indicates that the licensee reports the net worth of approximately \$20 million. As a result of that the Division finds that the licensee has met the required net worth for approval and recommends approval without conditions.

MOTION: Mr. Hall moved to approve the application. Mr. Jones seconded the motion.

Chair – Is Diana Burkholtz here? Diana Burkholtz? Yes?

Mr. Clark – I just want to state for the record I have an affiliation with Jim Ford who signed the application. That affiliation will not prevent me from voting in this matter.

Chair – Thank you. So, the motion has been made and seconded. All those in favor, aye?

Board members – Aye.

Chair – And any oppose? The motion carries.

(16) Sunshine Cremation Services LLC (F233258) (Boca Raton)

Ms. Simon – The licensee owes \$1,000 due to late submissions. However, Sunshine Cremation has made payment of that \$1,000 and therefore the Division is recommending approval without conditions.

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

(17) T J Beggs Jr & Sons Inc. (F019262) (Perry)

Ms. Simon – The licensee’s renewal package, received by the Division on April 2, 2019, did not include the R2A and R2B financial statements, and the R4 was incomplete. On May 24, 2019, the Division emailed a deficiency notice to the licensee advising them of their deficiencies. As of June 7th, we have not received word from them regarding their deficiencies. The Division is recommending that the renewal be granted but that the renewed license be suspended effective upon renewal and shall remain suspended until the licensee satisfies the conditions outlined within your Board package.

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

(18) Troxelcorp Enterprises Inc. (F038723) (Cocoa)

Ms. Simon – As of this renewal cycle, the licensee reports a stated net worth of approximately \$20,000 and the required minimum net worth for renewal is \$100,000. The Division recommends that the licensee be renewed subject to the conditions that the Board accepts the stated conditions of the existing personal guarantee of the licensee’s preneed obligations dated June 28, 2016, executed by Cary Troxel, and that the Board accepts the statement of personal assets and liabilities by the licensee principal and the agreement to voluntarily trust 100% as agreed by the entity.

MOTION: Mr. Jones moved to approve the application subject to the conditions recommended by the Division. Mr. Clark seconded the motion, which passed with one dissenting vote.

(19) Watson Mortuary Services Inc. (F019407) (Trenton)

Ms. Simon – I passed along paperwork to you earlier during this Board meeting regarding the penalty abatement letter that was submitted by Robert Respass. The licensee was assessed late fees of \$400 due to late submissions. The Division recommends that the application for renewal be granted subject to the payment of the \$400 late renewal fee. The Division also recommends that the license be suspended but that imposition of the suspension be stayed for sixty (60) days. If the late fee is paid by the 60th day that the suspension imposed not take effect.

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

(20) Westside Funeral Home Inc. (F040644) (Palmetto)

Ms. Simon – The licensee is required to pay the Division \$500 in late fees due to a late submission. However, the update is that the licensee paid the late fees due on June 13, 2019. Therefore, the Division is recommending approval without conditions.

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

(21) Whitfield Funeral Home Inc. (F041938) (Zephyrhills)

Ms. Simon – The licensee was assessed a late fine of \$1,000 due to late submissions. The update is that on June 12, 2019 the Division received the late fee of \$1,000. Therefore, the Division is recommending approval without conditions.

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

ITEM REVISITED

17. Application(s) for Preneed License Renewals

A. Recommended for Approval without Conditions – Addendum J

Ms. Simon – Mr. Chairman if I may go back to 17A on the agenda. We submitted a list of licensees that met the minimum net worth requirements and the Division recommend approval, which the Board did. One name that we failed to submit on that list was L.C. Poitier Funeral Home LLC, and the Division is recommending that you approve their application for preneed main licensure without conditions just as the others.

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

C. Recommended for Denial

(1) Ed Kalis Memorials Service LLC (F039930) (Wilton Manors)

Ms. Simon – I passed out to you this morning some paperwork regarding this entity. It should be additions to your Board package. Ms. Richardson please correct me if I'm wrong with this. The Division is recommending approval based upon this submission by the licensee.

Mr. Helm – Are you sure it's on this one?

Ms. Simon – I just need one moment.

Ms. Richardson – On the first one?

Ms. Simon – On the Ed Kalis.

Ms. Simon – Based upon this paperwork, the Division is recommending approval without conditions due to the net worth requirement being met.

Mr. Knopke – Who is this on?

Ms. Simon – This is on Ed Kalis Memorial Service LLC.

Mr. Knopke – I don't have that.

Mr. Helm – I don't either.

Ms. Simon – On that matter, the Division recommends approval without conditions based upon the late submission.

Chair – And this is on Ed Kalis?

Ms. Simon – Yes sir.

Mr. Helm – Is there a fine or were they fined?

Ms. Simon – Again, on this matter I believe that the alternatives to the net worth requirement were submitted late and there is not a fine evidence for that.

Mr. Helm – Okay.

Ms. Simon – Therefore, we would recommend approval.

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

(2) Florida Family Cremations Inc. (F085031) (Clearwater)

Ms. Simon – In this matter the licensee reported a negative net worth of approximately \$88,000. The required net worth is \$20,000. In lieu of not meeting the minimum requirements for licensure renewal, the licensee submitted a personal guarantee of preneed obligations as well as an agreement to voluntarily trust 100% and/or sell only insurance funded preneed contracts. However, the Division finds that the licensee's net worth deficiency has increased since the last year and that acceptance of such alternatives may substantially increase the risk to existing or future customers and therefore the Division is recommending denial.

Chair – Is there a motion?

MOTION: Mr. Hall moved to deny the application based on the Division's recommendation. Mr. Knopke seconded the motion.

Mr. Jones – Is there someone here?

Chair – I'm sorry. Please come forward.

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

David Menneke – I do.

Ms. Simon – Please state your name for the record.

Mr. Menneke – David Menneke.

Ms. Simon – Thank you. And Mr. Williams is also here.

Mr. B Williams – Thank you.

Chair – Mr. Williams you were sworn before. Do you want to address the Board?

Mr. Menneke – Yes, thank you. We want to table this and come back. We want to ask for an extension, please.

Mr. B Williams – If it helps the Board, I don't believe the financial statements are stated properly, and I can work with their CPA. If you would agree to the deemer, to extend the deemer out and maybe table this until the next meeting. I'll work with the CPA to get these restated.

Chair – Is there a motion of table?

Ms. Simon – If we table this matter, the preneed license is suspended as of July 1, 2019.

Ms. Wiener – That is correct.

Mr. Menneke – We don't want to table, we want to ask for an extension.

Ms. Wiener – Well, I'm Wendy Wiener. I'm General Counsel for FSI. Let me clarify for the applicant. In this situation there is not really any such thing as tabling. Your license would become ineffective as of July 1st. One alternative would be for the Board to vote to deny and I can request a hearing, which will immediately table that denial and then as we've done with other applicants in the past we'll come back ask you to reconsider that denial, once we have this financials properly stated.

MOTION: Mr. Jones moved to deny the application based on the Division's recommendation. Mr. Knopke seconded the motion.

Chair – Good luck.

(3) Florida Keys Funeral Services LLC (F019195) (Key West)

Ms. Simon – As of this submission for this year's renewal the licensee reports a net worth of approximately \$29,000. The required net worth for approval is \$100,000. The Division finds, based upon the past history, that no alternative evidence or arrangements in lieu of the required net worth have been provided by the license fee. Therefore, the Division recommends denial of the application for renewal.

Chair – Ms. Wiener?

Ms. Wiener – Good afternoon., Wendy Wiener representing the applicant. New financials were submitted to the Division, although they were submitted I believe to Lashonda the day before yesterday or maybe yesterday. The accountant failed to book a couple of entries. I'm holding the new financials. They reflect the net worth of \$105,000. We would ask that you approve the license subject to the receipt of the corrected financials, as you have done with other applicants earlier today.

Chair – Is there a motion for that effect.

Mr. Knopke – I'll make the motion. Is there a fine involved?

Ms. Simon – If I could just have one moment, please.

Chair – Yes.

Ms. Simon – I would suggest at this point be tabled this case and come back.

Ms. Wiener – Well, regardless. Even if they were not received by the Division before now, they have been restated and if you will do that thing where you renew subject to the suspension.

Chair – Pending receipt of the new financials that indicate that the net worth value is substantial enough to cover the net worth for renewal.

Ms. Simon – The Division is recommending suspension for sixty (60) days. However, if the Division receives that documentation within that period of time that the suspension be stayed for 60 days pending receipt of that documentation.

Ms. Richardson – Lashonda has received updated financials and they do exceed the net worth requirement.

Ms. Simon – The Division recommends approval without conditions. I apologize for that.

Chair – They have been received and the Division recommends approval.

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

(4) Gillaspie Funeral Services LLC (F130962) (DeBary)

Ms. Simon – This entity reports a negative net worth of approximately \$16,500. The minimum net worth requirement is

\$20,000. Subsequent to the original application, the applicant has submitted a personal guarantee and financial statement of Jonathan P. Gillaspie and as a result the Division recommends that if you approve both That paperwork was included as a part of the paperwork I gave you earlier in the meeting. It is a supplement.

Chair – So, the Division no longer recommending denial of the application?

Ms. Simon – No, we are recommending approval subject to the Board accepting personal guarantee and the financial statement that I previously passed out to you this morning.

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

Mr. Knopke – Mr. Chair?

Chair – Yes?

Mr. Knopke – Just a question, and I know this was just received. Looking at the real estate on this, it looks like he owns the real estate, the house, jointly with his parents, if I'm reading the abbreviation correctly. The land his brother has, they share ownership. Can he pledge that without the other people's [inaudible]?

Ms. Wiener – Mr. Knopke, the issue may be moot and actually the reason that I was here for this application is because the other thing that you all received that you did not have previously was an appraisal for Altman-Long Funeral Home, which was acquired by the applicant, along with the closing statement. The appraised value of the funeral home against the amount that is owed on the funeral home, when added to the financials, well exceed the required minimum net worth. So, the applicant can certainly restate financials and provide you with current financials. The trend about this process that you face for a lot of the applicants is that the requirement is financials as of the end of last year that a lot of time things change at the end of the year and so long and so forth. So, his current financials greatly exceed the required minimum net worth and I would be happy for the Board to accept receipt of those on a suspension that is tolled for sixty (60) days or anything along those lines, which would actually obviate the need for the personal guarantee and the question that you raise, which I do believe is valid.

Mr. Knopke – That works for me. I was just asking. We already had the vote, so I was just asking as a point of interest.

Ms. Simon – There was already a full vote on this?

Mr. Knopke – I think it was.

Chair – I believe we voted on this.

Ms. Simon – We'll need somebody to reconsider.

MOTION: Mr. Knopke moved to reconsider the previous motion. Mr. Bango seconded the motion, which passed unanimously.

Board members – Aye.

Chair – And any oppose? So, we're reconsidering.

Ms. Simon – On Gillaspie Funeral Services LLC, based up on the statement made by Ms. Wiener the Division is recommending that the renewal be granted, but that that the licensee's license be suspended but that the suspension be stayed for sixty (60) days until the additional financial statements that Ms. Wiener referenced are submit.

Chair – Is there a motion to that effect?

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

(5) *Select Funeral Partners LLC (F067184) (North Port)*

Ms. Simon – In this matter, subsequent to the initial application for renewal, the Division has received proof of the licensee meeting the minimum threshold requirements. Therefore, contrary to the memorandum in your Board package, the Division is recommending approval without conditions.

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

(6) *Southern Funeral and Cremation Services Inc. (F038694) (Riverview)*

Ms. Simon – This application has been withdrawn, and that establishment has indicated they are not pursuing at this time.

D. *Non-Renewing Preneed Licensees (Not Renewing as of July 1, 2019) – Addendum K*

Ms. Simon – This is an informational item. The licensees have either affirmatively advised the Division that they are not renewing their preneed license or have not responded to the renewal application that was sent to them or the follow-up notice of that deficiency letter.

18. *Application(s) for Preneed Main License*

A. *Recommended for Approval without Conditions*

(1) *Blackburn-Curry Funeral Home & Cremation LLC (Macclenny)*

Ms. Simon – The Department received the application on April 3, 2019 and all items were resolved as of June 3, 2019. The principals and members of the LLC are James M. Curry (II) and Shannon M. Curry. A completed background check of all principals is currently pending receipt by the Division. Applicant’s qualifying funeral establishment license (License # F159867) located at the same address was issued as of April 2017. If this application for preneed license is approved, the applicant will sell trust funded preneed through FSI. The Division is recommending approval of the preneed main license without conditions.

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

(2) *Neshama JFS LLC (Pompano Beach)*

Ms. Simon – The Department received the application on March 6, 2019 and all items were resolved as of April 22, 2019. The principal and sole member of the LLC is Eli Andrew Lutz, and a completed background check of all principals was returned to the Division without criminal history. Applicant’s qualifying funeral establishment license (License # F357480) located at the same address was issued as of May 9, 2019. If this application for preneed license is approved, Applicant will sell trust-funded preneed through Funeral Services Inc. The Division is recommending approval subject to the condition that a completed background check of principals of the Applicant is returned to the Division without criminal history.

MOTION: Ms. Anderson moved to approve the application. Mr. Williams seconded the motion, which passed unanimously.

19. *Application(s) for Removal Facility*

A. *Recommended for Approval with Conditions*

(1) *Alternative Transportation Services Inc (Odessa)*

Ms. Simon – An application for Removal Service licensure was received on April 15, 2019. The application was incomplete when submitted but completed by May 14, 2019. Fingerprints for all principals have been returned with no criminal history. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

Mr. Knopke – Mr. Chairman, may I ask a question of staff?

Chair – Yes.

Mr. Knopke – Is this is a new facility or just a relocation of an existing facility?

Ms. Simon – If I may have a moment. This is an application based on a change of location.

Mr. Knopke – Okay.

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

(2) *Fubar Enterprises Inc d/b/a Superior Mortuary Transport (Wilton Manors)*

Ms. Simon – An application for a Removal Service license due to a Change of Ownership was received by the Division on April 23, 2019. The application was incomplete when received. The application was deemed complete on May 21, 2019. A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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. Clark seconded the motion, which passed unanimously.

(3) *Thomas J Balfé d/b/a Angels Wings Services (Lake Worth)*

Ms. Simon – An application for a Removal Service was received on May 22, 2019. The application was complete when submitted. A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

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. Helm seconded the motion, which passed unanimously.

20. *Application(s) to Renew Internship*

A. *Recommended for Denial*

(1) *Vinci, Laura M*

Ms. Simon – Laura Vinci was issued an internship license on July 15, 2014 and the internship expired on July 15, 2015. She has submitted an application to renew the internship license due to illness, hardship or awaiting results. Ms. Vinci did not complete the internship due to a variety of reasons. Ms. Vinci holds a valid direct disposer license, which was issued on in 2016. The Division is recommending denial based upon a violation of Rule 69K-18.002, Florida Administrative Code.

If I may mention that a letter of recommendation was submitted by Tiki Bates. That being said, that letter of recommendation was submitted within the last couple of days. We were unable to get it on the agenda.

Chair – Is Laura Vinci here?

Ms. Simon – And lastly we would submit that there is no legal evidence to suggest that this application should be granted. There's not legal basis, based on the fact that the internship ended many years ago. You only can renew an internship while you are still in that internship.

Chair – Thank you.

Ms. Simon – 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?

Laura Vinci – Yes.

Ms. Simon – Please state your name for the record?

Ms. Vinci – Laura Vinci.

Chair – Did you want to address the Board or are you here to here to answer questions from the Board?

Ms. Vinci – I'm here to answer questions and also my funeral director in charge of where I work is here as well.

Ms. Simon – 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. Menneke – I do.

Ms. Simon – Please state the name for the record.

Mr. Menneke – David Menneke. In view of what we saw early about Mr. McWhite who came up to do basically the same thing that we are doing and we since learned that we should petition the Board and not do it the way we're doing so I think we would like to come back at a later date.

Ms. Simon – Actually, my understanding is that this is based on a statute, which cannot be waived and the application submitted by the last gentleman was an application for internship. This is not. This is an application to renew internship, so it is not in the same posture at all.

Mr. Menneke – Well he had an internship that was interrupted so he is coming back for an internship and I believe that's what we are doing.

Mr. Barnhart – I think your option would be to withdraw this application entirely and then file a petition for waiver or variance of a rule. Do you wish to continue this application and waive the deemer or do you want to take the other route?

Mr. Menneke – We would like to take the other route. We would like to withdraw and come back.

Mr. Barnhart – Ms. Simon said this is governed by statute whereas the other one is not.

Ms. Simon – The statute says a funeral director intern who is eligible for license may renew his or her internship license for an additional one-year period and the rule actually says that the application to renew internship must be filed before the initial internship period.

Ms. Wiener – Rule or law?

Ms. Simon – The rule actually says that the application to renew internship must be filed before the initial internship. The statute says that the funeral director intern may renew his or her license for an additional one-year period if certain requirements are met. One of those requirements being that the intern has completed at least one half of the course of study in Mortuary Science or Funeral Service Arts.

Mr. Menneke – She's completed the whole course.

Mr. Barnhart – So, what happened four (4) or five (5) years ago?

Mr. Menneke – Lot of personal issues. She moved from the East Coast of Florida to live in the West Coast of Florida to start her internship and she was an intern for about three (3) months and her apartment flooded, the cable company broke up upstairs and she ended up having to be moved to a hotel, which is too much to deal with.

Mr. Barnhart – So, why don't you do this. Waive the deemer, but keep your application there for now.

Mr. Menneke – Okay.

Mr. Barnhart – And then you can file a petition for variance or waiver, which I believe would not be heard before August 1st, right? Our next in person meeting.

Ms. Simon – Yes.

Mr. Menneke – That is what we would like to do, please.

Mr. Barnhart – Okay. So, you waive the deemer?

Mr. Menneke – Waiving the deemer.

Mr. Barnhart – And you want to keep your application current, but you want to go ahead and file a petition for variance or waiver, with the Board staff so that we can get it advertised.

Mr. Menneke – Yes sir. We will do that. Thank you.

Chair –Thank you.

Mr. Menneke – Thank you very much.

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

A. Recommended for Approval with Conditions

(1) Preneed Sales Agreement(s)

(a) NorthStar Cemetery Services of Florida LLC (F019194) (Ormond Bch)

Ms. Simon – NorthStar Cemetery Services of Florida, LLC (NorthStar) submits a preneed sales agreement form for approval: Advance of Need Cemetery Purchase and Security Agreement. If approved, this agreement is to be used for the sale of trust-funded preneed cemetery contracts by the above preneed main establishment and its related preneed branches. The Division is recommending approval subject to the condition that two (2) full sized print-ready copies of each contract are received by the Department within sixty (60) days of this Board meeting.

MOTION: Mr. Knopke moved to approve the agreement subject to the condition that two full sized print-ready copies of each contract are received by the Department within 60 days of this Board meeting. Mr. Helm seconded the motion, which passed unanimously.

(2) Request(s) for Trust Transfer

(a) FPG Florida, LLC (F060727) (Auburndale)

Ms. Simon – On May 2, 2019, the Board approved acquisitions by FPG of a funeral establishment location, a cinerator facility, an application to acquire control of a cemetery company, and a preneed branch office location related to Charlotte Funeral Services, LLC (License #'s: F073161, F073788, and F073152, respectively). FPG acquired all the assets and liabilities for the cemetery, funeral and preneed for these locations.

FPG seeks approval of the transfer of the following: FSI 1993 Master Trust to the FPG Florida, LLC Preneed Funeral and Cemetery Merchandise and Services Trust Agreement under Regions Bank and the FSI Care & Maintenance Trust Agreement to the FPG Florida, LLC Cemetery Care and Maintenance Trust Agreement under Regions Bank. If approved, Regions is or will be trustee, all as more specifically set out within your Board package. The Division recommends approval subject to the conditions set forth below:

- 1) That the representations of FPG, as set forth in Attorney's letter dated May 17, 2019 be deemed material to the Board's decisions herein.

- 2) That within 90 days of this Board Meeting Regions provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1(b)), to act as trustee of the trust to be transferred pursuant to Attorney's letter dated May 19, 2019.
 - A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in Attorney's letter dated May 17, 2019.
 - Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in Attorney's letter dated May 17, 2019.
- 3) That the Board's executive director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional 90 days.

Mr. Clark – Mr. Chairman?

Chair – Yes?

Mr. Clark – I'd like to state my affiliation with Foundation Partners Group of Florida and I will not vote in this matter.

Chair – Thank you.

Ms. Wiener – Questions.

Chair – So, the Division is recommending approval subject to conditions set forth.

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

Ms. Wiener – Thank you.

B. Informational Item

(1) Trust Transfer(s)

(a) Hillside Cemetery Association Inc. (F039533) (Ormond Bch)

Ms. Simon – This is an informational item only. Hillside Cemetery Association is designating a successor trustee to transfer its cemetery care and maintenance trust funds from Regions Bank, N.A. to ClearPoint Federal Bank & Trust (ClearPoint). ClearPoint is or will be the successor trustee and will operate under the approved trust agreement, the Florida ClearPoint Cemetery Endowment Care Master Trust Agreement (as Amended and Restated Effective July 1, 2016), for this trust account.

22. Executive Director's Report

A. Operational Report

Ms. Simon – At this time, I will turn the meeting over to Ms. Mary Schwantes, Executive Director of the Board.

Ms. Schwantes – Mr. Chair?

Chair – Please.

Ms. Schwantes – The Board has four (4) Board positions, four (4) Board members whose position terms will expire at the end of September. Under s. 497.101, F.S., the CFO provides the Governor with three (3) nominations for each position. The Governor appoints the Board members from those nominations, subject to Senate confirmation. The positions which will become available are for one (1) of the two (2) funeral director positions on the Board. Currently that position is filled by Andrew Clark. The principal of a licensed monument establishment, currently held by Paul Helm. One (1) of two (2) persons whose primary occupation is associated with the cemetery, currently Frank Bango. And a consumer representative who is at least 60 years of age and that's currently filled by Jean Anderson. So, those four (4) positions will become available. The

position terms expire at end of September of this year. In addition, we currently have vacant position for a consumer representative who is also licensed as a certified public accountant. That position has pretty much been vacant since September 2017. Each of the consumer representatives must be a resident of Florida, may never have been licensed as a funeral director/embalmer, may not be connected with a cemetery or cemetery company license under Chapter 497, and may not be connected with the death care industry in any manner.

So, the Division is closely working with the Governor's Office now to make this year's application process as seamless as possible. However, applicants are still going to be required file an application with the Department, as well an online application with Governor's Appointments Office. The application process is open to any who are interested. Those who currently serve on the Board, in these positions, may also apply for another term, if they are interested. We expect notices regarding the application process will be provided and published by the end of June with an application deadline of July 31st. Be looking for the announcement if you are interested.

Moving on to another matter, regarding Fiscal Year End and Division planning. The State ends the fiscal year on June 30th. That means we're also working on the budget for a year in advance. So, we are working on the budget for the 2020-2021 fiscal year. We don't expect any significant changes to the budget other than that we are eventually going to need to budget for recurring maintenance and upkeep charges that occur annually on any information technology systems that we hope will be replaced soon. As we've done in the past two (2) years, a full financial report of the Division will be presented to the Board in December and for purposes of planning for the October meeting, be looking for the three (3) year projected calendar for Board meetings for your review and approval.

Other than that, I just want to go on record. I note that a lot of people who were here earlier had to leave, but I just want to go on the record to again thank the FMA Board and the association members for hosting the Board meeting. Our Division staff particularly appreciates the work that Ray Patterson has done this year in coordinating with us. He actually coordinates and serves every year and has done a great job, but in particular with all of the little details of the room and the equipment set up that are essential to the Board meetings, again we appreciate that help with everything.


Chair – We sure do.

Ms. Schwantes – The next Board meeting is a telephonic Board meeting on Thursday July 11th, at 10:00 AM. That concludes the Operational Report. Thank you, Mr. Chair.

B. Report: Payment of Disciplinary Fines and Costs

Ms. Simon – This is the report of the payment of disciplinary fines and costs. That is informational-only.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 June 18, 2019 Board Meeting
 Date of Report: June 5, 2019

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Manker Funeral Home	Apr-19	200632-16-FC	\$10,000	5/27/2019		Paid in Full
William Manker	18-Apr-19	200600-16-FC	\$10,000	5/27/2019	A	
William Long	7-Feb-19	187365-16-FC	\$3,000	29-Apr-19	B	Paid in Full
Willie J. Owens	7-Feb-19	195918-16-FC; 198403-16-FC; 204672-17-FC	\$3,500	1-Jun-19	A	
Reynaldo Lampkins	12/6/2018	200645-16-FC	\$4,000	2/21/2018	A	
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.						

23. Chairman's Report (Verbal)

Chair – Thank you. I'll make a request of the Division that the Board members be provided with a booklet or a notebook with the 69K-30 disciplinary guidelines so that when we're doing our agenda study or our Board meetings that we have the disciplinary guidelines before us. Yes, it's online, but you have to jump back and forth as you're studying cases and looking at the disciplinary guideline. So, it would be very convenient and appreciated if the Division could make that available to the Board members.

Ms. Schwantes – We are glad to do that and will have it out to you before the next Board meeting.

Chair – Thank you so much. We appointed a Committee for Florida Licensing Review and that Committee's Chairman was Mr. Hall, and Mr. Hall was kind enough to provide us with a summary of that meeting and give us a verbal report on that, too. Mr. Hall?

Mr. Hall – First of all, I apologize. The date on it shows June 5th. We were actually there on May 30th, in Tallahassee. There were approximately 15-20 people in attendance. It was represented by the Independent Association, the Mortician's Group, and FCCFA had members there. Board members Keenan Knopke and Darrin Williams were there with us as Committee members. What we basically do was just share some information we received from the colleges. The information we received from St Pete, Jacksonville and those colleges show the average right now, in Florida is about \$51.9, average salary for funeral and embalming. Tampa Bay area and St Pete showed about \$47,000. The tuition fees for those individuals depending on if they were in state or out of state is running somewhere between \$15,000- \$26,000.

The concerns are the number of quality people we really should have available to our industry. We have looked and we talked to other industry people who are in the opponent business. The trucking industry now is looking for over a 100,000 people. The people in that business tell us their people, probably 80% or more, don't even have a high school equivalency, yet they

want a \$100,000 or more to get in the truck. So, we are not just competing within ourselves anymore, but these other industries. We interviewed a young lady yesterday that was a Tampa police officer. She has been there eight (8) years. Her salary now is \$84,000. They are withdrawing from the Social Security. They anticipate her pension will be about a \$1.5 million at year '20. So, I don't know about the other funeral homes, but ours won't compete with that. So, those are some things we are up against. We have talked about the fact that even the medical profession, the doctors and so forth are using PAs and stuff in their profession now to try to accommodate the numbers that they are needing those people to see.

Questions came up in the meeting and prior to as to was the meeting about deregulation? Was it about doing away with the funeral director license? That wasn't the intent, that wasn't discussed. We went back to some individuals that said well these are the people that want to do this and I don't know of anyone, or hadn't had anyone tell me we want deregulation or we want to do away with funeral director license in Florida. We did provide in that packet some information from the conference that showed every state and what they require in each state as to requirement from schooling, etc. So, in that of course was Colorado who is deregulated so that would come up, but nobody has mentioned that and that is not the intention at all. So, I want to put some minds at rest there. We did feel that there are some things that we could possibly tweak in the existing license that would help us. We do have a temporary license when people came down from another state, they can pay \$50. The Division lets them go to work immediately and then they have sixty (60) days to come in and pass the rules and regulations course. If they are not successful in that period, they get another sixty (60) days to apply for that. Very helpful in bringing new people in from other states.

What we are running into difficulty zone now is when we're trying to draw people in to the school. The school's availability of the classes is not always there. Even though some of them are online classes, they are not available or they missed it. We had a girl testifying that in that meeting. She missed a particular class and waited a year for it to be available again. Since then I have been advised, I think, Jacksonville school at that time, I think, anticipated about thirty (30) something students, only graduating about 56% of those. Since then I have been notified by a professor there that they don't even know if their classes will continue. I think they were down to one (1) or two (2) students in the [inaudible] what was expressed to him. So that's a concern. We went back to some of ours that are with us and they said, okay, if we can't get to classes at St. Pete or one of the other colleges, will the colleges reciprocate with each other until we go to commonwealth or one of the other schools and take that class there and then give the credits back to you. Some of the schools at commonwealth want to make sure that 45% of those classes were held in their school. So, that's something, I think, we have got to work on because that's what's holding the people back. They are wanting to go to school and wanting to participate.

I spent a long time with Senator Baxley. He has offered to help us and assist us in this. He agrees it's a crisis-type problem, with the help that we have available to us. He reiterated the fact that when the unemployment rate is as low as it now that does drive the pool too of the availability that we have to pick from. He thinks that he can assist. We have talked about trying to be proactive in speeding up and fast tracking some of the material. Someone questioned it, "By fast tracking do you mean eliminate some of the courses?" That's not the situation. What we mean by that is some things like, right now, the Division allows us, if we have a person with an associate's degree and any discipline, they can come in and they can start the mortuary school, whichever one they choose. But what the requirement is now is that they pass Mortuary Law, Ethics, and Contagious Diseases. Me personally, and I am just speaking for myself, and the other Committee members can speak to that, I would like to see that part go away. They are under the direction of a funeral director in charge. I would like to see that person to be able to start immediately. It would allow the funeral homes to pay them more because they can do more for us. So, I would like to see that eliminated.

We saw a couple of members come before the Board today that had been in the business for a long time. For me, it makes it a very difficult job sitting here. We want to stay in the statute. We want to color in the lines, but when you see quality candidates, the one that was with Mr. Williams and Dennis, I have seen that individual's resume, very impressive resume. So, if those type of people come to us and I think if we can correct a few of these things, we can still stay within the lines and still not let quality people like that get away. Some of the schools, I think, in the past too, I think myself, Mr. Brandenburg, I don't know about Bango, but I guess some of us older fellas, when we went to mortuary school, it was a 12-month straight-through program. And like Wendy spelled out with the one candidate, some of the credits and things are there for them, but we went 12-month straight through. It wasn't like a junior college then. We didn't get spring breaks, we didn't get summer breaks, we went 12-month straight through and you were complete. Some of them,

I was surprised that one individual said he was offered both programs, either Associate's Degree or not. Only program I knew of that exceeded that twelve (12) months back when I was in the system was Cincinnati provided a 4-year program, a Bachelor's Degree. That was incredible back then. I didn't know of any others in my area at that time that offered anything in the Associate's Degree. We had Indianapolis and Louisville, but they blended into Mid-America now. So, I wish we could try to pool that together and get something there from the transcripts and get an agreement there to where we're coloring within the lines, but yet we don't pass up on good individuals. I did have contact from a member of the Independent Association. They had questioned, and I talked to Ms. Simon about it to make sure again we stay within our boundaries and in our lane, whether I could sit down with them and kind of go over some of these things and see what might be available. She has advised that it is legal if there is only one Board member there with them, but we don't know how the other two (2) Committee members would feel about that. And then if it did happen, we would come back into the Committee and say this is what has been proposed, are you on board with it, and then report back to the Board.

Chair – Thank you.

Ms. Simon – If I could just correct a couple of things.

Mr. Hall – Yes, ma'am.

Ms. Simon – One is the Contagious Diseases that you referenced. That is not a course. It's a CE, a continuing education, that's provided online.

Mr. Hall – We went back to Kevin Davis again, because Jasmin told us about that the last time. There's two (2) different courses in [inaudible]. One is basically even if I hire a staff person and they're going to be involved in removals or anything, that's the one Elite can provide for you online. Kevin has advised us that this Contagious Disease is a totally different class. We talked about it in that Committee meeting, but he's telling us it has to be taken separately, so those were three (3) he's telling us, Jasmin.

Ms. Richardson – Again, the statutes are what we require. The statutes require a communicable disease course, that is a CE course, and the two (2) college level courses, which is Ethics and Mortuary Law. So, whatever Kevin Davis is requiring his students to do is something different than what the statute is requiring.

Mr. Hall – I'm on your side.

Ms. Simon – One other thing, if I can make mention. As I mentioned to Mr. Hall, who had discussed the possibility of having a meeting outside the Committee, it makes me very uncomfortable due to the transparency requirement and the fact that it would be an offshoot of the Committee. If that happens, it would still have to come back to the Committee to make recommendations, because it can't be that other entity that reports anything to the Board. As I said, it would make me uncomfortable to have any meetings on this nature without there being a public forum and, while it is legal and I've spoken with Board counsel about that, the transparency element concerns me.

Mr. Hall – And she expressed that to me. The comments from that group was, we would like it to be centrally located. We hate to have to have all the staff and the State Attorney's Office and the recordings and everything done that we had to have for that meeting. So, we serve at your privilege. Whatever you all want us to do is what we will do. So, that was just a comment made at that Committee. They asked if we wanted their opinion, is there something that's been done on this already? I assured them I don't know if anything that has been done on this area. This is just kind of a wish list from us of what we think could help speed this process up. And when they are talking about fast-tracking again, they kept questioning whether we are removing some things out of the curriculum. The answer is no. What we mean by that is being able to bring these schools together and if one school can't offer it, which I don't understand totally why an online class gets full or why it's not available. So, Darrin had mentioned in the last meeting we need to get the schools together and get comments from them as to how we could pull this together. So, if one school doesn't have it, if they are both accredited schools we are trying to figure out why we can't blend those together. By fast track we don't mean taking classes out, we just mean expediting how these students have availability to those classes.

Chair – Thank you for that report and thank you, Mr. Williams and Mr. Knopke. And any other questions on that particular report?

Mr. Knopke – I'd just like to add to that, Mr. Chair, that we talked about changing the internship or the apprenticeship back the way it used to be years ago where you actually could serve your apprenticeship prior to going off to school. That seemed to attract a lot more people back then for whatever that attraction is, and when it changed, they kind of started to water off. Thank you.

Mr. Hall – And it goes back to the young lady I told you I interviewed this week with the Tampa Police Department and she told me what her salary was, what her pension potentially could be. First, I had to question her intelligence but she said that you have to understand it's what I wanted to do since I was a young girl. And so, it's me being happy to not just for the money. So, on a person like that it gives them the opportunity because we all know in the industry a lot of them start and once they're involved in our industry they say this isn't exactly what we thought. So, they've invested in school, they've invested their time, and then they're gone. They don't stay with it. So, that would allow them to come in and, you know, participate and see if it's something they truly want.

Chair – Is this something other than the apprenticeship program that's already in place?

Mr. Knopke – Oh, yeah. I'm going go back into the 60s when I served my apprenticeship. I did everything before I went off to school. I walked out of school, took my Board and I was licensed.

Chair – So, you were allowed to serve your funeral director internship --

Mr. Knopke – Not that one. My embalmer's apprenticeship ahead of time --

Chair – We're just about to invalidate your license.

Mr. Knopke – I know. I served my embalmer's apprenticeship prior to going to school, came out, served a year, and so forth. Kind of like you did.

Chair – Mr. Hall?

Mr. Hall – Yes?

Chair – Thank you so much for chairing that. We need more work on it.

Mr. Hall – Well, Senator Baxley has offered to sit down with us as far as if we can put something together to work on. He also recommended too that we get with Senator Stargel there in my area. He would like to see these late-entry people in our industry receive some type of scholarship programs for colleges to help them advance.

Chair – That was a very interesting aspect of your report.

Mr. Hall – She has been traveling and so have I, so we are hoping to sit down and see what possibilities might be there.

Chair – Thank you. Mr. Knopke, I want to call upon you. You wanted to address the Board.

Mr. Knopke – Yes sir, thank you. Past several on-site meetings, I have asked Ms. Simon if the Catholic Church out of St. Petersburg, the Archdiocese of St. Petersburg, has submitted required information that's been asked for several times and her response to me earlier was, no, they have not. Is that correct, Ms. Simon?

Ms. Simon – Not that I am aware of.

Mr. Knopke – I would like to make a motion to, go ahead, Ms. Wiener. I guess you are going to address the issue before I make my motion.

Ms. Wiener – I don't know if that will necessarily change the motion that you are about to make. The Diocese of St. Petersburg continues to interact with the appropriate zoning regulators. Of course, they are not going to open for business, obviously, until they have a cemetery in place and they can't finalized that until they -- how to describe this in the best way? The civil engineer that was working with them at the outset didn't necessarily provide them with the best guidance. They were provided with a letter, which was provided to the Board in your last Board packet that you have seen which confirms that the cemetery is an approved use in their zoning. There is a portion of the cemetery land, which may or may not be utilized, that is in an area for which you have to obtain a special permit. So, they have retained some time ago a land-use lawyer in Hillsborough County, who is getting this all sorted out and to the bottom of all of it. They are still within their timeframe to do their -- well, that's where they are. That's all I can say about that. So, we can certainly agree to come back before the Board. The approval was contingent upon providing evidence that the zoning was in place, and was permanent, and was appropriate for a perpetual care cemetery, and there is absolutely every intention that we will provide that or they simply won't open.

Mr. Knopke – Okay. I was under the impression they have provided everything to us. Then they'd move to Phase 2, which effectively at least in the past few that have been done meant go out and clean the land, get your road in, get your office developed, two (2) acres or whatever it is, three (3) acres, and you're good to go. In which, in my mind, tells me that it has all been zoned, it's all been approved by the county. It's a matter of you spending money to get it to the Department's acceptable level, meaning you can pass an inspection. What I am gathering is we didn't have enough to go from Part 1 to Part 2.

Ms. Wiener – You're correct and that's why the approval was contingent upon receipt of evidence that the zoning is in place and permanent so that a perpetual care cemetery can be on that property. They thought they had it, they really did. We came in good faith. The civil engineer that they were working with had assured them and they had talked to the city and actually Terry Young himself, who had been here to the meeting, had been to two (2) separate meetings where the zoning folks were like, "Yes, this is fine, it's good." But, I think, it might have been you, Mr. Knopke, that pointed out that the letter had some language that made it conditional. And so, when we went back to drill down on that to make sure that in fact the zoning was what it needed to be in order for them to put the cemetery there, we learned that it is conditional in some way. And so, there's a land-use lawyer that probably knows a whole lot more about this than I do that is now working with the county to make sure that we have that. So, it is a conditional approval and there will not be any issuance or licensure or anything that takes place until that condition is satisfied. And if it can't be satisfied, then the matter will be moot and it won't ever move forward.

Mr. Knopke – Okay. I would just ask that if you update us at in-person meetings.

Ms. Wiener – Absolutely, happy to do so.

Mr. Knopke – I hope it gets approved. I have a feeling that we were misrepresented too, not by you, but like them in general in that we were all ready to go.

Ms. Wiener – They feel exactly the same way that you do and they are pretty furious about it to be honest. Yes, they're really mad because they thought they were ready to go as well. And then they learned that in fact they were not quite ready to go. So, I would be happy to keep the Board updated at either in person or telephonic meetings as requested. And I stay in touch with Mr. Young on a regular basis to keep apprised of what's happening.

Mr. Knopke – The last thing is about the reason I keep asking is I want the people to understand that the Board is concerned about when representations are made to us that they're followed through with. We rely upon staff to do that and we know that they have a lot going on and if they do that, but it impacts everybody. If the big guy can get away or in this case the church can get away with something why can't I?

Ms. Wiener – I absolutely agree with that. It's super important and I think it's also important to note that when you do make issuance of any license conditional on fulfillment of a final condition or report something that all associates know that they have to provide that and to fulfill those requirements before they are actually getting a license. So, I appreciate that.

Mr. Knopke – Thank you. I'm done.

Chair – Thank you.

24. Public Comments (Verbal)

Ms. Simon – Is there anyone in the audience that would like to submit public comment on any of the items on today’s agenda?
Hearing no response.

25. Office of Attorney General’s Report

A. Attorney General’s Rules Report

Chair – Mr. Barnhart?

Mr. Barnhart – You see the lengthy Rules Report in your materials.

Chair – We have drummed it down.

Mr. Barnhart – Drummed it down, but guess what? We have some more rulemaking to do now, from the session that just ended. I don't have them listed down here, but the Director and Assistant Director of the Division and I had met and gone over preliminarily rules that we may need to get going, because of the legislation. I would like the Board to, even though it's hard to trust attorneys sometimes and some of you probably even like attorneys because of our personalities, if the Board members could allow us to identify rules that we think need to be opened up for development. This is just for development. It's not really taking a big step towards any new rules, but just to opened up for development some rules we think are going to be necessary to implement this legislation. If the Board can give us that approval, what I will try to do is to get with Mary and Ellen and bring to you at our August meeting some proposed language to get approved. And it doesn't have to be approved right then but of course anything we can do to amend the rules in August would be appreciated so we can get those in place.

Chair – Board, what’s your thoughts on that to give a prior approval to Mr. Barnhart to move ahead with that and present it to us with the abbreviated versions if you will and suggested language?

Board members – Agree.

Chair – Good, we agree with that.

Ms. Simon – Can you just state that one more time, Mr. Barnhart?

Mr. Barnhart – Just to give us approval to open up some rules, identify some rules that we believe need to be amended or promulgated to implement the legislation that just occurred from the session.

Ms. Simon – Okay.

Mr. Barnhart – It's not a huge leap, it's just to get things started and then real work will start in August, our August meeting where we will have some proposed language for you to consider.

Ms. Simon – We may either have that proposed language or we may need to establish a Committee on that.

Mr. Barnhart – Well, okay then.

Chair – Anything else to report?

Mr. Barnhart – You were just saved from about a two-and-a-half-hour presentation on Ethics, Public Records, and Sunshine Law.

Chair – I know. We passed on that today.

Mr. Barnhart – It'll be a much shorter presentation than that, and I believe it will be in October in St. Petersburg, so please make sure you're there. This is a good time to remind you about the disclosure statement, which I still have not done, which is due July 1st. I believe you can do it online. So, don't forget that.

**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES RULES REPORT
JUNE 2019**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-25.0025	Licensure by Military Experience; Funeral Directors, Embalmers, and Direct Disposers; Licensure Renewals of Spouses of Armed Forces Members	10/4/2018	10/19/2018 1/3/2019 (Notice of Change) 3/7/19 (Second Notice of Change) 4/19/19 (Third Notice of Change)	10/29/2018 Vol. 44/211	11/14/2018 – Vol. 44/222 11/20/2018 – JAPC letter rec'd 12/11/2018 - JAPC response 12/7/2018 – JAPC letter rec'd 12/27/2018 - JAPC response 1/16/2019 Notice of Change – Vol. 45/11 1/15/19 JAPC letter rec'd 1/18/19 – JAPC response 1/18/19 – Rule TOLLED 3/15/19 – Second Notice of Change published – Vol. 45/52 3/22/19 – JAPC letter rec'd 3/28/19 – JAPC response 4/29/19 – Third Notice of Change published – Vol. 45/83	5/22/19	6/12/19

26. Administrative Report

The information was provided on the Agenda.

27. Disciplinary Report

The information was provided on the Agenda.

28. Upcoming Meeting(s)

- A. July 11th (Teleconference)
- B. August 1st (Tallahassee – Betty Easley Conference Center, 4075 Esplanade Way, Room 166)
- C. September 5th (Teleconference)
- D. October 3rd (St. Petersburg/Pinellas Park – St. Petersburg College, Health Education Center, 7200 66th St. N)
- E. November 7th (Teleconference)
- F. December 5th (Jacksonville – Embassy Suites by Hilton Jacksonville Baymeadows, 9300 Baymeadows Road)

29. Adjournment

Chair – Board members, you know how much you are appreciated. Anything for the good of the cause? Anything happening you want to make us aware of

Mr. Williams – Are we still having the June 21st test call?

Ms. Simon – Yes.

Mr. Williams – Okay.

Ms. Simon – We want to make the telephonic meetings a little bit more static-free.

The meeting was adjourned at 2:21 p.m.