MINUTES

BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES TELECONFERENCE MEETING

May 7, 2020 - 10:00 A.M.

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

Mr. Jody Brandenburg, Chair – Welcome to the Board of Funeral, Cemetery, and Consumer Services Teleconference meeting. It's May 7, 2020. Ms. Simon, would you please make your preliminary remarks and do the roll call?

Ms. Ellen Simon – Yes, Mr. Chairman. My name is Ellen Simon. I am Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by teleconference and notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to all interested persons. The call-in number was placed on the agenda, which is made available to the public. The Board staff present for this meeting are accessing this call by teleconference, as well. 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's Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. Additionally, as this is a teleconference, we need everyone that is on the call to put their phones on mute if they are not speaking. The ambient noise coming from someone's phone, not muted, often causes disruption to the meeting. Feedback from someone's phone also causes a noise disruption leading to voices echoing. Again, please put your phones on mute if you are not speaking. Lastly, due to a possible strain with my internet connection it may take me some additional time to retrieve documentation necessary for this Board meeting. Please be patient, if I need additional time. At this time, Mr. Chairman, I will call the roll:

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

Also noted as present:

Mary Schwantes, Executive Director Tom Barnhart, Board Legal Advisor LaTonya Bryant, Department Staff Jasmin Richardson, Department Staff

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

Chair – Thank you. Jean Anderson has announced her retirement from the Board, after having served for, for two (2) terms. Along with her presence on the Board came grace and style, as well as calmness and wisdom. I'm sure you'll all agree that she will be missed, but in no way forgotten.

2. Action on the Minutes A. April 2, 2020

Chair - Action on the Minutes of the April 2, 2020 meeting?

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

3. Application(s) for Preneed Sales Agent

A. Informational Item (Licenses Issued <u>without</u> 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.

4. Consumer Protection Trust Fund Claims

A. Recommended for Approval without Conditions - Addendum B

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

- 5. Application(s) for Florida Law and Rules Examination
 - A. Informational Item (Licenses Issued without Conditions) Addendum C
 - (1) Funeral Director (Endorsement)
 - (a) Cappelli-Stathers, Karen
 - (2) Funeral Director (Internship and Exam)
 - (a) Voss. Beth
 - (3) Funeral Director and Embalmer (Endorsement)
 - (a) Cobery, Bryan A
 - (4) Funeral Director and Embalmer (Internship and Exam)
 - (a) Davis, Allie A
 - (b) Davis, Cheryl L
 - (c) Kaminsky, Monica L
 - (d) Riley Sr., William K

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 (Endorsement)
 - (a) McWhorter, David L

Ms. Simon – Mr. McWhorter submitted an application for a Funeral Director license on January 24, 2020, at which time the application was incomplete. All deficiencies were satisfied on April 1, 2020. The applicant's fingerprints returned with no criminal history. Mr. McWhorter did not receive an A.S. degree and instead graduated with a Diploma in Funeral Service on March 7, 1997 from Mid-America College of Funeral Services. He passed both Arts and Science sections of the National Board Examination on March 6, 1997. Mr. McWhorter received his Funeral Director and Embalmer license in Kentucky on June 25, 1999 which is currently active and is in good standings; and received his Funeral Director and Embalmer license in Indiana on December 8, 1998 which is currently active and in good standings. The Division is recommending denial based upon the college education component.

Wendy Wiener - Mr. Chairman? This is Wendy Wiener. I represent David McWhorter. Might I address the Board?

Chair - Please do.

Ms. Wiener – All right. Thank you, Board members. As you can see in the supplemental information that you received from Ms. Simon earlier this week, Mr. McWhorter does qualify for licensure by endorsement pursuant to s. 497.374(1)(b)(1)(1), F.S. He does hold a valid license to practice funeral directing in another state, in fact, in two (2) states. And when he secured his original license in Indiana, in 1998, the requirements for licensure were substantially equivalent to those in Florida, in as much as the educational requirements for the substance of his education, were basically the exact equivalent of what is required at the St. Pete College, Funeral Services Degree, which is an AS degree. As you can see from the document that I provided, comparing his education to that from St. Pete College, I would argue that he is more than qualified to be licensed here in Florida. He is a longtime funeral Director without any disciplinary history, any negative history, any criminal history, and I

believe that, especially in this particular time as we need more and more funeral directors of quality here in Florida, if he is licensed he will be found to be an excellent addition to our licensees in Florida, and I would ask for your favorable consideration of this application.

Tom Barnhart - Mr. Brandenburg?

Chair - Go right ahead.

Mr. Barnhart – This is Tom Barnhart. Board members, I think, again, you have another one of these cases where there's an attempt to put a square peg in a round hole. As I read the statute, it requires the degree and it's clear that he does not have that degree and that's why the Board staff is recommending denial. I recommend denial as well. I don't think there's any gray area here. You can compare courses that he's had to other courses, but that's really not the point. The point is: the statute requires degree for this person to become licensed in Florida. It's been in the statutes ever since the beginning, some, 40 some years, and there is no gray area, in my opinion. It's clear to me that the statute would require a denial for this applicant.

Ms. Wiener – Of course, Mr. Chairman, I would strongly disagree, and point the Board's attention to, s. 497.374(1)(b)(1), F.S., in your packet. The option one is that the licensee holds a valid license to practice funeral directing in another state, provided that the requirements for licensure were substantially equivalent to those existing in Florida, or, and that is the important point, or that the licensee meet the qualifications for licensure in s. 497,373, F.S., and that is where the Associate's Degree requirement is found. It is not found in that subsection one. So, it is just an either/or scenario. Either you have the basic substantial equivalent of the Florida requirement, or you have the Associate's Degree and you've completed a state or regional or national examination. So, in this case, his education was certainly substantially equivalent to that required in Florida, and thus he's qualified for licensure.

Chair – Ms. Wiener is there are any indication in the other states where he was licensed that there's been any disciplinary proceedings?

Ms. Wiener – None whatsoever. In fact, he is in good standing in both Kentucky and Indiana with no disciplinary history whatsoever.

Chair - Thank you.

Mr. Keenan Knopke - Mr. Chair?

Chair - Who's speaking?

Mr. Knopke - Knopke.

Chair - Mr. Knopke, go right ahead

Mr. Knopke - Ms. Wiener, what was your citation again? It was s. 497.374, F.S.?

Ms. Wiener – Yes. And, in fact, Mr. Knopke, if you are looking at the Board package on page one, where the Division sets forth its remark, you'll see in the second section that is divided out, it s. 497.374(1)(b)(1), F.S, provides that the licensing authority shall issue a license by endorsement to an applicant who, and then you have two (2) choices, 1 or 2, and they are divided by an OR, and so, that subsection one is the subsection that requires a substantial equivalent to the requirements in Florida, whereas subsection two is the section that requires compliance with s. 497,373, F.S., which is where the requirement for an Associate's Degree is found.

Mr. Knopke - Thank you very much.

Mr. Barnhart – Mr. Brandenburg?

Chair - Yes?

Mr. Barnhart - May I speak to that?

Chair - Please do.

Mr. Barnhart – I think Ms. Wiener is totally glossing over the provisions in subsection one where it says, "holds a valid license to practice... the requirements for licensure was substantially equivalent to or more stringent than", and I believe the requirement of a degree is part of the substantial requirements for a license. And I think the attempt here is to just gloss over that and say, well, he's been a funeral director for some twenty (20) years, but he's been doing the same thing we do in Florida. That's not the question. The question is, what were the requirement to become licensed back in 1998? What were they in Florida? You had to have the degree. And this is just a roundabout way, and we've argued about it before, where someone is trying to qualify and avoid the requirements of the statute. I don't think there's a gray area here and I disagree with Ms. Wiener.

Mr. Knopke - Mr. Chair?

Ms. Wiener - Of course.

Chair - Yes, Mr. Knopke?

MOTION: Mr. Knopke moved to approve the application. Mr. Hall seconded the motion, which passed with one dissenting vote

- 6. Application(s) for Internship
 - A. Informational Item (Licenses Issued without Conditions) Addendum D
 - (1) Funeral Director
 - (a) Larson-Johnson, Leone F328055
 - (2) Funeral Director and Embalmer
 - (a) Cruz, Reyes F069468
 - (b) Fishman, Michael P F153477
 - (c) Gonzalez, Estefany A F431151
 - (d) Noe, Alex E F432290
 - (e) Parrott II, Benjamin F430080
 - (f) Pickett, Rakisha B F433145
 - (g) Raymond, Christina F435231
 - (h) Stanwix-Hay, Jencie H F435230
 - (i) Young, Keith F080921

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 (Adverse Licensing History)
 - (1) Funeral Director
 - (a) McClellan, Belinda

Ms. Simon – An application for a Funeral Director Intern license was received by the Division on February 20, 2020. The application was incomplete when submitted and completed on March 31, 2020. A background check revealed no relevant criminal history. The applicant has adverse licensing history, which is provided within your Board package. The Division is recommending approval subject to the condition that the license be placed on probation during the length of the one-year internship.

MOTION: Mr. Powell Helm moved to approve the application subject to the condition that the license be placed on probation during the length of the one-year internship. Mr. Hall seconded the motion, which passed unanimously.

7. Application(s) for Registration as a Training Facility

A. Informational Item (Licenses issued <u>without</u> Conditions) – Addendum E
 (1) Cremations of Greater Tampa Bay Inc. (Tampa)

Ms. Simon – This, is an application for registration as a training agency. This is an informational item. The Division has reviewed the application on Addendum E and found that to be complete, and that the applicant has met the requirements to be a training agency. Pursuant to Rule 69K-1.005(12)(b), F.A.C., the Division, has previously approved this application.

- 8. Application(s) for Monument Sales Agent
 - A. Informational Item (Licenses Issued <u>without</u> Conditions) Addendum F
 - (1) Pastore, Vito F432660

Ms. Simon – This item is informational only. Pursuant to s. 497.554, F.S., the Division has previously approved this application.

B. Recommended for Denial (Criminal History)
(1) Garrett, Floyd (Gainesville)

Ms. Simon – An application for a Monument Establishment Sales Agent license was received by the Division on February 13, 2020. The application was complete when submitted. A background check revealed relevant criminal history in that on or about November 26, 2019, Mr. Garrett pled No Contest to a Second-Degree Misdemeanor DUI. He was sentenced to twelve (12) months of probation, 50 hours of community service, fined \$1000 and cost of \$516. On April 14, 2020, probable cause was found. The applicant was charged with a violation of s. 497.152(1)(b), 497.152(5)(a), 497.152(5)(b), 497.152(13)(a), 497.550(1), and 497.554(1), F.S. The Division is recommending denial.

Unidentified speaker - Mr. Chairman?

Chair - Yes?

Unidentified speaker – I'm here with Mr. Garrett. I'm the one who submitted this request on behalf of Pensacola Monuments. I'm curious what exactly all the charges brought against him for what you just mentioned, what those are actually for. Is there a case that was open and shut?

Mr. Barnhart - Mr. Brandenburg?

Chair - Yes?

Mr. Barnhart – This is Tom Barnhart. My recommendation is not to discuss the pending charges because that could disqualify every member of the Board from voting on it later.

Chair - Thank you., Mr. Barnhart. Who was speaking before that?

John Dodson – This is John Dodson, with Pensacola Monuments, on behalf of Floyd Garrett. He's here with me. I was trying to ask on behalf of the Board to give Mr. Garrett the ability to operate under our supervision with our licensure to give him the ability to become a sales agent with the intention that there is some fine or penalty from any past cases. For him to have some type of probationary period or something to pay back those fees. I would like to cite the case you guys had against Jay Monuments, where they operated without a license for thirteen (13) years, but the Board still was willing to work with them. When we bought Nationwide Monuments abilities to take care of all their customers, we paid off any outstanding contracts, All of that. Back in the end of last year...

Ms. Simon - Mr. Chairman, may I interrupt?

Chair - Please, Ms. Simon.

Ms. Simon – Yes, thank you. This is an application submitted by Mr. Garrett. I believe only Mr. Garrett or his counselor has standing in this matter.

Chair - Thank you. Board?

Mr. Barnhart - Mr. Brandenburg?

Chair - Who's speaking, please?

Mr. Barnhart - Tom Barnhart.

Chair - Mr. Barnhart?

Mr. Barnhart – I think I'd recommend you do one of two things in this area. You could cite s. 497.141(5)(b), F.S., or you could refuse to rule on this application at the present time with these pending charges. But I think the better route would be, if you're comfortable with it, would be to approve the license, and then the prosecutors could still go on with this other case that's been filed, and deal with the discipline later. Unless you think that someone is going to be suspended or revoked, they could deal with this later. And if there's a fine or some kind of corrective action to be taken, then the applicant could deal with that at a later date, when this other case is finalized.

Chair - Board members, what's your pleasure?

Mr. Helm - Mr. Chair, this is Mr. Helm.

Chair - Mr. Helm, go right ahead.

Mr. Helm – I have a question. Mr. Garrett, are you still on probation?

Floyd Garrett - Do you mean probation for my DUI? Yes, sir.

Mr. Helm - And you still have fines to pay?

Mr. Garrett – Yes, sir. I completed the classes that they want to complete. Now I'm just waiting out the duration of the probation and the fines, which {inaudible}, which I committed to and have not faulted on one thing.

Jasmin Richardson - Excuse me, Mr. Chair? This is Jasmin. I'm sorry. Mr. Garrett needs to be sworn in.

Chair - Ms. Simon, were you speaking?

Ms. Richardson - No, this is Jasmin Richardson.

Ms. Simon – If there's going to be any other speaking on behalf of Mr. Garrett, I would need to swear him in. Mr. Garrett, 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. Garrett - Yes.

Ms. Simon - Please state your full name for the record.

Mr. Garrett - Floyd Brian Garrett.

Ms. Simon – Mr. Brandenburg?

Chair - Yes?

Mr. Knopke - Mr. Chair? Knopke here.

Chair - Yes, Mr. Knopke?

Mr. Knopke - Mr. Garrett? Mr. Helm asked you about the fines and the costs. Have you paid all of those? Yes or no?

Mr. Garrett – No, sir. I have until the end of my probation period to pay for them and so they set me up on monthly payments, which I haven't defaulted on one time. I completed all the classes {inaudible}.

Mr. Knopke - Ok. How much is remaining on the fine and the cost to be paid?

Mr. Garrett – I believe it's around \$1500, sir.

Mr. Knopke – Ok. If you had a \$1000 fine and cost of \$516 that tells me we got \$1516, that's a balance of about 1500, right?

Mr. Garrett - Yes, Yes, sir.

Mr. Knopke – Ok, so you've really not made any substantial payments on the fine and cost to date?

Mr. Garrett - Yes.

Mr. Knopke - OK. You've gone to school, I assume. Have you done your fifty (50) hours of community service?

Mr. Garrett – No. That's the only thing that's left. I have the choice of doing the fifty (50) hours before probation ends, or I can pay \$10 per hour, which is a total of \$500, and that's the route I've chosen to do.

Mr. Knopke – You're going to pay \$500 for the community hours, you still got a fine of \$1000 and cost at \$516?

Mr. Garrett - Yes, sir.

Mr. Knopke – To pay by...

Mr. Garrett – I know. I'm sorry. I have until, I believe my probation ends in November. So, I'm still ahead of the game and that's all they require. As of now, it's basically \$60 a month and report once a month and do all your classes, which I have already completed and the DUI school I've already completed.

Mr. Knopke - Ok.

Chair - Mr. Knopke, any other questions?

Mr. Knopke - No, sir, thank you.

Chair - Board, is there a motion?

Mr. Helm – Mr. Brandenburg, please.?

Chair - Mr. Helm?

Mr. Helm – I wasn't finished, but I got walked all over, but anyways.

Chair - There was no intention of that, sir.

Mr. Helm - That's alright. Mr. Garrett?

Mr. Garrett - Yes sir?

Mr. Helm – I have a suggestion for you. Unless you want a denial on your record, I would suggest that you pull your application and wait until you get everything cleared up. Do you understand what I'm saying?

Mr. Garrett – Yes sir. Are you asking me to pay the existing balance of what I owe? Because my probation does not end until November. I have no choice but to continue reporting month to month, to the probation officer. I've done everything they've required of me, and they have no complaints.

Mr. Helm – Well, you can take my advice or not. That's up to you. That's all I have, Mr. Chairman.

Chair -Mr. Helm, were you finished?

Mr. Helm - Yes. I said, that's all I have, Mr. Chairman.

Chair - Thank you. Board?

Mr. Garrett – Mr. Chairman, may I speak please?

Chair - Who is this speaking?

Mr. Garrett - This is Floyd Garrett.

Chair - Mr. Garrett, go right ahead, please.

Mr. Garrett – So, I was in the industry for you know, seven (7) years. And when I stopped Nationwide Monuments, I had no problem with existing contracts that were paid. I've never had no complaints except one, which I was in the hospital and then as soon as I got out the monument was already coming on the way. So, I delivered the product, just as the contract stated. I've never had any complaints against me. It is hard not to feel. I like this field. I enjoy the public, I enjoy my name being recognized in the community. I don't have leeway here, unless I become a sales agent, so that I can continue working in this industry, you know, and just be a good, outstanding citizen to the community. As far as my fines, you know, since I closed Nationwide Monuments, I do not have a steady income, so I'm paying once a month, and probation told me by the end of my term of probation, when it's completed, I'll have to pay any existing balance, which I'm more than willing to do. That's why I've only paid month to month, to month, but if I was to be approved and become a sales agent actually making money, I can demolish these fines really quick or distinguish them. Sorry.

Chair - Thank you, Ms. Simon, are you with us?

Ms. Simon - Yes sir. I am.

Chair – Under the Division's remarks, it is highly unusual, and I don't ever remember seeing on an applicant, the disclosure that probable cause was found and the applicant was charged with violations. Can address this deviation?

Ms. Simon – Sure, Mr. Chairman. I'd be happy to. We don't typically have this. We don't have an instance where probable cause has been found on somebody recently, and they are submitting an application at the same time. So, because probable cause was just found last month, I thought it was relevant to this matter. Particularly when you're taking into account that the criminal probation is not over yet: I wasn't sure if the Board would like to license somebody that is in this posture. However, and since it is public that probable cause was found, however the Board wishes to deal with it.

Mr. Barnhart - Mr. Brandenburg?

Chair – Thank you. And remember Board, Mr. Barnhart's options that were communicated with us. Mr. Barnhart was that you requesting to speak?

Mr. Barnhart – Mr. Brandenburg?

Chair - Yes, Mr. Barnhart?

Mr. Barnhart – May I speak? This is Tom Barnhart. I also wanted to point the Board's attention to one other statutory provision, which I think is applicable in this case, and it is s. 497.554(3)(b), F.S., and basically that says that, this type of application shall be granted, unless the licensing authority determines that the licensure of the applicant would pose a substantial threat to the welfare of the public, which the applicant might be dealing as a monument establishment sales agent. So, I just wanted to make you aware of that provision as well.

Chair - Thank you. That was?

Mr. Barnhart - S. 497.554(3)(b), F.S.

Mr. Knopke - Mr. Chairman? Knopke.

Chair - Mr. Knopke, go right ahead.

Mr. Knopke May I ask Ms. Simon a question?

Chair - Please do.

Mr. Knopke – Ms. Simon, Mr. Garrett commented that National Monument Company, that he had worked there for seven (7) years, and I'm not sure if he owned it or what, but was there any outstanding discipline, other than the one instance he cited that you're aware of?

Ms. Simon – I can look that up, if you could just give me one moment, I looked up his name alone and he was not licensed. So, let me look it up. Nationwide?

Mr. Knopke – I think it's Nationwide or National Monument.

Mr. Garrett - It's Nationwide, Monuments.

Chair - Nationwide.

Ms. Simon - No, I do not see any discipline.

Mr. Knopke - OK.

Ms. Simon - Excuse me. If I may? I was inaccurate, Mr. Garrett was licensed at one time. However, he let his license lapse.

Mr. Knopke - Ok. Mr. Chairman? Knopke again. May I ask Mr. Barnhart a question?

Chair - Please do, Mr. Knopke.

Mr. Knopke – Mr. Barnhart, if I were so inclined to make a motion, would I cite this citation you just gave out, as part of the motion based upon that?

Mr. Knopke – Well, you could, Mr. Knopke. I don't think it'd be necessary, because we've talked about it and we've mentioned it, but if you'd like to mention that statute that would be fine. If you wanted to make a motion to approve, you could cite that in the motion, and then if he was approved, and then the prosecutors, could still pursue the other case, which probable cause has been found on.

Mr. Knopke - OK.

MOTION: Mr. Knopke moved to approve the application pursuant to s. 497.554(3)(b), F.S., with a one-year probation. Mr. Jones seconded the motion, which passed with two dissenting votes.

9. Application(s) for Direct Disposal Establishment

A. Recommended for Approval with Conditions

(1) Gallaher Services Inc d/b/a Mortuary Services of Florida (Lake Suzy)

Ms. Simon – An application for a Direct Disposal Establishment was received by the Division on February 19, 2020. The application was incomplete when submitted and completed on March 29, 2020. A background check of the principals revealed no relevant criminal history.

The application and its principal, Georgina Ronick, have adverse licensing history that has been previously reviewed by the Board at the August 6, 2015 and April 7, 2016 meetings. Board members, taking into consideration, the March 9, 2020 Executive Order, by the Governor, 20-52... Excuse me. Can everybody please put their phones on mute that are not on mute? We're getting feedback. Thank you. Which was issued, again, on March 9, 2020, and pursuant to s. 497.103(e), Florida Statutes, the usual satisfactory on-site inspections requirement for this application, I propose be temporarily waved throughout the length and duration of the Executive Order, or any extensions thereof, or any other Executive Order by the Governor of the State of Florida declaring a State of Emergency regarding the COVID-19 pandemic. At the Division's discretion an on-site inspection will be held prior to or within a reasonable time, following the expiration of the Executive Order. The applicant will have thirty (30) days following the initial inspection to correct deficiencies, if any, which are noted during the inspection. If the applicant is not able to correct any deficiencies within that timeframe, the license is automatically suspended. The Division is recommending approval with the condition I just cited.

MOTION: Mr. Jones moved to approve the application subject to the condition cited by the Division. Mr. Hall seconded the motion.

Mr. Helm – Question?

Chair - Who's speaking, please?

Mr. Helm - This is Helm.

Chair - Mr. Helm, go right ahead.

Mr. Helm – Would it be uncalled for to put probation with this one? Is that something we can? Add a one-year probation with this license?

Chair – We certainly should be able to if that is what the Board wishes to do.

Mr. Barnhart - Mr. Brandenburg?

Chair - Yes.

Mr. Clark – This is Andrew Clark. I would support Powell's question if the person who made the motion and seconded it would consider adding a year of probation.

Mr. Barnhart - Mr. Brandenburg?

Chair - Who's speaking, please?

Mr. Jones – Mr. Chair, this is Ken Jones. I made the motion. Based on the recommendations of other members, I will modify that to also add a one-year probation, to my already made motion.

Chair - And the person who seconded it?

Mr. Hall - I agree.

Chair - Thank you, Mr. Hall. Any other discussion?

Mr. Barnhart - Mr. Brandenburg? This is Tom.

Chair - Yes, Mr. Barnhart?

Mr. Barnhart -Could someone explain what the purpose of the probation would be, just for the record?

Chair – The purpose of the probation that you suggested?

Mr. Helm – Shall we say past history? Is that sufficient?

Chair - Mr. Barnhart, it is based upon past history of the applicant.

Mr. Barnhart - That's good. Thank you.

Chair - And it's been seconded. All those in favor, aye?

Board members - Aye.

Chair - And any opposed? The motion carries.

(2) Sunset Cremations LLC (Miami)

Ms. Simon – An application for a Direct Disposal Establishment was received on by the Division on February 20, 2020. The application was incomplete when submitted and completed on April 1, 2020. The Funeral Director in Charge will be Crystal Van Orsdel Marchant (F082468). A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the conditions outlined in the previous mentioned case, Gallaher Services, without the one-year probation.

Chair – So, the motion would have to do with the onsite inspection, as we've had before?

Ms. Simon - Yes sir.

Chair - Is there a motion?

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

Chair – And I've previously been advised that going forward, that we will have to include that verbiage for the motion for inspection at the appropriate time. So, that's why we're doing it on each case.

Ms. Simon - Thank you.

10. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Baldwin Brothers Memorial Care Services Inc. d/b/a Baldwin Brothers (Titusville)

Ms. Simon – An application for a Funeral Establishment was received by the Division on March 2, 2020. The application was complete when submitted. The Funeral Director in Charge will be Julian Fuller, III (F045122). A background check of the principals revealed the criminal history as well as adverse licensing history, as included within your Board package. The Division is recommending approval. However, the Division is recommending that, at the Division's discretion, an on-site

inspection will be held prior to or within a reasonable time, following the expiration of Executive Order 20-52, or any extensions thereof. The applicant will have thirty (30) days following the initial inspection to correct deficiencies, if any, which are noted during the inspection. If the applicant is unable to correct any deficiencies within that timeframe, the license is automatically suspended.

Mr. Knopke - Mr. Chairman?

Chair - Mr. Knopke?

Mr. Knopke – Let me make the disclosure that my brother is president of Baldwin Brothers and our relationship will not impair me from making a fair, honest decision, or whatever the appropriate language is.

Chair - Thank you for that disclosure, Mr. Knopke. Anything else, Mr. Knopke?

Mr. Knopke - No sir. I'll let somebody else make the motion.

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

(2) Monarch Funeral Home & Cremation Services LLC (Margate)

Ms. Simon – An application for a Funeral Establishment was received by the Division on February 28, 2020. The application was complete when submitted. The Funeral Director in Charge will be William Savino (F036730). A background check of the principals revealed no relevant criminal history. The Division is recommending approval subject to the condition that at the Division's discretion an on-site inspection will be held prior to or within a reasonable time, following the expiration of Executive Order 20-52, or any extensions thereof. The applicant will have thirty (30) days following the initial inspection to correct deficiencies, if any, which are noted during the inspection. If the applicant is unable to correct any deficiencies within that timeframe, the license is automatically suspended.

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

(3) Warren Family Funeral Homes Inc d/b/a Newcomer Cremations, Funerals & Receptions (Winter Park)

Ms. Simon – An application for a Funeral Establishment license due to a change of ownership was received by the Division on March 11, 2020. The application was complete when submitted. The Funeral Director in Charge will be Keith Mattei (F092397). A criminal history search of the principals revealed no relevant criminal history. The adverse licensing history for the applicant is included within your Board package. The Division is recommending approval subject to the condition that at the Division's discretion an on-site inspection will be held prior to or within a reasonable time, following the expiration of Executive Order 20-52, or any extensions thereof. The applicant will have thirty (30) days following the initial inspection to correct deficiencies, if any, which are noted during the inspection. If the applicant is unable to correct any deficiencies within that timeframe, the license is automatically suspended. The Division is also recommending a two-year probation.

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

11. Application(s) for Removal Facility

- A. Recommended for Approval with Conditions
 - (1) Island Bird LDT LLC (Miami)

Ms. Simon – An application for a Removal Service was received on by the Division on April 3, 2020. The application was incomplete when submitted and completed on April 20, 2020. A background check of the principals revealed no relevant criminal history of the principal(s). The Division is recommending approval subject to the condition that at the Division's discretion an on-site inspection will be held prior to or within a reasonable time, following the expiration of Executive Order

20-52, or any extensions thereof. The applicant will have thirty (30) days following the initial inspection to correct deficiencies, if any, which are noted during the inspection. If the applicant is unable to correct any deficiencies within that timeframe, the license is automatically suspended.

Chair – Is there a motion?

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

- 12. Contract(s) or Other Related Form(s)
 - A. Recommended for Approval with Conditions
 - (1) Preneed Sales Agreement(s)
 - (a) Curlew Hills Memory Gardens, Inc. d/b/a Palm Cremation and Burial d/b/a Sunset Point Cremation (F019277) (Palm Harbor)

Ms. Simon – Curlew Hills submits the preneed sales agreement found within your Board package for approval. The agreement is named: Prearranged Trust Funded Funeral Agreement. If approved, this form will be used for the sale of trust-funded preneed funeral goods and services by the applicant and its related preneed branches. The Division is recommending approval subject to the condition that two (2) full sized print-ready copies of the agreement are received by the Division within sixty (60) days of this Board meeting.

Mr. Knopke - Mr. Chair?

Chair - Mr. Knopke?

Mr. Knopke – Let me recuse myself on this one, but I'm available for questions.

Chair - Thank you.

Mr. Barnhart - Mr. Brandenburg?

Chair - Yes, Mr. Barnhart?

Mr. Barnhart – Yes, Tom Barnhart. If someone recuses themselves, I recommend that they don't participate in any kind of discussion either.

Chair - Thank you. Is there a motion?

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

- (2) Trust Transfer Request(s)
 - (a) Ernest C. Gagnon d/b/a Northwood Funeral Home (F019248) (West Palm Bch)

Ms. Simon – The applicant is requesting a trust transfer to wit that Northwood seeks approval of the transfer of the following: The Northwood Funeral Home Preneed Funeral Trust (dated 10/2/79, Pre-October 1993 trust) to the First Amended and Restated Agreement and Declaration of Trust of Independent Funeral Directors of Florida, Inc Master Trust Fund A (90/10 trust) under Argent Trust Company (Argent) and Cadence Bank, N.A. (Cadence). If approved, Argent and Cadence will be co-trustee. The Division is recommending approval subject to the conditions outlined within your Board package.

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

(b) Sea Pines Memorial Gardens, Inc. (F019326, F039612) (Edgewater)

Ms. Simon – Sea Pines seeks approval of the transfer of Clearpoint Florida Preneed Master Trust (70/30 trust) to the FSI 1993 Master Trust and the Clearpoint Cemetery Endowment Care Master Trust to the FSI Care and Maintenance Master Trust under Argent Trust Company (Argent). If approved, Argent will be the trustee, as laid out within your Board package, The Division is recommending approval subject to the conditions outlined within your Board package.

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

- B. Recommended for Approval without Conditions
 - (1) Preconstruction Performance Bond(s)
 - (a) SE Combined Services of Florida, LLC d/b/a Royal Palm Memorial Gardens (West Palm Beach)

Ms. Simon – Royal Palm Memorial Gardens intends to construct a 228-casket space mausoleum with a per casket price of \$1,285.00. Pursuant to s. 497.272, Fla. Statutes, typically, a pre-construction trust must be put in place if sales are going to occur prior to completion. However, s. 497.272(8) provides that in lieu of the pre-construction trust fund, the cemetery company may provide a performance bond in an amount and by a surety company acceptable to the regulator. The licensee has submitted for approval of a performance bond, the details of which are on your Board coversheet. The Division recommends approval of the above-named pre-construction performance bond <u>without</u> conditions.

MOTION: Mr. Knopke moved to approve the pre-construction performance bond. Mr. Helm seconded the motion, which passed unanimously.

(2) Preneed Sales Agreement Supplemental Addendum Form(s)
(a) National Guardian Life Insurance Company (Madison, WI)

Ms. Simon – NGLIC submits supplemental forms to their approved preneed sales agreement forms for approval: *Statement of Goods and Services – Supplement* (Form 3000G&S-SUP-03/20 and PN-NGSGS-SUP-03/20), *Statement of Funeral Goods and Services – Supplement* (Form PN-REI-SGS-SUP-03/20) and *Funeral Agreement Supplement* (Form PN-SGS-SER-SUP-03/20). The intended use of these supplemental forms is to provide extra space for funeral homes to write a more comprehensive description for the items they are providing on the preneed contract, as explained within your Board package. If approved, these forms will be used for the sale of insurance-funded preneed funeral goods and services by various licensed preneed main establishments and their related preneed branches. The Division is recommending approval without conditions.

Mr. Knopke - Mr. Chair?

Chair - Yes? Go right ahead.

Mr. Knopke – Just a quick question. This is Knopke. Ms. Simon, so if I understand correctly, on the electronic version, the Statement of Goods and Services Supplement A, B, C, other than the title of the boxes, the inside of the boxes is supposed to be empty, correct?

Ms. Simon – Well, the inside of the boxes on the actual form is supposed to be empty. However, it is anticipated, I assume, that it will be filled out when providing the services to further describe the services.

Mr. Knopke – That's fine. That answers my question. Thank you.

Chair - Thank you, Mr. Knopke. Is there a motion?

MOTION: Mr. Hall moved to approve the preneed sales agreement supplemental addendum form. Mr. Helm seconded the motion, which passed unanimously.

13. Application(s) for Preneed Main License

A. Recommended for Approval <u>without</u> Conditions (1) Monarch Funeral Home and Cremation Services LLC (Margate)

Ms. Simon – The Department received the application on February 27, 2020 and there were no deficiencies noted on the application. The sole principal and owner of the corporation will be William Savino, and a completed background check of the officer revealed no relevant criminal history. Applicant's qualifying funeral establishment license was previously approved on today's agenda. If approved, Applicant will sell trust funded preneed through FSI and use their approved pre-arranged funeral agreement. The Division is recommending approval without conditions.

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

14. Application(s) for Preneed Branch License

- A. Recommended for Approval without Conditions Addendum G
 - (1) CEI South d/b/a Christian Family Funeral (F071238) (Pensacola)
 - (2) FPG Florida LLC d/b/a Jennings Funeral Home & Crematory (F060727) (Sarasota)
 - (3) Warren Family Funeral Homes Inc. d/b/a Newcomer Cremations, Funerals & Receptions (F019198) (Winter Park)

Ms. Simon – Pursuant to s. 497.453, F. S., the applicants listed has applied for a preneed branch license. The applications were complete without criminal or disciplinary history and accompanied by the required fee. The record indicates that the applicants qualify for branch licensure. The Division is recommending approval.

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

15. Executive Director's Report

A. Operational Report (Verbal)

Ms. Simon – At this point, I will turn the meeting over to the Division Director, Mary Schwantes.

Ms. Schwantes – Good morning. A couple of things to talk about today. First, starting office operations. Division offices reopened yesterday, although they are still closed to the public. With extremely limited exceptions, Division staff are continuing to work remotely. The consumer/main phone line remains open with staff handling the phone calls. All incoming mail is being processed and handled as appropriate.

A few licensing issues I want to bring to your attention, this is a reminder that annual reports on Care and Maintenance Trust Funds and other trustee reports, such as those regarding preneed accounts, are due on June 1st. This is a result of the March 27th, CFO Directive which extended the filing deadlines from April 1st to June 1st and additionally directed that all active and valid preneed licenses are extended until August 31, 2020. Additional information regarding the extension, as well as a link to the CFO Directive, may be found on the Division's website. So, we look forward to receiving all required reports by June 1st.

On April 22nd, CFO Patronis executed another Directive, numbered 2020-08. The Directive promotes public health and safety by suspending section 872.03, F.S., which imposes a 48-hour waiting period before human remains may be cremated. The Directive also suspends administrative rules that limit funeral establishments to using cremation, refrigeration, embalming, or removal services located less than 75 miles away. Finally, the Directive grants the Division of Funeral, Cemetery and Consumer Services the authority to approve limited licenses for retired professionals who were once licensed, in any state, as a funeral director, embalmer, combined funeral director and embalmer, or direct disposer during this time of critical need, as provided in section 497.143, F.S. The Directive additionally reduces the time such retired professionals held licensure from ten (10) years to five (5) years. This directive is valid only for the duration of the Governor's Executive Order 20-52, which has been referred to during prior motions in this meeting. That is the Order that declared a State of emergency in Florida due to COVID-19. It is also valid for any extensions which may be entered on that Order. Again, further information on these matters is found on the Division's website.

Let's talk about PPE supplies. We know that many of our licensees are continuing to have difficulty obtaining the protective equipment and supplies that are essential to their work, particularly in handling the remains of those who have died or are

suspected to have died from COVID-19. In close coordination with the state's Division of Emergency Management, Emergency Operations Center, Department of Health, and the four industry associations, we have developed a procedure for licensees to request and obtain PPE supplies from the Division of Emergency Management without the necessity of going through their County Emergency Management. Again, details regarding the PPE request process are available on our website. Since the information was posted on Friday, we have received several requests, which are already being processed and filled by the Division of Emergency Management. The Division is pleased to be able to assist our licensees in coordinating these requests and we certainly hope that the resulting supplies they receive help to tide them over until supplies can be obtained from their regular supply chains.

Finally, you have probably heard that there are huge fires currently burning in South Walton County, over 600 acres. As of this morning, only about 65% of the fire had been contained. Thousands of people have been evacuated as the fires are close to their homes. So, as we do with hurricanes, we are already in the process of checking on our establishment licensees in the area and will provide an update next month if it appears that any have suffered damage from the fire.

I want to tell you about the Board appointment process. I am pleased to let you know that the CFO has submitted to the Governor the nominations for each of the positions for which the terms ended on September 30, 2019. The CFO's Office is in the process of informing the nominees (and may have already done so by now) and will also notify those applicants who were not nominated. I do not have any additional information at this time as to further application processes that may be required. I'm not sure whether nominees are going to have to go through the Governor's normal appointment processes, or whether, particularly because of the COVID-19 emergency, the Governor may be able to take action based upon the applications the Department submitted. I really don't know yet how long it will take for the Governor to make appointments. We are glad to be able to report progress on that and will you informed if we hear anything.

The next Board meeting is a telephonic meeting scheduled for Thursday, June 18th. The Division will have recommendations, at that meeting, regarding the remainder of the summer meetings. Due to the COVID-19 situation, it may be necessary to hold these meetings telephonically as well. This ends the Operational Report. Thank you, Mr. Chair.

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

Ms. Simon – This item is informational only. Are there any questions?

Monthly Report of Fines and Costs Assessed and Paid Division of Funeral, Cemetery and Consumer Services May 7,, 2020 Board Meeting Date of Report: April 23, 2020

			Total Fine &			
Licensee	Board Meeting	Case No.	Cost Due	Date Due	Paid in Full?	Comments
Infinity Transportation Services	6-Feb-20	Removal	\$1,750		Yes	
Infinity Transportation Services	6-Feb-20	Refrigeration	\$1,750		Yes	
Tri-County Mortuary Transfer Services	6-Feb-20	250581-19-FC	\$2,000	3/30/2020		A
Camel Funeral Home	6-Feb-20	247860-19-FC	\$300	3/30/2020		Α
Heritage Memorial Company d/b/a Lewis W. Mohn Funeral Home & Cremation	6-Feb-20	254946-19-FC	\$300		Yes	
Mosley Monuments and Vaults, LLC	6-Feb-20	243762-19-FC	\$500	4/29/2020		D
Stone Removal Services, LLC	6-Feb-20	243150-19-FC	\$300	3/30/2020		Α
Everglades Crematorium	5-Dec-19	231985-18-FC	\$2,000	3-Feb-20	Yes	
Geronimo Mena	5-Dec-19	231982-18-FC	\$2,000	3-Feb-20	Yes	
Affordable Cremation Solutions, Inc.	5-Dec-19	241091-19-FC	\$15,300	6-Feb-20	Yes	
Darice Concepcion	5-Dec-19	233390-18-FC	\$2,500	6-Feb-20		Α
D & L Real Estate Investments LLC d/b/a Faith Mer	5-Dec-19	227930-18-FC	\$1,500	6-Feb-20	Yes	
Albert McWhite	5-Dec-19	245288-19	\$3,000	6-Feb-20	Yes	
McWhite's Funeral Home	5-Dec-19	245292-19-FC	\$3,000	6-Feb-20	Yes	
Davis & Davis Funeral Services LLC A. When payment in full becomes past due, the FCCS	5-Dec-19	230411-18-FC	\$3,000	6-Feb-20	Yes	
B. Once fines and costs are paid in full, licensee kept						

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.



16. Chairman's Report (Verbal)

Chair – Thank you, Ms. Simon. We've had a number of talented attorneys representing the Board over the number of years. Tom Barnhart is not an exception. He's consistently given us excellent legal counsel and his timely advice and wisdom has made an impact on all of us. Because of this impact, it is with great reluctance that I report that Tom is retiring from State Government next month. This will be Tom's last Board meeting. I know that you join me in wishing Tom a satisfying and lengthy retirement. Tom, we hope that you appreciate this next phase of your life and find that this is where the fun actually begins. Thank you so much, Tom Barnhart.

Mr. Barnhart - Thank you, Mr. Brandenburg.

Chair - Thank you.

Mr. Barnhart - You're welcome.

Chair - That concludes the Chairman's Report.

17. Public Comments (Verbal)

Ms. Simon – Is there anyone to make public comment on any item that was on today's agenda? Hearing no response.

18. Office of Attorney General's Report A. Attorney General's Rules Report

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.

BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT MAY 2020

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-7.015	Trust Agreements and Trustees.	12/05/2019	08/12/2019(RD) 12/17/2019(RN)	08/20/2019 Vol.45/No.162	01/06/2020 Vol.46/No.03	02/10/2020	03/01/2020
69K-18.001	Embalmer Intern Training Program.		08/12/2019(RD)	08/20/2019 Vol.45/No.162			
69K-18.002	Funeral Director Intern Training Program.		08/12/2019(RD)	08/20/2019 Vol.45/No.162			
69K-18.003	Concurrent Internships.		08/12/2019(RD)	08/20/2019 Vol.45/No.162			
69K-21.001	Licensure Procedure; Consquences of Operating Prior to Licensure.	12/05/2019	09/26/2019(RD) 12/17/2019(RN)	10/03/2019 Vol.45/No.193	01/06/2020 Vol.46/No.03	02/10/2020	03/01/2020
69K-21.005	Display of Licenses.		09/26/2019(RD)	10/03/2019 Vol.45/No.193			
69K-21.007	Responsibility of Funeral Director in Charge.	12/05/2019	08/12/2019(RD) 12/17/2019(RN)	08/20/2019 Vol.45/No.162	01/06/2020 Vol.46/No.03 01/10/2020 JAPC Corresp. 01/30/2020 JAPC Response	02/11/2020	03/02/2020
69K-24.034	Operating Procedures for Refrigeration Services.		09/26/2019(RD)	10/03/2019 Vol.45/No.193			
69K-32.002	Approved Courses.	12/05/2019	09/26/2019(RD) 12/17/2019(RN)	10/03/2019 Vol.45/No.193	01/06/2020 Vol.46/No.03 01/10/2020 JAPC Corresp. 01/24/2020 JAPC Response	02/10/2020	03/01/2020

Mr. Barnhart – Thank you. Board members, I just wanted to let you know, as Mr. Brandenburg so kindly referred to this as my last meeting. I wanted to thank each one of you. It's been an honor to work with each one of you, and I've been impressed with the knowledge that each of you have, as well as the dedication you have to your industry, I'll be back at a later date to accept my presidential Rolex that I think is coming my way, from my understanding.

Chair - It will be sent directly to you.

Mr. Barnhart – OK, Great. My replacement is Rachelle Munson. I believe she's on the phone line right now, but you will be very capably represented in my absence. And I just want to thank each of the Board members for the honor of working with you. Thank you.

Chair - Ms. Monson, would you like to address the Board?

Rachelle Munson – Good morning. I'd like to first of all say how excited I am about stepping into this role at the very time {inaudible} I share your sentiments regarding Tom's retirement. However, I look very much forward to working with the Board, working with the staff, and I am hopeful that I can, to some extent, fill the very large shoes that Tom has created and cemented with his service with the funeral Board. I look forward to it. Thank you.

Chair – Thank you for those comments. Tom, I think new golf clubs and perhaps a new boat would be more appropriate than a Rolex presidential.

Mr. Barnhart – I'll put in my order for a Grady White, maybe a 25-footer.

Chair - Well, Lew Hall has ordered a 27-footer, so we'll change that order. Thanks Lew.

Mr. Barnhart – That sounds good, thank you.

Chair – Thank you, Tom.

19. Upcoming Meeting(s)

- A. June 18th (Teleconference)
- B. July 22nd (Boca Raton FCCFA Annual Convention, Boca Raton Resort & Club, 501 E Camino Real)
- C. August 13th (Orlando Embassy Suites Orlando-International Drive, 8978 International Drive)
- D. September 3rd (Teleconference)
- E. October 1st (Jacksonville Florida State College at Jacksonville, Advanced Technology Center, 401 W State Street)
- **F.** November 5th (Teleconference)
- G. December 3rd (Gainesville TBA)

20. Adjournment

Chair – Board members? Is everybody staying safe? I hope your families are all safe. Are there any comments from the Board members before we adjourn? Any good of the cause?

Mr. Hall – Speaking of that, Mr. Brandenburg. Has anybody heard any report from any firm that has had issues due to the Virus? All the employees are safe?

Chair – All the employees are safe, as far as I've heard. Perhaps the Division has heard something different. Or any other Board members? I'm hoping that all the professionals and others in the profession and the industry are. I know that they're taking all the precautions that are recommended and I've heard nothing but praise, for what some are calling, even though we are deemed essential and we all know about the first responders, I've heard us referred to as the last responders, respectfully. The last responders. Board, any other comments? Well again, thank you for always being prepared. Thank you for your input, and I certainly always have confidence in you and your comments. So, with that, the meeting is adjourned.

The meeting was adjourned at 11:31 a.m.