

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
July 22, 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 July 22, 2020, 10:00 A.M. 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 the Assistant Director of the Division of Funeral, Cemetery, and Consumer Services. Today is Wednesday, July 22, 2020, and it is approximately 10:00 A.M. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by videoconference and notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to interested persons. The link and call-in number is on the agenda, which has been made available to the public. The call -in number and other information relating to the Board meeting has also been published on the Division's website. The Division staff present for this meeting are either in the Claude Denson Pepper Building in Tallahassee FL, or are attending from the locations in which they are telecommuting, during the COVID-19 pandemic. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared.

This is the first videoconference of the Board. Because of that, there are some items I need to call your attention to. For one, as a general rule, please do not utilize your video camera for the meeting unless you are a Board member, Board counsel, or an authorized Division employee. If you have a matter listed on the agenda and intend to appear before the Board to represent yourself, or if you are an attorney that is representing your clients, only turn your video camera option on when we have reached the agenda item that you want to be heard on or when you hear your name called. Then turn your video camera option off again as soon as your matter has been addressed by the Board. Just as in a live meeting, persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board's Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. Additionally, as this is a videoconference, we need everyone that is on the call to put their phones or audio feed on mute if they are not speaking. The ambient noise coming from someone's phone or audio, which is not muted, causes severe disruption to the meeting. If you are not muted, you may be muted by Division staff. As a result, please make to unmute your phone or audio feed when you are preparing to speak. Also, if you are using your computer or smartphone for your audio feed, please remember to speak directly into the microphone on your device. To do otherwise negatively impacts the recording of this meeting. As a final reminder, Board meetings are public meetings under Florida Law, and anything said via chat is subject to a public records request. Board members should not be using the chat feature. Others should only use this feature for technological issues you may be experiencing, directing any inquiries in chat to Mary Schwantes, Division Director. She is monitoring the chat feature and, as necessary, will forward your inquiry to someone who can assist in resolution of the problem. At this time, Mr. Chairman, I will 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
Rachelle Munson, Board Legal Advisor
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Nicole Singleton, Department Staff

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

Chair – Thank you. I’d like to call upon Board member, Darrin Williams. Mr. Williams?

Darrin Williams – Good morning, Mr. Chair and fellow Board members. Thank you for the opportunity, as well as the Division. I just wanted to give my reflections and condolences to our fellow Board member, Jean Anderson. I would like to commend her service to our Board, to the State of Florida. As well as thanking her, if her family’s listening, for her friendship as a colleague on the Board. During my short term, over the past two (2) years, she has been a friend to me, as I came on the Board, and over time she checked on me to see how I was adjusting, so I would like to pay my respects to her and her family as they transition and go through this valley of sorrow at this moment in time.

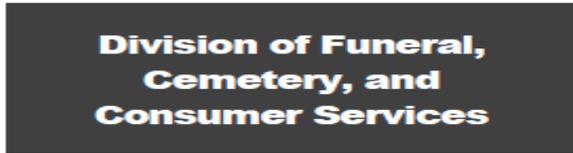
Chair – Thank you, Mr. Williams. Our esteemed Board member and colleague, Jean Anderson, passed away July 7th. As we pause for a moment, let’s remember Jean’s smiling face and defining grace. {Moment of silence} Thank you.

- 2. **Action on the Minutes**
 - A. *April 6, 2020 – Emergency Board Meeting*

Chair – Action on the Minutes of the April 6, 2020 Emergency meeting?

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

- 3. **Old Business**
 - A. *Internship License Extensions (Action Item)*



Memo

To: Board members, Board of Funeral, Cemetery, and Consumer Services

From: Ellen Simon, Assistant Division Director 

cc: Mary Schwantes, Division Director

Date: July 14, 2020

Re: Internship licenses

Primarily as a result of the COVID-19 pandemic, on April 6, 2020, the Board ordered that all internship licenses issued pursuant to sections 497.370, 497.375, and 497.377, Florida Statutes, which were valid as of March 9, 2020, be extended throughout the length and duration of Executive Order Number 20-52 (Emergency Management - COVID-19 Public Health Emergency) issued by Florida Governor Ron DeSantis.

At the time the Executive Order was entered, it was unclear how long the State of Emergency due to the COVID-19 pandemic would remain in effect. Additionally, it was unclear whether Pearson VUE would be able to offer the necessary testing for individual applicants pursuing licensure under Chapter 497, Florida Statutes.

Although Pearson Vue was unable to offer testing services for several weeks, testing recommenced a few months ago and is currently ongoing. The duration of the State of Emergency and other impacts of the COVID-19 pandemic remain unknown. At this point, however, since Pearson Vue has been able to recommence necessary testing, the Division is asking that the Board order entered on April 6, 2020 regarding internship licenses remain in effect only until July 31, 2020. The Division is requesting that all internship licenses effected by the order remain valid only until July 31, 2020, and that as of August 1, 2020, the internship licenses that otherwise would have expired pursuant to the timeframes provided in sections 497.370, 497.375, and 497.377, Florida Statutes, and rules 69K-18.001, 69K-18.002, and 69K-18.003, Florida Administrative Code, expire and be placed in an expired status.

Ms. Simon – The Division is requesting that the Board Order entered on April 6, 2020, regarding internship licenses remain in effect only until July 31, 2020. The Division is requesting that all internship licenses effected by the order remain valid only until July 31, 2020, and that as of August 1, 2020, the internship licenses that otherwise would have expired, pursuant to the timeframes provided in sections 497.370, 497.375, and 497.377, Florida Statutes, as well as rules 69K-18.001, 69K-18.002, and 69K-18.003, Florida Administrative Code, expire and be placed in an expired status.

Keenan Knopke – Mr. Chairman? Mr. Knopke has a question.

Chair – Mr. Knopke, go right ahead.

Mr. Knopke – Thank you. Ms. Simon, how many people are impacted by this?

Ms. Simon – I'm afraid I can't report that to you, Mr. Knopke. However, those that have been affected, the reason that we had originally asked the Board for an Order is we were told that PearsonVue was not providing testing for these types of licenses, and that's why internships needed to be extended. However, as we mentioned in the memo, the testing is being provided now and has been provided since April, and so, we are requesting that the Order only remain in effect until July 31st.

Mr. Knopke – A follow up question really quickly. Is there any way to notify the people of this new change?

Ms. Simon – We can put it on our website, and I'm sure that the information will be disseminated from various people on the Board call today, including the associations. We'll pass that information on, but, like I said, we will be able to put that information on our website and in that way, notify the licensees.

Mr. Knopke – Ok, thank you.

Chair – And we're quite certain that PearsonVue is able to commence testing?

Ms. Simon – Yes, sir. PearsonVue commenced testing in April. When the mortuary sciences and death care industry were considered as essential by the CDC. That's when they commenced testing. They were stopped for a short period of time.

Chair – Thank you. We're looking for a motion.

MOTION: Mr. Knopke moved to approve the Division's recommendation. Mr. Clark seconded the motion, which passed unanimously.

B. Status of Criminal Charges Associated with Prestwood Funeral Home's Old Ownership (Informational)

Article from the Jax Action News.

Investigators: Jacksonville-area man used role as funeral home director to scam families



By: [Russell Colburn, Action News Jax](#) and [Action News Jax](#)
Updated: April 5, 2019 - 6:56 PM

BALDWIN, Fla. — According to investigators, a local man used his job as a funeral home director to defraud several local families out of thousands of dollars. Roy Vance Prestwood Jr., 42, is charged with organized fraud and insurance fraud. Investigators said Prestwood used his job as a funeral director to cash in on nine policies worth more than \$100,000. "He's wrong to do something like that," said Mia Anderson of Baldwin. "He should give people the money back, because that's not right."

According to his arrest warrant, Prestwood would take the money from what's called a pre-need funeral arrangement contract. People make them to freeze the price of a funeral service because it fluctuates. Investigators said Prestwood had a scheme to collect on people who were still alive from 2006 to 2013. Investigators said bank statements revealed the funds went to vacations, recreational activities, vehicles and dining.

Action News Jax went to the Prestwood Funeral Home in Baldwin Friday, which is now under new ownership. Investigators said current staff is cooperating and not under investigation. Staff didn't want to appear on-camera, but directed us to this statement, reading in part: "We are deeply saddened by Mr. Prestwood's actions and will make every effort to assist all victims in this case."

Action News Jax got the suspect on the phone. He directed us to his attorney, Tim Pribisco, who issued this statement: "I'm looking forward to defending my client against these accusations and we are awaiting the opportunity to see the state's evidence and contest it in court."

Ms. Simon – There was a request made by a Board member regarding the status of Prestwood Funeral Home and any criminal charges that may have been filed toward that end. Included in the agenda is a newspaper article that went over the criminal charges that had been filed. That item is informational only.

Chair – Do we have anything more than a newspaper article? Do we have new communication with the State's Attorney's Office?

Ms. Simon – No, we do not have communication with the State's Attorney's Office, Mr. Brandenburg.

Chair – Is there a reason or something that precludes that? Rather than just a newspaper article?

Ms. Simon – No, sir. However, considering that the request that was asked, we provided the limited information regarding criminal charges that may have been filed, pursuant to this article. We have not had communication with his State's Attorney on this.

Chair – Mr. Hall?

Lew Hall – Is there any open investigation with the Division?

Ms. Simon – I really cannot comment on that, Mr. Helm.

Powell Helm – That was Mr. Hall.

Ms. Simon – Mr. Hall, excuse me.

Mr. Helm – But I do have a question.

Chair – Mr. Helm?

Mr. Helm – I know, if you don't get your hand in the wagon, you don't get anything out of. So, should we not make contact with the State Attorney's Office tell them the amount of money or anything?

Ms. Simon – I believe that the State's Attorney's Office is familiar with the amount of money that is at issue in this matter.

Mr. Helm – I mean, from us. Correct?

Ms. Simon – I believe that that information has been given to them. Yes, sir,

Mr. Helm – OK.

Ms. Simon – If not from us, by others.

Mr. Helm – All right.

Chair – Thank you.

4. Disciplinary Proceeding(s)

A. Settlement Stipulations (Probable Cause Panel A)

(1) Cremation Service of Florida LLC: DFS Case No.: 243562-19-FC; Division No. ATN-32447 (F191954)

Ms. Simon – The Office of the General Counsel will be presenting.

Mr. Knopke – Mr. Chairman? Mr. Knopke.

Chair – Mr. Knopke, go right ahead.

Mr. Knopke – For this part, 4. A. (1), (2), and (3), I will be recusing myself, as I served on Probable Cause Panel A. I will also be recusing myself for item number 4. C. for the same reason.

Chair – Thank you.

Marshawn Griffin – May I proceed?

Chair – Please do.

Mr. Griffin – Marshawn Griffin for the Department. Cremation Service of Florida LLC (Respondent) is a cinerator facility, licensed under Chapter 497, Florida Statutes, license number F191954, in San Mateo, Florida. The Department conducted an investigation and found that Respondent conducted activities licensed under Chapter 497, Florida Statutes, with an expired license in violation of sections 497.152(5)(b) and 497.606(1), 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 \$300.00.

Chair – I see that it's signed by and accepted by the Respondent. Board, any questions?

MOTION: Mr. Jones moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$300. Mr. Clark seconded the motion, which passed unanimously.

(2) Kalis-McIntee Funeral & Cremation Center: DFS Case No.: 243608-19-FC; Division No. ATN-32420 (F039832)

Ms. Simon – Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. Kalis-McIntee Funeral & Cremation Center (Respondent) is a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F039832, in Wilton Manors, Florida. The Department conducted an investigation and found that Respondent conducted activities licensed under Chapter 497, Florida Statutes, with an expired license in violation of sections 497.152(5)(b) and 497.380(3), Florida Statutes; and failed to utilize a Department approved form for its Bodies Handled Report for the months of December 2018 and January 2019 in violation of section 497.382(1), 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 \$300.00. The stipulation also provides that

Respondent acknowledges that section 497.382(1), Florida Statutes, requires licensees to use a Department approved form for its Bodies Handled Report.

Mr. Williams – Mr., Chair?

Chair – Yes?

Mr. Williams – Question?

Chair – Go right ahead.

Mr. Williams – Has there been any follow-up, in reference to seeing whether the firm has started using the correct forms, in terms of the Bodies Handled Report, after the initial inspection?

Wendy Wiener – Mr. Chairman, this is Wendy Wiener, I believe I can address that, if I may.

Chair – Please address that.

Ms. Wiener – Sure, Thank you. The problem with the Bodies Handled Report is that they were simply utilizing an old version of the form. It had the wrong reference to the rule on it. It was in every other way identical to the form that is required to be used, and we did get the correct form in for that licensee.

Mr. Williams – Ok, thank.

Chair – Mr. Williams, any other questions there?

Mr. Williams – No, no question. Well, a question for the Division. On page 36 and page 50, are those the same reports? I just wanted to make sure.

Ms. Simon – I'm sorry, can you say that one more time?

Mr. Williams – On page 36 of the Board packet and page 50, are those the same reports? I just want to make sure I'm looking at the same thing and not two (2) different documents.

Ms. Simon – It will just take me a moment. Yes, sir. It appears to be the same report.

Mr. Williams – Ok, excellent, OK, thank you. That answers all the questions.

MOTION: Mr. Hall moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$300.00 and acknowledges that section 497.382(1), Florida Statutes, requires licensees to use a Department approved form for its Bodies Handled Report. Mr. Williams seconded the motion, which passed unanimously.

(3) Manker, William Earl: DFS Case No.: 247416-19-FC; Division No. ATN-33049 (F043671)

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

Mr. Griffin – Marshawn Griffin for the Department. William Earl Manker (“Respondent”) was a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F043671. Respondent’s license expired on August 31, 2019. The Department conducted an inspection of Respondent and found that Respondent failed to comply with the terms of the Consent Order issued in case number 200600-16-FC. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall surrender his license, with the same force and effect as a revocation of licensure. After the period of revocation, Respondent will be ineligible for licensure until he complies with the terms of the Consent Order issued in case number 200600-16-FC.

Chair – Are you completed Mr. Griffin?

Mr. Griffin – The Department requests that you accept this stipulation.

Chair – I can't hear Mr. Griffin.

Mr. Griffin – Can you hear me now? Can you hear me now?

Chair – Yes, I can hear you now. Thank You.

Chair – Any. Questions, comments?

Rachelle Munson – Just a quick question, from Munson.

Chair – Yes, Ms. Munson?

Ms. Munson – I was just curious. In the Settlement Stipulation, the reference to the Consent Order with the suffix AG, I'm just unclear what AG represents, for my personal point of clarification.

Mr. Griffin – I apologize. That was a scrivener's error on my part. It should read FC.

Ms. Munson – Thank you.

MOTION: Mr. Hall moved to approve the Settlement Stipulation, requiring Respondent to surrender his license, with the same force and effect as a revocation of licensure. After the period of revocation, Respondent will be ineligible for licensure until he complies with the terms of the Consent Order issued in case number 200600-16-FC. Mr. Jones seconded the motion, which passed unanimously.

B. Settlement Stipulations (Probable Cause Panel B)

(1) Carriage Funeral Holdings, Inc. d/b/a Emerald Coast Funeral Home and Reception Center: DFS Case No.: 255311-19-FC; Division No. ATN-33393 (F041292)

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

Mr. Griffin – Marshawn Griffin for the Department. Carriage Funeral Holdings, Inc. d/b/a Emerald Coast Funeral Home and Reception Center ("Respondent") is licensed under Chapter 497, Florida Statutes, license number F041292, as a funeral establishment. The Department conducted an inspection of Respondent and found that Respondent failed to keep its cooler at a temperature of 40 degrees Fahrenheit or below. The Department and Respondent have entered into stipulation to resolve this case. The proposed stipulation provides as follows: Respondent shall pay an administrative fine in the amount of \$850.00 and the license shall be placed on six (6) months-probation. The Department requests that you accept the terms of this stipulation.

Chair – I'd like to clarify that. I believe it's a cinerator facility and not a funeral establishment.

Mr. Griffin – I apologize.

Chair – Can't hear you, Mr. Griffin.

Mr. Griffin – Sorry about that.

Chair – That's all right. It is a cinerator facility, not a funeral establishment. Board, what's your pleasure?

MOTION: Mr. Williams moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$850.00 and the license shall be placed on six (6) months-probation. Mr. Clark seconded the motion, which passed unanimously.

Ms. Munson – This is Ms. Munson. If I may?

Chair – I'm sorry?

Ms. Munson – This is Ms. Munson. If I may just make a quick comment?

Chair – Please do.

Ms. Munson – Just wanted to make a standing, if it's ok with the Board.

Chair – Go right ahead.

Ms. Munson – Ok, I just wanted to make a standing note that whenever we make any adjustments to the documents, the stipulations, whatever's before us, that when we accept them that the motion properly reflect that is accepted as amended, so that the minutes will reflect that the amended version of it is the actual version that's being accepted.

Chair – Thank you.

(2) *Carriage Funeral Holdings, Inc. d/b/a Lee County Cremations Services: DFS Case No.: 254944-19-FC; Division No. ATN-33643 (F065328)*

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

Griffin – Carriage Funeral Holdings, Inc. d/b/a Lee County Cremations Services (“Respondent”) is a direct disposal establishment, licensed under Chapter 497, Florida Statutes, license number F065328. The Department conducted an inspection of Respondent and found that Respondent conducted activities regulated by Chapter 497, Florida Statutes, with an expired license. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine in the amount of \$300.00. The Department requests that you accept the stipulation.

MOTION: Mr. Helm moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$300. Mr. Knopke seconded the motion, which passed unanimously.

(3) *Stone Brothers Funeral Chapel: DFS Case No.: 243594-19-FC; Division No. ATN-32477 (F116114)*

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

Mr. Griffin – Stone Brothers Funeral Chapel (“Respondent”) is a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F116114. The Department conducted an inspection of Respondent and found that Respondent conducted activities regulated by Chapter 497, Florida Statutes, with an expired license. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine in the amount of \$300.00. The Department request that you accept the terms of the stipulation.

MOTION: Mr. Knopke moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$1,500.00 and undergo a one-year period of probation. Mr. Helm seconded the motion, which passed unanimously.

(4) *Trahan Mortuary Services, Inc. d/b/a Pensacola Crematory: DFS Case No.: 255306-19-FC; Division No. ATN- 33317 (F040689)*

Ms. Simon – Presenting for the Department is Mr. Griffin. Mr. Griffin, please take your phone off mute.

Mr. Griffin – Marshawn Griffin for the Department, and before I proceed any further, I need to correct to slight errors in the stipulation and memo. They both read that the cooler was kept at a temperature of 46 degrees. It should read 40 degrees. Trahan Mortuary Services, Inc., d/b/a Pensacola Crematory (“Respondent”) is a cinerator facility, licensed under Chapter 497, Florida Statutes, license number F040689. The Department conducted an inspection of Respondent and found that Respondent failed to keep its cooler at a temperature of 40 degrees Fahrenheit or below. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent shall pay an administrative fine in the amount of \$2,000.00. The Department requests that you accept this stipulation.

Chair – Thank you,

Mr. Williams – Mr. Chair?

Chair – Go right ahead.

Mr. Knopke – Mr. Chair? Knopke here. A question for, Mr. Griffin, if I can? On the first page of the Settlement Stipulation for Consent Order, “*IT IS AGREED and STIPULATED by Trahan Mortuary Services, Inc. d/b/a Pensacola Crematory (Hialeah).*” I believe it might be located in Pensacola, and not Hialeah, meaning Dade County, Hialeah anyhow.

Mr. Griffin – That is correct. That should be stricken from the stipulation. I apologize.

Chair – Thank you. And I think that the stipulation, too, if you’d go to Page three, as mentioned earlier, by Ms. Munson, if we’re going to amend that. So, our motion should include 40 degrees, as opposed to 46 degrees. So, do we have a motion?

Mr. Hall – Mr. Chair? A question, if I may?

Chair – I’m sorry. Go right ahead.

Mr. Hall – I had a question for Mr. Griffin. If I may?

Chair – Who is this, please?

Mr. Hall – Lew Hall.

Chair – Mr. Hall, I’m sorry. I didn’t recognize it. Go right ahead.

Mr. Hall – Mr. Griffin? Just a question. The first one on this Order, we did this with the exact situation, of the cooler, for \$850. This one we got at \$2000. Is there a reason for the different? Can you help me with a difference in those two (2)?

Mr. Griffin – Yes, I can. The Department initially tendered an offer in this matter that included a fine and probation. After reaching out to the Respondent, the Respondent advised that they preferred a stipulation that required for no term of probation. So therefore, the increased fine was taking into account the lack of probation on the back end of this agreement.

Mr. Hall – Thank you.

Mr. Knopke – Motion to approve with the changes that have been noted by Mr. Griffin and myself.

Mr. Williams – I just have a question.

Chair – Mr. Williams?

Mr. Williams – Maybe someone can educate me on this. So, I was looking at Page 58 of the Board packet. It says, the first inspection was done at 46.3 on August 2nd, and then the second inspection was done at the temperature of 40.8, on Page 62. So, is the temperature requirement at 40 degrees and below? Because if so, that’s still, I guess, a violation if that makes sense. And maybe some of my colleagues can help me out in terms of does it have to be 40 degrees and below, or can it be. 40?

Mr. Griffin – Well, I believe that the picture, and I think between the inspection that's noted on page 52, and I would point out the reading that's on page 56 of a 39.7. I do believe that the requirement is that it has to constantly be at 40 degrees or less.

Mr. Williams – Ok, so on page 41, would that constitute what you just stated, Mr. Griffin?

Mr. Griffin – Yes. Well, it would be about 40 degrees. Yes.

Mr. Williams – So, we still have an issue, then, if that makes sense.

Ms. Wiener – Well, Mr. Chairman, this is Wendy Wiener. Might I address Mr. Williams' question?

Chair – Is this your client, Ms. Wiener?

Ms. Wiener – It is.

Chair – Go right ahead.

Ms. Wiener – Thank You. Mr. Williams, this is a tricky law because the law requires constant maintenance at 40 degrees or lower. So, if your cooler is at 30 degrees or somewhere around 40 degrees and you open it to take remains out, and it's a hot summer day, which are most days in Florida, then your cooler will go above 40 degrees momentarily, or for a slight period of time. And that's what happened in this circumstance. And that's what happens to a lot of licensees. There was a legislative effort some time ago to try and perhaps address this in some particular way so that maybe a violation didn't occur unless it was more than one occasion and over and over. But this is a situation where the licensee does have their cooler kept at the correct temperature, but it did happen to be at a higher temperature than that was permitted. As Mr. Hall noted, the Board had really been issuing low fines on this type of violation because of the problems with this law and its application. But this licensee preferred not to have a probationary period, and that's why we did agree to what we would consider to be quite a high fine for this particular type of violation.

Mr. Williams – Mr. Chair, I have a follow-up?

Chair – Yes, Mr. Williams?

Mr. Williams – So, Ms. Wiener, has there been any kind of vendor to come and inspect the cooler to give a report? I know in some previous discussions today, one item outlined that a Respondent had a vendor come out and do an inspection and provided a detail report. I didn't see that type of report done for your client, in terms of having someone from the outside to look at the cooler to make sure there's no issue. Because I want to make sure that this doesn't persist because 40.8 seems like we're in the ballpark, and maybe we can, not get away with it, but we're good, versus maybe 39.8, because I could go with that more. But it seems like we're still on the edge of having some issues or whatever. So maybe the cooler may need to be looked at again or something. I don't know. Has there been any kind of report given or an evaluation or inspection done of the cooler by a vendor.

Ms. Wiener – They did have their vendor out to do maintenance on the cooler, and I believe that it was after that point, that that last reading reflects the correct temperature. So, yes, they did address that. That was actually quite expensive at the time, so they were somewhat frustrated by that situation, but it was done and the cooler is working appropriately. I last checked in with them on this issue right around the time that Mr. Griffin and I got the signed stipulation back and I'm told that the cooler was working correctly at that time.

Mr. Williams – And my last follow-up, Mr. Chair. Can we add in the Settlement Stipulation some type of monitoring to the stipulation report or is it too late for that? Mr. Griffin?

Chair – Ms. Wiener, do they have a monitor with a firm? Do they have a temperature monitor with an alarm when it goes above a certain degree?

Ms. Wiener – I don't know the answer to that question. Thank you. Mr. Chairman, I don't know the answer to that, but I will tell you this isn't a problem licensee. This isn't a licensee with a long disciplinary history. This isn't a situation where we've got a problem with this cooler. This is an extremely active facility. Their cooler door gets opened and closed many, many times per day. They happen to get caught up in this scenario. It wasn't as a result of a complaint. They have rejected probation. They just don't feel it's necessary. I think those Board members on the call who are licensees, recognize that this is an unfortunately worded law that will result in disciplinary action, for a situation that will find necessity occur many times, every month, for a licensee. Because if you keep your temperature at 40 degrees, and you open the door, it's going to go up.

Chair – Thank you, Mr. Williams, I might mention that it's an industry practice. I don't know that it's required, but an industry practice that many refrigeration units do have an alarm on them to sign an alarm should something malfunction, and it goes above a certain degree.

Mr. Williams – Thank you, Mr. Chair.

Chair – You're welcome. Any other questions or comments, Board? What is your pleasure, Board?

MOTION: Mr. Knopke moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$2,000.00 and adopting the changes made by Mr. Knopke and Mr. Griffin. Mr. Jones seconded the motion, which passed unanimously.

*C. Material Facts Not Disputed (Section 120.57(2) Hearings) (Probable Cause Panel A)
(1) Logan, Ana Alicia: Case No. 254473-19-FC; Division No. ATN-33130 (F062028)*

Ms. Simon – Mr. Griffin?

Mr. Griffin – Sorry. If I could have one minute. The licensee keeps trying to contact me.

Chair – Take your time. Take your time, Mr. Griffin.

Mr. Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Ana Alicia Logan (Respondent). The Division alleges Respondent engaged in the following:

- Engaged in fraud, deceit, negligence, incompetency, or misconduct in the practice of any activities regulated under Chapter 497, Florida Statutes
- Respondent while serving as the funeral director in charge of a funeral establishment failed to ensure that the funeral establishment timely honored a contract

The Motion demonstrates Respondent's failure to timely file a responsive pleading contesting the allegations in the Administrative Complaint and requests the Board adopt the factual allegations in the Administrative Complaint and issue an appropriate penalty.

Ana Logan – Hi, this is Ana Logan on the line. May I speak?

Chair – I'm sorry?

Ms. Logan – This is the licensee, Ana Logan on the line. Am I allowed to speak?

Chair – Ms. Logan?

Ms. Logan – Yes?

Chair – Give me a moment, please.

Ms. Logan – Ok.

Chair – Ms. Logan, you're addressing the factual allegations in the Administrative Complaint? Ms. Logan?

Ms. Logan – Yes?

Chair – Ana Logan?

Ms. Logan – Yes, I am on the line. Can you hear me?

Chair – Are you addressing...yes, I'm asking you a question. Are you ready to receive my question?

Ms. Logan – Yes, sir.

Chair – Ms. Logan, you say you want to address the Board. Are you addressing the Board about the factual allegations in the Administrative Complaint?

Ms. Logan – Yes, sir, I am.

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

Ms. Logan – I do.

Chair – Ms. Logan, go right ahead.

Ms. Logan – I just wanted to say that regarding this matter, we entered into a contract with a client, and we did fail to put down the headstone in a timely manner, but once it was brought to our attention, by the family, we gave them a full refund of the price of the headstone/monument, and we still went ahead and placed it even after we had given a full refund of the contract price of \$995.

Chair – Thank you.

Mr. Williams – Mr. Chair?

Chair – Mr. Griffin, would you go right ahead, please?

Mr. Griffin – I believe that was Mr. Williams.

Chair – Mr. Williams?

Mr. Williams – Ok. So, my question for Ms. Logan will be on page 13, it was stated that you did something free of charge. I had a concern with that statement, because at the end of the day, there was nothing done free of charge, because the customer paid for a service that was never given. And so, there was nothing you were doing per se for them because in the end they paid for a service that was never given. So, I just found a lot of issues with how everything...

Mr. Griffin – If I may? The Administrative Complaint alleges that the consumer did receive the monument installation. It was just done late. So, I just want to correct that. As far as the Department has alleged in the complaint, the consumer did receive the product.

Chair – Eventually.

Mr. Williams – Right. I was looking at the statement and that is what I was referring to, Mr. Griffin. And then it was just a lag time, because we're talking about almost two (2) years. Oversight is two (2) to three (3) months, but two (2) years is just very unkind. So, I had a lot of issues with this case, because that's a long time, two (2) years, especially with the grieving family having to keep going to the cemetery and not see the product installed. Oversight, you know, I just can't buy that from this

firm, Mr. Griffin. So, I'm not sure what the results or what we're voting on. If you could repeat that. I didn't get the end result, Mr. Griffin.

Mr. Griffin – So, at this point, the Department has alleged that Ms. sent in an Election of Proceeding but it wasn't timely sent in, but in the Election of Proceeding, she waved her right to a formal hearing, and this matter would proceed under an informal hearing regardless, even if it was filed on time. So, the first motion is just to acknowledge the fact that she's waved her right to have a formal hearing, understanding that we will proceed only on whether or not, based on the allegations contained in the complaint, created a statutory violation and then what penalty should be imposed, with Ms. Logan having the right to present evidence via written submissions via her election to establish what penalty should be imposed by this Board.

Mr. Williams – Ok, yes, sir. Thank you for the clarification.

Chair – Thank you.

Mr. Helm – Now, where are we with this?

Chair – And, do we need a motion for the determination of waiver?

Mr. Griffin – Yes.

Mr. Helm – Determining the facts? Is that correct?

Mr. Griffin – So, the first motion is to determine that she's waived the right to dispute an issue, waived the right to a formal administrative hearing, that this is just going forward on a hearing not involving disputed issues of material fact.

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

Mr. Helm – Mr. Chairman?

Chair – Mr. Helm?

Mr. Helm – You are talking, because I see you talking, and then in about five (5) to ten (10) seconds I hear what you're saying. Is anybody else having that problem?

Board members – Yes.

Mr. Helm – So, you're not hearing a lot of things we're saying, Mr. Brandenburg, because you're talking and I don't know. It's just got everything backed up backwards or something.

Chair – I understand. So, I'm asking for a vote on the motion. Can you hear me?

Mr. Helm – Yep, I hear you mostly.

Chair – But it's delayed?

Mr. Helm – Very much.

Chair – Ms. Simon, any suggestions on resolving this technicality?

Ms. Simon – Actually, Mr. Brandenburg, I'm not sure because it seems like everybody else that's on the call is speaking with the correct timing of their video stream. It seems like you are having a problem with yours. However, at this point where

we're at is there has been a motion made and a second, and it's been voted on, I believe, regarding the waiver. I believe it was voted upon.

Chair – So the motion carries. Can you hear me on that?

Mr. Williams – Yes.

Chair – Ok. Mr. Griffin?

Mr. Griffin – At this time, based on that, it would be appropriate for the Board to entertain a motion to determine whether or not you are finding the factual facts as alleged in the Administrative Complaint and the statutory violations contained within.

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

Chair – Mr. Griffin?

Mr. Griffin – At this time, I would bring to the Board's attention that Department has submitted the investigative file, along with Ms. Logan's written response. At this time, the Department would assert that it's appropriate to determine the discipline to issue in this matter. The Department states that the appropriate discipline to close in this case would be a \$2000 fine and place Ms. Logan's license on one-year probation.

Mr. Helm – I have a question, Mr. Chair?

Chair – Mr. Helm?

Mr. Helm – Mr. Griffin, this lady has been singled out, just her. Is that correct? It's just her and not the funeral home?

Mr. Griffin – There's a companion case against Campbell Funeral Home. That matter will be heard, or the Department intends to bring it forward at the August Board meeting.

Mr. Helm – Ok. Has this lady ever been in any disciplinary trouble before?

Mr. Griffin – Let me verify in ALIS.

Ms. Simon – If I may, it appears that Ms. Logan had a Consent Order that was issued in 2016. The Consent Order, I'm just pulling it up now. The Consent Order was with a penalty of \$1000 and specific reporting that should be made to the Department. That's the previous history. The basis for the settlement agreement is...

Mr. Helm – What was a violation Ms. Simon?

Ms. Simon – That's what I'm looking up right now. I cannot find that for you right now, Mr. Helm. I'm sorry.

Mr. Helm – Well.

Mr. Griffin – I think I may have gone out of order. I think we also need to have a motion to adopt the conclusions of law as stated in the Administrative Complaint.

Chair – Is there a motion?

MOTION: Mr. Jones moved to adopt the Conclusions of Law as alleged in the Administrative Complaint. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Griffin, for that.

Mr. Williams – Mr. Chair, a question?

Chair – Mr. Williams?

Mr. Williams – Mr. Griffin, I'm just curious. So, who is Mr. Campbell? Because it seemed like he has been in contact with the family, or was doing a lot of arrangements, and then Ms. Logan signed the goods of service documents. So, I'm just trying to understand what is his role and what is her role, because it looked like the family was in contact a lot with him. She just signed the documents. So, I want to try to get some kind of clarity of how that all played out.

Mr. Griffin – Well, to start off with, I believe you're speaking of Leon Campbell, Jr. He's unlicensed. The establishment and Ms. Logan are the only two (2) people, at least as far as OGC is concerned with these cases, that are licensed.

Mr. Williams – So, I guess, is Ms. Logan on the line?

Ms. Logan – Yes, I am, sir.

Mr. Williams – So, Ms. Logan, why was Mr. Campbell doing a lot of the arrangements, per se, if you're the FDIC?

Ms. Logan – He was doing all the arrangements. He owns the funeral home and he handles the ordering of the headstones and making sure that they're placed.

Mr. Williams – Ok.

Ms. Logan – And he's personally known by most of the families. So, after we do the arrangements, sometimes there's questions, so they do know him personally, so they'll ask him and follow up with him there.

Mr. Williams – Ok, so are you saying that the family never get back in contact with you in terms of stating that the headstone was never replaced and things like that? Or did they...

Ms. Logan – No. As a matter of fact, after we had the funeral and from what we know, we placed the order for the headstone and it was just not actually put down. The family never got back in contact with us until two (2) years later to let us know. If that was the case we would have gotten the issue rectified as soon as it was brought to our attention. So, we did not know. It's not that we knew of this issue and was just not making sure that we did what we were supposed to do. That was not the case.

Mr. Williams – So, two (2) concerns I have. One, you said we. So, in your previous statement, you said Mr. Campbell orders the headstones and he's in charge of placing. Then you said we make sure that the headstone is placed and things like that, So, which one is it?

Ms. Logan – When I say we, I mean we as a funeral establishment.

Mr. Williams – Ok. So, if it's his responsibility to install the headstone and it takes two (2) years, what was the conversation? I mean, was there any follow-up in terms of making sure the funeral arrangements were carried out with the family, as the FDIC?

Ms. Logan – Yes. Ok. The order was placed, but I don't know why it was not put down, because this is not something that happens. Almost with all of our cases we have headstones ordered, and when the family meets with me, we put the information that they want on there and we send out the order. So, in this case, I do not know what happened. If something happened with the company that we use. I don't know what happened in that case that it was not placed. But usually when the order is placed, the headstone is put down and everything is done and good to go. In this case, it was not brought to our attention that the headstone was not placed until two (2) years later. The family had not visited the gravesite since the actual burial, and that's when they realize the headstone was not placed, and they let us know. Once they let us know that it was not placed, in good faith, we returned, the funeral home, Campbell Funeral Home, returned the price that they paid for that headstone and still made sure that the headstone was placed for this family, because it is not our practice to defeat families or even not give them products that they paid for.

Mr. Williams – Understood. Mr. Chair, last question, if I may?

Chair – Go right ahead.

Mr. Williams – So, Ms. Logan, I'm not sure if you have a copy of the Board packet, but on Page 71, we have a copy of what the headstone will look like, and it's dated on 9/16/19. So, do we have an original one of these, for when the family made their original arrangements with you? Because that's not the original. That's the copy from once everything was discovered, two (2) years later, and we want to now place the headstone.

Ms. Logan – I would have to look back at that, and I would also have to contact the company, as well.

Mr. Williams – Maybe you have a copy of it, because it's a document that seems like it comes from your office.

Ms. Logan – The one that you are talking about, the original one, I would have to go back and look for that one. The one that we sent into the Board was just the actual one from the cemetery showing that it was installed.

Mr. Williams – Ok.

Ms. Simon – Mr. Chairman? If I may, there is a little bit of background noise.

Chair – Mr. Williams, I see, exactly. Excuse me. Can you hear me, Mr. Williams?

Mr. Williams – No sir. Ok, I hear you now.

Chair – I do understand your question and I don't see anything in the packet that indicates the order form for the original marker order or a monument order.

Mr. Williams – Yes, sir. That was my concern.

Ms. Simon – Mr. Brandenburg?

Chair – Yes.

Ms. Simon – I want to make sure that after this is discussed, I want to go back to Mr. Helm's question.

Chair – So we have failing, without reasonable justification, to timely honor a contract entered into by the licensee or under the licensee's license, for funeral or burial merchandise and services. That's 497.152(15)(a), F.S., and the recommendation Mr. Griffin, again, please?

Mr. Griffin – The Department's recommendation in this matter is a \$2000 fine and to place Ms. Logan's license on one-year of probation.

Chair – Thank you. Board?

Ms. Simon – Mr. Brandenburg, before we go on.

Chair – Please.

Ms. Simon – May I respond to Mr. Helm's question?

Chair – Which question?

Ms. Simon – He had asked earlier about prior history.

Chair – Thank you very much.

Ms. Simon – Ok, in 2015, there was an inspection done for Memories Funeral Homes., which Ms. Logan was the FDIC for and at that time, it was found that there was a funeral director intern sign on the front door when they were not a training facility and there was equipment needed in the removal vehicle. That is what she received discipline for.

Mr. Helm – Ok.

Ms. Simon – Thank you, Mr. Brandenburg.

Mr. Helm – Mr. Chair, this is Helm. May I speak?

Mr. Knopke – Looks like Mr. Brandenburg's back. He may have lost his connection.

Mr. Helm – I don't know.

Chair – Mr. Helm, does that answer your question?

Mr. Helm – Yes, sir. Reading everything that I read, and Mr. Williams's question about how long it took, I can understand that once the mistake was made, the family didn't say anything to them. If they don't say anything to them it can go on forever, if nobody mentioned it, nobody would know that they made a mistake, So, that's not a part that concerned me a whole lot, but I think \$2000 is awful steep. It appears to me that the funeral or Ms. Logan did do what she should have done when she seen the mistake. So, I think \$2000 a little bit high, Mr. Griffin.

Chair – Mr. Helm, do you have a motion?

Mr. Helm – A motion of a \$500 fine and that's it.

Chair – Probation?

Mr. Helm – No probation.

Mr. Griffin – Just to be clear, the penalty guidelines for this are a \$1000 up to a \$2500 fine. This is under the old rule of disciplinary guidelines. So, in order to impose a fine of \$500, the Board just needs to state on the record their grounds for mitigating the penalty.

Mr. Helm – I don't know how.

Mr. Griffin – So, the mitigating factors that you could consider, I'll just give you the read through of the rule. Based upon the consideration of the following factors, the Board may impose disciplinary action, other than the penalties recommended in Subsections 1 through 5, based on the danger to the public, length of time since violation, number of complaints filed against licensee, length of time the licensee has practiced, the actual damage, physical or otherwise, caused by the violation, the deterrent effect of a penalty, the effect of the penalty on a person's livelihood or licensees livelihood, any efforts for rehabilitation, actual knowledge of the licensee pertaining to the violation, attempts by the licensee to correct or stop violations, or refusal by licensee to collect their stop violations, related violations against the licensee in another state, actual negligence of the licensee, and any other aggravating or mitigating factors.

Ms. Munson – This is Ms. Munson. If I may?

Chair – Please, Ms. Munson.

Ms. Munson – Just having attorney Griffin outline very clearly delineates the mitigation considerations. Of course, if you don't feel that this, given the previous Consent Order or whatever your concerns may be, don't fall within that, of course, we can

just stay within the lower limit of these guidelines, which is \$1000, which cuts the recommendation in half. I'm just noting it for the record, just for your consideration.

Mr. Williams – Mr. Chair, a question?

Chair – Mr. Williams?

Mr. Williams – Mr. Helm, I wanted to bring to your attention on pages 60 and 61. The family reached out to Mr. Campbell twice, to ask about the headstone, so I believe that the family did their part in terms of reaching out to the person that, per Ms. Logan's statement, Mr. Campbell is responsible for ordering the headstone and making sure it's placed. And the family did reach out, according to the statement, to Mr. Campbell to ask numerous times, what was the status of their loved one's headstone.

Chair – So, that would indicate that they were contacted before the two (2) years that were mentioned before. Is that correct, Mr. Williams?

Mr. Williams – Yes, sir. And actually, the dates were once around Father's Day. I didn't write the dates out. And Mr. Campbell just kept pushing the ball down the court in terms of saying, you know, a few more months, a few more weeks. But, I mean, you know, my fellow Board members can see the outline of what the family wrote.

Mr. Helm – What page did you say that was on, Mr. Williams?

Mr. Williams – Pages 60 and 61. It starts off on page 60.

Chair – That was part of the complaint, 60 and 61.

Mr. Helm – Well, if it was there, I'm sorry, I missed it. I did not see that. So, Ms. Logan was not telling us the truth then.

Mr. Williams – That's the conclusion I came to, as well.

Mr. Helm – I withdraw my motion, Mr. Chairman.

Chair – Do you have another motion, Mr. Helm?

Mr. Helm – A \$2000. Fine and a one-year probation.

Leslie Campbell – Hello, this is Mr. Leslie Campbell. Am I able to speak?

Chair – Mr. Griffin, is Mr. Campbell able to speak to this?

Mr. Griffin – I mean this, theoretically Ms. Logan is free to call whoever she'd like as a witness. Basically, because she's filed a response, the Department has no objection if you want to accept testimony from Leslie Campbell.

Chair – Ms. Munson, I see that you're agreeing with that?

Ms. Munson – I am. The Department has no objection.

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

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. Campbell – Yes, ma'am.

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

Mr. Campbell – Leslie Campbell.

Chair – Mr. Campbell, go right ahead and address the Board.

Mr. Campbell – All right. Thank you both for hear me at this time. I want to say that the you have there, as far as the complaint, all of that took place in one day. There were no times where the family reached out to us and there were different occasions. That complaint happened all in one day. So, just to kind of bring some clarity, so that we would have a plausible defense here, just as the complaint itself came and then we respond. It wasn't a lingering time. To Mr. Williams, to address the question of having a drawing for the memorial bronze before the order had gone in, we placed the order in, and what took place with Matthews Bronze is that they sent back to us a confirmation of the order and then we, just at that point because we were taking the process of the order in as it was already placed. It was just a simple oversight, not deceit. So, when we found out from the family that the order was not placed, that's when I told her let me check with the cemetery to see what took place with the order. Not that I pushed the family off. The order was to be, based upon our paperwork, in the cemetery. So, once we found out that the order was not in the cemetery, that's when we refunded the family and placed the order in the cemetery.

Mr. Williams – Ok. Mr. Chairman, may I respond or ask a question?

Chair – Thank you, Mr. Campbell.

Mr. Campbell – Yes, thank you.

Chair – Mr. Williams, go right ahead.

Mr. Williams – I have I have further reservations with that, because going back to my initial question or statement, as well as Mr. Chair had the same comments. Where is the original form that you provided to the Monument Stone Company that outlined this is what the monument should look like? Because we see the copy of the form once it was discovered by your firm that you had not placed the monument. We see the second copy, but where is the original copy from when Ms. Logan made the arrangements with this family.

Mr. Campbell – Right. Correct. The original copy is with Matthews Bronze, which we did not follow-up the order with them, because at the time, and if a few other colleagues are listening, Matthews Bronze shifted to an updated version of their ordering and shipping the orders out to the funeral homes. We got caught right in the middle or in the midst of that shift, and we no longer order our bronze from Matthews for that, because we should've known that. Not that it's a bad company, I just think that the small firms catch a greater disturbance in trying to get orders from Matthews, being a conglomerate, on time.

Mr. Williams – I understand that. I was educated by my colleagues, on the Board, in terms of one, it's not the customer's responsibility to make sure the product is installed and is placed at the right area. It's the firm's responsibility, and Ms. Logan, as the FDIC should have taken responsibility, being that the buck stopped with her, in terms of making sure the family's wishes are carried out. Because, as you see in her complaint, she outlined when she had spoken with you on numerous times. So, either the complainant has made some false claims in the complaint. Or the firm is not acknowledging what the customer has said. So, I'm not sure who's not telling the truth. I just can't see a family just blatantly saying that my loved one headstone is not there for over two (2) years. I mean, I just cannot see them making those false claims. Two (2) or three (3) months, I can understand. Things happen, life happens, but two (2) years is a lot.

Mr. Campbell – Right.

Ms. Logan – Excuse me. Mr. Williams, may I please speak?

Chair – Yes, please.

Ms. Logan – In looking at the original complaint from the customer, it clearly states there, “*Due to my grieving, I was not able to visit my father’s grave site until eight months after his death, 9/8/18.*” So, I understand two (2) to three (3) months is understandable, but the family had not visited the gravesite until eight (8) months later. And we did not push them off.

Mr. Williams – Well, I think that's a moot point, because you cannot tell a loved one when they can visit their family's gravesite. I mean, some persons may take grief differently. My point is I believe that you as the FDIC didn't follow up with your employee, which is Mr. Campbell, in terms of making sure he ordered the headstone and it was placed. It took two (2) years, regardless of how long it took the family to visit the gravesite. If it took them five (5) years, the headstone should have been there regardless of how long it took them. So, that's my point.

Ms. Munson – If I may?

Chair – Excuse me. I'm calling upon, Ms. Munson.

Ms. Munson – This is just for clarification. I just want to remind the Board for just procedural matters that the individual responding before the Board is Ms. Logan, although she has allowed Mr. Campbell to speak. I don't want to confuse who's actually presenting the information. So, Ms. Logan, if you concluded with the time you need to present, Mr. Campbell's information, then we'll close that out and I'll just return this to you, but we can't go back and forth as if both of you are presenting, because that's not the purpose of this hearing.

Chair – Thank you so much. Board members, we have a motion by Mr. Helm for a \$2000 fine and one-year probation.

MOTION: Mr. Helm moved for a \$2000 fine and a one-year probation. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you.

D. Material Facts Not Disputed (Section 120.57(2) Hearings) (Probable Cause Panel B)
(1) Gainer-Pollard Funeral Home LLC: Case No. 254989-19-FC; Division No. ATN-33394 (F344120)

Ms. Simon – Again, Mr. Griffin presenting.

Mr. Griffin – Marshawn Griffin for the Department. Before we proceed any further on this matter. I just need to apprise the Board. Mr. Pollard reached out to me, Freddie Pollard, who I believe is the owner of Gainer-Pollard, reached out to me last week and stated that he would not be able to attend today, because he was feeling under the weather. I let him know that the meeting had been noticed over a month ago. He then reached out today to me today at nine o'clock, not realizing that this meeting was set for Eastern Standard Time or Eastern daylight time. I believe he's in Georgia, or lives in Georgia because it was a Georgia number. I then provided him with a copy of the agenda and told him that there were the options for him to call in or appear via video, or via web chat, through the link provided at the top of the agenda. Mr. Pollard then advised that he tried to call in and was unable to get through today. He said that the answering machine kept him out. I'll pull up the exact email that he sent mid meeting. “*The access code is not working. The automatic answering machine keeps telling me it's not being accepted. Can I reschedule my case for a later date?*” So, I just wanted to let the Board know about this. That he has advised that he was having technical issues earlier this morning, and he has been keeping in touch. So, the Department find it has no stance as to whether or not we can try this in August, just as easily as we try it today. I just wanted to point that out.

Chair – Thank you. Ms. Munson, what do you advise the Board?

Ms. Munson – I would advise that the Board postpone this matter since it is now of record that the Respondent has made continual attempts to participate.

Chair – Ms. Munson?

Ms. Munson – Yes? Can you hear me? Can you hear me?

Chair – Yes, we need your advice.

Ms. Munson – Yes, again, I will advise that the Board postpone this matter because the Respondent has made evident and continual attempts to participate, and has been unable to do so, of record.

Mr. Griffin – And if the Board does that, I just want to point out...

Chair – Is there a motion?

MOTION: Mr. Knopke moved to postpone the hearing until the August Board meeting. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you. Ms. Simon?

Ms. Simon – Mr. Griffin, are you done on your comments?

Mr. Griffin – I want to point out that if this is presented to the August Board meeting, I will be updating the Board packet, because several attempts were made to inform the licensee of this meeting via e-mail and as well as US Mail.

Ms. Simon – Now that it's been continued, we'll look forward to you presenting it in August.

(2) Related Cases – Division No. ATN-32993

(a) Anthony M. White d/b/a A.M. White Mortuary: Case No. 256169-19-FC; Division No. ATN-32993 (F080279)

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

James Bossart – May I proceed, Mr. Chairman?

Chair – Please do, Mr. Bossart.

Mr. Bossart – Can you hear me alright?

Chair – Yes, I can. Please proceed.

Mr. Bossart – Thank you. The above-referenced matter has been scheduled for an Informal Hearing to consider the attached Motion for Determination of Waiver for a Final Order by Hearing Not Involving Disputed Issues of Material Fact. Respondent is a funeral establishment licensed under Chapter 497, Florida Statutes, license number F080279. Anthony M. White, a funeral director and embalmer licensed under Chapter 497, Florida Statutes, license number F058190, is the Respondent funeral establishment's owner and FDIC.

On or about July 3, 2017, Respondent entered into a funeral contract for the contracted for price of \$7,200.00. Respondent received payment in full, \$7,200.00, on the funeral contract. The contract included the following services and merchandise: a headstone for the price of \$850.00, providing installation of the headstone for \$350.00, providing a published obituary for \$61.75, and providing copies of death certificates for \$15.00. The funeral establishment failed to either provide the items or to refund their purchase price to the consumer. The consumer was incensed enough to file an action in the county court on this matter.

On April 6, 2018, a judgment was entered in the Duval County, Florida County Court, *Elwanda M. Carter vs. Anthony M. White d/b/a A.M. White Mortuary*, in Case No. 2018-SC-000841, against Respondent in the amount of \$1,276.75 as damages and \$350.00 court costs, for damages for failure to provide the above-mentioned items, which bear interest at 5.72% per annum. Respondent has failed to pay on the judgement, either in full or in part. On February 26, 2020, the Department filed an Administrative Complaint against the Respondent. The Administrative Complaint alleged the Respondent, by failing to honor the contract to refund the \$1276 and failing to pay on or satisfy the judgement, and retaining these funds that it was not

entitled to, has violated Sections 497.152(1)(a), 497.152(1)(b), 497.152(13)(a), Florida Statutes. The Department has successfully obtained service of the complaint on the Respondent by certified mail on March 11, 2020.

A copy of the postal delivery receipt is attached to this Motion as Exhibit B. The Respondent untimely filed an Election of Proceeding form on April 6, 2020. True and current copies of the Respondent's Election of Proceeding Form is attached to the Motion's Exhibit C. The Respondent's Election of Proceeding form was deemed to have been filed untimely. However, the Respondent, in its Election of Proceeding form, did not request either a formal proceeding to be conducted in accordance with sections 120.57(1), Florida Statutes, nor an informal proceeding to be conducted in accordance with sections 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 sought. A copy of this memo, along with a copy of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact, have been sent by certified 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 waived his right to a 120.57(1) Hearing, based upon his Election of Proceedings.

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

Chair – Mr. Bossart?

Mr. Bossart – Thank you. Now that the Board has determined that Respondent has waived its 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. Knopke moved to adopt the allegations of the facts as set forth in the Administrative Complaint. Mr. Helm seconded the motion, which passed unanimously.

Mr. Bossart – The Department now contains the Board's findings of fact supportive finding violations. 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 the Florida Statutes as charge in the Administrative Complaint.

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

Chair – I apologize. It seems my responses may be delayed. Go right ahead, Mr. Bossart.

Mr. Bossart – Thank you. The Department also offers into evidence the investigative reports with exhibits, a copy which has been previously furnished to the Board to establish a prima facie case for violations as alleged in the Administrative Complaint.

Ms. Simon – Mr. Bossart? Before you go on, Mr. Chairman, I want to ascertain whether the licensee is present.

Mr. Bossart – Sorry.

Anthony White – Yes, ma'am.

Ms. Simon – Please state your name.

Mr. White – Anthony M. White.

Ms. Simon – Mr. Chairman?

Chair – Thank you. Mr. White, did you want to address the Board, or are you just here to answer questions?

Mr. White – Yes, sir.

Ms. Simon – Before you go on Mr. White, first, let's take things in order. Can 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. White – Yes, ma'am.

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

Mr. White – Anthony M. White. Last name is spelled W H I T E.

Ms. Simon – Ok, thank you. And before we hear your comments, Mr. Chairman, if I may? Mr. Bossart, are you all done with your presentation?

Mr. Bossart – No, ma'am, I was asking that the investigative report and exhibits be accepted into evidence to establish a prima facie case of the violations alleged in the Administrative Complaint.

MOTION: Mr. Knopke moved to accept into evidence the investigative reports with exhibits, to establish a prima facie case for violations as alleged in the Administrative Complaint. Mr. Jones seconded the motion, which passed unanimously.

Mr. Bossart – The Department recommends at this time that the Respondent's license should be fined and administrative fine of \$2,750 and probation for one year. As a special condition of probation, the Respondent must provide a satisfaction of judgement or other proof of payment evidencing his payment of the court judgement within 30 days of issuance of the Consent Order, the essential same date that the fine is due. Thank you.

Chair – Thank you, Mr. Bossart. Mr. White, did you want to address the Board before we decide on the penalty section?

Mr. White – Yes, sir, if I may?

Chair – Please.

Mr. White – Yes, sir. Thank you. Again, I accept responsibility for not getting the judgement paid on time. I had some issues in where I sent the judgement checks to the person that filed the claim in Small Claims Court and it came back, but I didn't follow-up until this time here, so I take responsibility for that. It says the headstone there, but when you look at the contract, I never, charged them for headstone. To be honest with you, \$7000 for a service, I actually did three (3) services in two (2) different states for them and didn't charge them. It was just bad judgement, trying to help a family out who came to me and said they were in need of services, and I got this doing that. So, I accept full responsibility. Again, I'm sorry about that and I want to get this matter behind me and continue to move forward.

Mr. Williams – Mr. Chair?

Chair – Thank you. Board?

Mr. Knopke – Mr. Chair? Mr. Knopke has a question. May I proceed?

Chair – Mr. Knopke, go right ahead.

Mr. Knopke – Thank you, sir. One for Mr. White. On the contract, I don't have the electronic page for the other Board members, but on the contract, it lists Restlawn for \$2000. What was that for?

Mr. White – I paid for the cemetery, as well, for them.

Mr. Knopke – What does the \$2,000 make up?

Mr. White – It was for the {inaudible}, for the opening and closing of the grave, and the graveside service.

Mr. Knopke – Ok. Did you ever publish the obituary?

Mr. White – Yes, sir. I published the obituary in Albany newspaper, where she was originally from and we ended up funeralizing her at the second service. I had three (3) services for this family, and paid for the cemetery for \$7000. Just bad judgement trying to help someone out. I realize that I got bit in the butt. I've learned my lesson. Move forward, you know?

Mr. Knopke – You have not paid the small claim's judgement, have you?

Mr. White – No sir. I sent the text to Ms. Carter. I have to get an updated address on her to satisfy that. Again, that was on part. I have the money for that, for her. Like I said, I just learned from this. I was just trying to help someone out and \$7000 is nothing compared to what I actually put out for them. I had a service in Jacksonville, on Thursday, and then went up to Albany, Georgia, and had a service for her and had to pay a funeral director to conduct those services. Then I brought her back to Jacksonville on that Wednesday and had a graveside service and burial. That's way over \$7000, but again, I learned from that.

Mr. Knopke – When did you say you sent your check to her?

Mr. White – It was maybe last November, give or take.

Mr. Knopke – And it's not cleared your bank yet and you're not worried about it.

Mr. White – No, sir. It actually came back.

Mr. Knopke – Ok. So, it came back to you.

Mr. White – Yes, sir. I'm trying to find an updated address.

Mr. Knopke – So, since last November, you've not looked for an updated address?

Mr. White – No, sir.

Mr. Knopke – OK. Mr. Chair, if there's no other questions, I'd like to make a motion.

Mr. Williams – I have a question.

Chair – Mr. Williams?

Mr. Williams – Thank you. So, I have a concern, Mr. White, to your comment, to the customer. For my fellow Board members, if you look at page 36, maybe the fourth paragraph on the page. You made a statement of, and I just want to verify that you made the statement. With all the funerals that you do, one upset client will be ok. And I have a reservation with that of you making that kind of statement to a customer.

Mr. White – Absolutely not. Absolutely not. Mr. Williams, sorry for objecting. The complaint to the Funeral Board, Shana Carter, I had no contract with her. She's a family member. I was never on a contract with her. I've never provided any services to her. I'd never been on contract with her. She's not the next of kin or nothing. So, again, Eloise Carter, whom I had contract with, again I still have the check and that's on my part. I apologize and I'll just move forward, you know? It was bad. Helping someone out, and there's no excuse, but it was in good faith. I was doing good for them and for that price, and I ended up getting bit in the butt and I'm before the Board today, and the money that I spent to provide those services for them, I just ask for the Board's consideration with the proposed fine. That would really set me in a financial hardship. It's just tuition for a lesson learned.

Chair – Anything else? Mr. Knopke?

MOTION: Mr. Knopke moved to fine Respondent \$2000, one-year of probation and refund the judgment within thirty (30) days. Mr. Williams seconded the motion, which passed unanimously.

(b) White, Anthony M.: Case No. 258551-20-FC; Division No. ATN-32993 (F058190)

Ms. Simon – Again, presenting for the Department is Mr. Bossart.

Mr. Bossart – Jim Bossart, Office of General Counsel. May I proceed, Mr. Brandenburg?

Chair – Please do.

Mr. Bossart – This is the companion case of the case you just heard previously. The above-referenced matter has been scheduled for an Informal Hearing to consider the attached Motion for Determination of Waiver for Final Order by Hearing Not Involving Disputed Issues of Material Fact. Anthony M. White, a funeral director and embalmer licensed under Chapter 497, Florida Statutes, license number F058190, is the owner and FDIC of AM White Mortuary, a funeral establishment licensed under Chapter 497, Florida Statutes, license number F080279.

On or about July 3, 2017, Respondent entered into a funeral contract for the contracted for price of \$7,200.00. Respondent received payment in full, \$7,200.00, on the funeral contract. The contract included the following services and merchandise: a headstone for the price of \$850.00, providing installation of the headstone for \$350.00, providing a published obituary for \$61.75, and providing copies of death certificates for \$15.00. The funeral establishment failed to either provide the items or to refund their purchase price.

On April 6, 2018, a judgment was entered in the Duval County, Florida County Court, *Elwanda M. Carter vs. Anthony M. White D/B/A A.M. White Mortuary*, in case no. 2018-SC-000841, against Respondent in the amount of \$1,276.75 as damages and \$350.00 court costs, for damages for failure to provide the above-mentioned items, which bear interest at 5.72% per annum. Respondent has failed to pay on the judgement, either in full or in part.

On February 26, 2001, the Department filed an Administrative Complaint against the Respondent. The Administrative Complaint alleges Respondent, by failing to honor the contract or refund the \$1276, failing to pay on or satisfy the judgement and retaining these funds that he was not entitled to as violated sections 497.152(1)(a), 497.152(1)(b), 497.152(13)(a), Florida Statutes. As FDIC, Respondent is responsible for these violations.

The Department successfully obtained service of the complaint on the Respondent by certified mail on March 11, 2020. Respondent untimely filed an Election of Proceeding form on April 6, 2020. The Respondent's Election of Proceeding form was deemed to have been filed untimely. However, the Respondent, in his Election of Proceeding form, did not request either a formal proceeding to be conducted in accordance with sections 120.57(1), Florida Statutes, nor an informal proceeding to be conducted in accordance with sections 120.57(2), Florida Statutes, and has waived his right to any hearing and consented to the immediate entry of a Final Order adopting the Administrative Complaint and the imposition of any sanctions sought. A copy of this memo, along with a copy of the Motion for Determination of Waiver for a Final Order by Hearing Not Involving Disputed Issues of Material Fact, have been sent by certified 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 waived his right to a 120.57(1) Hearing, based upon his Election of Proceedings.

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

Mr. Bossart – Thank you. Now that the Board has determined that Respondent has waived its 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. Hall moved to adopt the allegations of the facts as set forth in the Administrative Complaint. Mr. Clark seconded the motion, which passed unanimously.

Mr. Bossart – Thank you. 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's appropriate, at this time, for the Chair to entertain a motion to find the Respondent in violation of the Florida Statutes discharge of the Administrative Complaint

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

Mr. Bossart – Thank you. The Department would offer into evidence at this time the investigative report with exhibits, a copy which has been previously furnished the Board, to establish its prima facie case for the violations as alleged Administrative Complaint.

MOTION: Mr. Williams moved to accept into evidence the investigative report with exhibits, to establish its prima facie case for the violations as alleged Administrative Complaint. Mr. Jones seconded the motion, which passed unanimously.

Mr. Bossart – The Department recommends the following penalty in this case, in light of the penalty assessed against the funeral establishment in the previous case, Respondent's license in this case, should be fined a \$2000 administrative penalty and placed on probation for one year. Also, as a special condition of probation, Respondent must provide a satisfaction of judgement or proof of payment evidencing that the court judgement has been paid within 30 days.

Chair – Is there a motion?

MOTION: Mr. Jones moved to approve a \$2000 administrative fine and Respondent shall be placed on probation for one year. Also, as a special condition of probation, Respondent must provide a satisfaction of judgement or proof of payment evidencing that the court judgement has been paid within 30 days. Mr. Knopke seconded the motion, which passed unanimously.

Chair – Thank you. Ms. Simon?

Ms. Simon – Yes, sir?

Chair – Is there anything that we can do technically with the Board members receiving my comments delayed?

Ms. Simon – The only suggestion I would have, sir, is it seems that it is a problem with the Wi-Fi in your office, I would suspect, or there's an issue with the Wi-Fi. I wouldn't say it's a problem. You may want to suggest a five-minute recess and hang up and only connect using audio. That will make it so that you have no video feed, but it would be more helpful perhaps in what is going on now with the delay.

Mr. Jones – Ellen, if I may? Jody, you may also just try to leave your video up, but go back and dial in by your telephone and see if that picks it up. I'm on my telephone. See if that helps you get rid of the delay.

Chair – Ok, so I'll leave the video up and try to dial back in on my phone. Is that what you are suggesting, Mr. Jones?

Mr. Jones – Yes, sir.

Mr. Knopke – Are we going to take a five-minute break?

Chair – Yes. We'll take a five-minute break.

Ms. Simon – And we'll come back to this case.

Mr. Knopke – Which case are we coming back to, Ms. Simon?

Ms. Simon – We're coming back to the case of Anthony White.

Mr. Knopke – I thought it was voted on. I'm sorry.

Ms. Simon – Ok, I'm sorry, maybe I'm off.

*****BREAK*****

Chair – Shall we come back to Ms. Simon?

Ms. Simon – Yes, thank you, Mr. Brandenburg. Was there a vote taken on the last case, in terms of a penalty for Anthony White?

LaTonya Bryant – Yes.

Ms. Simon – There was a vote for penalty?

Ms. Bryant – Yes.

Ms. Simon – Ok. Thank you. Mr. Chairman, may I move on with the rest of the agenda?

Chair – Please.

5. Application(s) for Preneed Sales Agent
A. Informational Item (Licenses Issued without Conditions) – Addendum A

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

6. Application(s) for Continuing Education
A. Course Approval - Recommended for Approval without Conditions – Addendum B
(1) Cremation Association of North America (16008)
(2) Elite Professional Education, LLC (113)
(3) Ged Lawyers, LLP (17408)
(4) International Order of the Golden Rule (2201)
(5) Matthews International (30408)
(6) National Funeral Directors Association (136)
(7) WebCE (43)

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. Hall moved to approve the applications. Mr. Jones seconded the motion, which passed unanimously.

B. Provider Approval - Recommended for Approval without Conditions – Addendum C
(1) Marin Smilov (38808)

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the entity presented has been reviewed by the CE Committee and the Committee, as well as the Division, recommends approval of the application to become a CE Provider.

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

7. Consumer Protection Trust Fund Claims
A. Recommended for Approval without Conditions – Addendum D

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.

Mr. Hall – Just a question, if I may?

Chair – Please, go right ahead, Mr. Hall.

Mr. Hall – Ms. Simon, I know we talked about the case earlier with the funeral home and the State’s Attorney’s Office. Is there any recourse for us if we pay out of the trust fund to recoup that money, if that person is convicted?

Ms. Simon – Yes, sir. Perhaps we can discuss that offline. I’m afraid that there are so many variables associated with that.

Mr. Hall – Ok, thank you,

Chair – Thank you.

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

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

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

- (1) *Direct Disposer*
 - (a) *Persaud, Devindra*
- (2) *Funeral Director (Internship and Exam)*
 - (a) *Martin, Beatriz*
- (3) *Funeral Director and Embalmer (Endorsement)*
 - (a) *Branson, Shelly*
 - (b) *Enea, Daniel J*
 - (c) *Fuentes, Marisol*
 - (d) *Kissel, David*
 - (e) *Maxwell, Daniel E*
 - (f) *Norris, Amy L*
 - (g) *Prindiville, Beth A*
 - (h) *Ruhl, Jack M*
 - (i) *Rutherford, Brianna J*
- (4) *Funeral Director and Embalmer (Internship and Exam)*
 - (a) *Fisher, Benjamin R*
 - (b) *Jackson, Shawn B*
 - (c) *Valero, Roxana*
 - (d) *White, Chelsey N*

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)

- (1) *Embalmer (Internship and Exam)*
 - (a) *Wilson, Cedricjuan D*

Ms. Simon – An application for an embalmer license was received by the Division on May 26, 2020, and was complete when submitted. A background check revealed a relevant criminal history. Mr. Wilson previously completed a Concurrent Internship, license F045164, that concluded on February 5, 2014 and was approved for a funeral director license at the June 18, 2019 Board meeting. The criminal history is that on or around 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. Mr. Wilson's probation was terminated on February 5, 2018. The Division is recommending approval subject to the condition that the licensee's probation be continued through August 10, 2021 as originally approved.

Mr. Knopke – Motion to approve with conditions, Knopke.

Mr. Williams – Second, Williams.

Cedricjuan Wilson – Mr. Chairman? Mr. Chairman, I am here, I would like to speak on that. Cedricjuan Wilson.

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

Ms. Simon – Please raise your right hand to be sworn in. Mr. Wilson, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Wilson – Yes, I do.

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

Mr. Wilson – Cedricjuan Wilson, W I L S O N.

Chair – Thank you. Mr. Wilson, did you want to address the Board?

Mr. Wilson – Yes, sir. I do.

Chair – Go right ahead.

Mr. Wilson – Thank you, Mr. Chairman, and members of the Board, for the opportunity to speak on behalf of my license today. I came before this Board a year ago, and in the course of the year, I've come to terms with multiple different things, personally and professionally. It's apparent that the stance of the Department appears to carry great weight with the Board. However, I believe that the Department's duties are to provide due diligence to the Board in its decision-making process that affect the funeral service industry of the State of Florida. Now, when I came before the Board a year ago, I came in fear and uncertainty of accomplishing a lifelong {inaudible}. Now I accepted the Stipulation Agreement with the Department for a short criminal past. However, even though I don't regret that decision, at the time I didn't agree with it, and I don't agree with it now. I'm requesting that the Board entertain the idea of either amending that stipulation or terminating it. Now there are several different reasons why I'm asking for that request and they are as follows: it prevents me from becoming a funeral director in charge of any facility while on probation; the stipulation also requires me to advise the Department immediately when I become employed full-time with a funeral service establishment, which up until this date has not happened.

Now what the Department did not include, nor the Department to take into consideration, several different factors. The Department did not take into consideration that when someone looks at a licensee with a probation flag attach to your license, they look at that person as if they've done something wrong in industry. I haven't. The Department did take into consideration that I work on Veterans Treatment Program, and I did terminate early off of that program. But one of the things I want the Board to know is, if my crime was as bad as it looks on paper, and I do know it does look bad, then why wasn't my parental rights terminated? Not only were they not terminated, but that child currently resides with me. Now, I'm being required to serve a longer probation with my license than what I served in the judicial system. The Department's duty, once again, is to provide due diligence to the Board. However, the Department did not do their due diligence in looking into my background. The Department did not know that I'm an independent accredited agent with the Department of Veteran Affairs, which required me to go through an extensive credentialing process, with the Office of General Counsel for the Department of Veteran Affairs. This placed an enormous amount of trust in me, in having access to veterans' social security numbers, as well as access to the Department of Veterans Affairs system. Now, this also made me ask one question. Does the Board really forgive people? Are we a forgiving type of entity? Now, it's my prayer that this Board does forgive, and I know they do, because I've seen some of the Board meeting minutes that have come before them.

Now, I've always worked hard to overcome adversity and me speaking with the Board right now is not something I want to do, because in all actually, I am afraid. But, I've been around the funeral industry since I was a little boy. I've always wanted to be a funeral director and embalmer. Even as a young man, but because of me being a young father, I couldn't finance my education. So, I joined the Marines. I got hurt on my first enlistment, so I got out. When 9/11 transpired, I went back in. I signed a waiver to go back in. I have received numerous different certificates of accommodation for my service to the Marine Corps as well as my service to the United States of America. When I took the national exam for the first time, I failed both sections, but I did not give up. Out of all the individuals that I could have retaken the test, there is only a 49% success rate for the arts section and a 36% success rate for the science. I overcame those statistics. Now I take full and total responsibility for all my actions and everything I have done, and everything I will do. But, we as people, we must look at the fact that we're not perfect. My debt to society has been paid, but in essence, I'm still paying for that debt years later. I did not select this career path to get rich, for fame or for glory. I chose it because I have a love for helping people, which is evident in what I do in helping veterans ascertain their benefits for their disability. As funeral service professionals, we see people at their most vulnerable time. And it is at this time we want to provide comfort and compassion to those individuals. I ask that this Board not only show compassion to me, in reference to my request, but also show compassion to those that come after me. Now, Mr. Chairman and Board members, as I close, I'm going to say this. In Luke 6:37 it says, "*Judge not, and ye shall not be judged: condemn not, and ye shall not be condemned: forgive, and ye shall be forgiven.*" Mr. Chairman, thank you once again for the opportunity to speak.

Chair – Thank you. Board members, are there any comments? We currently have a motion before us, and we have a second for that motion.

Ms. Simon – Mr. Brandenburg?

Chair – Yes, Ms. Simon?

Ms. Simon – I am not sure that we have a motion yet that's taken place, but my concern is that based on hearing the applicant's statements, the probation that was on for two (2) years, that is not up for debate today. That is not on the agenda. Really what's on the agenda today was just to confirm that that probation remained in effect as it would, as a matter of law, I believe. What we're looking at today is only the application for the embalmer license.

Mr. Knopke – Mr. Chair? Knopke here for a question to Ms. Simon.

Ms. Simon – Yes, sir?

Chair – Go right ahead.

Mr. Knopke – The probation that's listed in the packet, what is that for? Is that from where he was approved a year ago?

Ms. Simon – Yes, sir. I believe that was from when he was approved in 2019, to be a funeral director.

Mr. Knopke – So, he was approved in 2019, to be a funeral director with a two-year probation?

Ms. Simon – Yes Sir.

Mr. Knopke – And now he's back this time to be an embalmer? OK, I understand what we're doing now.

Jasmin Richardson – I'm sorry, this is Jasmin. Can I interject just to clarify for you?

Chair – Please.

Ms. Richardson – So, at the time of his funeral director license application, he had not passed the science portion of the examination. And so, upon passing the Science section, he's now submitted an application for the embalmer license, and that would in turn make that license transfer from a funeral director to a combination funeral director and embalmer license. And so, when we placed that probation, it was not a new probation, it was just a continuation to end the probation that has already

been submitted and approved. So, it is not a new probation, it's just a continuation of the current one for the funeral director license that will now become a funeral director and embalmer license.

Chair – Thank you.

Mr. Williams – I have a question to follow up with Mr. Knopke. Mr. Chair?

Chair – Yes. May I recognize Ms. Munson first?

Ms. Munson – I wanted to note that I do have a huge echo on my end, so if you hear it from me, as well, I have no control over it. With regard to this particular embalmer licensure application, I'm just wanting to clarify whether this is being presented for approval without conditions? More appropriately, since we are not interfering with the probational issuance of the funeral director application, this would be completely separate and it does not make the funeral director application void in any way. So whatever probation is attached to that remains in effect, but we're not adding anything to this one that would be filed under this individual's license as a condition.

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

Chair – Ms. Simon?

Ms. Simon - From what I understand, from what Ms. Richardson stated, this license, he was granted a funeral director license last year. By granting him his embalmer license right now, he is effectively being changed to licensure as a concurrent funeral director and embalmer. And because of that, it might not change. As a result, we might want to keep the two (2) distinct licenses, or, if we make it one license, then other decisions need to be made.

Ms. Richardson – Well, let me interject really quick. So, the reason why we make it one license is because during renewal time, if he has two (2) separate licenses, he's going to have to renew both the funeral director and the embalmer license. So, in essence, instead of having a funeral director license that's on probation and an embalmer license that's not on probation, if we make him have two (2) separate licenses {inaudible} have to do two (2) different renewals. We don't want that to be a burden. We do want to, however, not interfere with the funeral director license that is on probation.

Chair – Thank you. Mr. Williams?

Mr. Williams – Maybe Ms. Richardson can help me kind of understand this. So, with what we do today, would his probation end in 2021 or would it end in 2022?

Ms. Richardson – No, in 2021. It's just a continuation. It will end the same time it was already set to end.

Mr. Williams – So, in 2021, he'll be clear and he'll have a clean funeral director and embalmer license?

Ms. Richardson – Correct.

Mr. Williams – Ok.

Chair – Thank you.

Ms. Munson – This is Ms. Munson with a question.

Chair – Ms. Munson?

Ms. Munson – This would just be for clarification, but for his licensure history, will it then show that he has applied for two (2) licenses, both with probationary information associated with them, to the to the applicants point?

Ms. Richardson – Well, no. It'll still show whenever they pull up his license information. It'll just say VALID PROBATION. But, if anyone were to conduct a public records request, they will see the entire thread. They'll understand it was only towards the first license. I don't think that is going to... The application doesn't show probation, only the license status in ALIS will show VALID PROBATION.

Ms. Munson – Would it be a burden for the system to leave them as two (2) separate licenses, and in one (1) year, combine them? Is that possible?

Ms. Richardson – It would be a burden because we're going to have to go back in and then submit another? Our system is... The short answer is yes. I mean, it's doable, but will show a lot of different license types for his particular profile.

Chair – Mr. Knopke?

Mr. Knopke – Back to a couple of questions, and I was one that made the motion. The applicant, Mr. Wilson, M. Simon, or anybody, is there any way to verify anything that he added there? I mean, as far as his daily activities? Not in the funeral business, but with helping veterans or so forth. He presents a pretty compelling story that I don't believe we heard a year ago. And as I recall from a year ago this was over a spanking that he gave to his child, and that is what he was arrested for. At least that's what I read in the Board packet, that is was the result of a spanking. And having had a brother-in-law that had something go with him for the rest of his life over the exact same thing with a child, it's a difficult thing. You never get rid of it. Granted we can't get rid of his criminal side, but on this side, I'm inclined to amend my motion at this point and ask that the probation be terminated, but I need guidance from either Ms. Munson, Ms. Simon or somebody if we can even consider that.

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

Chair – Yes.

Ms. Simon – Mr. Knopke, I believe that you can obviously have another motion. I cannot confirm the facts of this case. All I can confirm is that there was a sentence and I think that that is the only relevant factor right now in terms of what happened in criminal court. That being said, as Ms. Richardson said, since we are converting this license right now to a funeral director and embalmer, you have the ability to make a motion to say that his license fee granted without conditions. That is up to the Board members. All we could do is provide the evidence regarding the criminal plea or conviction. And I cannot provide you with other details, regarding corroboration of the applicant's statements. It's just up to the Board members what to do with the information that's before them today.

Mr. Knopke – Ok. Thank you, Ms. Simon.

Mr. Wilson – Mr. Chairman. if I may?

Chair – Excuse me. Somewhat of a clarification, from the minutes before. I asked, *Mr. Wilson, do you want to address the Board or answer questions from the Board?* Mr. Wilson said *I can answer questions.* And I said, *thank you. Have you previously seen the Settlement Stipulation?* Mr. Wilson said, *yes, I have.* And I said, *did you execute it? Did you sign it?* He said *yes, I did.*

Mr. Wilson – Mr. Chairman, this is Cedricjuan Wilson. May I address those questions, sir?

Chair – Mr. Wilson?

Mr. Wilson – In reference to Mr. Knopke's question about confirming whether I'm an accredited agent or not, you're more than welcome to go onto the Department of Veteran Affairs' website, and if you actually do a search for an accredited agent, you would actually see that I am an accredited agent with the Department of Veteran Affairs. In reference to what Mr. Chairman was actually stating, yes, I did sign the Stipulation. I own that. I'll say I signed it. However, not knowing at the particular time that when I apply for jobs, which I will be honest, I have applied for three (3) or four (4) different jobs, and they see that come up and that's hindered me. I have not worked in over a year and a half. This is not something that I'm just trying to shuffle out and get out of doing. No, I take my punishment like a man. If I did something wrong, I take it. I spanked my daughter. I don't regret it. I'm not going to ever say I regret that. I don't even regret being put on probation from the Board.

But, I've seen individuals come before me that get less time on probation than what I'm getting and I haven't done anything wrong in the industry. That's the only point that I'm trying to make,

Chair – Thank you, Mr. Wilson. Mr. Knopke, you had previously made a motion. Do you want to want to withdraw that motion?

Mr. Knopke – Mr. Chair, I'll withdraw that motion. I don't believe there was a second, but there might've been, and make a new motion.

Chair – Go right ahead.

Mr. Knopke – I'll make a motion to approve without any conditions, which would effectively terminate the existing probation for another year.

Chair – Is there a second?

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

Chair – Just a moment, please. Thank you. We do have a motion that is dying without a second. Ms. Munson?

Ms. Munson – Ms. Simon, were you going to say something?

Ms. Simon – The only comment that I was going to make is that it appears that Mr. Wilson was granted a funeral director license since last year. The application before us is not for a combination funeral director and embalmer. The application before us, and let me just confirm that, the application before us is only for an embalmer license. As a result, while Ms. Munson is correct that it seems in fairness he would not be assessed two (2) different renewal fees. I think it might be appropriate, just bear with me, for Mr. Wilson to withdraw his application and file another one, as an application for a concurrent funeral director and embalmer license, because that is the only way, legally speaking, that we can discuss the outstanding year of probation. The only alternative is, right now there is an application for an embalmer license, so they are in fact two (2) distinct licenses. And I don't think that there is a way to combine them legally speaking, without having the renewal. If Mr. Wilson did withdraw that, he could get it on the next Board, or whatever. I mean, we can get it on another Board meeting.

Ms. Richardson – Well, let me just interject really quick. The only other issue with him withdrawing his application and submitting it again is that he is currently within the twenty-four (24) months of not having to take the Florida Law and Rules Examination. So, there are some convoluted things. So, in our statutes and rule, it allows for an individual not to have to take that Florida Law and Rules Examination again, as long as they apply within twenty-four (24) months. His twenty-four (24) months will be up if he withdraws this application, and in essence, he would have to re-apply, and he would have to take the Florida Law and Rules Examination again, because he is outside of that twenty-four (24) months. He's currently within them. When Ms. Munson asked if it would be a burden to combine at the end of this year, I am of the idea that maybe we should go ahead with the embalmer application and have him have two (2) licenses, and then at the end of his probation, we'll just go in and combine it so that they will both be issued. They will both still be valid. I think that it would be a burden if we have him withdraw this application, resubmit a new application, and then he will be outside of the scope of what our statutes have allowed for people to do, which is to apply again. And this is not the first time that they've submitted an application for funeral director license, and it's going to come up a lot, clearly because we have the funeral director only license, and then people going back and getting the Associate Degree, and then taking the Science portion of the National Boards. So, we regularly have these two (2) separate applications that come in, and then we combine them. But if we are going to not attach the probation to this embalmer, then we should just go forward. And then, at the end of it, I will make a note, or whoever is doing licensing at the time, to combine the license. So, the embalmer license would not be on probation. But we don't want to touch the funeral director license at all.

Chair – Thank you.

Mr. Jones – Mr. Chair,

Chair – Mr. Knopke, you made a motion before. Would you want to make that motion again?

Mr. Knopke – Yes, sir, I would.

MOTION: Mr. Knopke moved to approve the application without conditions, which would effectively terminate the existing probation. The Chair seconded the motion.

Chair – There's been a motion and a second, and all those in favor, aye?

Mr. Jones – Mr. Chair, can I ask for clarification?

Chair – Yes, please.

Mr. Jones – This is Mr. Jones. Is this just for the embalmer's license? Just for clarification.

Chair – Yes, just for embalmer.

Mr. Knopke – No. Mr. Chair? This is Mr. Knopke. I'm trying to terminate it in total so it doesn't hang over to the other side.

Ms. Simon – Mr. Brandenburg, I'm sorry, but I don't think that that's possible on today's call.

Chair – That's not before us today. So, we have a motion and a second to approve the embalmer application.

Chair – And all those in favor?

Board members – Aye.

Chair – Any opposed?

Mr. Williams – There's one opposed.

Chair – Motion carries.

C. Recommended for Denial
(1) Funeral Director and Embalmer (Endorsement)
(a) Bicker, Danielle L

Ms. Simon – Is Ms. Bicker on the line with us today?

Ms. Wiener – She is. She's on here. I am her counsel. She is appearing.

Ms. Simon – Ms. Bicker submitted an application for a Funeral Director license on May 27, 2020, at which time the application was complete. The applicant's fingerprints returned with no criminal history. As has been the case, in the past, Ms. Bicker does not meet the educational requirements set forth by section 497.373(1)(d), Florida Statutes, in that Ms. Bicker did not receive an A.S. degree and instead graduated with a Diploma in Funeral Service on September 2, 2011 from Worsham-America College of Funeral Services. She passed the Sciences section of the National Board Examination on June 26, 2012 and the Arts section of the National Board Examination on April 10, 2017. Ms. Bicker received her funeral director and embalmer license in Illinois on April 11, 2017 which is currently active and the Division is recommending denial.

Ms. Wiener – Mr. Chairman? This is Wendy Wiener. If I could just briefly address the Board on this topic?

Chair – Please do.

Ms. Wiener – Thank you. As you can see in your Board packet, Ms. Bicker is licensed in the State of Illinois. She has obtained an education that is substantially equivalent to what is required in the State of Florida, in order to receive an Associate's Degree. You will see, I have provided what are now somewhat customary tables, which compare the licensure requirements, and most specifically, most relevantly, the educational requirements that were obtained by Mr. Bicker, when she got her license. We would submit that her education is substantially equivalent to what is required in Florida for an Associate's Degree, and would ask for the Board's favorable consideration.

Mr. Knopke – Mr. Chair?

Chair – Mr. Knopke?

MOTION: Mr. Knopke moved to approve the application, based upon the comparison that Ms. Wiener cited, as well as the critical need for funeral directors; especially experienced funeral directors and embalmers in Florida, based upon the CFO's Emergency Order and similar actions in previous meetings. Mr. Hall seconded the motion, which passed with unanimously.

Mr. Helm – Mr. Chairman?

Chair – Yes? Who is that?

Mr. Helm – This is Helm, but Mr. Munson wants to speak, but I would like to speak after her, please.

Chair – Ms. Munson?

Ms. Munson – Of course, given the public emergency of the COVID-19 pandemic, the decision of the Board is quite reasonable and understandable. I would only suggest, for future consideration, that when applications come before the Board of this nature, that perhaps a petition to the variance of the rule which it affects be attached to it so that there won't be any feeling of customary deviations from the rule that could present issues in the future.

Chair – Very good suggestion. Thank you. Mr. Helm?

Mr. Helm – I'm not sure what she just said exactly, but I think we're on the same line. I'm not a funeral director like you guys are, and the Division is doing what they see is right, according to the statutes and the rules; and you guys, as funeral directors, are doing what you need to do to help your industry, which I appreciate and understand. But, can't we find a happy medium ground that doesn't seem like you're always going against each other in this, so we all are on the same ground, so the Division won't have to make one stance, then somebody else got to make another stance? I don't think either one of them are trying to do anything wrong. I think they're both doing what's right, but we need to find a medium ground, so this situation goes away, and we don't have it all the time. Do you understand what I'm saying?

Mr. Knopke – It would require a statutory change.

Mr. Helm – Well?

Chair – Ms. Munson's suggestion, that a request for a waiver of rule be included may help solve that. And thank you for that suggestion, Ms. Munson.

(2) *Funeral Director and Embalmer (Internship and Examination)*
(a) *Mitchell, Ivan W*

Ms. Simon – An application for a funeral director and embalmer license was received on May 18, 2020. The application was complete when received. A background check revealed relevant criminal history. The applicant was approved for a concurrent internship license at the April 18, 2019 Board meeting. The Division is recommending denial, pursuant to Rule 69K-1.008, Florida Administrative Code.

Mr. Knopke – Mr. Chair?

Chair – Is Mr. Mitchell or a representative on the call?

Ivan Mitchell – Yes, good afternoon. Ivan Mitchell is present. Good afternoon, Board.

Ms. Simon – I apologize for not asking for him, Mr. Chairman, Mr. Mitchell, if you could please raise your right hand and be sworn in.

Mr. Mitchell – Yes, ma'am. Hold on just a second, please.

Mr. Knopke – Ms. Simon, while we're waiting, this echo is getting worse and worse.

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

Mr. Mitchell – Yes, I do.

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

Mr. Mitchell – Ivan William Mitchell, M I T C H E L L.

Ms. Simon – And if I may, before we go forward? You can lower your hand, please, Mr. Mitchell. Mr. Brandenburg, at the time when you're not speaking, maybe it would be great if you could put your phone on mute. I don't know if that would help the echo or not.

Chair – I'm on a landline and I'll mute it right now.

Ms. Simon – Ok.

Mr. Helm – So, somebody's got to talk. I don't hear an echo.

Mr. Knopke – Echo went away.

Mr. Mitchell – Is there an echo on me?

Chair – Good. I can put my phone on mute until I'm talking.

Ms. Simon – Ok, I've read into the record the Division's recommendation and that's where we left it.

Mr. Knopke – I have a couple of questions. Mr. Chair? Is that ok? Thumbs up? I'm not sure what to do now.

Chair – Mr. Mitchell, can you hear me?

Mr. Mitchell – Yes, sir. I can hear everyone.

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

Mr. Mitchell – I will do. I don't have any questions. My statement is, as before, I have a criminal record, as you know. When I came before you ago. {inaudible} I've grown up a little bit more now. Every day is a growing process. I've been through a lot, which held me back. I lost my mother in January, so it's been a downhill battle, but yet an uphill struggle at the same time. You pretty much my growth. I've spoken before on this matter. I've grown into a greater young man today than I was yesterday.

Chair – Mr. Knopke?

Mr. Knopke – Thank you, sir. Ms. Simon, in reading the minutes from a year ago or so, the firm that he works for was supposed to make reports. We've gotten those reports and there haven't been any issues, have there?

Ms. Simon – You know, when I was reviewing this application before, I wasn't sure what reports we had received, but on the reports we had received, he had not had any issue.

Mr. Knopke – Ok. Mr. Mitchell, have you made any headway in payment of the \$700 that was the court costs, I think, that were remaining a year ago?

Mr. Mitchell – {inaudible}, but I had children that were in college, {inaudible}. I was more focused with building a relationship with them, avoiding personal issues and building the relationship back with my mother, before she passed away. So, I pretty much wasn't concerned with the schedule. {inaudible} dollars here whenever I pay. I would send it, but I had slowed down, because {inaudible} children stopped going to school. So, it's pretty much been a little struggle ever since.

Mr. Knopke – Are you at risk of being consider it in violation of your probation?

Mr. Mitchell – Oh, no sir. {inaudible}. I am in no shape, form or fashion under a probation connected to the court fees issues. The court fees that I was supposed to take care of is not part of probation. I was never supposed to be on probation, so there wasn't any probation, for the most part.

Mr. Knopke – Ok.

MOTION: Mr. Knopke moved to approve the application as it was approved before. Mr. Jones seconded the motion, which passed with one dissenting vote.

9. Application(s) for Internship

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

- (1) Funeral Director**
 - (a) Chubenko, Taras F409758**
 - (b) Martin, Tameshia L F448625**
- (2) Funeral Director and Embalmer**
 - (a) Bauzo – Nieves, Idannys T F444786**
 - (b) Begley, Matthew N F090498**
 - (c) Bell, Mikara E F077510**
 - (d) Duvigneaud, Rina F449059**
 - (e) Harden, Lindsay T F444689**
 - (f) Peters, Gloria F084882**
 - (g) Smith, Ahna F354636**
 - (h) Underwood, Stephanie R F052123**

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)

- (1) Funeral Director and Embalmer**
 - (a) Cooper, April M**

Ms. Simon – An application for a concurrent intern license was received by the Division on April 29, 2020. The application was incomplete when submitted and completed on June 2, 2020. As to the application questions regarding criminal history, the Applicant answered “no,” indicating she had no criminal history. A background check revealed relevant criminal history to wit, on or about April 16, 2019, the applicant pled no contest to Driving Under the Influence. The Division is recommending approval subject to the conditions of a \$500 fine and placement of the Applicant/licensee on a one-year period of probation.

Chair – Is Ms. Cooper on the call? Ms. Cooper? April Cooper?

Mr. Knopke – She is there.

Chair – Ms. Cooper? I'm sorry, I can't hear Ms. Cooper.

Mr. Helm – Is she talking?

Mr. Knopke– Her mic shows active. Maybe she's got her mic muted on her computer or something like that or it doesn't have the mic active on the program we're using.

Chair – Ms. Cooper, could you check and see if your mic is muted down at the bottom of the GoToMeeting? Is it muted? So, it's green? The mic is green? Well, I'm certainly sorry that we can't hear you. Would you give a count from 1 to 10? Is anyone able to hear Ms. Cooper?

Ms. Simon – No, sir.

Chair – Ms. Bryant, any suggestions?

Ms. Bryant – It has to be something in her computer's settings. I don't know.

Chair – Ms. Cooper just shake your head, yes or no. Can you hear me? Would you be willing to call in on the conference call line and we'll come back to your item on the agenda? Would you call in? She's going to call in, and so we will delay this till she calls back in.

10. Application(s) for Embalmer Apprenticeship

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

- (1) *Brigham, Tequavis F446412*
- (2) *Burch, Zoe E F448323*
- (3) *Gallo, Lily F443588*
- (4) *Monroe, Barbara A F446473*
- (5) *Thomas, Danielle B F448322*
- (6) *Warren, Diana E F446474*

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 (Criminal History)

- (1) *Jones, Stephen R*

Ms. Simon – Is Mr. Jones on the line today.

Stephen Jones – Yes, I'm present.

Ms. Simon – Ok. Before we continue, Mr. Jones, can you please raise your right hand to be sworn in?

Mr. S. Jones – Yes.

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

Mr. S. Jones – I do.

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

Mr. S. Jones – Stephen Robert Jones, J O N E S.

Ms. Simon – If I may have one moment, Mr. Chairman?

Chair – That's fine.

Ms. Simon – An application for an embalmer apprentice license was received by the Division on May 19, 2020. The application was complete when submitted. A background check revealed relevant criminal history. The applicant has the following adverse licensing and criminal history, to wit on or about March 6, 2020, the applicant's New Jersey Law license was suspended for ninety (90) days and on or about October 23, 2019, the applicant pled no contest, in Florida, to Possession of a Controlled Substance and was sentenced to an 18-month probation. The Division is recommending denial.

Chair – Thank You. Mr. Jones, did you wish to address the Board or are you merely here to answer questions?

Mr. S. Jones – Mr. Chairman, I do wish to address the Board, with your permission.

Chair – Please do.

Mr. S. Jones – Board, my name is Stephen R Jones. I am a licensed New Jersey attorney. I would like to address the incident in question regarding the criminal history. On March 22, 2019, I had a passenger in my vehicle, a female passenger. I do not use drugs. She had left a substance in my car, which was 0.04 grams. I'll repeat that. It's in the labs and it's in the discovery, 0.04 grams of crack cocaine. I have a black interior car, a Honda. I was pulled over for a traffic violation. I was in an area where I dropped her off, where apparently marijuana was sold. I do not use drugs. I have no history of drugs. I'm a licensed, was a licensed New Jersey attorney in good standing. I do criminal defense law. I gave consent to search the car. If any attorney that knows anything about criminal defense law, which I do, if there are drugs, you never give consent. They found the 0.04 grams of crack cocaine, which was not mine. That's equivalent to \$2.50 worth of cocaine. I got to take the medicine from that. The Sarasota County Prosecutor's Office, I pled No Contest. I immediately filed for, as soon as I completed the requirements of the Court for Substance Abuse Evaluation meetings, and such, after five (5) months, I was eligible for Early Termination of Probation, but I was sentenced to eighteen (18) months. Due to COVID-19, Judge Riva, at the Sarasota County 20th. I'm sorry, at the 12th Judicial Circuit signed my termination of probation on June 3rd, well in advance of the eighteen (18) months. On June 5th, I filed an expungement process with Ed Brodsky, the State Prosecutor, the 12th Judicial Circuit in Sarasota, and he has granted me to write the seal this record. It was a terrible mistake. I had a passenger in the car and it's cost me dearly.

I am a student and have been a student at St. Petersburg College in the Funeral Sciences' Division online. I most recently had Funeral Home Management, Funeral Home Directing and The History of Cremation, eight (8) credits in an eight (8) week summer course, and I have a 4.0. I had Infectious Disease and Anatomy in the spring semester, and I had a 4.0. I take this serious. I want to become a funeral director and embalmer in Florida. I do not plan on practicing law in Florida. I'm down here helping my mother. I currently work as a removal specialist for Englewood Community Funeral Home, and I've done so for one (1) year. I see the value of this industry. I understand your needs to protect the industry's reputation, the clientele, and also the overall well-being of the funeral industry. I am not a harm or a threat to your society, your clients, or the grievance that are suffered loss. I want to bring a positive attitude. I'm fifty-five (55) years old. I have my embalming clinical scheduled for the Fall at St. Petersburg College. I live eighty (80) miles from St. Petersburg. I can take that in person up there, or at a licensed training facility. But, if you deny this license, I'm still going to continue to move forward and I will re-apply, once my record's sealed, which should be five (5) to seven (7) months. I want to be a part of this industry. I think that I could be a valuable asset to this industry. In combination with my Bachelor's Degree, my Doctorate Degree, MBA coursework, and I will soon have an Associate's Degree in Funeral Sciences, as of next summer. I'm scheduled for eleven (11) credits. So, I humbly petition the Court. I made an error. You got to take your medicine when you're wrong, but I pled no contest. I wasn't taking it to trial. and I am a successful criminal defense attorney. So, I acknowledge my wrongdoing, but this is not an issue for this Board to be concerned with. I don't drink, I never drugged, and my license to practice law is being restored. And I humbly submit on those facts.

Mr. Knopke – Mr. Chair? Knopke, and I've got a couple of questions.

Chair – Go ahead, Mr. Knopke.

Mr. Knopke – Thank you. Mr. Jones, thank you for your comments. In the arrest report, for Board members, I think it's page 35 of 36 is where I'm at. Do you dispute the details of the arrest report?

Mr. S. Jones – There's only one (1) allegation. There was a traffic stop and 0.04 grams of cocaine in my possession. It's called constructive possession. Whether it's myself or four (4) people in the car. If we all denied it, then someone takes the hit, or all four (4) people take the charge. My passenger had left the vehicle. I have to take responsibility for what's left in the vehicle. And the molecular weight, according to the State's scientific lab, was 0.04 grams. I made a poor error in judgement, by having a guest in my car that used drugs. I had no idea that she left that in the car. She probably didn't either, but I didn't know she had drugs. It's as simple as that. There's no excuse.

Mr. Knopke – Now what I'm looking at is the first paragraph, and I'll read it. *"Since I had an additional officer with me, I asked Officer Martinez to remain on the passenger's side and I walked around to the driver's side of the vehicle. JONES was sitting with his legs spread apart. I used my department issued flashlight to illuminate the driver's side of the vehicle. In between his legs was a white rock like substance consistent with Crack Cocaine. I had JONES step out of the vehicle and he was detained at this time."*

Mr. S. Jones – I stipulated to the facts at trial. I'm not going to revisit the facts here, because I think that's highly inappropriate. The extra process, I'll address that. The drugs were found in my car. There's no dispute.

Mr. Knopke – I'm trying to...

Mr. S. Jones – I'm not going to {inaudible}. It's public record. I'm a licensed New Jersey Attorney. This has been resolved. Sarasota has agreed to terminate my probation. I'm not hiding anything. I understand what you're driving at, sir. I'm just not comfortable answering that, because it has great implications on a law license to say that I was trying to hide drugs between my legs. That entire stop was wrong, but the risk of going to trial outweighed the no contest plea. Obviously, a Third-Degree Felony for someone that has zero criminal history doesn't use drugs. That's crazy. That's why I pled no contest. I may sound a little angry and bitter about that. I still am disturbed because I should have been eligible for pretrial intervention, and I was not granted that. That was prejudicial, but that's a whole separate legal argument. We're not here to discuss that today.

Mr. Knopke – Mr. Chair, I have no more questions. I'm done.

Chair – Thank you. There's a motion.

Ms. Simon – Actually, Mr. Brandenburg. I'm sorry, Ms. Monson has a question.

Chair – Ms. Munson?

Ms. Munson – Mr. Jones, and I may have overlooked it, do we have your termination of probation paperwork, in our records?

Mr. S. Jones – I believe I sent that with an attachment. I can forward you that instantaneously, if that's required. Probation was terminated by Judge Riva, on June 3rd, and that made me eligible to get my record sealed. I've been fingerprinted, my \$75 is off, Ed Brodsky's Office, in Sarasota, has consented to the sealing of the record. So, probation has been terminated as of June 3rd, by Judge Riva, in the 12th Judicial Circuit. And that's all ClerkNet 3.0.

Ms. Simon – Mr. Chairman, if I may? Ms. Munson, I did speak with Mr. Jones within the last 2 – 2.5 weeks. At that point, I don't believe that the probation was terminated or we did not have paperwork to that effect. I hadn't received paperwork to that effect up to today. I'm just giving you the information that I have.

Ms. Munson – Thank you.

Mr. S. Jones – May I speak with permission, Mr. Chair?

Chair – Thank you.

Mr. S. Jones – I can assure you, with 100% certainty, on June 3rd, Judge Riva signed the Consent Order terminating my probation. That’s a fact and it’s easily found on ClerkNet 3.0.

Chair – I understand that you’re under oath. Thank you so much. There’s a motion to approve. Is there a second?

Mr. Knopke – What was the motion?

MOTION: The Chair moved to approve the application.

Chair – Is there a second? I’ve unmuted it three (3) times, but it keeps jumping down. There’s a motion to approve. Is there a second?

Ms. Bryant – Jody, I’m muting your computer, as your phone is still on. I’m the one that keeps muting you.

Chair – Ok. Can you hear me?

Ms. Bryant – Yes.

Chair – Ok. Can you hear me, now?

Ms. Bryant – We can.

Chair – There’s a motion to approve. Is there a second?

Mr. Knopke – Mr. Chairman, a question? Knopke.

Chair – Go ahead, Mr. Knopke.

Mr. Knopke – Just so I’m clear, are you making your motion to approve the denial or to approve him for license?

Chair – Approving him for licensure.

Mr. Knopke – Thank you.

Chair – For embalmer apprentice.

Mr. Jones – Mr. Chair, if I may? This is Mr. Ken Jones.

Chair – Go right ahead.

Mr. Jones – I would second your motion. I would like six (6) months of probation, or until we receive information from the Court that his probation has been terminated, which the Division has not received yet. If you would consider that, I’ll second.

Chair – I will amend my motion to include subject to receiving the termination of probation.

Mr. Jones – Thank you, sir.

Chair – And all those in favor, aye?

Board member – Aye.

Chair – And any opposed?

Board members – No.

Mr. S. Jones – Wow.

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

Ms. Simon – The motion has been made to approve the application and as to your votes, Mr. Williams?

Mr. Williams – No.

Ms. Simon – Mr. Jones?

Mr. Jones – Yes.

Ms. Simon – Mr. Helm?

Mr. Helm – No.

Ms. Simon – Mr. Hall?

Mr. Hall – No.

Ms. Simon – Mr. Clark?

Mr. Clark – No.

Ms. Simon – Mr. Knopke?

Mr. Knopke – No.

Ms. Simon – Mr. Chairman, that motion fails.

Chair – Thank you. The motion fails. Is there another motion?

Mr. Jones – Mr. Chair? Ms. Munson had her hand up

Chair – Ms. Munson, I'm sorry I didn't see you. I recognize you now.

Ms. Munson – I just have to clarify that the motion to approve did not pass. If there is going to be an affirmative the motion to deny, of course, the option remains on the table for the Board to provide the applicant the option to withdraw the application.

Mr. S. Jones – At this time, I withdraw my application. I'm not quite sure what the standards are to become an apprentice licensed embalmer. I will provide the Board, at the next submission time, I guess when I conclude my Funeral Sciences Program, with the adequate documentation and verify that I'm not a threat to your industry, the State of Florida, or anyone else. I don't use drugs and I don't drink. I don't know what else to say. I'm disappointed, but I respect and understand your votes today and your opinions. So, have a good day.

Chair – Thank you, Mr. Jones. So, I understand you're withdrawing your application for apprentice embalmer.

Mr. S. Jones – That's correct, sir.

Chair – Thank you.

11. **Application(s) for Registration as a Training Facility**
 - A. **Informational Item (Licenses issued without Conditions) – Addendum H**
 - (1) ***Knauff Funeral Homes LLC (F091871) (Chiefland) (FD)***

(2) Stone Brothers Funeral Home Inc (F116115) (Fort Pierce) (FE)

Ms. Simon – These are applications for registration as a training agency. This is an informational item. The Division has reviewed the applications on Addendum H and found them to be complete, and that the applicants have met the requirements to be a training agency. Pursuant to Rule 69K-1.005(12)(b), F.A.C., the Division, has previously approved these applications.

12. Notification(s) of Change in Location

A. Recommended for Approval with Conditions – Addendum I

(1) A Good Shepherd's Funeral Home & Cremation Services LLC (F080820) (Oakland Park)

(2) Neptune Management Corp d/b/a Neptune Society Management Corporation (F064862) (Ft Myers)

Ms. Simon – As the Board knows, typically, with the applications for changing in locations, according to statutes and rule, they're granted, as long as there is a passing inspection, they are granted by Division staff. However, considering that we are not in the place right now to guarantee inspections are being done, it would be appropriate for the Board to approve the change of location based upon the conditions listed in Addendum I of your agenda.

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

13. Application(s) for Cinerator Facility

A. Recommended for Approval with Conditions

(1) Adams Funeral Home Inc d/b/a North Florida Cremation Center (Blountstown)

Ms. Simon – An application for a cinerator facility was received on by the Division on June 3, 2020. The application was incomplete when submitted. A completed application was received on June 29, 2020. The Funeral Director in Charge will be Timothy Adams (F043703). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the conditions outlined within your Board package.

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

14. Application(s) for Funeral Establishment

A. Recommended for Approval with Conditions

(1) Baldwin Brothers Memorial Care Services Inc (Sarasota)

Mr. Knopke – Mr. Chairman? Mr. Knopke. Let the record reflect that I am related to the President of Baldwin Brothers, Skip Knopke, my brother. That will impact my ability to make a fair and impartial judgment.

Chair – Thanks for that declaration, Mr. Knopke.

Ms. Simon – An application for a funeral establishment was received on by the Division on June 24, 2020. The application was complete when submitted. The Funeral Director in Charge will be Ruth Ann Yeats (F047012). A background check of the principals revealed relevant criminal history, for one principal, which has previously been reviewed by the Board and is part of your Board packet. The Division recommends approval subject to the conditions outlined within your Board package.

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

(2) Baldwin Brothers Memorial Care Services Inc (The Villages)

Ms. Simon – An application for a funeral establishment was received on by the Division on June 24, 2020. The application was complete when submitted. The Funeral Director in Charge will be Cory Allen (F055311). A background check of the principals revealed no relevant criminal history that has previously been reviewed by the Board, but is also a part of your

Board packet. The Division recommends approval subject to the conditions outlined within your Board package regarding the inspection.

Mr. Clark – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Clark – No, this is Andrew.

Chair – I'm sorry. Mr. Clark?

Mr. Clark – I just want to state for the record I have an affiliation with the applicant, but that affiliation will not prevent me from voting in this manner.

Chair – Thank you. Is there a motion?

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

(3) Best Care Cremation LLC (Clearwater)

Ms. Simon – An application for a funeral establishment was received on by the Division on June 1, 2020. The application was complete when submitted. The Funeral Director in Charge will be Pamela Amos (F047455). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the conditions outlined within your Board package regarding the onsite inspection.

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

(4) David W Johnson Sr d/b/a Memorial Chapel (McClenny)

Ms. Simon – An application for a funeral establishment was received on by the Division on May 21, 2020. The application was incomplete when submitted. A completed application was received on June 22, 2020 The Funeral Director in Charge will be Roger Sears (F043139). A background check of the principals revealed no relevant criminal history. After speaking with Mr. Johnson, it was determined that he answered the question on page 5 incorrectly, and there will be no visitation chapel. The Division recommends approval subject to the conditions outlined within your Board package, specifically regarding the on-site inspection. But please make note that there is another condition regarding the fact that no visitation chapel will be connected with a funeral establishment.

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

(5) Orn-8 Luxury Designs LLC d/b/a A Mortuary Service (West Palm Beach)

Ms. Simon – An application for a Funeral Establishment was received on by the Division on June 8, 2020. The application was complete when submitted. The Funeral Director in Charge will be Leonardo Stubbs (F045211). A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the conditions outlined within your Board package regarding the onsite inspection.

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

(6) Wright and Young Funeral Home Inc (Miami)

Ms. Simon – A change of ownership application for a Funeral Establishment was received on by the Division on June 17, 2020. The application was incomplete when submitted. A complete application was received on July 1, 2020. The Funeral Director in Charge will be Danny Eason (F080608). A background check of the principals revealed no relevant criminal history; however; the applicant does have an adverse licensing history, in that on April 20, 2012, the applicant was issued a Consent Order and an administrative fine of \$2500, cost of \$250 and placed on probation for two (2) years. The Division recommends approval subject to the conditions outlined within your Board package regarding the onsite inspection.

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

(7) Richard Funeral Services Inc

Ms. Simon – An application for a Funeral Establishment was received by the Division on April 29, 2020. The application was complete when submitted. The Funeral Director in Charge will be Samuel Richard Jr. (F059663). A background check of the principal revealed no relevant criminal history. An inspection has already been conducted in this matter. The Division recommends approval.

Mr. Knopke – Mr. Chair, a question? This is Knopke.

Chair – Go right ahead, Mr. Knopke.

Mr. Knopke – Thank you. Ms. Simon, you said no criminal history, yet there's criminal history in the packet.

Ms. Simon – Yes, sir. The application that was submitted was similar to an application that was submitted last month. However, there was a change of principals. The criminal history is not for any one of the principals.

Mr. Knopke – Ok.

Chair – It was inadvertently put in this packet?

Ms. Simon – Excuse me, sir?

Chair – It was inadvertently put in this packet?

Ms. Simon – I believe so, sir.

Chair – Thank you.

Mr. Knopke – So, Samuel E. Richard Jr. is no longer a principal in the business?

Ms. Wiener – That is correct. Mr. Brandenburg, If I you'd like, I can address the Board on this matter.

Chair – Go right ahead.

Ms. Wiener – Thank you. Mr. Knopke, what happened here is at the last meeting, Mr. Richard's application was denied. He has transferred ownership of the business to his mother. She has no criminal history, and therefore, this is recommended for approval. He will not serve in the capacity of a business principal.

Mr. Knopke – But he still will be the FDIC?

Ms. Wiener – He will be, as he is already at another firm.

Mr. Knopke – Ok.

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

15. Application(s) for Removal Facility

A. Recommended for Approval with Conditions

(1) Fubar Enterprises Inc d/b/a Superior Mortuary (Ft Lauderdale)

Ms. Simon – An application for a removal service was received by the Division on May 27, 2020, due to a change in location. The application was incomplete when submitted and completed on July 2, 2020. Fingerprints for all principals have been returned with no criminal history. The Division recommends approval subject to the conditions outlined within your Board package regarding the onsite inspection.

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

Ms. Simon – Mr. Brandenburg, perhaps this would be a good time to go back to Ms. Cooper's application.

Chair – Is Ms. Cooper back on the line?

Ms. Cooper – I am, sir. Can you hear me?

Chair – Ms. Simon, what number was that?

9. Application(s) for Internship

B. Recommended for Approval with Conditions (Criminal History)

(1) Funeral Director and Embalmer

(a) Cooper, April M

Ms. Simon – Is it ok if I continue, Mr. Chairman?

Chair – Board members, do we know where we are? Everybody ok? Ok, yes. Go right ahead.

Ms. Simon – An application for a concurrent intern license was received by the Division on April 29, 2020. The application was incomplete when submitted and completed on June 2, 2020. As to the application questions regarding criminal history, the Applicant answered “no,” indicating she had no criminal history. A background check revealed relevant criminal history, to wit on or about April 16, 2019, the applicant pled no contest to Driving Under the Influence. The Division is recommending approval subject to the conditions of a \$500 fine and placement of the Applicant on one-year period of probation. Ms. Cooper, if you could please raise your right hand and be sworn in? Is your right hand raised?

Ms. Cooper – Yes, ma'am.

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

Ms. Cooper – I do.

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

Ms. Cooper – April Cooper, C O O P E R.

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

Ms. Cooper – Well, I can do both. I ask that you reconsider the penalty of \$500 and the year of probation, only because I was in the hospitality industry before COVID-19, and was planning on having that job until I got my internship. So, I've been very strapped for income, and I'm also 47 and found it very difficult to get an internship. I graduated and passed my Boards in

2019, so I was planning on being licensed by now. So, I ask, just because I'm excited and I really want to start serving my community and doing this, that you perhaps reconsider the conditions.

Chair – Thank you. Board members?

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

Chair – Mr. Knopke?

Mr. Knopke – Thank you. Ms. Cooper, are you currently employed in the hospitality industry or in the funeral industry?

Ms. Cooper – I am working on call for TJ Cohen as an attendant, until I get my internship. He has been approved and is very excited to have me as an intern.

Mr. Knopke – Ok. Ms. Simon, if we approve this as recommended, it doesn't permit her from serving as an intern, does it?

Ms. Simon – No. I don't believe so, sir. I don't see anything on here, as we're requesting a payment of the \$500 fine and one-year of probation. It does not stop her from being an intern.

Mr. Knopke – And the probation doesn't stop her, either?

Ms. Simon – No, it doesn't. Not from the Division's standpoint at all.

Mr. Knopke – Ok.

Chair – It seems to me rather harsh.

MOTION: Mr. Knopke moved to approve the application subject to the condition of a one-year probation. Mr. Jones seconded the motion, which passed with two (2) dissenting votes.

16. **Collective Applications**

A. *Recommended for Approval with Conditions*

(1) *Paradise Funeral Chapel LLC (Miami)*

(a) *Application(s) for Funeral Establishment*

(b) *Application(s) for Preneed Main License*

Ms. Simon – Paradise Funeral Chapel LLC, a limited liability company, seeks approval of the following Funeral Establishment License and Preneed Main License. A completed background check of the principal(s) for the business revealed no relevant criminal history. Per the application, the applicant will trust the preneed through FSI. The address of the establishment is 11106 NW 7th Avenue, Miami, FL 33168. The Division recommends approval for the applications subject to the conditions outlined within your Board package regarding inspections. And if I may, before the Board rules on this, is there a representative for Paradise Funeral Chapel on the line?

Ms. Simon – Mr. Chairman?

Ms. Wiener – Yes. Wendy Wiener here. I represent Paradise Funeral Chapel. I apologize for the late entry.

Chair – Thank you. Did you want to address the Board or answer questions?

Ms. Wiener – No, sir. Just here to answer any questions.

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

B. Recommended for Approval with Conditions (Collective Coversheet)

(1) Strunk Funeral Homes and Crematory Inc.

(a) Application(s) for Cinerator Facility

(b) Application(s) for Funeral Establishment

(c) Application(s) for Transfer of Preneed

Ms. Simon – Strunk Funeral Homes and Crematory Inc, an incorporated entity, seeks approval of the following applications for a change of ownership: a cinerator facility, two (2) funeral establishments and transfer of a preneed license. The change of ownership is due to the death of Glenn A. Strunk, former owner of the corporation, wherein Mr. Strunk’s ownership interests are being transferred to the successor owner, Mary Kopchak. A completed background check of the principal(s) for the business revealed no relevant criminal history. Per the letter dated June 2, 2020, the applicant will continue trusting the preneed through FSI. The Division has been advised that there is opposition to these applications. More specifically, the entities that are being acquired is as follows:

- 1) Strunk Funeral Home a funeral establishment, license #F041870, physical address: 1623 N. Central Ave, Sebastian, FL 32958
- 2) Strunk Funeral Home, a funeral establishment, license #F041804, physical address: 916 17th Street, Vero Beach, FL 32960
- 3) Vero Beach Crematory LLC, a cinerator facility, license #F049913, physical address: 916 17th Street, Vero Beach, FL 32960
- 4) Strunk Funeral Homes PA, a preneed license, license #F019255, physical address: 916 17th Street, Vero Beach, FL 32960

The inspections have already been conducted for these facilities. The Division is recommending approval subject to the conditions outlined within your Board package. There is counsel for the licensee on the phone, Ms. Linda Edwards, and I believe her clients is also on the line. There is opposition also on the call, I believe, by Ms. Wiener.

Chair – Thank you, Ms. Kopchak? You unmute.

Ms. Kopchak – I’m here.

Linda Edwards – Mr. Chair, if I may? I am here on behalf of Ms. Kopchak.

Chair – Who is this speaking?

Ms. Edwards – This has Linda Edwards.

Chair – I do see you on the screen now. Thank you, Ms. Edward. Are you of counsel?

Ms. Edwards – Yes, sir.

Chair – Thank you.

Ms. Wiener – Mr. Brandenburg, I don't think we can hear you.

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

Ms. Edwards – I will answer questions if there are any.

Chair – Thank you.

Ms. Wiener – Mr. Brandenburg, I am representing the widow, Dorothy Strunk, and I request permission to address the Board on this matter.

Chair – Go right ahead.

Ms. Wiener – As I just said, I represent Dorothy Strunk, which is the widow of Glenn Strunk. He died after 41 years of marriage to my client. The applications presented to you, this afternoon, are unlawful for several reasons. First, just let me give you a very quick summary of the salient facts that bring me to insert myself into this proceeding. Glenn and Dorothy were married for nearly forty-one (41) years. In 2005, the executed wills leaving everything to one another, and then to the children that they brought into the marriage, after both were divorced.

Mr. Helm – Excuse me, Wendy. Would you go back and start again? I lost part of it. It fizzled out.

Ms. Wiener – Certainly, I'm sorry about that. Let me start again. So, I represent Dorothy Strunk. She's the widow of Glenn Strunk, who died after roughly forty-one (41) years of marriage to my client. The applications presented to you this afternoon are unlawful for several reasons, and I'll give you just a very quick summary of the salient facts that bring me to insert myself into this proceeding. Glenn and Dorothy were married for forty-one (41) years. In 2005, the executed wills leaving everything to one another, and then to the children that they brought into the marriage, after both were divorced. Glenn had been sick for some time. Dorothy was by his side as constantly as her own cancer treatments would allow. Glenn died on February 26th. Six (6) days before his death, his children, the applicants, while Dorothy was away having her own cancer treatment, went to his hospital room, and just three (3) days before he was discharged home to Hospice Care, had him sign a new will, disinheriting Dorothy, leaving everything to them. Had him execute a Durable Power of Attorney that they then utilized to transfer ownership of the corporate entity to themselves, which, in and of itself, was unlawful because of the type of corporate entity by which the licensee operated. One of the children, as I said, Ms. Kopchak, who's on the call today, used the Durable Power of Attorney to appoint herself and her brother as officers of the corporate entity that operates the Chapter 497 licensees. Now, the problem, however, for applicants, is that the corporate entity is a professional corporation and the law governing professional corporations, Chapter 621, F.S., does not allow an owner of a professional corporation to enter into an agreement with any person for that person to exercise voting rights of the owner. The law literally says, "*No shareholder of a corporation organized under this act shall enter into a voting trust agreement or any other type agreement vesting another person with the authority to exercise the voting power of any or all of that person's stock*". And so that Durable Power of Attorney was invalid. Because it was obtained invalidly and was itself invalid, the applicants could not lawfully use that to exercise any of Mr. Strunk's rights as an owner of the professional corporation. Therefore, when Mr. Strunk was alive, he and he alone, could act for the professional corporation. All of the actions taken by the applicant's, using the Durable Power of Attorney as authority are void of an issue, which means void from {inaudible} they never even occurred.

But more importantly, perhaps for your consideration today, is the fact that the change of ownership applications are incomplete without the signature of the current owner. There is no person who can sign on behalf of the current owner, as Mr. Strunk was the only person with authority to act for the professional corporation, and he is deceased. You don't have a complete application or a set of complete applications before you, and you will not have a set of complete applications before you until this ugly situation makes its way through the Probate Court System. But, even if you somehow considered the fraudulent signature of the current owner to be acceptable, you still cannot validly act on the application. Ownership of these assets is unknown. Is Dorothy the new owner pursuant to the 2005 will, or are the applicants, the new owners pursuant to the 2020 will? The two (2) competing wills have both been presented to the probate court, and until such time as the probate court determines which is valid, there is no one that can act on behalf of the decedent. I believe that the {inaudible} believes that the latest will controls, and therefore, applicants are owners and that they can act. However, the last in time will, does not always control, and here, importantly, it doesn't control when the will fails, what is known as the carpenter test. There are seven (7) components to the carpenter test and when applied to the will that was procured by these applicants in 2020, it will turn out that the will is actually presumed to have been obtained by undue influence. And therefore, it can only be given effect after the court rules it valid and controlling. Therefore, there is absolutely no reason for this Board to believe that it has been presented with valid applications by persons who validly own, by inheritance, the assets of the licensee. And, even if the last will controls, there is no personal representative to act on behalf of the estate, and, therefore, no one to act as the current licensee here, including to consent to the change of ownership. That's normally done by the person acting on behalf of the estate. For any work that has to be done by the estate, the parties have to appoint a curator. Mrs. Strunk, through her probate lawyers, has made the appropriate court filings to seek appointment of the curator, but one has not yet been appointed. The licensee cannot validly operate, pursuant to Chapter 497, with no owner, approved by the Board, in place. And this Board cannot lawfully approve the applications, but it doesn't have completed applications to approve.

The reference, on the Division of Corporations' website, to applicants as current owners is totally immaterial. There is no proof of a change of ownership required for the Division of Corporations' website to be changed. I could go on to the Division of

Corporations' website right now and change any number of corporate entities information to reflect that I was the president, or the owner, or anything else. This Board has been asked to participate in the unlawful acts perpetrated by the applicants, and you must not approve these applications. At a minimum, you should table the applications, pending resolution of the probate issues. You should immediately direct your Counsel to file an Emergency Order suspending the Chapter 497 licenses until such time as applicants, entitled by law to do so, have submitted to you, and you've approved applications for change of ownership. And I'll be happy to answer any questions that you have.

Mr. Knopke – Ms. Wiener?

Chair – Thank you.

Ms. Wiener – Yes, sir?

Mr. Knopke – Mr. Chairman? This is Knopke. Unfortunately, I lost about the last thirty (30) seconds of Ms. Wiener's presentation. Is it possible to ask her to repeat it?

Chair – The entire presentation?

Mr. Knopke – No, no, about the last thirty (30) seconds.

Ms. Wiener – I'd be happy to go back just a touch. Mr. Knopke, did you hear the portion of the presentation regarding whether the last will controls or whether that 2005 will controls?

Mr. Knopke – No, I did not. So, why don't you go there?

Ms. Wiener – Sure. Because that's an extremely important part. I think that that the reason that the Division believes that it is on firm footing and recommending these applications for control is because they believe that the last in time rule applies, which is typically the case, in a probate case. But, it's really important to know that there is a well-established test, known as the carpenter test. And when the carpenter test is applied to a will, if the will fails that test, then there's actually a presumption that that will is invalid, and, in this case, this will fail every single component of the carpenter test. Therefore, this last in time will does not control, and therefore, because it does not control and it's actually considered, it is presumed to come to the court with a undue influence attached to it, it can only be given effect after the court rules it valid and controlling. And so, there's no reason for this Board to believe that the applications presented are valid applications by persons who validly own, by inheritance, the assets of the licensees. But, even if that last will controlled, there's still no personal representative to act on behalf of the estate. And, therefore, there is no one to sign the current license applications, as the current owner, no one to consent to a change of ownership. Any work that has to be done has to be done by a curator, because there is no personal representative. My client, through her probate lawyers, has made the appropriate court filings to seek appointment of a curator. So, the licensee actually cannot validly operate, pursuant to Chapter 497, because there's no owner approved by the Board, and the Board cannot lawfully approve applications that are incomplete, particularly when the ownership of the assets is so uncertain. The reference, on the Division of Corporations' website, to applicants as current owners is immaterial. There's no proof of change of ownership required in order to change something on the Division of Corporations' website. So, that's totally immaterial. This Board is being asked to participate in the unlawful actions perpetrated by the applicants. You cannot approve these applications, under the law. At a minimum, you should table the applications, pending resolution of the probate issues, and direct your Counsel to file an Emergency Order suspending the licenses, until such time as applicants, entitled by law to do so, have submitted to you and you have approved applications for change of ownership.

Ms. Edwards – Mr. Brandenburg, may I respond?

Chair – Thank you. Just let us breath for a moment, Ms. Edwards. Ms. Edwards, go right ahead.

Ms. Edwards – Thank you, sir. And good afternoon to all members of the Board. I appreciate the argument that Ms. Wiener has made for you, but unfortunately, this Board is not the venue to decide those issues. As Ms. Wiener indicated, normally, the normal procedure is that the last will is the one that controls. The Strunks, Ms. Kopchak and her brother, have that will in place. They have also filed the appropriate document with the Division of Corporations. All of the things that Ms. Wiener has

just argued to you, are arguments that should be made, and I suspect, will be made in the probate court. That's the court that decides, if there is a challenge to the will, that's the court jurisdiction that will decide these issues. The documents that are before you, the documents that are included in the application package that the Division consider are true and correct. The fact that Ms. Wiener challenges them doesn't make it correct, or doesn't make it so. If this Board depended solely on the argument presented by Ms. Wiener, then the issues would not need to go before the court. The Division has received the documents provided by the applicants. The Division has reviewed them. You will notice that you have not received a single document, from anyone that challenges any of the information that you've received before you, nor has the Divisions received anything other than argument of counsel. While that's totally within her rights, this Board can consider the documents that are before it. All you've heard is argument of counsel to challenge it. You've not heard specific evidence to challenge it. This, again, is not the jurisdiction to decide which will controls, and for those reasons, we ask that this Board would approve the recommendation of the Division with the conditions that have been set forth.

Chair – Ms. Edwards?

Ms. Edwards – Yes, sir?

Chair – Thank you, I said.

Mr. Hall – Mr. Chair?

Chair – Mr. Hall?

Mr. Hall – Can we hear from Ms. Munson as to what her opinion is? Does this Board need to be involved in this prior to getting some decisions from the court?

Chair – Ms. Munson?

Ms. Munson – Thank you, Chair. Thank you, Board member, Hall. The Board is charged with the obligation of reviewing the applications, as you well know, placed before it. I would note that it is not the position of the Board to enter into any fact-finding venture regarding the position and opposing positions that have been presented. If you have an application, as you do today, before you, you have information made available on the Department of State, which you rely on with every application. To question the validity of the Department of State's information, I would suggest might call into question any decision you've made before in relying on the Department of State's information. So, I would definitely caution the Board against doing so. I would agree that although there appears to be a very strong, compelling argument regarding the information, with respect to the power of attorney, with respect to which will is the most controlling will, it falls on the onus of those presenting the opposition to present evidence, normally presented through a Court Order, that the information is invalid. The Board always maintains the option of tabling an item, if it so chooses to do so, but not to rule on an item because you have conflicting or opposing information would be inappropriate. It's just not your role to do that if you have an application that is complete. If the argument is the application is not complete, then it would be the mandate of the Board to determine whether or not the application is, in fact, complete without overwhelming or credible, competent evidence, indicating otherwise. If the Division presents to you what has been determined to be a completed application, you rule on a completed application. So, I believe you have forward to vote on the matters before you that's been presented before you today. If you choose to table it, that of course is also your option. Applications do have deadlines, so it cannot remain pending or tabled indefinitely. You do have that option before you, but just say you do not have an option to vote on it, I believe, might be an inaccurate statement of law.

Mr. Hall – Not taking sides, and not really knowing, from what we've heard today, who are the true owners to this business, would it be your recommendation then to table it until they came back to us with the proof and Order from the Court?

Ms. Munson – I don't know how long that will take, sir. So, if you are suggesting doing that, if this were to be resolved within maybe the timespan of another meeting or so, perhaps, but if you're suggesting doing it indefinitely, probate matters could take years. So, I don't know that that would be the resolution that this Board seeks, nor would I recommend that that be the resolution of this Board.

Chair – Is there a deemer consideration on this?

Ms. Simon – Yes, sir. That is the reason why this matter was actually put us on today's Agenda, because there is a deemer issue. And, I believe it will be up before the next Board meeting.

Chair – Thank you. Ms. Edwards, I did see you, but I did recognize Ms. Wiener's request to speak first, then I'll be to you, Ms. Edwards. Ms. Wiener?

Ms. Edwards – Thank you

Chair – Ms. Wiener?

Ms. Wiener – The most important issue for this Board is that these applications are not complete. I encourage you to look at the signature page of the applications. There is no signature of the current owner. You do not approve change of ownership licenses without a signature from the current owner, even when the current owner is deceased. In that case, it's the estate that has to sign. Here, there's no personal representative. There is no representative of the estate. When a curator is appointed, then there will be a party that can represent the estate. The estate owns these assets, and until such time, as there is a party who can validly act on them, then there is no party to act on them.

Chair – Ms. Edward?

Ms. Edwards – Yes, sir? In order to believe or to rely on the argument that Ms. Wiener just made, you would have to discount the documents by the Department of State. The Division has found that the application is complete, based on those standards that they consider, and what they rely on was the documents that were presented. And again, to follow Ms. Wiener's arguments, you would have to say that nothing that the Department of State presented is valid. I just want to address, if I may, any delay, or any placement, or any anything that delays this application. Currently, the funeral home is operated and it appears, from all that we now, it's being operated in a fashion that is consistent with its past performance. Ms. Kopchak and her brother, Mr. Strunk, are dedicated to run this business, following the legacy of their father. And besides, whatever the outcome is, if there is due any additional funds, any additional exchange of properties, or whatever the case may be, those issues will be decided in the court. If Ms. Wiener is correct, then the court will make that remedy possible. But, at this point, it is important to those citizens who are in Indian River County, in Vero Beach and Sebastian that there be some finality, at least at this point, and again, my clients recognize that there is opposition to transform these licenses. But for there to be responsibility, on behalf of the public, to know who's responsible, in case something happens, my client has said, we're responsible from this point forward. The intent is not to suspend the license, not to suspend the operation of the business. Taking any sort of adverse action for this business is harmful to everybody. It's harmful to the public, it's harmful even to Mrs. Dorothy Strunk, and her son. So, we request that you do consider this transfer, and if it's determined that there is another owner, then that application should come before you. Currently, the application that is before you, has been fully vetted, by the Division. They considered all of the issues. They've considered the opposition. You've heard the advice of Counsel, and we request that the Board approve the recommendation by the Division to transfer the licenses as proposed.

Mr. Knopke – Mr. Hall, did you want to be recognized?

Ms. Wiener – Are you speaking to me, Mr. Brandenburg?

Chair – No, I'm talking to Mr. Hall.

Mr. Hall – Unfortunately, at times, the Board is brought into one of these situations where there's a family dispute. I feel like, as one of the Board member, it turns into family court, which is not what we're here for. I think it's unfortunate that the Board is used for that. Is a difficult situation. My first thought would be to table it, but after talking to Ms. Munson, it sounds like the deemer rule wouldn't allow that to happen anyway. Is that correct, Ms. Munson? Because of the deemer rule, we couldn't table it for the next week?

Chair – That's correct.

Ms. Munson – That's correct, if Ms. Simon's timeline is accurate, that would be correct.

Mr. Hall – Counsel, I know it can go on for years in probate, but what is your opinion on how long this will take?

Ms. Wiener – Unfortunately, Mr. Hall, this could actually take years. And, again, I simply go back to this question. If you look at the applications, on the current owner signature, there is no signature of the current owner. It simply says, current owner deceased. There's no one to act on behalf of these applicants, to approve the current ownership. And it is mysterious to me how these applications are being presented to you as though they are complete, and they're simply not.

Chair – Thank you. Is there anyone else that wants to address this issue?

Mr. Knopke – Mr. Chair? Knopke.

Chair – Mr. Knopke?

Mr. Knopke – A couple of questions. This is it to Ms. Edwards and your client, and I assume to Ms. Wiener and her clients. Would you all agree to a deemer waiver?

Ms. Wiener – It doesn't impact my clients.

Chair – This would be to Ms. Edwards.

Mr. Knopke – To agree to a waiver of the deemer. To let it table, and let it work through the process.

Ms. Edwards – Well, you know, again, that leaves a lot of uncertainty to the public. It leaves a lot of uncertainty, if you will, to the current operation of the funeral home. And so, because this process could take years, that means that all of the operations are kind of in a stall process. I don't see, and I haven't heard what the prejudicial effect would be of transferring the license to the applicants. And, in the future, if there needs to be a change, then another application will come before the Board, or the Board would somehow invalidate the license that is transferred to the current applicants.

Mr. Knopke – Would it work?

Chair – How would you like to address this? We have so much information before us, but we do have the Division's recommendation. At some point in time, when ownership is determined, it could be years from now. But, does the Board want to go ahead and approve this with the conditions that are listed?

Mr. Knopke – Mr. Chair? Knopke. A couple of more questions, if I may?

Chair – Yes.

Mr. Knopke - Statutorily, when someone passes away, their legal next of kin becomes the owner of whatever they had. Yes, unless there's a will, well even then. Has the will been subject to probate or anything yet?

Ms. Wiener – Both wills have been submitted to probate court.

Mr. Knopke – Ok, but as somebody said, no personal rep has been appointed or anything like that. Is that correct?

Ms. Wiener – Yes. That is because there is a challenge to the last will. And so, in order for there to be someone to act on behalf of the estate, you have to have appointed what is known as a curator. Ms. Strunk moved very quickly, to have a curator appointed. So, I'm not sure why Ms. Kopchak thinks that that is inaccurate, but that is the case.

Ms. Kopchak – It's not a probate matter.

Ms. Wiener – It is a probate matter.

Mr. Knopke – What's the timeline?

Ms. Edwards – If I may, Mr. Chair?

Chair – I'm recognizing Ms. Edward.

Ms. Edwards – Thank you. If I may, Mr. Knopke. In the documents that have been submitted, there is a resolution that is, and again, I recognize Ms. Wiener, is challenging that resolution. But in the documents, there's a resolution that names Ms. Kopchak as the President. And that resolution happened before Mr. Strunk's death. And so, then to believe Ms. Wiener's argument, you would have to go back behind those documents and prove that those documents are inaccurate. And again, that's all part of that same process that's in litigation currently. If she is correct, if Ms. Wiener's arguments are correct, the court will address that. But as it stands right now, there is a valid resolution that names Ms. Kopchak as the President, and she is entitled to act as the President. And, that resolution passed prior to Mr. Strunk's death.

Ms. Wiener – That resolution was relating to a professional corporation, and the system by law, and this isn't an evidentiary matter, but by law, Mr. Strunk was not entitled to give his voting capacity or the appointment of Ms. Kopchak, because she is not a funeral director. She would have to be a funeral director. Neither she nor Kevin, her brother, are funeral directors. So, they are not entitled to hold the voting rights, or to act in the way in which they are acting.

Ms. Edwards – And, if you are correct, Ms. Wiener, that will be decided by the court.

Ms. Wiener – Then, perhaps you would prefer that Dorothy Strunk become the licensee, in this situation, while we allow this matter to move its way through the court system.

Mary Kopchak – No.

Ms. Edwards – There is no application before the Board, on that matter. The application before the Board, that has been vetted by the Division, is from Ms. Kopchak, and the current operators of Strunk.

Mr. Helm – Mr. Chair? This is Powell.

Mr. Chair – Mr. Helm? Is there a motion, Mr. Helm?

Mr. Helm – No, I have a couple of questions. If they are going to be able to sit here and argue all day long, this is not going to be resolved. But, I have a question for the Division and Ms. Munson. To what Ms. Wiener said about there being no owner, to sign the paperwork, is there any grounds to what she's saying there?

Ms. Munson – I would defer that to Division staff. I mean, they are the leading authority on the vetting of the applications. So, if they find that the application is complete, given that the deceased is unable to sign because of being deceased. I'm not certain if there's a precedent for applications coming before, but clearly, I believe their statement or position is that they are relying on the ownership information, based on the Department of State information, which they routinely rely on. The absence of the signature in that, in this particular position, due to the death of the recognized owner, for which there appears to be a power of attorney that has created the list of events that have since followed, is completely Division authority.

Mr. Helm – Ok. Ms. Simon?

Ms. Simon – Mr. Helm, your question was, do we see that there is ownership currently of the establishment? The documentation that we've received indicates that the current person in ownership of the establishment is Ms. Kopchak. That is the information in the packet.

Mr. Helm – That was not my question.

Ms. Simon – Ok, I'm sorry, sir. What was your question?

Mr. Helm – My question was, if what Ms. Wiener said was true? That the applications are filed with no owner's signature. Is that required to be on there before we can move forward?

Ms. Simon – Mr. Helm, that was not my interpretation, which is why it was on the Board agenda today. As Ms. Munson said, the individual and the corporation has died. It is a, I don't want to go too far into the weeds on this, but it is our impression that the current owner, of the establishment, is Ms. Kopchak or the corporation, of which Ms. Kopchak is speaking of. It isn't an individual that owns the funeral establishment. Anyway, I'm not sure I'm answering your question now.

Mr. Helm – Well, I'm like, Mr. Hall. We're being put a spot we don't need to be put in. That's what I don't like.

Chair – One of the things we can do is move forward and then once the court makes their decision, it could all be changed.

Ms. Wiener – Mr. Chairman? That could be years from now, and the damage that could be done to this business in the meantime could absolutely be irreparable. The standard has never been that the applicant can sign as both the current owner and the new applicant. The ownership in the Secretary of State has nothing to do with what's on your application form. Your application form requires the signature of the current licensee. These people are not your licensees. They are applicants. They can't sign in both spots. You have got to have the estate sign, and that's always been the standard. I handle these applications day after day.

Chair – We have an application before us, vetted by the Division, with the Division's recommendation, and we can't be the judge and jury of what's going to happen in the probate.

Ms. Wiener – It's not ...I'm sorry, I'm sorry, I apologize. It's so hard on these calls. But, it's not the probate matter that is at issue. What is at issue, is that the applicant is signing the application, both as the current licensee and as the proposed licensee, and that simply can't be. The current licensee has to be the estate of the decedent that owned the licensee. So, you just don't have completed application forms.

Mr. Hall – Mr. Chair?

Chair – Yes, Mr. Hall?

Mr. Hall – The testimony was they'd been married forty-one (41) years and she claimed that she's a cancer patient. I'm married to a woman for forty (40) years, she's been a cancer patient for twenty-seven (27) years. After being married to that woman for forty (40) years, if something happens to me tonight, I want to know she's taken care of. Are there other assets there to care for this woman or these her assets to take care of her medical expenses and so forth, after this man has been married for forty (40) years?

Unidentified speaker – Yes.

Ms. Wiener – No. Absolutely not. The new will writes her out of the will completely. She may be able to make the elective chair, under the statute, but this will be procured days before, and this is a matter of public record. because these wills are in probate right now. This will be procured days before he died, writes her out of the will completely.

Ms. Edwards – Mr. Hall? I'm sorry, Mr. Brandenburg. May I speak? Will you allow me to respond?

Chair – Please do, Ms. Edwards.

Ms. Edwards – Mr. Hall, and the rest of the Board members, again, I understand that this is a very emotional issue for everyone. I can appreciate the fact that you do consider the impact of the death on Mrs. Dorothy Strunk, but these are also Mr. Strunk's children that he had before he married Mrs. Dorothy Strunk. And, none of us know what actually happened. We've heard speculation, but we don't know. But, what we do know is the information that is before you, has been vetted by the process that this Board follows. And those persons assigned with the statutory responsibility to consider the application, consider the facts, has made a recommendation for approval. And I ask that that's what this Board considers. The information that has been vetted and verified, and we move forward.

Chair – Thank you. From my point of view, there's nothing else to be heard. The Board members have to have the initiative. to make a decision on this. We've heard everything that could possibly be heard, on this application, without for another court's decision and direction. So, Board members, what is your pleasure?

Mr. Knopke – Mr. Chairman, may I ask Ms. Simon one question?

Chair – Please do.

Mr. Knopke – Ms. Simon, you all have recommended approval. If we deny it, what's the outcome, from your standpoint? What's your reaction?

Ms. Simon – That a very good question. If we recommend denial, I believe that will have repercussions on the funeral home, meaning the funeral home may have to take action, or we take action against them, because there won't be a license that's currently in place. Or, that's how I see it. I don't know what the ramifications are, but there will be ramifications.

Mr. Knopke – Ok, a follow up to that. Is it safe to assume that if we go down that road, and you all start to take action, one (1) of the two (2) parties can file a hearing that would delay whatever action you're taking, or suspend it, until that hearing is resolved?

Ms. Simon – Mr. Chairman, if I may, continue on with us?

Chair – Please, Ms. Simon.

Ms. Simon – What's going to happen is, if the Board issues...let's go down the path you suggested, Mr. Knopke. If the Board issues a denial today, it's really a Notice of Intent to Deny. It's not an actual denial. What is going to happen is, if I understand that correctly, and Ms. Munson, correct me if I'm wrong on that. What's going to happen is there'll be twenty-one (21) days to elect a proceeding on that Intent to Deny. And so, you're asking what the immediate repercussions are? Those are going to be the immediate repercussions, but Ms. Munson can answer that, in a better way, Mr. Chairman.

Chair – Ms. Munson

Ms. Munson – And I would further note that if there is a denial and there's an appeal to that denial, it very well will not be heard by this body, because I would think that there will be dispute issues of material facts involved and that very well may involve a hearing before the Division of Administrative Hearings, which is quite a different proceeding than what this Board is accustomed to with our informal hearing. So, and that would be in addition, and concurrent to whatever may be experienced with the probate matter. So, I'll just add that as a point of clarification. Thank you, Ms. Simon.

Chair – Thank you. Anything else, Ms. Simon?

Mr. Knopke – So, that would effectively...

Chair – Mr. Knopke?

Mr. Knopke – Mr. Chair, if I may? If it goes down that route, the ownership stays, basically as it is, at the moment, until the hearing, from the administrative side, gets resolved? And that could be weeks, if not months, if not years, just like probate. So, the impact on the funeral business, really is zero. The business continues to operate, the funeral directors that are there running it continue to, assuming they stay there. If not, there's others to be found, and the business is unimpacted other than, however this becomes in the local press. Does that make sense?

Ms. Simon – I'm not sure if that's a question for me. I'm not sure where you were at, Mr. Knopke.

Chair – It was more of a statement.

Mr. Knopke – It's a statement. I'll move to deny, just to see where we go.

Ms. Munson – If I may?

Chair – Ms. Munson – There are two (2) things I'd like to note. If, in fact, the Board is choosing or may possibly vote to deny, the option, again, is on the table, for the applications to be withdrawn. Secondly, if you deny, we cannot deny just for denial sake. You will have to provide very articulated reasons for the denial, that can be supported, based on the rules and statutes that are before us. So, we can't just deny to say deny. We will have to say we're denying because it will support that, especially if this is a denial that may find itself before an Administrative Law Judge, with the Division of Administrative Hearings, because it will be the basis, whether or not that Notice of Intent to Deny can be supported.

Chair – Very good counsel, Ms. Munson.

Mr. Knopke – Thank you. My motion is to deny, based upon the applications not being signed by the current owner.

Mr. Hall – Do we want to ask if they want to withdraw first?

Ms. Kopchak – Linda? You're on mute?

Ms. Edwards – I would ask that you allow me time to consult with my client before making that decision.

Chair – We have a motion, but no second.

Mr. Hall – I'm willing to second. I'm just giving her the opportunity to withdraw, if she chooses.

Chair – Ms. Edwards, do you think that ten (10) minutes would be enough time to talk with your client?

Ms. Edwards – Yes, sir.

Mr. Hall – Are we going to move forward and then come back?

Chair – Let's move forward. That's a good suggestion, and then we'll revisit.

- C. Recommended for Approval with Conditions*
 - (1) Strunk Funeral Homes & Crematory Inc. (Vero Beach)*
 - (a) Petition(s) for Waiver of Rule (Training Agency)*

Ms. Simon – This item will be discussed later in the meeting alongside the previous related item.

- 17. Contract(s) or Other Related Form(s)**
 - A. Recommended for Approval with Conditions*
 - (1) Preneed Sales Agreement Addendum*
 - (a) Curlew Hills Memory Gardens Inc d/b/a Sunset Point Cremation (F019277) (Clearwater)*

Ms. Simon – Curlew Hills submits the preneed sales addendum form that's in your Board package, for approval. If approved, this addendum form will be used in connection with the approved Prearranged Trust Funded Funeral Agreement for the sale of preneed contracts by Curlew Hills Memory Gardens and its related preneed branches. The Division is recommending approval subject to the condition that two (2) full sized print-ready copies of the Payment Schedule form are received by the Department within sixty (60) days of this Board meeting.

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. Jones seconded the motion, which passed unanimously.

- 18. 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 – Mr. Chair, may I?

Chair – Please, go ahead, Ms. Schwantes.

Ms. Schwantes – Briefly. On Monday, July 20th, Chief Financial Officer Jimmy Patronis executed a new Directive, which is numbered 2020-12, for use during Florida’s State of Emergency, which was caused by the COVID-19 pandemic. This Directive effectively allows out of state licensed funeral professionals to perform certain services in Florida relating to the disposition of remains, while working with Florida licensed establishments and directly supervised by Florida licensed funeral directors. Additional details, as well as the Directive itself, are posted on the Division’s website. For the immediate future, we ask that any questions relating to the Directive be directed to Ms. Simon or to me.

As previously indicated, this is the first Board meeting that we have held by videoconference. I know there have been issues. We certainly hope to address most of those before the next meeting. but please, any who are attending the call, we welcome feedback. So, please do contact us if you have any comments or suggestions about that. The next Board meeting will occur also by videoconference. It is scheduled for Thursday, August 18th. That ends the Director's Report. Thank you, Mr. Chair.

Mr. Helm – Ms. Schwantes? Is it going to be by another videoconference, the next meeting, or is that a teleconference?

Ms. Schwantes – It would be another videoconference call, but we will work between now and then to see if we can solve some of the problems. Most of what you heard was internet related, Wi-Fi related. We will try to get that corrected.

Mr. Helm – Ok, thank you.

Mr. Jones – Ms. Schwantes, did you say the 13th or the 18th?

Ms. Schwantes – I did say the 18th. My apologies. It is the 13th. I read the notes wrong. Thank you, sir.

Mr. Jones – Ok.

Ms. Simon – Is that the end of the report, Ms. Schwantes.

Ms. Schwantes – That is.

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

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 Date of Board meeting: July 22, 2020
 Date report was prepared: July 16, 2020

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
A Good Shepherd's Funeral Home and Cremation	2-Apr-20	243596-19-FC	\$300	7/24/2020	Yes	D
Pinkney-Smith Funeral Home Inc.	18-Jun-20	254957-19-FC	\$1,500	14-Aug-20		D
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	Yes	A
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	Yes	
Stone Removal Services, LLC	6-Feb-20	243150-19-FC	\$300	3/30/2020		A
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 Conception	5-Dec-19	233390-18-FC	\$2,500	6-Feb-20		A
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	5-Dec-19	230411-18-FC	\$3,000	6-Feb-20	Yes	

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.

 July 16, 2020

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

19. Chairman's Report (Verbal)

Chair – I don't have a Chairman's Report. I pray we get this resolved.

20. Public Comments (Verbal)

21. Office of Attorney General's Report

A. Attorney General's Rules Report (Informational)

Ms. Munson – Thank you. You'll find, in your materials, a copy of the July Rules Report. The information is what you've seen in the immediate past previous month's report, and is provided for informational purposes and requires no action.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
JULY 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; Consequences 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

B. Proposed Rule Provision (Action Item)

Ms. Munson – Based on the decisions from this meeting today, we'll see if we're going to make some adjustments to the Rules Report that I just referenced regarding updates for August. I think that this Board has become fairly, I don't want to say

accustomed, but it's become used to weighing different considerations regarding the inspection requirements. I know that the Division leadership has expressed how difficult it is to make sure that we can comply with the inspection requirement deadlines, and rather than presenting information on individual applications, regarding these inspection requirements, I thought it could be helpful for the Board to consider an Emergency Rule so that we wouldn't have to review them individually. The staff will have an opportunity to rule on them, if these rules are so approved, and pass through its entire vetting process for promulgation. The major information I'd like to share is that this language that you see pretty much mimics the language that you've seen on most of these requests for or waiving the infection deadlines. The Emergency Rule information, typically can become effective if this Board so approves, by vote. It can become effective upon the filing of this information. The language of it is made available to you in my memo. The only variation to the language, and I'd like to clarify at this particular time, and I'd like to note, just quite briefly, that I'm sure this Board is familiar with previous rulemaking, that all of the boards and commissions are assigned a Chief Attorney, with Joint Administrative Procedures Committee. Ours is Jamie Jackson. I took the opportunity to introduce myself to her. I know we've not had rulemaking occur for a brief period of time. And, given COVID-19, I wanted to provide the heads up that we may present some rulemaking in the future for consideration. So, Ms. Jamie Jackson was quite understanding of the need, because many boards are presenting rulemaking, both emergency and regular rulemaking, due to the public health emergency.

So, the information you see, on my memo, regarding the proposed Emergency Rule language is for that particular Emergency Rulemaking vehicle, made available through the Administrative Procedures Act, Section 120.54(4), F.S. and I'll need to read it for the record just so we can be clearly understood for the record what it states with the adjustments that I've made. *"For occasions when an on-site inspection is mandated, including licensure and change of establishment location, the deadline for completing the inspection is temporarily waived for 90 days from the filing of this rule, or the duration of the public health emergency of the COVID-19 pandemic as declared by the Executive Branch of the State of Florida, whichever comes first. Once inspected, the applicant will have 30 days following the initial inspection to correct deficiencies, if any, noted during the inspection"*. I'd like to note that I just made the adjustment because the Emergency Rules are only effective for ninety (90) days from the filing. and I did not want to confuse, when presented for Emergency Rule consideration, that we were attempting via the vehicle of an Emergency Rule, to have this Emergency Rule effective any longer than the ninety (90) days that's permitted, by statute. So, that was the reason for the adjustment to the language. I'll also note that, as you'll see in your packet, for consideration to the Board, I may suggest that we consider, because the Emergency Rule is only effective for ninety (90) days, submitting some permanent rule language. And when I say permanent, I only mean permanent, to the extent that it remains necessary for us to have it on the books, to address the public emergency need for inspections. And we may look to do this in other areas as determined necessary. But, again, this is solely for the consideration of inspection deadlines.

I notice that, in our rule, we may be able to carve out a new rule under our Chapter 69-K-1, F.A.C. I found that 69K-1.006, F.A.C., would be available as a viable rule number. Perhaps a title for the rule could be General Inspection Provisions, since everything else in the chapter deals, to some extent, with licensure and guidelines that involve licensing or continued licensure. For that rule, I've outlined the language, and it will be presented, or could be considered with this, as worded in the materials, with subsection (1) *"On-site inspections shall be required for the issuance of licenses, renewals, and requests for changes of location of licensed establishments as designated by rule in applicable chapters of 69K"*, because we speak of inspections throughout our particular work, for our profession, and it's not just in one area. It's identified or referenced in various areas of the rule. So, I thought it would be better to just make a general reference to it for the entire Chapter 69K. And, again, noting that the deadline and times for completing the onsite inspection shall be determined by the Board, because there appears to be rulemaking authority for that, and I've added that during the public health emergency, of COVID-19, as declared by the Executive Branch of the State of Florida. I would just probably remove the word temporarily, and just note that they are waived, with the exclusion of the word temporarily, with the same language that you've been seeing on your conditional approvals. Once inspected, the applicant will have thirty (30) days following the initial inspection to correct deficiencies, if any noted during the inspection.

Now, where the Emergency Rule may be able to move forward without much of a glitch, the general rulemaking, the normal promulgation of a permanent rule, might run into some resistance, and I just wanted to give the Board a heads up about that. We appear to have, as a Board, some discrepancy of rulemaking authority between the Department and the Board. So, I will note that in my very brief discussion with Ms. Jackson, the Chief Attorney, she raised that issue. She was concerned that she is not clear or necessarily convinced that the Board has the authority for rulemaking, with regard to inspections. She feels that it may be the authority of the Department. And that may be something that we will have to further vet. I don't think it should necessarily be a deterrent in at least trying to move forward for clarification purposes. I think that this type of conflict has been

existing for some time, at least it is my understanding that it has, and at some point, we're going to have to better identify where the rulemaking authority comes from, whether it's the Board, or whether it's the Department. In an effort to look more closely at the rules and to see what we can do to avoid agenda items that may not necessarily have to come before the Board for every meeting, if we can address them by rule, I thought it might be helpful to do so.

So, the information is presented to the Board, at this time, for review. If you feel that an Emergency Rule or a regular rule, the regular rule will be, of course, repealed when the emergency no longer exists. It could be the end of next year, whenever there is no longer COVID-19 on the table. But, the information is nonetheless presented for the Board to consider. If you feel that the rulemaking would be helpful and possibly necessary, I would just ask that the Board entertain a vote on moving forward with the rulemaking, at this time. And, if you feel that you may not want to do so, that you would like to maybe leave things the way they are, it's totally the decision of the Board. I would just caution the Board, as I've mentioned to the Division leadership that we appear to be on an almost a regular basis making decisions about inspection deadlines, modifications to their requirements by Board action, without there being a rule authorizing those types of actions. I would just want to develop clarification that the Board is not allowed to make decisions, if there's not a rule or a statute to support the decision. Such actions would be considered non-rule policy, and if it were ever to be challenged, we may have some difficulty explaining a basis for modifying requirements of a rule without there being another rule in place to do so.

MOTION: The Chair moved to move forward with rulemaking. Mr. Jones seconded the motion, which passed unanimously.

Chair – Thank you, Ms. Munson. We appreciate you looking out for us on that. Thank you so much.

Ms. Munson – Wherever we have rulemaking, I do have to ask a few questions. They are considered SERC questions, and if you would indulge me the opportunity, I will just ask three (3) questions to the Board.

Chair – We're familiar with that.

Ms. Munson – Will the proposed rule amendments, and this is specifically for the regular rule. We do not need to ask these questions for the Emergency Rule. The Emergency Rule has a completely expedited process. For the proposed rule amendment, will it have an adverse impact on small business, or will the proposed rule amendment be likely to directly or indirectly increase regulatory costs to any entity in Government, in excess of \$200,000 in the aggregate in Florida, within a year after the implementation of the rule? I suggest that it does not. {inaudible} these are activities and conduct that we are more than accustomed to, so...

Chair – The answer to that is No. It will not have an impact.

Ms. Munson – It would need to be in the form of a motion and then a vote in agreement by the Board.

MOTION: Mr. Knopke moved that there would be no impact. Mr. Helm seconded the motion, which passed unanimously.

Ms. Munson – Should a violation of this new rule, or any part of this rule be designated a minor violation?

Mr. Knopke – How would there be a violation of this rule?

Ms. Munson – It's for that reason that I don't think that the minor violation issue applies.

MOTION: Mr. Jones moved that there would be no minor violation. Mr. Clark seconded the motion, which passed unanimously.

Ms. Munson – Finally, as you are aware, the Governor has come with the new Sunset Provision Directives that we have to inquire with every rulemaking. So, the question would be, does the Board feel that this rule should have a Sunset Provision included? I will suggest that it does not. Just for this particular purpose, when you provide a Sunset Provision, it may enable some additional, and I don't want to use the term scrutiny, but it may not be required. The best way, I believe, of handling any Sunset or closure to this rule would just keep it on the radar in our books, and when it is time to remove it, simply develop rulemaking to amend the rule to repeal the subsection.

MOTION: Mr. Jones moved that the rule should not have a Sunset Provision. Mr. Knopke seconded the motion, which passed unanimously.

Ms. Munson – That concludes my information. Thank you, Mr. Chair. Thank you, Board.

Chair – Thank you so much, Ms. Munson, for your sage counsel.

16. Collective Applications

B. Recommended for Approval with Conditions (Collective Coversheet)

(1) Strunk Funeral Homes and Crematory Inc.

(a) Application(s) for Cinerator Facility

(b) Application(s) for Funeral Establishment

(c) Application(s) for Transfer of Preneed

C. Recommended for Approval with Conditions

(1) Strunk Funeral Homes & Crematory Inc. (Vero Beach)

(a) Petition(s) for Waiver of Rule (Training Agency)

Chair – I see that Ms. Edwards was on earlier. Ms. Edwards?

Ms. Edwards – Yes, sir?

Chair – Did you have an opportunity to talk with your client?

Ms. Edwards – I did, Mr. Brandenburg, and the concern that we have with both the withdrawal or a denial is what happens to the business in the interim.

Mr. Hall – I think Mr. Knopke stated that there wouldn't be a lot of changes.

Ms. Edwards – And so, obviously, Ms. Kopchak and the current operators are interested in ensuring that the business continues to operate, and if that's the case, then we will would withdraw the application.

Ms. Kopchak – I have a question. Mr. Brandenburg, may I?

Chair – Yes, please. Go right ahead.

Ms. Kopchak –Mr. Knopke, is what you stated fact?

Mr. Helm – Excuse me?

Ms. Kopchak – Sorry.

Mr. Helm – Who is this, please?

Ms. Kopchak – Mary Kopchak. I'm Glenn Strunk's daughter. Mr. Knopke, is what you stated correct and factual or is it supposition, regarding the operation of the business., should the license be withdrawn or denied?

Mr. Knopke – Well, I can't say, if it's withdrawn, because, well, even then, the Department would take some action. If it's denied, the action would still be taken, at some point. Going down the road, I would expect somebody would file for a hearing, which would then set the thing aside until the hearing's resolved. If you didn't like that outcome, you'd go to the next direction to whatever venue is available for that, and all of that is going to take some time. It's not going to be something that's going to be two (2) weeks or three (3) weeks. It could be tow (2) or three (3) years, wouldn't be my guess. I'm just a funeral director out here in Palm Harbor, Florida. So, you know, having seen this, not your issue, but stuff go down that road for the last thirty (30) years, it's going to take some time, just as probate will take time. But, in the meantime, our action concerning this issue sits tight until there's an outcome.

Chair – I think the point is that this is applications for change of ownership, and the licenses remain in effect. Is that correct?

Mr. Knopke – Depending on who you want to listen to. I believe that, since the owner doesn't exist or is dead, the question of ownership, can it continue to operate? I think that was Ms. Wiener's issue, or what she raised was, it can't operate. Well, somebody's going to have to push that issue to a hearing in order to get it, and I want to say stabilized, but I know that's not the correct word I'm looking for. Either resolved or set aside until the court, or the administrative procedures people, resolve the issue. And that takes it off our plate, and puts it to where it should be.

Chair – Ms. Munson?

Ms. Munson – Just wanted to clarify, for the Board, that whatever motion you are considering, I think there was a withdrawal on the table, I needed to clarify, for the record. If it is, in fact, a withdrawal of the applications and the petition, because there is also a petition on the agenda for review. They are separate and I don't want the record to be confusing, in its reading, but your vote will affect both, if it's intended to effect just one. That was for clarification.

Chair – Ms. Edwards?

Ms. Edwards – I apologize, Mr. Brandenburg, but as you might imagine, this is not an easy decision for the applicants to make, because it seems that conceivably, they could continue to operate the business, whether you transfer the license or whether you don't. And so, again, if I may ask another question. If we do, in fact, withdraw both the applications and the petitions, is there a time limit within which the application could be resubmitted? And, secondly, is the deemer still available, or is there some way to waive the deemer?

Chair – Ms. Munson? May they waive the deemer?

Mr. Knopke – Sure.

Ms. Munson – Yes, they are still able to waive the deemer. It does not affect the petition, however. Just to keep them separate.

Chair – If we were to table this, it should be tabled and there would not be a deemer issue, if they waive the deemer.

Ms. Munson – I would defer to the Division, because I still want to be clear, with a deemer in place, if there is a statement as to how long the application can be held open. Even without the threat of it deemed, how long can it be held open?

Ms. Simon – If I may, Mr. Chairman? I cannot speak to that, except to say that you are welcome to resubmit it, even if it closes down with the Division, you're welcome to resubmit another application whenever you want to. According to the rules, applications are non-refundable, so we can keep it open. I don't know for how long, but the rules say they're non-refundable, so you can always submit another application. Ms. Edwards, does that answer your question?

Ms. Edwards – It does. Ms. Kopchak has a question, if Mr. Brandenburg would allow her to ask that question?

Chair – Of course. Go right ahead, Ms. Kopchak.

Ms. Kopchak – Thank you, sir. Thank you. Ms. Munson, you're making point of separating the applications and the petition. So, I want to understand if the petition will still be open and able to be in effect during whatever it is we have coming before us, because we have current people who are operating under that petition. I myself intend to operate under that petition, in the near future, because I start school in the fall for my license. So, is that going to shut down the current students we have or apprentices and interns in that petition, operating under that petition?

Ms. Munson – The petition that's before the Board would need to be, if not withdrawn, it would need to be voted on it. You cannot continue to operate without the approval to do so, if that's what you're asking. It has to be addressed affirmatively or withdrawn.

Ms. Kopchak – Ok, so is everyone on the same page about that?

Chair – This petition is a waiver.

Mr. Knopke – Somebody needs to explain the waiver.

Ms. Simon – As Mr. Chairman just suggested, there are actually three (3) options. The option is, and Ms. Munson, let me know if I'm saying this correctly. There is the option to have the matter voted upon, there's the option to withdraw the petition or there's the option to waive. That is my understanding.

Ms. Kopchak – Ok. So, our whole point in this is that we're not harming, our employees, we're not harming this community, we're not harming this business. This business has operated for over fifty (50) years, since before I was born. So, my goal and my brother's goal is to ensure that this company stands this current ordeal we're facing, and then can support its employees and this community, into the future. So, it is very important for me, at this point, to understand that the people that are currently in our training programs will be able to remain so, I mean, we've made commitments to these people. you know. and that's very important.

Ms. Simon – This matter has been discussed for a very long time. I think we can go back and forth and back and forth with questions. The posture of the case is there are three (3) applications that are on the table. They can either be waived or they can be withdrawn or they can be voted upon. Regarding the training agency, I'm under the impression, you can waive that as well, or you can withdraw it. If you withdraw it, I can't provide you a solid answer to your questions now.

Ms. Munson – I'm just going to note that you can't waive a petition. You submitted it for consideration of waiver of the rule. Either the Board will approve your waiver, deny your waiver, or you can withdraw the request to consider the rule.

Ms. Kopchak – Ok. Thank you. May we address that as a separate issue?

Chair – Ms. Kopchak, go ahead.

Ms. Kopchak – May we address the petition for our training facility as a separate issue?

Chair – Yes.

Ms. Munson – It is a separate issue.

Ms. Edwards – That's a separate issue.

Ms. Kopchak – Ok. All right. What was denied was our applications?

Ms. Edwards – Well, it hasn't been denied yet. I believe Mr. Hall made a motion, but also offered the option to withdraw the application. Is that correct?

Mr. Hall – Mr. Knopke made a motion. I wanted to give the option to withdraw it.

Chair – Mr. Hall seconded it. Is that correct, Mr. Hall?

Mr. Hall – Mr. Knopke had made the motion and I was prepared for the second, but I gave counsel the option to withdraw, if she chose to.

Chair – Thank you.

Mr. Knopke – So, where are we? Are there a withdrawal? Or is there a second to the motion, at the moment?

Ms. Edwards – We will withdraw the application, but leave the petition in place, for consideration by the Board.

Ms. Simon – The three (3) applications for licensure are withdrawn?

Mr. Helm – Yes.

Chair – Yes, but not the waiver.

Ms. Wiener –Mr. Chairman, this is Wendy. Let me, if I can, just be helpful on the process.

Chair –Excuse me, Ms. Wiener. As I understand it, the collective coversheet, those applications are being withdrawn. So, we're over that. Ok? Can we move on. to the internship and that waiver? Ms. Wiener?

Ms. Wiener – Thank you. I think this will be helpful for everyone. The petitions for internship run alongside the applications. So, the withdrawal of the applications necessitates the withdrawal of those petitions, but I don't think that has an impact at all on the status of the existing licensees. Just as Mr. Knopke said earlier, the licensees are going to be subject to whatever action the Division takes, but those petitions can't exist without, there's no purpose for them, without active license applications.

Chair – So, Ms. Kopchak. To answer your question, you're still a training agency, and those that are enrolled in your training agency, as interns and apprentices are unaffected.

Ms. Kopchak – Thank you.

Chair – Is that correct? If anyone has any objection to that, but we will not need the petition for waiver, which was only dependent upon the change of ownership. And the ownership change application has been withdrawn. Is there anyone who disagrees with what I said?

Ms. Simon – Yes.

Chair – I do not want these people that are working on their internship and their apprenticeship to be impacted by whatever we do here. Whatever it takes, I want to make sure that that's continued. Ms. Simon?

Ms. Simon – Mr. Chairman, I believe that right now, however, I understand what Ms. Wiener said, but we're in a position that if the applications were withdrawn, then I believe that it would be in due course that Ms. Edwards would withdraw the petition for training agency, on the same basis, because any ruling on that would be insignificant.

Chair – That's because it's tied to change of ownership. Ms. Edwards, do you want to withdraw that, as well?

Ms. Edwards – Yes. With the understanding that, as you mentioned, Chair Brandenburg, that the program can continue, and that those interns can continue in the training program.

Mr. Knopke – And can receive credit for their training.

Chair – Sure. And I'm assured, by Ms. Simon, that that will be able to be continued. Is that correct, Ms. Simon?

Ms. Simon – Mr. Chairman, what I was saying is that there is no way really effectively to rule on the petition for a variance or a waiver when the applications have been withdrawn. There's no successful result of the petitions, but I cannot say, I cannot provide you any further criteria or assurances that no further action will be taken, by the Division, but it would have to be taken by the Board, too, when it comes to any discipline that would be {inaudible} out.

Mr. Knopke – Mr. Chairman, may I ask Ms. Simon a question?

Chair – Please do.

Mr. Knopke – Assuming that the Department decided to take action on the training agency, would Strunk Funeral Home, PA have the option to appeal that? Go to a 120 hearing or whatever?

Ms. Simon – Yes.

Mr. Knopke – So, they can drag that thing out for quite some time, just the same as if they left their applications and they got a denial. I want to be clear. I don't want to impact the day-to-day operations of the business, as the Chairman has said, the training agency or anything else. There's a vehicle to resolve this and it isn't us. So, I'm done.

Chair – Ms. Kopchak, did you want to make any statement at this point, or Ms. Edwards? Otherwise, the applications are withdrawn. Thank you. Ms. Simon?

22. Upcoming Meeting(s)

- A. August 13th (Teleconference)
- B. September 3rd (Teleconference)
- C. October 1st (Jacksonville – Florida State College at Jacksonville, Advanced Technology Center, 401 W State Street)
- D. November 5th (Teleconference)
- E. December 3rd (Gainesville – TBA)

20. Public Comments (Verbal)

Ms. Simon – The only other item that is on the agenda, for today, is Public Comments. If there are any comments to be made on any items on today's agenda, this would be the time to make it.

Chair – Hearing none.

23. Adjournment

Chair – The meeting is adjourned.

The meeting was adjourned at 2:45 p.m.