

**MINUTES**  
**BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES**  
**VIDEOCONFERENCE MEETING**  
**August 13, 2020 - 10:00 A.M.**

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

Mr. Jody Brandenburg, Chair –Good morning, everyone. Welcome to the Board of Funeral, Cemetery, and Consumer Services Teleconference meeting. It’s August 13, 2020, and I’m calling this meeting to order. Ms. Simon, would you deliver the 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 Thursday, August 13, 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. Both the link and call-in number is on the agenda, which has been made available to the public. The call -in number and other information relating to the Board meeting has also been published on the Division’s website. The Division staff present for this meeting are 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.

As this is a videoconference of the Board, there are some items I need to draw your attention to. For one, as a general rule, please do not utilize your video camera for the meeting unless you are a Board member, Board counsel, or an authorized Division employee. If you have a matter listed on the agenda and intend to appear before the Board to represent yourself, or if you are an attorney that is representing 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. Additionally, we will need everyone that is on the call to phone or audio feed on mute, if you are not speaking. The ambient noise coming from someone’s phone or audio, as we’ve already seen this morning, which is not muted, causes severe disruption to the meeting. If you are not muted, you may be muted by Division staff. As a result, please make sure to unmute your phone or audio feed when you are preparing to speak. Also, if you are using your computer or smartphone for your audio feed, please remember to speak directly into the microphone on your device. To do otherwise negatively impacts the recording of this meeting. Just as in a live meeting, persons speaking are requested to identify themselves for the record each time they speak. Participants are respectfully reminded that the Board’s Chair, Mr. Brandenburg, runs the meeting. Persons desiring to speak should initially ask the Chair for permission. As a final reminder, Board meetings are public meetings under Florida Law, and anything said via chat is subject to a public records request. 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  
LaShonda Morris, Department Staff

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

Chair – Thank you. I'd like to declare my affiliation with SCI Funeral Services with Florida, LLC, and this affiliation will in no way affect my ability to make a fair and impartial decision on anything coming before the Board today.

**2. Action on the Minutes**  
**A. June 18, 2020**

Chair – Action of the Minutes of June 18, 2020?

**MOTION:** Mr. Lew Hall moved to adopt the minutes of the meeting. Mr. Andrew Clark seconded the motion, which passed unanimously.

Ms. Simon – At this point, I'm going to request one more time for everybody to please put their phones or computer feed on mute. The meeting is being disturbed because everybody's phone is not on mute.

**3. Disciplinary Proceeding(s)**  
**A. Settlement Stipulations (Probable Cause Panel A)**  
**(1) SCI Funeral Services of Florida, LLC – Forest Lawn South d/b/a Forest Lawn Memorial Gardens South #402: DFS Case No. 244893-19-FC; Division No. ATN-31876 (F039471)**

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

Keenan Knopke – Mr. Chair?

Chair – Yes?

Mr. Knopke – Keenan Knopke here. Good morning.

Chair – Good morning.

Mr. Knopke – I would like to recuse myself from 3. A. (1) and 3. C. (1), (2) and 3, as I served on Probable Cause Panel A.

Chair – Thank you for that declaration, Mr. Knopke. Mr. Griffin?

Marshawn Griffin – Marshawn Griffin for the Department. SCI Funeral Services of Florida, LLC – Forest Lawn South d/b/a Forest Lawn Memorial Gardens South #402 (“Respondent”) is cemetery, licensed under Chapter 497, Florida Statutes, license number F039471. The Department conducted an investigation of Respondent and found that Respondent negligently entered into two (2) contracts for the same grave space. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent will pay a 3,000 fine. The Department requests that the Board accept this Settlement Stipulation

Chair – Thank you, Mr. Griffin.

Wendy Wiener –Good morning, Mr. Chairman. This is Wendy Wiener. I represent the licensee in this manner and I'm here to answer any questions that the Board members have, and also to inform you that Lisa County is also here representing the licensee. And I believe she would like to make a brief remark to the Board recommending this.

Lisa Coney – Good Morning, Lisa, Coney, Dignity Memorial and Forest Lawn North. I just want to thank the Board and thank Board Counsel Griffin for helping us reach resolution on this. We served this family. The family that made the complaint, actually was never impacted in any way that the complaint alleged in this investigation. Their family was never impacted in any way. They have no continuing complaint, but another family did agree to make a move of their loved one, and that has been long resolved and settled. {inaudible} family's satisfaction without the involvement of the State in any way. Those were actions we were taking to serve the families as we became aware of their concerns. So, our apologies to them for any

confusion and my thanks to Board Counsel Griffin for helping us resolve. We started talking about this way back in December. So, we're just very happy to be putting it behind us, now. And I'm available if you have any questions.

Chair – Thank you, Ms. Coney. Board?

**MOTION:** Mr. Ken Jones moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$3,000.00. Mr. Powell Helm seconded the motion, which passed unanimously.

***B. Settlement Stipulations (Probable Cause Panel B)***

***(1) Related Cases – Division No. ATN-32669***

***(a) Comerford, John P.: DFS Case No. 255522-19-FC; Division No. ATN-32669 (F440804)***

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

Darrin Williams – Mr. Chairman?

Chair – Yes?

Mr. Williams – This is Darrin Williams. I would like to acknowledge that I was on Probable Cause Panel B for cases 3. B. (1) (a) and 3. B. (1) (b). I will recuse myself from those cases.

Chair – Thank you, Mr. Williams. I appreciate that. Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. John P. Comerford (“Respondent”) is a monument establishment sales agent, licensed under Chapter 497, Florida Statutes, license number F440804. The Department conducted an inspection and investigation of Respondent and found that Respondent aided and abetted in the unlicensed practice of activities regulated by Chapter 497, Florida Statutes. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent will pay a fine in the amount of \$1,500, be placed on probation for a period of one year, and shall not aid and abet in the unlicensed practice of activities regulated by Chapter 497, Florida Statutes. The Department requests that the Board accept this Settlement Stipulation.

Chair – Thank you, Mr. Griffin. Board?

Mr. Helm – Mr. Chair? This is Helm. May I speak, please?

Chair – Please, Mr. Helm. Go right ahead.

Mr. Helm – Is Mr. Comerford on the line anywhere?

Chair – John Comerford? John Comerford? I hear no response, Mr. Helm.

Mr. Helm – That's kind of hard to get answers then, isn't it? I know that it's a Settlement Stipulation, but this was pretty severe. This guy was still doing business, even after they checked him and he said he didn't have a license. I don't quite understand the leniency here. Could you please explain that, Marshawn?

Mr. Griffin – Yes, sir. The subsequent licensure, and so, since the point of the Administrative Complaint is both to ensure compliance, as well as, a deterrent effect to prevent future violations, because the licensee has now gone through the process and obtains licensure. At least, the compliance aspect of the discipline has been satisfied, hence the specific terms that were offered.

Mr. Helm – And, can you tell me why he had an approved contract and wasn't using it?

Mr. Griffin – I cannot. He is represented by counsel. I don't know if Ms. Davis is on the call.

Chair – Ms. Davis? Mr. Davis? Hearing no response.

Mr. Helm – Well, I don't really know how to go about when you can't get any answers.

Mr. Knopke – Mr. Chair?

Chair – Mr. Knopke?

Mr. Knopke – Question. I believe the next case, Faith Memorials, is related to this. Is that not correct, Marshawn?

Mr. Griffin – That would be correct.

Mr. Knopke – Ok. Was this gentleman working for Faith when he was doing this stuff?

Mr. Griffin – Well, my understanding from the complaint and the SunBiz report, the Florida Department of Corporation's records for the entity, Comerford is the owner. They had an individual, a Jason Edenfield, who basically entered into most of the contracts that the investigation found. Comerford was listed as a point of contact. As you can see in the pictures, in the investigative file, his name is clearly emblazoned as a person to interact with for the entity, but Comerford is the {inaudible}.

Chair – Mr. Knopke, any other questions?

Mr. Knopke – No, sir. I'll make a motion to approve as presented.

**MOTION:** Mr. Knopke moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$1,500, be placed on probation for a period of one year, and shall not aid and abet in the unlicensed practice of activities regulated by Chapter 497, Florida Statutes. Mr. Clark seconded the motion, which passed unanimously.

*(b) Faith Memorials Inc. d/b/a Comerford Vault Memorial: DFS Case No. 255516-19-FC; Division No. ATN-32669 (F440803)*

Ms. Simon – Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. Faith Memorials Inc. d/b/a Comerford Vault Memorial (“Respondent”) is a monument establishment builder, licensed under Chapter 497, Florida Statutes, license number F440803. The Department conducted an inspection and investigation of Respondent and found that Respondent entered into contracts with consumers without the benefit of licensure; entered into contracts on forms that were not approved by the Department; aided and abetted in the unlicensed practice of activities regulated by Chapter 497, Florida Statutes; and engaged in misconduct in the practice of activities regulated under chapter, 497, Florida Statutes.

Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent will pay a fine in the amount of \$1,500; be placed on probation for a period of one year; within 90 days submit an application for licensure as a monument sales establishment; obtain Department approval for the contracts it uses; and shall not aid and abet in the unlicensed practice of activities regulated by Chapter 497, Florida Statutes. The Department requests that the Board accept this Settlement Stipulation.

Chair – Thank you, Mr. Griffin.

Mr. Knopke – Mr. Chair? One question for Marshawn.

Chair – Go right ahead, Mr. Knopke.

Mr. Knopke – Marshawn, is the ninety (90) days standard, so to speak, for this type of thing? It just seems like this has gone on for a while, and some of this they should have already had the running or been prepared.

Mr. Griffin – Well, it's just that it is to ensure that there is some sort of a consequence if they don't timely and very quickly file the application for licensure.

Mr. Knopke – Ok, thank you.

**MOTION:** Mr. Hall moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$1,500; be placed on probation for a period of one year; within 90 days submit an application for licensure as a monument sales establishment; obtain Department approval for the contracts it uses; and shall not aid and abet in the unlicensed practice of activities regulated by Chapter 497, Florida Statutes. Mr. Knopke seconded the motion, which passed unanimously.

*(2) Roberts, Dillon: DFS Case No. 233486-18-FC; Division No. ATN-31183 (F043829)*

Ms. Simon – Is Mr. Roberts on the line? Hearing no response. Mr. Bossart?

Mr. Bossart – Yes, I'm here. I believe is represented by Wendy Wiener.

Ms. Wiener – I'm. Here.

Chair – Thank you.

Ms. Wiener – Thank you.

Chair – Good Morning, Mr. Bossart.

Mr. Bossart – Good morning, Mr. Chair. May I proceed?

Chair – Would you please?

Mr. Bossart – Thank you. This is Jim Bossart from the Office of the General Counsel. Mr. Dillon Roberts (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F043829. Respondent was the direct disposer in charge (DDIC) of Gulf Coast Cremations Holding, Inc., a direct disposal establishment facility under Chapter 497, Florida Statutes, license number F091615, doing business in Venice, Florida. The Department conducted an investigation of the Respondent’s funeral establishment and found that the direct disposal establishment failed to establish a system of identification of human remains received designed to track the identity of the remains from the time of receipt until delivery to an authorized person, and was unable to provide a written copy of any identification procedures, after the Department’s request. Respondent, as the DDIC, is responsible for these violations. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: \$2000 fine and one-year administrative probation. The Department requests that the Board accept this Settlement Stipulation. Thank you.

Mr. Clark – Mr. Chairman?

Chair – Yes?

Mr. Clark – This is Andrew Clark. I just want to state for the record that. I have an affiliation with the Respondent, but that affiliation will not prevent me from rendering a fair and impartial decision. Thank you.

Chair – Thank you, Mr. Clark.

Mr. Williams – Mr. Chairman?

Chair – Yes?

Mr. Williams – May I speak? This is Darrin Williams.

Chair – Yes, Mr. Williams?

Mr. Williams – Yes, I have a question for Ms. Wiener. Do you know why the remains were released to someone else who did not make the initial arrangements? Because, from what I've seen in the documents the person who made the initial arrangements {inaudible} was someone else. Is that a normal practice where the person who made the arrangements is not given that opportunity to complete the arrangements, in terms of receiving the remains?

Ms. Wiener – Mr. Williams. I'm glad you asked that question because the answer may surprise you. The licensee actually released the cremated remains to the correct person. In Florida, our statute is very oddly written to require that a licensee release the cremated remains to the person who pays for the cremation. So, this was all sort of a big misunderstanding. The person that made the initial arrangements had not paid for the cremation. The person who came to pay for the cremation picked up the remains, and that was correct under the law. But, the person that made the arrangements contacted the location, and the young woman who was working at the location became fearful that she had, in fact, released the cremated remains to the wrong person. Because, just like you're questioning it, it sounds like it defies common sense, but it is what the law requires. So, she actually put into motion this confusion regarding the release of the cremated remains that ultimately resulted in an investigation. The real violation in this scenario was that when the inspector came to do the investigation, the location did not have on hand it's written procedures for identification of tracking human remains all the way through the cremation process. So, that's really the substantive basis for the discipline. But, your question reveals a really important problem in our law that we've been talking about trying to get resolved for years now, legislatively, but it simply has not been resolved. So, thank you for asking.

Chair – Mr. Williams, any other questions?

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

Chair – Mr. Knopke, go right ahead.

Mr. Knopke – Mr. Bossart, what is a one-year administrative probation?

Mr. Bossart – Just our normal probation, sir.

Mr. Knopke – Ok, Well, that's what I thought it was, but then I don't know that we've used the term administrative in the past, and if it, if we have, that's fine. I just I don't recall it.

Mr. Bossart – I sometimes do, sir. It's a \$5- word. It's just the routine probation.

Mr. Knopke – All right. Thank you, sir.

**MOTION:** Mr. Knopke moved to approve the Settlement Stipulation, requiring the Respondent to pay an administrative fine of \$2000 fine and one-year administrative probation. Mr. Hall seconded the motion, which passed unanimously.

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

Ms. Simon –Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. Vangie Scott (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F044038, in Monticello, Florida. The Department conducted an investigation and found that Respondent failed to disclose her plea to felony on her application for renewal of licensure and entered a plea to a crime that relates to her ability to practice under Chapter 497, Florida Statutes, in violation of sections 497.142(10)(c)2.; 497.152(1)(a), (4)(e), and (4)(h), Florida Statutes. Respondent's license expired on August 31, 2019. On or about August 30, 2019, Respondent filed an application for the renewal of her license. The application is currently pending.

Respondent timely filed a response to the Administrative Complaint and requested a formal administrative hearing pursuant to section 120.57(1), Florida Statutes. On January 28, 2020, the Division of Administrative Hearings relinquished jurisdiction of

Respondent's case to the Board, based on Respondent's allegation that there were no longer any material facts in dispute. In lieu of proceeding with the informal administrative hearing, the Department and Respondent have entered into a proposed Settlement Stipulation. The proposed stipulation provides as follows: Respondent's license shall be placed on inactive status, Respondent shall not have the right to apply for a license issued pursuant to Chapter 497, Florida Statutes, for three (3) years from the date of the entry of a Consent Order adopting the terms of the Settlement Stipulation. The Department requests that the Board approve this Settlement Stipulation.

**MOTION:** Mr. Jones moved to approve the Settlement Stipulation, requiring Respondent's license be placed on inactive status, Respondent shall not have the right to apply for a license issued pursuant to Chapter 497, Florida Statutes, for three (3) years from the date of the entry of a Consent Order adopting the terms of the Settlement Stipulation. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Griffin.

***C. Material Facts Not Disputed (Section 120.57(2) Hearings) (Probable Cause Panel A)***  
***(1) Buy and Sell Cemetery Plots, LLC: DFS Case No. 233374-18-FC; Division No. ATN-31030 (F058800)***

Ms. Simon – Mr. Bossart? Mr. Griffin?

Mr. Bossart – Excuse me. I was on mute. May I proceed, Mr. Brandenburg?

Chair – Please do, Mr. Bossart.

Mr. Bossart – Thank you. The above-referenced matter has been scheduled for an Informal Hearing to consider the attached Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact. At all times material to this complaint, Respondent is a Florida limited liability corporation and a licensed burial rights broker under Chapter 497, Florida Statutes, license number F058800, of St. Petersburg, Florida. Jennifer McKenzie is the Respondent's owner and managing partner. On or about August 29, 2016, Respondent received the sum of \$1345.00 from a Florida consumer pursuant to Respondent's advertising and marketing the sale of certain cemetery plots in Miami, Florida. The consumer received the sum through a credit card transaction. On September 2, 2016, the consumer elected not to go forward with the transaction and requested Respondent to refund the \$1345.00. Respondent failed to refund the \$1345.00 to the consumer or provide any other service to Respondent, despite demand for same.

On December 13, 2019, the Department filed an Administrative Complaint against Respondent. The Administrative Complaint alleged the Respondent by failing to refund \$1,345.00 and retaining these funds that it was not entitled to has violated sections 497.152(1)(a), (1)(b), and (9)(f), Florida Statutes. The Administrative Complaint was served on Respondent by certified mail on January 31, 2020. Included with the Administrative Complaint was a notice informing Respondent that the failure to respond in writing within twenty-one (21) days of service, or by February 23, 2020, would constitute a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint, and an Order of Suspension or Revocation by the Board would be entered against Respondent.

The Department did not receive an Election of Proceeding form or any other written response from Respondent by February 23, 2020, or for any date thereafter. This fact is attested to by the affidavits executed by the Division Executive Director, Mary Schwantes, and the agency clerk, Julie Jones. Respondent's failure to file a response constitutes a waiver of the right to request a proceeding on the matters alleged in the Administrative Complaint. Therefore, the Department requests the Chairman of the Board to entertain a motion finding that Respondent was served with the Administrative Complaint by publication and containing a Notice of Rights and an Election of Proceeding form, that he failed to respond with the allotted twenty-one (21) day period, and has, therefore, waived its right to request a proceeding involving disputed issues of material fact in this matter.

**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.

Chair – Go right ahead, Mr. Bossart.



Mr. Bossart – Thank you. Now, that the Board has determined the Respondent has waived its right to request a proceeding in this manner, 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. Jones Williams seconded the motion, which passed unanimously.

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

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

Chair – Mr. Bossart, what is the recommended disciplinary fine for these violations?

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

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

Chair – Is there anyone representing Buy and Sell Cemetery Plots? Anyone on the meeting, in the meeting, Buy and Sell Cemetery Plots? No response.

Mr. Bossart – The Department's recommendation is that Buy and Sell be fined an administrative fine of \$1500, be placed on a one-year probation, and be required to pay restitution. I believe the restitution is owed to the credit card company, in the amount of \$1345, to be paid within thirty (30) days of the issuance of the Consent Order. Thank you.

**MOTION:** Mr. Jones moved that the Respondent be fined an administrative fine of \$1500, be placed on a one-year probation, and be required to pay restitution to the credit card company, in the amount of \$1345, to be paid within thirty (30) days of the issuance of the Consent Order. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Bossart.

Mr. Bossart – Thank you sir.

***(2) Camel Funeral Home: DFS Case No. 254447-19-FC; Division No. ATN-33130 (F040017)***

Ms. Simon – Is there anyone on the call today representing Camel Funeral Home? Hearing no response, 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 Camel Funeral Home (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; and failed to timely honor 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. So, if we may proceed with the hearing. The above reference matter has been scheduled for an informal hearing to consider the attach Motion for Determination of Waiver for Final Order by Hearing Not Involving Disputed Issues of Material Fact. Respondent is a funeral establishment licensed under Chapter 497, Florida Statutes, license number F040017.

On January 23rd, 2020, the Department filed an Administrative Complaint against Respondent that alleges Respondent failed



to timely honor a contract, and demonstrated negligence or incompetence in the practice of activities regulated under Chapter 497, Florida Statutes. Based on the foregoing, Respondent has violated ss. 497.152(1)(a), (1)(b), and (13)(a), Florida Statutes, and are subject to discipline. The Administrative Complaint was served on Respondent by certified mail on January 27, 2020. Included with the Administrative Complaint was a notice informing Respondent of the failure to respond in writing within 21 days of service, or by February 17, 2020, would constitute a waiver of the right to request the proceeding on the matters alleged in the Administrative Complaint, and an Order of Suspension or Revocation by the Board would be entered against Respondent. The Department did not receive an Election a Proceeding Form, or any other written response from Respondent by February 17, 2020. This fact is attested to by the affidavits executed by the Division Director, Mary Schwantes and the Agency Clerk, Julie Jones. Respondent's failure to file a response constitutes a waiver of the right to request proceeding on the matters alleged in the Administrative Complaint.

Therefore, the Department requests the Chairman of the Board to entertain a motion finding that Respondent, Camel Funeral Home, was served with the Administrative Complaint, by publication or by certified mail, and containing a Notice of Rights and an Election of Proceeding Form, that it failed to respond within the allotted 21-day period, and has therefore waived its right to request a proceeding involving disputed issues of material fact, in this matter. A copy of this memo, along with a Motion for Determination Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Facts, as was sent by US Mail and e-mail to Respondent's last known address and e-mail of record. At this time, it would be appropriate for the Chair to entertain a motion determining whether the Respondent has waived Detroit to a Section 120.57(1), Florida Statutes hearing based on Respondent's failure to file a timely response.

**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. Helm seconded the motion, which passed unanimously.

Chair – Mr. Griffin?

Mr. Griffin – Now that the Board is 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 allegation of the facts, as set forth in the Administrative Complaint.

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

Mr. Griffin – The Department asserts that based on the Board's findings of facts that this supports a finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. It is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes, as charged in the Administrative Complaint.

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

Mr. Griffin – The Department also offers into evidence the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish its prima facie case for the violations as alleged in the Administrative Complaint. The Department recommends that the Board take the following action in this case, The Board shall impose a \$2500 fine against Respondent, and place Respondent's license on probation for a period of one (1) year.

Chair – Board?

Mr. Helm – I'm sorry. Could you repeat that, Marshawn?

Mr. Griffin – Yes, sir. The Department requests that the Board impose the following discipline, to assess a \$2500 fine against Respondent and to place Respondent's license on probation for a period of one (1) year.

**MOTION:** Mr. Helm moved that the Respondent should pay a \$2500 fine against Respondent and to place Respondent's license on probation for a period of one (1) year. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Griffin.

*(3) D A Boyd and Sons Funeral Home: DFS Case No. 243552-19-FC; Division No. ATN-32440 (F040195)*

Ms. Simon – Is there anyone on the call representing D A Boyd and Sons Funeral Home? Hearing no response, 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...

Clayton Boyd – We're on. D A Boyd is on. Can you hear us?

Mr. Griffin – Yes, we can.

Chair – Yes

Mr. Boyd– We lost the video.

Chair – Ok. Who is this speaking?

Mr. Boyd – This is Mr. Clayton Boyd, licensed funeral director in charge of D A Boyd and Sons Funeral Home.

Joseph Monroe – Ok, there we go. We're on.

Chair – Thank you. We do hear you.

Mr. Boyd – Ok, And Joseph Monroe.

Chair – I'm sorry?

Mr. Boyd – I was saying this is Mr. Clayton Anthony Boyd, licensed funeral director in charge of D A Boyd and Sons Funeral Home.

Chair – Mr. Boyd, we do hear you.

Mr. Monroe – I'm Joseph Monroe, CEO of D A Boyd and Sons Funeral Home.

Chair – Thank you, Mr. Monroe. We do hear you. Mr. Griffin?

Mr. Griffin – So, the above reference matter, is presented to the Board for consideration of the Motion for Determination of Waiver for Final Order by Hearing Not Involving Disputed Issues and Material Facts (Motion) in the matter of D A Boyd and Sons Funeral Home (Respondent). The Division alleges Respondent engaged in the following: engaged in activities license under Chapter 497, Florida Statutes, with an expired license; failed to utilize the Department approved form for its Bodies Handled Reports; and failed to display the license of its FDIC in a conspicuous location. The Motion demonstrates Respondent's failure to timely file a responsive pleading contesting the allegations in the Administrative Complaint and requests that the Board adopt the factual allegations in the Administrative Complaint an issue an appropriate penalty. If I may, yesterday, I spoke with Mr. Boyd, and it's the understanding that I relayed the anticipated discipline that the Department was going to seek in this matter, which was a \$500 fine and a Notice of Noncompliance. I believe that Mr. Boyd and Mr. Boyd represented, and he can verify that he was willing to consent to the imposition of that discipline and that he wanted to address the Board to explain what happened. Would that be a correct stating of our conversation yesterday, Mr. Boyd?

Mr. Boyd– Absolutely is correct. Yes, sir, and if I may have permission from Mr. Brandenburg to speak, I will do so now?

Ms. Simon –Actually. if I may interject before you do, sir. I need to swear in all of those that will be speaking during this call.

Chair – Mr. Boyd and Mr. Monroe.

Ms. Simon – If Mr. Boyd and Mr. Monroe would please raise your right hands to be sworn in. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you, God?

Mr. Boyd – I do.

Mr. Monroe – I do.

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

Mr. Boyd – I'm Clayton Anthony Boyd.

Mr. Monroe – Joseph T. Monroe.

Chair –Thank you, gentlemen. Please address the Board, if you wish.

Mr. Boyd – As the licensed funeral director of Boyd Funeral Home, I'd just like to say to this Board that we appreciate you allowing us this opportunity to express our concerns as to why we didn't answer the complaint. It is because we do not contest the allegations that the Board has put before us. But there are mitigating circumstances that we just wish to briefly explain. At the time, before the inspection, we had a cousin that ran this facility for years. His name was Charlie W Boyd. He fell ill to a brain tumor, brain cancer, which he had a tumor on his brain, and was diagnosed in 2017. And he surpassed, in 2018, maybe like the third month, or something like that. And since that time, we've had three (3) licensed funeral directors from our family to come over and try to continue to run the business, but the difficulty was when he had his illness, he was never able to relay the operational procedures as far as access codes to computers and just things that we were unable to be accessed to, so, we had to go through other firms in order to provide that services for people. And then when I came in, I was coming in behind two (2) of my cousins. And then when I came here, you know, by my license not being displayed, it totally was my oversight, but I had so much on my mind then I just didn't do the little simple thing of putting my license up with the other two (2), whose licenses had previously been there, and we're still in place.

And then when it came down to the things where we had {inaudible}. You know what, we didn't have access to the machine to see any type of thing that changed in terms of putting the embalming affidavits of cases handled on the new form, we didn't have knowledge that that even had changed. But, we're not making excuses. What we're saying is that these were oversights due to mitigating circumstances of the business being handled by him directly, and he wasn't able to relay to us the things we would need to access. And, I want to point out that what we did immediately upon the inspection was move swiftly to correct those complaints and we tried to do it within a week's time. Everything was satisfied and we sent out e-mails to our inspector, Ms. Miriam, and also, I sent a copy of my license showing it was displayed. Also, I showed where we had changed the forms and put the things up to date, as well as Mr. Joseph attempted earlier before the 20th to send the license off, but he had run into some problems, too. Because he didn't have access to get in there, but Ms. Richardson did correct that for us. Once he did it, he had the check dated, a cashier's check by the 5<sup>th</sup>, it was the 20th before we could get it to your office. So, it is at this time we do ask the Board for forgiveness, because we are an old firm, and we usually keep everything in order, but because of this situation, we just apologize to the Board and ask that you would forgive us for the shortcomings.

Chair – Mr. Boyd, who is the Funeral Director in Charge now at DA Boyd and Sons Funeral Home?

Mr. Boyd – It is still myself, Mr. Clayton A. Boyd.

Chair – Ok, and you're officially with the State? You're registered with the State as the funeral director in charge?

Mr. Boyd – Yes sir.

Chair – Are you the funeral director in charge at any other location, Mr. Boyd?

Mr. Boyd – No, sir,

Chair – OK,

Mr. Boyd – What happened is my license had previously come from another establishment where I was the licensed funeral director, before I came here.

Chair – Thank you. Mr. Griffin, what needs to be done now, please? What remains to be done by the Board?

Mr. Griffin – Well, I think at this time, based on the consent, or based off of the representations from the licensee, if the Board is inclined to accept the Department's recommendation for penalty based off of the licensee's acceptance, I think that we could treat this as basically a settlement, in lieu of going forward with the formal hearing or the informal hearing.

Chair – Thank you. That settlement is a \$500 fine and a Notice of Noncompliance. Board, is there a motion?

Mr. Williams – Mr. Chairman?

Chair – I'm sorry.

Mr. Williams – This is Darrin Williams.

Chair – Yes, Mr. Williams? Go right ahead.

Mr. Williams – Quick question, and I apologize for the echo, because I'm on two (2) different devices. Has there been any follow-up inspections to make sure the firm has met the standards are submitting the appropriate paperwork to the Department?

Mr. Boyd – Yes sir. We just had an inspection about three (3) months ago, which we passed with no violations, and everything that was previously out of compliance was within compliance. Yes, sir, including the affidavits were put on the right form and the license was paid for, as well as we had nothing that was marked out of place on the inspection. We had a 100 on it.

Chair – Thank you. Mr. Williams?

Mr. Williams – Thank you, Mr. Chair.

**MOTION:** Mr. Jones moved that the Respondent's should pay a \$500 fine and be issued a Notice of Noncompliance. Mr. Helm seconded the motion, which passed unanimously.

Chair – Thank you. Mr. Boyd. Thank you, Mr. Munroe.

Mr. Boyd – And, thank you, gentlemen.

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

Ms. Simon – Is anyone on the call representing Gainer-Pollard Funeral Home. Hearing no response. Mr. Griffin?

Mr. Griffin – Before I proceed, can I just make sure that Julie Jones' is on the call?

Chair – Julie Jones, are you on the call? Julie Jones? Mr. Griffin, I heard no response.

Mr. Griffin – Sorry, I'm trying to coordinate with her on Skype. The Department is going to need her to call in to testify as to

the affidavit.

Chair – Would you want to go on to another case and then come back to this?

Mr. Griffin – Yes, if we could. She will need to testify in both Gainer-Pollard and... Hold on, I just got a Skype message. She said she's waiting on then to call. Is there a function for the meeting to call to an outside number?

Ms. Simon – No, sir.

Mr. Griffin – Ok, one second or can we move on?

Ms. Simon – Let's move on to the next case.

**(2) Related Cases – Division No. ATN-30309**

**(a) Hanks, John A.: DFS Case No. 230107-18-FC; Division No. ATN-30309 (F043538)**

Ms. Simon – Is there anyone on the line representing Mr. Hanks? Hearing no response, Ms. Janjic, are you on the phone? Is there a prosecutor on this case on the phone? Maybe I'm on mute right now.

Chair – No, you're not on mute.

Mr. Griffin – I don't know. I saw her on the initial call. If you'll give me one second, I think I can...

Mr. Pollard – Hello.

Mr. Griffin – Ms. Janjic just advised me that she thinks she's muted. Ok, I'll just present it. Marshawn Griffin for the Department. The above reference matter has been scheduled for an informal hearing to consider the attached Motion for Final Order and For Final Order by Hearing Not Involving Disputed Issues of Material Facts, John Hanks (Respondent) is currently licensed as a funeral director and is the owner of John Hanks d/b/a John Hanks Memorial Services. On April 3, 2017, the Division conducted an inspection of Respondent's place of business, located at 5249 NW 36th Street, Miami, FL 0 33166, and issued a disciplinary citation for violations noted during the April 4, 2017 inspection. On February 5, 2018, the Division conducted a routine inspection of Respondent's places of business. In both of the instances, Respondent...

Danijela Janjic – Hello? Can you hear me now?

Chair – Yes, ma'am. We can hear you. Please identify yourself.

Ms. Janjic – I'm really sorry. I had to restart the call. I was talking, but you all were not able to hear me. I apologize.

Chair – Please identify yourself.

Ms. Janjic – Hi, my name is Danijela Janjic. I am one of the attorneys for the Department.

Chair – Good. Mr. Griffin was filling in and he's down to the third or fourth paragraph.

Ms. Janjic - Based on the foregoing?

Mr. Griffin – No, Danijela. I'm on the memo attached to the Board packet. I was on the third paragraph right after the sentence...

Ms. Janjic – Would it be ok if I just start from the beginning?

Chair –Yes.

Ms. Janjic – Ok. Thank you. I appreciate it. The above-referenced matter has been scheduled for an Informal Hearing to consider the attached Motion for Final Order and for Final Order by Hearing Not Involving Disputed Issues of Material Fact. John Hanks (Respondent) is currently licensed as a funeral director and is the owner of John Hanks d/b/a John Hanks Memorial Services. On August 16, 2019, the Department filed an Administrative Complaint against Respondent alleging Respondent attempted to renew a license, under this chapter by bribery, false evidence or misrepresentation or through an error of the Department or Board known to the applicant. Based on the foregoing respondent violated Section 497.152(1)(a), (4)(f), (4)(h), Florida Statutes, and is subject to discipline. The Department obtained service of the Administrative Complaint on Respondent on October 8, 2019 by personal service. On October 23, 2019, Respondent timely filed an Election of Proceeding alleging that he was not disputing any of the Department ‘s factual findings and requested a hearing by written submissions. Based on the Respondent’s Election of Proceedings. Respondent is waiving his right to request a proceeding on the matters as alleged in the Administrative Complaint, in a formal contested hearing. By this memo, along with a copy of the Motion for Final Order by Hearing Not Involving Disputed Issues of Material Facts, have been sent by US Mail and an e-mail to Respondent’s last known address and e-mail address of record. At this time, it would be appropriate for the Chair to entertain a motion determining whether the Respondent has waived his rights to a Section 120.57(1) Hearing, based on the Respondent’s response to the Administrative Complaint.

**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. Hall seconded the motion, which passed unanimously.

Ms. Janjic – Now that the Board has determined that the Respondent is not contesting the factual allegations in the Administrative Complaint, the Department believe that is appropriate, at this time, for the Chair to entertain a motion adopting the allegations of fact 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. Jones seconded the motion, which passed unanimously.

Ms. Janjic – Thank you. The Department also contends that the Board findings of fact support a finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. It is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes, as charged in the Administrative Complaint.

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

Ms. Janjic – The Department also offers into evidence the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish its prima facie case for the violations alleged in the Administrative Complaint. As to the penalty, the Department recommends the following: a fine of \$2500 and a two-year probation.

Chair – Board members did you understand the recommendation of the \$2500 fine and two-years of probation?

**MOTION:** Mr. Jones moved that the Respondent shall pay a fine of \$2500 and be place on a two-year probation. Mr. Knopke seconded the motion, which passed unanimously.

Ms. Simon – Before we move on, on the agenda, I'd like to remind everybody if you are not speaking, please put your phones on mute, or please put your audio feed on mute, as it is disrupting the call.

Ms. Janjic – I think I made a mistake. The penalty for this one, based on the guidelines, would be a fine of \$2500 and a one-year probation, and the other one is two-years. I’m sorry, I misspoke.

Chair – So, we clear this up by withdrawing the motion for \$2500 and two years and withdrawing the second, and setting that aside. So, all those in favor of setting that aside to clarify the error, say aye.

Board members – Aye.

Chair – And any opposed? Now, what is suggested is a \$2500 fine and a one-year probation. Is there a motion to that effect?

**2<sup>nd</sup> MOTION:** Mr. Jones moved that the Respondent shall pay a fine of \$2500 and be placed on a one-year probation. Mr. Knopke seconded the motion, which passed unanimously.

Chair – Ms. Janjic, I think that clears that one up. And now we're on to the next case.

**(b) *John A. Hanks d/b/a John Hanks Memorial Services; DFS Case No. 230153-18-FC; Division No. ATN-30309 (F040035)***

Ms. Simon – Ms. Janjic?

Ms. Janjic – Again, Danijela Janjic for the Department. This case has been scheduled for an informal hearing to consider the attached Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion). In this case, Respondent is a funeral establishment licensed under Chapter 497, Florida Statute, License Number F040035. On August 16, 2019, the Department filed an Administrative Complaint, against Respondent, alleging the following: (1) Respondent failed to display the least expensive casket offered for sale or use in adult funeral in the same general matter as a funeral service industry member's other caskets are displayed; (2) Respondent failed to have the funeral establishment's prices for caskets for sale clearly and conspicuously marked on or in the casket; (3) Respondents failed to display the name of Respondent's FDIC; (4) Respondent failed to correct all violations and errors noted on the previous funeral establishment inspection form; (5) Respondent attempted to renew a license under this chapter by bribery, false or forged evidence, or misrepresentation or through an error of the department or board known to the applicant; (6) Respondent failed to have an FDIC; and (7) Respondent failed to properly report to the licensing authority a change in location of a funeral establishment.

Based on the foregoing, Respondent violated the following sections: 497.152(1)(a), (1)(b), (4)(f), (4)(h), (11)(f) and (12)(f); 497.380(7), (12)(b), and (14), Florida Statutes; Rule 69K-21.003(9), (10), and Rule 69K-21.007(3), Florida Administrative Code, and therefore subject to discipline. The Administrative Complaint was served on Respondent by certified mail on August 20, 2019. Included with the Administrative Complaint was a notice informing Respondent that the failure to respond in writing within twenty-one (21) days of service, or by September 10, 2019, would constitute a waiver of right to request a proceeding on the matters alleged in the Administrative Complaint, and an Order of Suspension or Revocation by the Board would be entered against Respondent. The Department did not receive an Election of Proceeding Form, or any other written response from Respondent by September 20, 2019, or thereafter. Those facts are attested to by affidavit executed by the Division Executive Director and the Deputy Agency Clerk. Respondent's failure to file a response constitutes a waiver of rights to request a proceeding on the matters alleged in the Administrative Complaint. Therefore, the Department requires that the Chairman of the Board entertain a motion finding that Respondent, John A. Hanks d/b/a John Hanks Memorial Services, was served with the Administrative Complaint by certified mail containing a Notice of Rights and Election of Proceedings Form, and has failed to respond within the allotted 21-day period, and has therefore waived its right to request a proceeding involving disputed issues of material fact. A copy of this memo, along with the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Facts have been sent by US Mail and e-mail to the Respondent's last known address and e-mail address of record.

Chair – Is there a motion?

**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. Helm seconded the motion, which passed unanimously.

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

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

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



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

Ms. Janjic – The Department also offers into evidence the investigative report with a copy of what has been previously furnished the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. As to the penalty, the Department recommends the following: a fine of \$2500 and to place Respondent’s license on probation for two (2) years.

Chair – I have one question for you. Is there currently a funeral director in charge there?

Ms. Janjic – Yes, there is. Mary Carolyn Lawson.

Chair – Thank you. Board?

Mr. Knopke – Mr. Chairman? This is Mr. Knopke.

Chair – Mr. Knopke, go right ahead.

Mr. Knopke – And just for everything that has been outlined, it just seems like a light fine to me. I would make a motion to fine John A. Hanks Memorial Services \$4000 and two (2) years' probation.

**MOTION:** Mr. Knopke moved that the Respondent shall pay a \$4000 fine and be placed on a two (2) year probation. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you, Ms. Janjic.

Rachelle Munson – Mr. Brandenburg?

Ms. Janjic – Thank you.

Chair – Yes?

Ms. Munson – Chair Brandenburg, this is Ms. Munson. Before she leaves, can I just ask a quick question?

Chair – Yes, go right ahead.

Ms. Munson – Attorney Janjic? If I’m mispronouncing, I apologize. This is a concern for me. The violations, which you read, are those within the Administrative Complaint? I don't know. Did you include s. 497-152(1)(b)?

Ms. Janjic – Yes, s. 497.152(1)(a), (1)(b), (4)(f), (4)(h), (11)(f) and (12)(f); 497.380(7), (12)(b), and (14).

Ms. Munson – OK. I got it. Thank you.

Ms. Janjic – Do you need the rules as well?

Ms. Munson – Oh, no. I have those. There were a lot of them and I must have missed it. Thank you.

Ms. Janjic – I know. Thank you.

Ms. Simon – Thank you, Ms. Janjic.

Chair – Thank you.

Ms. Simon –Mr. Chairman, is it ok if we go back to Gainer-Pollard?

Chair – I was just going to suggest that and ask if Mr. Griffin was ready.

Mr. Griffin – Ms. Jones, are you on the call?

Julie Jones – Yes, I am.

Mr. Griffin – Ok. Mr. Pollard, are you on the call?

Mr. Pollard – Yes. I'm here.

Mr. Griffin – Ok.

Chair – Go right ahead, Mr. Griffin. Or Ms. Simon, do you want to introduce the case?

Ms. Simon – Yes, sir.

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

Ms. Simon – 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 Gainer-Pollard Funeral Home, LLC (Respondent). The Division alleges Respondent engaged in the following: Respondent failed to have a Funeral Director in Charge; Respondent failed to notify the Department about a change in its FDIC; Respondent executed a written agreement that did not contain the signature of the consumer. The Motion demonstrates Respondent's failure to timely file a responsive pleading contesting the allegations in the Administrative Complaint and request that the Board adopt the factual allegations of the Administrative Complaint and issue of the appropriate penalty.

Chair – Motion by the Board?

**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. Clark seconded the motion, which passed unanimously.

Chair – Thank you.

Mr. Griffin – Respondent is a funeral establishment that has been licensed under Chapter 497, Florida Statutes, License Number F344120. On February 14, 2020, the Department filed an Administrative Complaint against Respondent that alleges that Respondent failed to have an FDIC, failed to notify the Department about a change in its FDIC and entered into a written contract that did not contain the signature of the consumer. Based on the foregoing, Respondent has violated ss. 497.152(1)(b), 497.152(11)(a), 497.152(1)(a), 497.380(12)(c), and Rule 69K-21.008, Florida Administrative Code, and is subject to discipline. The Administrative Complaint was served on Respondent by certified mail on February 18, 2020. Included with the Administrative Complaint was a notice informing Respondent that the failure to respond in writing within 21 days of service, or by March 10, 2020, would constitute a waiver of the right to request proceeding on the matters alleged the Administrative Complaint, and that in Order of Suspension or Revocation by the Board would be entered against Respondent. The Department did not receive an Election or Proceeding Form or any other responsive pleading from Respondent by March 10, 2020.

On March 16, 2020, Respondent submitted an untimely Election of Proceeding alleging that there were no material facts in dispute, and waiving its right to an informal administrative hearing before the Board. This fact is attested to by an affidavit executed by the Division Director, Mary Schwantes. The Department is also prepared to present the testimony of the Agency Clerk, Julie Jones, in support of this fact. Respondent's failure to timely file a response constitutes a waiver of the right to request proceeding on the matters alleged in the Administrative Complaint. Therefore, the Department requests the Chairman

of the Board to entertain a motion on that Respondent, Gainer-Pollard Funeral Home LLC was served with the Administrative Complaint, by certified mail, containing an a Notice of Rights and an Election and Proceeding Form, but failed to respond within the allotted 21-day period, and has therefore waived its right to request a preceding involving disputed issues material fact of this matter. A copy of this memo, along with a copy of the Motion, has been sent by US mail and e-mail to Respondent's last known address and e-mail address of record.

Chair – Is there a motion?

**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. Jones seconded the motion, which passed unanimously.

Mr. Pollard – Hello? Hello? I have a question. He said, February 14 was when that was filed

Chair – Who is this speaking, please?

Mr. Pollard – This is Freddie, owner of Gainer-Pollard Funeral Home.

Mr. Griffin – Yes, the Department alleges that the Administrative Complaint was filed on the 14th.

Mr. Pollard – We didn't have our establishment inspection until February 22nd, which was a Friday.

Mr. Griffin –It was served on February 14, 2020, of this year.

Mr. Pollard – 2020 of this year? I didn't get anything in the mail on February of this year.

Mr. Griffin – Mr. Pollard, if you will address yourself, if you have the Board packet, we have an Exhibit Two, which is on page 13 of the PDF. There's the certified mailing with signature received.

Mr. Pollard – When he first started reading, he said February 14, 2019.

Mr. Griffin – I'm sorry. I misspoke. It should have been February 14, 2020.

Chair – Mr. Pollard?

Mr. Pollard – Yes, sir?

Chair – In order for you to be recognized on these proceedings, we need to swear you in, please. Ms. Simon, could you do that?

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

Mr. Pollard – Yes.

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

Mr. Pollard – It's Freddie Pollard, P O L L A R D.

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

Mr. Pollard – Mr. Griffin said that there was a complaint made this past February 2020.

Mr. Griffin – The Administrative Complaint that forms the basis of this entire hearing was filed on February 14, 2020.

Mr. Pollard – The complaint by my funeral director?

Mr. Griffin –No. So, the Administrative Complaint that the Department filed, I don't think was related to your funeral director complaining about you.

Mr. Pollard – I thought I heard you say we didn't have a funeral director in February. That's what, I thought I heard you say.

Mr. Griffin – No. The Administrative Complaint that was filed on February 14, 2020 alleged allegations that stemmed from 2019 and specifically in August of 2019, when the Department conducted its annual inspection.

Mr. Pollard – Ok, I got you now. Ok, you can continue.

Mr. Griffin – If I may? Has the Board voted on whether or not Respondent has waived its right to a formal hearing in this matter?

Chair – Yes

Mr. Griffin – 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 fact, as set forth in the Administrative Complaint.

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

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

Chair – Is there a motion?

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

Chair – Mr. Griffin?

Mr. Griffin – The Department also offers into evidence the investigative report with exhibits, a copy which has previously been furnished to the Board to establish a prima facie case for the violations as alleged in the Administrative Complaint. As to penalty, the Department recommends the following in this case: that the Board assesses a \$3000 fine against Respondent, places its license on two (2) years of probation, and issues a Notice of Noncompliance, as to the FDIC notice. I believe now would be an appropriate time for Mr. Pollard to address the Board.

Chair – Mr. Pollard, would you want to address the Board? Calling Mr. Pollard.

Mr. Pollard – Hello?

Chair – Do you want to address the Board today

Mr. Pollard – No, I don't I'll take the \$3000 fine.

Chair – Ok. He's waived his ability to address the Board. Board do you have a recommendation for penalty, or a motion, please?

**MOTION:** Mr. Hall moved that the Respondent shall pay a \$3000 fine, be placed on two (2) years of probation, and issued a Notice of Noncompliance, as to the FDIC notice. Mr. Jones seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Pollard. Thank you, Mr. Griffin.

Mr. Pollard – Thank you.

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

Ms. Simon – Is there someone here on the call representing this entity? Hearing no response. 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 Wilson-Wolfe, Inc., d/b/a Sweet Dreams Memorials (Respondent). The Division alleges Respondent engaged in the following: Demonstrated negligence or incompetency in the practice of activities regulated by Chapter 497, Florida Statutes; Used a contract which failed to include the latest date for delivery or installation of a monument; Failed to timely honor a contract. The Motion demonstrates Respondent has failed 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. {background conversation} I believe that that might be Mr. Wilson-Wolfe. I think I heard his voice.

Chair – Thank you. Mr. Wilson-Wolfe?

Mr. Wilson-Wolfe – Can you hear me now? {background conversation}

Chair – Mr. Wilson? Mr. Wilson-Wolfe? Anybody representing Sweet Dreams Memorials?

Mr. Wilson-Wolfe – Yes.

Chair – Would you identify yourself?

Mr. Wilson-Wolfe – Yes, my name is David Wilson-Wolfe.

Chair – Did you not hear me ask for you?

Mr. Wilson-Wolfe – I did, sir, but I've been on hold for over an hour. I muted my phone. When I came to my time, I unmuted it, and it said, I was talking but no one could hear me, so I quickly picked up my cell phone and rang back in.

Chair – Well, we're glad you're on the call with us. Thank you, for getting on the call with us.

Mr. Wilson-Wolfe – I would like to speak to the Chair, before starting the proceeding, please.

Ms. Simon – Mr. Wilson-Wolfe, can you please raise your right hand, in order to be sworn in?

Mr. Wilson-Wolfe – Yes.

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

Mr. Wilson-Wolfe – I do.

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

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

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

Mr. Wilson-Wolfe – Address the Board and ask any questions.

Chair – Ok. Do you want to briefly address the Board, please?

Mr. Wilson-Wolfe – Yes, sir. First of all, I contacted, once receiving the paperwork, which I actually never signed for, I received the documentation from the post office. It is not, I know how to spell my name, hence why I stated it. My name has not got an E on the end of that signature it's written in. I never signed for that. That came in the mailbox, first of all. Second, on reading this, Mr. Griffin failed to complete and sign and date the Seal, which should be. It states it should be dated and signed, in the paperwork I received. Also, the certificate of service, at the very end states again, Mr. Griffin did not sign or date that piece of paper. So, I contacted Lawrence McClure, who is the county representative for the people, so to speak. I explained to him, sent an e-mail, and spoke to somebody saying it was time sensitive. I had two (2) weeks left to send all the paperwork. I got a load of paperwork ready, but I was pulling out more from my e-mails to prove the facts, which they threw at me late on, with this letter, which I never knew anything about. I explained all the facts to him. He said don't do anything about it and he will contact the Financial Services and get back with me. I never heard anything. so, I sent an e-mail again. I have e-mails to prove everything, stating what is the situation? This is very time sensitive and we are running out of time. Basically, then I get an e-mail, or I got a letter from you guys saying I refused, I didn't do the 21-day. I then contacted the Mr. Lawrence again, and his secretary said, yes, we contacted them. They were supposed to be meeting the Financial Services, and they were talking to someone there and they were supposed to be getting back to me. No one did. They said they spoke and got all this cleared up, so I could put my case forward in a different way. I don't know. And they said you guys had told him one thing that you were going to contact me and no one did. The woman then explained how you should have done that, and why are they going against it. And I will contact them again. So, I am now in the process, which I've contacted now and said now you've let me down. The timescale is gone. I got all these proofs and facts in front of me right now of pictures of e-mails sent from the actual owners.

If you look on the contract, which has already been submitted to you guys, the contract has an e-mail address, which is her son, Adrian whatever. Also, the phone number on the actual contract, I got e-mail text messages from the contact saying good to go with things that you're saying I did wrong. I'm not putting the family down. This is a Mexican family who cannot speak proper English. You've also got in your facts there the proof on, I don't know what your exhibit number is, where it states {inaudible} 200 and things I am supposed to place on the slab. Both of those, I've got proof saying that she changed it. They saw the pictures of the proof that the stencil was made. The only change they made is the change of the name Young, Young. The writing you see on the paperwork that's handwritten will show you, which is already submitted to you guys, which will show you that I did everything, even changed the wording of the Spanish, because they put Juan, J U A N, and I couldn't understand what that meant. And there's other words you'll see that I crossed out and rewrote, or if it was an N, I replace it with a capital N so I knew I wasn't doing anything wrong. Or, with the Juan, Juan, it was supposed to say Young, Young, which I wrote down on my form. So, I did everything to comply with the family's request. No, I have dealt with this family since 2009, doing loads of headstones for them and even came against the Board with a slab, and Mr. Helm will remember this one, for the Ruskin Cemetery. And, also leading on from that, at no point, even from Jessica Helm, who came to visit me and told me I had to put my license on the wall, which it is there and has always been there. Also, to collect paperwork on any mistakes or anything, complaints into a complaint book, which I have got. She even said that I was good. I was on my own at that point, with my wife doing the accounts and me doing the installations, as well as the sales. And I also asked Jessica Helm, at the time, whether I was allowed to actually do the sale. I was going to get a salesperson, a new guy, and what did I have to do for ~~altere~~. She told me then that I have to get a sales agent license. Now, I Googled the word, in the English dictionary, the word dealer and retailer. Now, those are the licenses. Originally, in 2006, I had a license that stated dealer, the original one. Dealer basically means a person or business that buys and sells goods. Right? Now, retailer, which is the new term on your licenses. It states a person or business that sells goods to the public. So, I have not, as far as I was aware, done anything incorrect, especially when in 2009, when I came against the Board submitting my paperwork and contract to you for the situation, it state {inaudible}. No one told me. Now I know that one person involved in the Tampa situation in the Financial Services has a brother-in-law working for a cemetery in Tampa. When I sell the goods, the head caretaker told me his brother-in-law works for the Financial Services and he can stop me from coming into this business. Now, if that's not corruption, I don't know what is, but I'll move on. So, I am now in limbo because I've got all this paperwork, all these text messages of proof. Now, I showed, when your guys came out to see me, as a good cop and bad cop.

Chair – Would you quit using “you guys,” and tell me who you mean? Please tell me who you mean, rather than “you guys.”

Mr. Wilson-Wolfe – Financial Services. The Tampa Financial Services. When they came out to see me, after this situation started. Bear in mind, it was me that gave the person your detail. It was me that contacted the Financial Services when I made

a mistake the first time. So, during this situation I contacted the Financials Services in Tallahassee. Spoke to someone there. Explained the situation. They said to me, it should be ok. Just do what you're going to do, and let the family know the details. Because I told them I was going to let the family know, and then we'll just see what happens. And I did everything. If I was wrong in any way, I would have stood up and said my bad. I have got a few headstones out there and I can count great that I have either misspelled a family name, due to their signature, or due to them signing off and not approving it, and I leave it next to the main door, so that I can now show people, check your spelling. Be correct before we do anything. I'm 100% guaranteeing that I will look after my customers. I have gone out of my way to save thousands for my customers, to make sure that they are happy. I turn jobs around within a week, within a day, as long as they've approved it, and everything like that. I am not here to steal from the customer, especially when I've dealt with a customer for that length of time, 2009 onward, and bought a case for them. This family would not sign or do anything. When they came, they gave me money upfront and I gave them a receipt. That is how that all started. They gave me the money and said we want this slab. I had a jet-black slab in stock. When it's in stock, I can turn it around very quickly, but then they said, we're going to buy that...

Chair – Mr. Wilson-Wolfe?

Mr. Wilson-Wolfe – Yes, sir?

Chair – This as Jody Brandenburg, Chairman. Can you wrap up within one (1) more minute, please?

Mr. Wilson-Wolfe – Yes, sir. I would like to know how to appeal or what might need to be put on an appeal, so I can resubmit my paperwork, because {inaudible}, it looks like I'm the criminal and I've done everything wrong, and I am not, 100%. I will obviously be contacting that representative. Actually, that representative is supposed to ring me today to apologize. I told him he's not for the people whatsoever. He let me down badly and he's supposed to be a representative.

Chair – Mr. Wilson-Wolfe, after these proceedings, you'll call the Division, and they will certainly tell you how you could appeal your case. So, thank you for your comments. We appreciate your comments. Mr. Griffin, where are we?

Mr. Griffin – Ok, so I think we were at the Board potentially entertaining a motion to find that Respondent failed to timely file a response in this matter in his way to try to a formal administrative hearing.

Chair – Is there a motion?

**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. Hall seconded the motion, which passed unanimously.

Mr. Wilson-Wolfe – I'm sorry, I never heard the question. What was that question?

Chair – There was no question to you.

Ms. Munson – This is Ms. Munson. May I just clarify?

Chair – Please, Ms. Munson.

Ms. Munson – I may have gotten lost in some of the information, but I'm not certain if the Respondent is indicating that he never received the Administrative Complaint or any notice. I'm trying to clarify that.

Mr. Wilson-Wolfe – My apologies. Yes, I received it via the mail, not delivered by hand, as it states on one of your forms that was sent out in the last package. It says Wilson-Wolf, with no E on the end. I always spell my name correctly. And another thing, when you guys send out paperwork, which said Winston Wolfe or Winston as the name on the actual paper, this is so many clerical errors, it's unbelievable.

Ms. Simon – Mr. Wilson-Wolfe, thank you so much. You answered the question that Ms. Munson raised. I believe we're back to Mr. Griffin?



Chair – Yes, please. Mr. Griffin?

Mr. Griffin – Ok. Now that the Board has determined that Respondent has waived its right to request a proceeding in this matter, the Department believes that is appropriate at this time for the Chair to entertain a motion to adopt the allegations of fact 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. Hall seconded the motion, which passed unanimously.

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

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

Mr. Bossart – The Department also offers into evidence the investigative report with exhibits, a copy of which has previously been furnished to the Board to establish its prima facie case for the violations of the alleged and the Administrative Complaint.

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

Mr. Griffin – At this time, the Department recommends the following discipline in this case: The Board should impose a \$3000 fine in place Respondent’s license on two (2) years' probation. I know that Mr. Wilson-Wolfe previously addressed the Board, but I guess he's entitled to address the Board in terms of penalty consideration.

Mr. Wilson-Wolfe – Are you giving me the chance to appeal or giving me the chance to speak?

Mr. Griffin –Yes. What I'm saying is that before the Board imposes discipline, it would be appropriate for you to address the Board and I guess, whatever you believe should be considered in terms of what penalty should be imposed in this case.

Chair – What penalty is to be imposed? And can you address the Board briefly on that? You are being recognized.

Mr. Wilson-Wolfe – Ok. Thank you. Now, all I wanted to say, obviously, two years' probation. Can you explain what the word probation means, from your point of view? There’s obviously different standards.

Mr. Griffin – I believe probation is outlined in Chapter 497, Florida Statutes. I think that, the easiest way I can explain it is don't get in trouble. Don't violate Chapter 497 Florida Statutes. Don't have an officer or director of your organization get charged with criminal charges that are directly related to the practice of Chapter 497, Florida statutes. You'd be required to report if you were subject to any administrative action for discipline, or things of that nature.

Chair – Thank you, Mr. Griffin.

Mr. Wilson-Wolfe – May I ask just one more question, just so I can clarify? Your terminology is slightly different from mine, so I see in a different light. So, with regards to my dealer license or retailer license, what are you actually asking me to do? If there's no clarification, that basically exactly what I actually am. Am I getting penalized for having those licenses? Or, what is the situation with that? I am the owner of this business.

Mr. Griffin – It has been alleged that, essentially, the entity allowed an unlicensed individual, that being you, to enter into contracts, who was not licensed as a monument establishment sales agent.

Mr. Wilson-Wolfe – Define the entity? How can I be in trouble if you guys have already seen this?

Mr. Griffin – The legal fiction of the entity needs to be licensed, and the people that work for the legal fiction that is the entity

also need to be licensed.

Mr. Wilson-Wolfe – My son is licensed.

Mr. Griffin – The allegations in this complaint, sir, were not that your son entered into contracts. It states you were not licensed.

Mr. Wilson-Wolfe – So, can I ask the question why was I not told in 2009 that I needed a license?

Ms. Simon – Sir, before you answer that, Mr. Brandenburg, this is Ms. Simon. Can I interrupt?

Chair – Ms. Simon?

Ms. Simon – Mr. Wilson-Wolfe, this was only the time for you to speak to the penalty. This was not the time for you to ask questions concerning the case. This is only the time to speak to the penalty.

Mr. Wilson-Wolfe – Excuse me. It is part of the penalty, because you're giving me a fine, based on me not having a license.

Chair – It's not part of the penalty. Your question was not part of the penalty.

Mr. Wilson-Wolfe – So, if I may?

Mr. Griffin – In an abundance of caution, out of concern that I may have to relitigate this case, I believe that the Board should allow or should entertain any and all comments that Mr. Wilson-Wolfe would like to make. I would definitely not like to leave the door open for any sort of potential appellate issue by not giving him a chance to mitigate or speak in defense. So, this is in an abundance of caution, because I believe this will come back. We should allow him or give him a little bit broader latitude.

Mr. Wilson-Wolfe – Thank you.

Mr. Knopke – So, we can't put a time limit on, Mr. Griffin? He can speak until the bell rings?

Mr. Wilson-Wolfe – I was waiting for you guys to say that I can speak.

Chair – We've given you opportunity to address the Board about any penalties that we may impose. Do you care to address the Board about any penalties we may impose for the violations?

Mr. Wilson-Wolfe – Is that the lowest penalty? Could I have a lower penalty at this moment in time?

Chair – There has not been a motion made for any penalty.

Mr. Wilson-Wolfe – I'm sorry. I thought that \$3000 and two (2) years of probation was what you agreed.

Chair – That was a suggestion.

Ms. Munson – This is Ms. Munson. I don't know if the Respondent was inquiring about what the range of penalties would be to see where he could possibly request a lower penalty, but I can't speak for him.

Chair – Would you give us those ranges, then?

Ms. Munson – Ok, but Mr. Griffin, who has done this, may have them right in front of him.

Mr. Griffin – Technically, the penalty that I requested, just to kind of give the Board a little bit of information. Before this matter was referred to the Board, I had some discussion with Mr. Wilson-Wolfe to basically try and settle this matter. I reached out to my Division client and was advised that the amount that the Division was satisfied with settling the case for

was a \$3000 fine and two (2) years of probation. However, pursuant to the statutory violations, as charged in the Administrative Complaint, it technically should be a minimum of \$1000 to, \$2500 per count, plus six (6) months to one (1) year of probation, per count, with suspension, up to a year and up to permanent revocation. So, technically what the Board has requested, with of \$3000 fine and two (2) years of probation is technically under the disciplinary guidelines. So...

Chair – I believe there's four (4) counts, correct?

Ms. Munson – Yes, four (4) counts. Correct.

Chair – Ok. Any other comments? Mr. Wilson-Wolfe?

Mr. Wilson-Wolfe – No, I'm going to sit and wait, if that's ok?

Chair – Thank you so much. Board?

Mr. Knopke –Mr. Chair? Mr. Knopke will make a motion for fine of \$4000, one thousand dollars per count and two years of probation.

**MOTION:** Mr. Knopke moved that the Respondent shall pay a \$4000 fine and two (2) years of probation. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you, Mr. Wilson-Wolfe. Thank you, Mr. Griffin.

Mr. Wilson-Wolfe – Thank you very much for your time. Bye.

#### **4. Application(s) for Preneed Sales Agent**

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

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

##### ***B. Recommended for Approval with Conditions (Criminal History)***

###### ***(1) Barreau, Kathleen (Appointing Entity: Fairway Memorial Capital LLC –F084996 (Deerfield Bch)***

Ms. Simon – On May 27, 2020, the Division received an application for licensure as a preneed sales agent. The Applicant answered “no” when asked about any relevant criminal history, and no deficiencies were noted on the application. Thus, a temporary preneed sales agent license was issued for Kathleen Barreau. However, during the review of her background check it was revealed that the Applicant had been or plead to the charge of Driving Under the Influence (DUI), Ms. Barreau has satisfied all required conditions of the judgment and has paid all fees due as of to date. Fairway Memorial Capital LLC, employer, was notified of Ms. Barreau’s temporary preneed sales agent license suspension, and upon request, Ms. Barreau provided the Division with a written explanation of the relevant criminal history, a completed Criminal History Form, and a copy of the court documentation regarding the final disposition of her case. The Division is recommending approval subject to the condition that the applicant is placed on a one-year period of probation. Is Mr. Barreau or a representative for Mr. Barreau here on the call? Hearing no response.

Mr. Knopke –It's Ms. It's not a Mr., it's a Ms.

Ms. Simon – Ok.

Chair – That's right.

Chair – Hearing no response. Board?

**MOTION:** Mr. Jones moved to approve the application subject to the condition that Ms. Barreau is placed on a one-year period of probation. Mr. Clark seconded the motion, which passed unanimously.

**5. Application(s) for Continuing Education**

- A. Course Approval - Recommended for Approval without Conditions – Addendum B**
- (1) *International Order of the Golden Rule (2201)*
  - (2) *National Funeral Directors and Morticians Association (15608)*

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. Knopke seconded the motion, which passed unanimously.

**6. Consumer Protection Trust Fund Claims**

- A. Recommended for Approval without Conditions – Addendum C**

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

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

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

- A. Informational Item (Licenses Issued without Conditions) – Addendum D**
- (1) *Funeral Director (Endorsement)*
    - (a) *Bruton, Elmaree L*
  - (2) *Funeral Director (Internship and Exam)*
    - (a) *Childers, Elizabeth A*
  - (3) *Funeral Director and Embalmer (Endorsement)*
    - (a) *Gendron, Melanie R*
  - (4) *Funeral Director and Embalmer (Internship and Exam)*
    - (a) *Sung, Oh Hyun*
    - (b) *Timmons, Jessica P*
    - (c) *Willingham, Elizabeth M*

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

- B. Recommended for Denial**
- (1) *Embalmer (Internship and Exam)*
    - (a) *Mazzoni, Dillon J*

Ms. Simon – The attorney for Mr. Mazzoni has requested that the matter be tabled and that she will waive any deemer provisions. Is Ms. Wiener still on the call?

Ms. Wiener – I am, and we do waive the deemer.

Ms. Simon – Is that acceptable to the Chairman?

Chair – Does it require a member vote?

Ms. Wiener – I wouldn't think so.

Chair – Ms. Munson?

Ms. Munson – It does not.

Chair – Ok. Table it. Thank you.

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

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

- (1) *Embalmer*
  - (a) *Childers, Elizabeth A F344195*
- (2) *Funeral Director and Embalmer*
  - (a) *Clark, Amy F452079*
  - (b) *Foerster, Michelle D F450918*
  - (c) *Rossy, Amanda L F338909*
  - (d) *Smalls, Geneva C F451642*

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 (Criminal History)**

- (1) *Funeral Director and Embalmer*
  - (a) *Maslanka, Melina*

Ms. Simon – An application for a concurrent intern license was received by the Division on June 15, 2020. The application was completed on July 14, 2020. A background check revealed relevant criminal history in that the applicant pled no contest to Driving Under the Influence, in September 2016. The Division is recommending approval without conditions.

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

**9. Application(s) for Embalmer Apprenticeship**

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

- (1) *Mitchell, Alissa F451652*

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

**10. Application(s) for Retired Professional**

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

- (1) *Campbell, Bruce F299067*
- (2) *Corban, Gregory F450917*

Ms. Simon – This is an informational item. Pursuant to Executive Directive 2020-12 and 2020-8, issued by the Chief Financial Officer, the Division has previously approved these applications.

**11. Notification(s) of Change in Location**

**A. Recommended for Approval with Conditions – Addendum H**

- (1) *Deborah Faniel Jenkins d/b/a Faith Funeral Services (F080821) (Haines City)*
- (2) *Veterans Funeral Care Inc (F040002) (Clearwater)*

Ms. Simon – The Board has asked to be alerted to the changes of location; however, no vote is needed, and this is an informational item only.

**12. Application(s) for Direct Disposal Establishment**

**A. Recommended for Approval with Conditions**

*(1) Mega Enterprises USA LLC d/b/a Lasting Remembrance Cremations (St Petersburg)*

Ms. Simon – The application for direct disposal establishment is submitted by Mega Enterprises USA, LLC d/b/a Lasting Remembrance Cremations. That name is altered slightly from what was on your coversheet. Again, that's Mega Enterprises USA, LLC d/b/a Lasting Remembrance Cremations. The application for a direct disposal establishment was received by the Division on June 1, 2020. The application was incomplete when submitted. A completed application was received by the Division on July 17, 2020. The Funeral Director in Charge will be Farrell Speights (F043145). A background check of the principals revealed no relevant criminal history. Farrell Speights did have Adverse Licensing History, in that in 2004, Mr. Speights was ordered to pay \$2500 in administrative fines, \$53.33 in investigative costs, placed on probation for six months, required to retake the Florida Law and Rules examination, take three hours of continuing education and appear before the Board during probation to demonstrate that all terms have been completed. And in 2014, Mr. Speights was ordered to pay \$2500 in administrative fines, \$250 in costs and placed on probation for two (2) years. The Division recommends approval subject to the conditions that the applicant is placed on one (1) year of probation and that the facility passes an on-site inspection by a member of Division staff.

Mr. Hall – Mr. Chairman?

Chair – Just to clarification, the name, the DBA name is Lasting Remembrance?

Ms. Simon – Cremations.

Chair – Cremations. Thank you.

Ms. Simon – Yes, sir.

Chair – Did I hear a motion?

Mr. Hall – Can I ask a question, Mr. Chair?

Chair – Yes, please do, Mr. Hall.

Mr. Hall – Is the applicant on the line for a question?

Chair – Is Farrell Speights? Mr. Speights? Are you on the call today, Mr. Speights?

Mr. Hall – My concern is, I think we had the same name on a firm in the Tampa area. We took the license years back, and then they established an operation in the Winter Haven area, without any application for establishment licensure or anything. I'm just trying to figure out if this individual is tied to that same firm. I believe it would be the same name.

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

Chair – Please, Ms. Simon.

Ms. Simon – Mr. Hall, I did some research into this matter, and I looked at the applications that were previously submitted on another individuals' entity that had a similar name, same last name, and I could not find Mr. Speights listed as a principal for any of those entities. That may not answer your question, but we don't have him on those records.

Chair – Thank you, Ms. Simon. Mr. Hall?

Mr. Hall – That's the main question. If he's on the phone, I don't know how we can address it if he is now on there, but have concern if it's that same group, because it was a bad situation.

Mr. Knopke – Mr. Chair? Knopke here.

Chair – Go ahead, Mr. Knopke.

Mr. Knopke – Ms. Simon, in the 2014 case, what were the circumstances around that? Do you recall?

Ms. Simon – I do not, sir.

Mr. Knopke – Ok. It just seemed like a big fine, \$2500. And I'm not questioning your memory, so don't take it that way.

Ms. Simon – Now, if you can give me one minute, I can perhaps find it. The 2014 Consent Order? I can't. I don't have easy access to the Administrative Complaint. I'm sorry, sir.

Mr. Knopke – That's all right. I appreciate the effort. Thank you.

Chair – Let me look one other place. Please bear with me. I'm sorry, I don't have that either, Mr. Knopke.

Mr. Knopke – Again, thank you. I appreciate the effort.

Chair – You're welcome. Is Mr. Speights on the line? Still hearing none. Bored?

Mr. Hall – Ms. Simon, would it be in order to table this so that we can get some of that information from this individual? Are we dealing with a deemer rule, or what? Is that a possibility?

Ms. Simon – Let me just see. It was submitted on June 1<sup>st</sup>, was completed on July 17<sup>th</sup>. No, we may be able to continue it until September, if that, actually...Can you just give me one moment? I think I was able to access the database to pull the information up.

Chair – Please do.

Ms. Simon – Unfortunately, I was not able to pull it up. But, if you are interested, it looks like we can postpone the matter till September, if that is of the interest to the Board, and I can do some research on that previous case.

**MOTION:** Mr. Hall moved to table the application to the next meeting (September). Mr. Knopke seconded the motion, which passed unanimously.

Chair – Ms. Simon, you've assured us that there is no deemer issue. Is that correct?

Ms. Simon – I'm not sure what Ms. Munson is about to say. She may add some more light to this.

Ms. Munson – I wasn't going to comment on the deemer, because it doesn't appear that we may have a demon issue. However, I would suggest that, because it's tabled and we're going to place it back on the agenda for the September meeting, that we at least contact him and in that notice to him, let him know that the Board is requesting that he appear. I don't think that this particular Department has a provision that requires appearance, but if he understands that he's being requested, specifically to appear, that may provide us an opportunity to address him.

Chair – Good advice. Thank you, Mr. Munson. Ms. Simon, you're assuring us that you'll take care of that?

Ms. Simon – Yes, Mr. Chairman.

Chair – Thank you so much.

Mr. Jones – Mr. Chair?

Chair – Yes?



Mr. Jones – Can we have about a six (6) or seven (7) minute break?

Chair – Sure. I have 12 o'clock. Why don't we readjournal at 12 10?

Mr. Jones – Thank you, sir.

Chair – You're welcome.

\*\*\*\*\*BREAK\*\*\*\*\*

Chair – Ok, we're back from a short recess, and I'd like to call the meeting back to order and I'd like to call upon Ms. Simon.

Ms. Simon – Yes, sir, Mr. Chairman. Mr. Chairman, if it is acceptable to you, I'd like to readdress Mega Enterprises for a moment?

Chair – That's the case that we just tabled?

Ms. Simon – Yes, sir.

Chair – Ok. That would be 12. A. (1), Board members. 12. A. (1).

**12. Application(s) for Direct Disposal Establishment**  
**A. Recommended for Approval with Conditions**  
**(1) Mega Enterprises USA LLC d/b/a Lasting Remembrance Cremations (St Petersburg)**

Ms. Simon – Yes, sir. I'm not sure if this would change matters, but I believe that is was Mr. Hall who asked the question about the previous history. And I noticed that in the Settlement Stipulation provided for that 2013 case, that I have a case number, but it might not have been resolved until 2014. The date might be different on the actual case. It's stated in the settlement agreement, on page six of your package, or I might be looking at a different package, it states that the Department is prepared to formerly alleged that the Respondent failed to provide a granite marker, for over two (2) years, in violation of several statutes. And that was what resulted in a \$2,000 fine.

Chair – That was against Farrell Speights, personally? I mean his license rather than an establishment license?

Ms. Simon – Yes, sir.

Chair – Thank you. Mr. Hall?

Mr. Knopke – Lew, you're muted.

Mr. Hall – I'm sorry. I would still be comfortable if he would appear and address our issues. I know the other cases were serious. I know once we pulled the license on one, they just went to another town and rented an abandoned funeral home. So, I would feel better if we had that information.

Chair – Fine. That's on record as tabling that. So, Ms. Simon, go right ahead with the next case.

Ms. Simon – Thank you.

**13. Application(s) for Funeral Establishment**  
**A. Recommended for Approval with Conditions**  
**(1) Downing Funeral Home & Cremation Services Inc (Brooksville)**

Ms. Simon – Is there a representative for that proposed funeral establishment on the phone, on the call? An application was received on by the Division on June 18, 2020. The application was incomplete but completed by July 17, 2020. The Funeral

Director in Charge will be Mark Downing (F042062). The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. There was no response to my question, so there is no representative on the phone.

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

**(2) Edward Rivero Funeral Home Incorporated (West Park)**

Ms. Simon – Is there a representative for this establishment on the call? Hearing no response. If the Board members will make note that this establishment is in an area in either Miami-Dade or Broward, and our inspectors, at this point, are not yet inspecting in that area; therefore, contrary to some other cases. The application for a funeral establishment was received by the Division on June 23, 2020. The application was incomplete when submitted. A completed application was received on July 14, 2020. The Funeral Director in Charge will be Tarynne Arcelay (F045527). The Division recommends approval subject to the following conditions:

- a) The usual satisfactory on-site inspection requirement for this application is temporarily waived throughout the length and duration of Executive Order Number 20-52 or any extensions thereof, or any other executive order by the Governor of the State of Florida declaring a State of Emergency regarding the COVID-19 pandemic.
- b) At the Division’s discretion, an on-site inspection will be held prior to or within a reasonable time following the expiration of the Executive Order.
- c) The applicant will have 30 days following the initial inspection to correct deficiencies, if any, which are noted during the inspection.
- d) If the applicant is not able to correct any deficiencies within that timeframe, the license will automatically be suspended.

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

**(3) Trahan Mortuary Services Inc d/b/a Trahan Family Funeral Home (Pensacola)**

Ms. Simon – An application for a funeral establishment was received on by the Division on June 8, 2020, and completed by July 1, 2020. The Funeral Director in Charge will be Richard Trahan (F045326). The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

**(4) Wade Funeral Home LLC (Miami)**

Ms. Simon – An application was received on by the Division on May 8, 2020. The application was completed by July 27, 2020. The Funeral Director in Charge will be Tracy Wade (F043181). Upon reviewing the application and speaking with a representative of the entity, I have learned that contrary to the application, the entity will be offering embalmings and the contract for those services was included as part of the Board package. The Division recommends approval subject to the following conditions:

- a) The usual satisfactory on-site inspection requirement for this application is temporarily waived throughout the length and duration of Executive Order Number 20-52 or any extensions thereof, or any other executive order by the Governor of the State of Florida declaring a State of Emergency regarding the COVID-19 pandemic.
- b) At the Division’s discretion, an on-site inspection will be held prior to or within a reasonable time following the expiration of the Executive Order.
- c) The applicant will have 30 days following the initial inspection to correct deficiencies, if any, which are noted during the inspection.
- d) If the applicant is not able to correct any deficiencies within that timeframe, the license will automatically be suspended.

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

**14. Application(s) for Monument Establishment Retailer License**

**A. Recommended for Approval *without* Conditions**

**(1) Affordable Cemetery Monuments, Plaques & Properties LLC (Melbourne)**

Ms. Simon – Is there a representative of that entity on the call? Ms. Daughton, we're unable to hear you.

Chair – Maureen Daughton, we're unable to hear you. Can you speak?

Ms. Simon – May I suggest we go forward onto another case and Ms. Daughton could check her audio or see what's going on, if that's acceptable to the Board Chairman?

Chair – That's acceptable.

**(2) Heath Monument Company LLC (Vero Beach)**

Ms. Simon – An application was submitted on July 6, 2020. A completed background check revealed no criminal history for its listed principal. If approved, the applicant will operate as a monument establishment retailer at the address on your coversheet and utilize the monument retail sales agreement that has been previously approved by the Division. The Division recommends approval without conditions.

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

**(3) JD Performance Auto LLC d/b/a Santa Rosa Memorials (Pace)**

Ms. Simon – An application was submitted on July 20, 2020. If approved, the applicant will operate as a monument establishment retailer at the address specified on your coversheet and utilize the monument retail sales agreement that has been approved at the February 6, 2020 Board meeting. The Division recommends approval without conditions.

Chair – Is there not an inspection required?

Mr. Helm – Not if it's not a builder.

Chair – Thank you. Is there a motion?

Mr. Helm – Ms. Simon? Excuse me, Mr. Chairman. May I speak? This is Helm.

Chair – Please do. Please do, Mr. Helm.

Mr. Helm – Ms. Simon, is he opening another shop somewhere else? This is the same guy?

Ms. Simon – That's my impression that he already has a monument builder license that was approved earlier this year, and this is another retailer.

Mr. Helm – Another one. OK.

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

Ms. Simon – And before we go onto to the next category, Ms. Daughton, were you able to reconnect? No. We can either do one of two things. We could go forward without Ms. Daughton's representation or she can make the phone call on her iPhone and access us that way.

Chair – Otherwise, unless there's a deemer problem, can we table this until the next meeting?

Ms. Simon – We don't want to table it to the next meeting. Why don't we wait for Ms. Daughton to call in and I can move on with the agenda one more time, if that's acceptable to the Board Chair?

Mr. Helm – Ms. Simon, do we have to? Is there a problem with this one?

Ms. Simon – I believe that Ms. Daughton wanted to be a part of this category, and she's been waiting on the line. She just had a problem with her connection.

Mr. Helm – Ok.

Mr. Knopke – I can recommend it for approval without conditions.

Ms. Simon – We need to either have a statement that says that the Board approves without conditions or we need to wait for her. Ms. Munson, what do you say?

Chair – I would prefer to wait for her.

Ms. Munson – We should wait for her. If she wanted to speak, we should give her an opportunity to do so.

Chair – Let's go on to the next item, Ms. Simon.

- 15. Application(s) for Monument Establishment Sales Agents**  
**A. Information Item (Licenses Issued without Conditions) – Addendum I**  
**(1) Calhoun, Sade F452078**  
**(2) Lanier, Judy A F452068**

Ms. Simon – The applications were complete and accompanied by the required fee. The applications indicated the applicants had no criminal or disciplinary history. Therefore, pursuant to s. 497.554, F.S., the Division has previously approved the applicants listed on Addendum I.

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

Ms. Simon – The Division recommends that the applicants listed on Addendum J, as the applicants have met their minimum net worth requirements, that their applications for renewal of their preneed main licenses be approved, effective September 1, 2020 – June 30, 2021.

Mr. Knopke – Mr. Chairman?

Chair – Mr. Knopke?

Mr. Knopke – Let the record reflect that I work for Curlew Hills Memory Gardens and I can make a fair and impartial decision, if need be.

Chair – Thank you, So, is there a motion on the approval?

Mr. Clark – Mr. Chairman?

Chair – Mr. Clark?

Mr. Clark – I'd like to state my affiliation with FPG of Florida LLC. That affiliation will not prevent me from rendering a fair and impartial decision.

Chair – Thank you, Mr. Clark.

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

Mr. Helm – Lew, you're on mute. You were trying to say something.

Mr. Hall – I'm sorry. Mr. Chair and the Division, if we could, before we go on. In the past years, what we've done on any of the alternatives that they have, if they don't qualify, the establishment, for a minimum net worth, we just kind of blanketed that group with the option of providing a personal financial to the Division, to satisfy that requirement. Would you all accept a motion to blanket that group in B?

Ms. Simon – Actually, if I may? That is not the case necessarily on these. They have provided different alternatives. Not everybody has a personal guarantee.

Mr. Hall – Ok.

Ms. Simon – Ms. Daughton, are you on the phone, now?

Maureen Daughton – Yes. I am, and I apologize for the difficulties.

Ms. Simon – Mr. Chairman, is it ok if we go back to item number 12. A. (1), the application submitted by Mega Enterprises for direct disposal establishment licensure?

Chair – I don't think that's what it is.

Mr. Knopke – You want to go to 14. A. (1), Affordable Cemetery Monuments, Plaques & Properties LLC.

Ms. Simon – Excuse me. I apologize.

Chair – 14. A. (1), please.

**14. Application(s) for Monument Establishment Retailer License**  
**A. Recommended for Approval *without* Conditions**  
**(1) Affordable Cemetery Monuments, Plaques & Properties LLC (Melbourne)**

Ms. Simon – The application was submitted on June 17, 2020. The completed application was received on July 27, 2020. A completed background check revealed no criminal history for its listed principal. If approved, applicant will operate as a monument establishment retailer at the address specified on your coversheet and utilize the monument retail sales agreement that has been submitted to the Division for approval. The Division recommends approval without conditions.

Chair – Ms. Daughton? Ms. Daughton?

Ms. Daughton – Yes? Yes, Mr. Brandenburg?

Chair – Are you of counsel?

Ms. Daughton – Yes, I am of counsel to Affordable Cemetery Monuments, Plaques and Properties LLC and the owner, Lisa DeGiovine is also on the call. I'm just here for questions, Mr. Brandenburg.

Chair – Ok. You did not want to address the Board, and you're here for questions. Any questions?

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

Chair – Thank you.

Ms. Daughton – Thank you very much and thank you for your patience.

Chair – You're welcome.

***B. Recommended for Approval with Conditions  
(1) La Paz Funeral Home Inc. (F089725) (Miami)***

Ms. Simon – The licensee has not met its net worth minimum requirements and that it has a negative net worth of approximately \$590,000. The Division recommends that the Board approve the application for renewal of its preneed main license, effective September 1, 2020 – June 30, 2021, subject to the condition that the licensee submits quarterly financial statements to the Division and that the licensee trust 100% of all preneed contract sales our sells insurance funded contracts.

Chair – Thank you. Is there a member of La Paz Funeral Home, or someone representing La Paz Funeral Home on the call? My question continues to be why such a drastic change in the net worth from a positive of \$64,000 to a negative of \$589,000? Do we have an answer to that question?

Ms. Simon – No, sir. I do not believe we do. Ms. Morris, are you on the line?

LaShonda Morris – Yes, I am, and I'm sorry I have a lot of noise at my place right now. They're working on the apartment above me. No, I don't have an answer to this question, but I can get with the applicant and try to either get them to call in or to provide an answer. But I don't have an answer for that.

Chair – That direction concerns me. And then you look at the Profit and Loss Statement on page 7, of a negative for the year, \$159,000, in their Operating Statement in their Profit and Loss Statement. It's somewhat worrisome.

Mr. Knopke – I agree.

Chair – Go right ahead. Who is this?

Mr. Knopke – Mr. Knopke, Mr. Chairman. I agree 100% with you that it's very worrisome. I have a question for Ms. Simon on the recommendation. You are recommending quarterly reports and trusting at 100%. Are they currently trusting at 100%? What percentage are they currently trusting at?

Ms. Simon – I believe that they met the net worth requirement last year, and as a result, they weren't under an obligation to trust anything other than what the statute permits. But, Ms. Morris, do you know anything differently about that?

Ms. Morris – No, you're correct. And I would have to go back and verify what their trusting percentages were. They've met it consistently, throughout previous years.

Mr. Knopke – Where I was going is my concern was if in the past, they've been trust in 100%, and we're asking them to continue to do that, that's really not anything that would bother them. They'd maybe try to right this ship again or something. That was what I was leading up to.

Mr. Hall – Mr. Chair?

Chair – Yes, Mr. Hall?

Mr. Hall – I agree with both of you, and that's why I go back to my statement earlier. If the applicant can't provide personal financials, with this drastic of a turnaround that they've had, if they can provide personal financials, it will lock this in for us and give us a net worth we need, and sign a personal guarantee. I would be for it moving forward.

Mr. Knopke – I would agree.

Chair – Thank you.

Mr. Hall – As a matter of fact, are they looking to call in to try to give us some insight on it, or are we looking for a motion?

Chair – Looking for motion.

Mr. Helm – This is Helm. May I ask a question really quick?

Chair – Mr. Helm?

Mr. Helm – If we if we decide to deny it, of course they have a right to appeal it. Is that correct? Anyone?

Ms. Munson – Any action of the Board is appealable. Yes.

Mr. Helm – I'll make the motion to deny.

Mr. Knopke – I'll second that.

Chair – And based upon what, Mr. Helm?

Mr. Helm – Let me see. How about almost \$600,000 to the negative, in one year?

Chair – Not meeting the net worth of even \$10,000?

Mr. Helm –Yes.

Chair – Ok.

Ms. Simon – If I may? In association with that motion, do you find that there is a substantial risk to existing our future customers of non-performance, by the applicant, on its retail sales agreements, based on this net worth?

Mr. Helm –Yes, ma'am.

Chair – And what about the second?

Mr. Knopke – Yes.

Chair – So, here's the motion.

**MOTION:** Mr. Helm moved to deny the application based upon the licensee not meeting the net worth requirement, and the substantial risk to existing our future customers of non-performance, by the applicant, on its retail sales agreements, based on this net worth. Mr. Knopke seconded the motion, which passed unanimously.

*(2) Nature Coast Services LLC(F048578) (Perry)*

Ms. Simon – Is there a representative of Nature Coast Services, LLC on the call?

Tommy Murrow – Yes.

Ms. Simon – Thank you, sir. The licensee has not met its net worth minimum requirements and that it has a negative net worth of approximately \$210,000. The Division recommends that the Board approve the application for renewal of its preneed main license, effective September 1, 2020 – June 30, 2021, subject to the conditions that the licensee submit quarterly financial statements to the Division, and that the licensee trusts 100% of all preneed contract sales, or sells insurance funded contracts. Who is on the phone representing this entity?

Mr. Murrow – Tommy Murrow.

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

Mr. Murrow – Yes.

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

Mr. Murrow – Tommy Murrow, M U R R O W.

Chair – Mr. Murrow, did you want to address the Board, or are you merely here to answer questions?

Mr. Murrow – I'm just here to answer questions, Mr. Brandenburg. It's the first time this has ever come up, and I don't fully understand numbers and accounting and all that our accountant does, but I'm here to answer any questions you all have.

Chair – I suppose the question is, in 2017, your net worth was \$400,000, it was \$300,000 in 2018, in 2019 its \$200,000, and during the current renewal period, Mr. Murrow, it's a negative \$209,000. Is there an explanation of that? And it is concerning because you have outstanding preneed contracts of \$3.8 million.

Mr. Murrow – Like I said, I'm not an accountant, so I don't know how numbers work in doing these types of things and all, but we did do a major remodel at one of our locations, in Perry Florida, and I know that, due to tax purposes, we depreciated that full amount last year, to the tune of about \$300,000. And I don't know if when we did that, that came off of our assets and dropped our asset worth down because of the depreciation. That's the only thing I can think of. I'm trying to get my accountant now to find out for myself what happened. Because we've got a good business here and we're not financially in trouble or anything, so I don't understand why it did it either.

Mr. Hall – Mr. Chair?

Chair – Just a moment, please. Yes, Mr. Knopke?

Mr. Hall – No, it's Mr. Hall.

Chair – I'm sorry, Mr. Hall. Yes?

Mr. Hall – Yes, Mr. Murrow. I have the same concern he does. You've had a swaying of about \$600,000 there. If we flip over to the income sheet too, you have a negative \$228k there. The things that you mentioned, as far as, you wrote it all off in one year, the improvements that you made on the building, that should have helped your income. That should have helped that situation, but if you're dropping that quickly, and then you're losing money at \$228k a year, that's concerning for the public.

Ms. Wiener – Mr. Hall?

Mr. Hall – Yes?

Ms. Wiener – Mr. Brandenburg, this is Wendy Wiener.

Chair – Ms. Wiener? Mr. Hall was talking, so let Mr. Hall complete his statement, please, and then I'll recognize you.

Mr. Hall – I'm good. Those were the concerns I had. Maybe Ms. Wiener has some explanation that would help us.

Ms. Wiener – I was simply going to offer, I've represented Nature Coast for a long time, now. They are an FSI client. Mr. Bill Williams is currently looking at their financials right now and I would ask that you table this matter for a little while to allow Mr. Murrow and Mr. B. Williams to connect and see if there is an explanation here that could be provided.

Chair – I'm inclined to table this and come back to it. Thank you, Mr. Murrow. We'll get back to it. Don't leave the call.



Ms. Wiener – Thank you,

Mr. Knopke – Mr. Chair, a comment?

Chair – Please, Mr. Knopke.

Mr. Knopke – Last year, there was a significant accounting change that required private businesses that had not in the past reported as tightly to GAAP as public companies do, and now have been required to do that. Um, And I'm trying to remember the acronym for the United States Accounting Group. It may be FASB, but I could be wrong versus the international group. They've attempted to make a {inaudible} with banking procedures, accounting procedures and so forth for years, and they finally did it. This isn't a government function. Anyhow, long story short, it will take a business that's perfectly healthy in cash and make it look like a very unhealthy business on paper, yet it still has lots of cash. As an example, if you sell a lot of preneed, and there is some business out there that had been booking undelivered preneed as fully delivered, yet trusting and so forth, they had to book all that stuff that they had counted as assets in the past, and that will turn you upside down faster than you can turn yourself upside down. That may have happened to this one, the first one or some of these on this list. Just as a comment.

Chair – Thank you for your comment on that.

Ms. Wiener – Mr. Chairman, might I ask if Mr. Murrow could be excused for just a little while so that he could connect with Mr. B. Williams? You had asked him to stay on. I don't want him to think he can't leave.

Chair – Of course, of course.

Ms. Wiener – So, Tommy, call FSI right now and talk to Bill Williams, and then we'll come back to this.

Mr. Murrow – Ok. Thank you.

Ms. Wiener – Thank you, Mr. Chairman.

***(3) Peoples Funeral Services Inc. (F019373) (Jacksonville)***

Ms. Simon – Filings received by the Division on or about August 5, 2020, indicate that the licensee has a net worth of approximately \$468,000. The Division recommends approval of the application for renewal of the licensee's preneed main license, effective September 1, 2020 – June 30, 2021, subject to the condition that the licensee submits a late payment fee of \$500.

Chair – Is there a representative of Peoples Funeral Services on the line with us?

Jill Peoples – Yes sir. This is Jill Peoples and I've got my camera active and my mic.

Chair – Well, good. Did you want to address the Board, or do you have questions?

Ms. Peoples – Yes, sir, If I may? Thank you. I appreciate the opportunity to speak to the Board.

Chair – Would you please be sworn in?

Ms. Peoples – Sure.

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?

Ms. Peoples – Yes, ma'am. I do.

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

Ms. Peeples – Sure, Jill Peeples, P E E P L E S. Thank you, Mr. Chair for allowing me to address the Board. I've been on since 10, and this brings back memories from being a DBPR member, so, I appreciate all you do. We've never had an issue with our COA application. When I prepared the packet to send it in, I inadvertently put my blank pages for my financials in with the packet. I received notice from LaShonda that we did not have that. We submitted it back. My dad's the founder of the firm, President of the company. I'm second generation. We've been dealing with my mom, since April 1<sup>st</sup>, with hip issues, and she had her first surgery May 26<sup>th</sup>, had her second one, June 15<sup>th</sup>, same hip. So, dad has been caregiving for mom. I've been in and out. Dad and I have been back to work finally this last week full-time, which mm's doing great and progressing. So, just wanted to state for the record that we've never had this issue before, and we apologize for having just a little bit more on our plate than we needed for the last few months and I appreciate your time.

Chair – Do you know the Division's recommendations? Have you been privy to that?

Ms. Peeples – We received, from LaShonda, an e-mail that said that we would be approved today. And I guess the only thing that was lacking is the late fee payment.

Chair – Ok. The information we have before us, Ms. Peeples, is that you provide the R2A and R2B.

Ms. Peeples – They've already been submitted.

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

Chair – Yes?

Ms. Simon – Our only recommendation was that the license renewal be approved subject to the condition that the licensee submits a late payment of \$500. That has been modified, due to filings received by the Division on or about August 5<sup>th</sup>.

Chair – Very good. It's not on my copy.

Ms. Simon – We were just alerted to that.

Chair – Thank you.

**MOTION:** Mr. Jones moved to approve the application subject to the condition that the licensee submits a late payment of \$500. Mr. Hall seconded the motion, which passed unanimously.

Chair – Thank you, Ms. Peeples.

Ms. Peeples – Thank you, sir. Have a great day.

Chair – Thank you.

Mr. Jones – Thank you.

***(4) R Lee Williams & Son Funeral Home Inc. (F019230)***

Ms. Simon – The licensee has not met its net worth minimum requirement in that it has a negative net worth of approximately \$32,000. The licensee has provided a property appraisal as an alternative to the net worth requirement. The licensee has also submitted previous Department examination reports. The Division recommends that the Board approve the application for renewal of its preneed main license, effective September 1, 2020 – June 30, 2021, subject to the condition that the licensee trust 100% of all preneed contract sales or sells insurance-funded contracts. Is there a representative of R Lee Williams & Son on the line?

Robin Williams – Yes, there is. This is Robin Williams.

Ms. Simon – I'm sorry. What is your last name?

Chair – Williams. Robin Williams.

Ms. Simon – Mr. Chairman, would you like me to swear him in now?

Chair – Please do.

Ms. Simon – Mr. R. Williams, 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. R. Williams – Yes.

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

Mr. R. Williams – Robin Williams, W I L L I A M S.

Chair – Mr. Williams? This is Jody Brandenburg. Did you want to address the Board or are you merely here to answer questions?

Mr. R. Williams – Just to answer question, sir.

Chair – Thank you. Board, is there a motion?

Mr. Helm – Mr. Chairman, this is Helm.

Chair – Mr. Helm?

Mr. Helm – If I heard Ms. Simon right, do we not usually get something in writing on this guarantee? I don't see where you said it needs to be in writing, in the conditions.

Ms. Simon – Actually, Mr. Helm, that was not one of the offered alternatives. The condition to this is only that the licensee trust 100% of all preneed sales or sells insurance-funded contracts. There was also a property appraisal that was included within your Board package as corroboration of this sale.

Mr. Helm – Well don't we usually ask for it? Well, I can't think of what I'm trying to say now.

Chair – Mr. Helm, I think that's when they're giving their personal guarantee, that that's one of the accepted requirements of the personal guarantee.

Mr. Helm – When we took stuff as collateral, I thought we did it in such a way that they had to say they wouldn't sell that property as long as it was offered as collateral to us. Am I wrong? I thought I remembered doing that. It does no good for them to promise something if they can just go out and sell it. Am I wrong?

Chair – I can't answer that, but only because I don't know.

Mr. Hall – Mr. Chairman, may I ask a question?

Chair – Just a moment, please. Was there a Board member? Mr. Jones?

Mr. Hall – It's Mr. Hall.

Chair – Mr. Hall?

Mr. Hall – I've got the appraisal that you're looking at, but I guess my question is that's already within your balance sheet. It's showing the building at \$95,000. So, is that your intention that it's on the books at \$95k and it's appraised at \$560. Is that what your thought process is?

Chair – Mr. R. Williams?

Mr. R. Williams – It's just showing value and we don't a mortgage or anything of that nature.

Mr. Hall – Did you say there is a mortgage or there is not?

Mr. R. Williams – There is not. No, sir.

Mr. Hall – It's probably been depreciated now. It's only showing on your books at \$95k, so that's a big spread there that will help. Like Mr. Helm was saying, I think the only concern is there's nothing that keeps the establishment from selling that piece of property or doing something, and then you don't have any collateral there with it. It doesn't do you any good unless you've got an assignment or something on that?

Mr. R. Williams – Yes, sir. That was my understanding is {inaudible}. I've been doing this forty-two (42) years. This is the first time we've ever had to file this way, so I'm just trying to {inaudible}.

Mr. Hall – I understand. This appraisal really doesn't look like an appraisal me. It just looks like the tax assessment from your property appraiser, which usually is lower than what the market value is at the time. The easiest way it can be handled, Mr. Helm, instead of worrying about what keeps you from selling the property {inaudible} if you just did a personal guarantee for the difference and provided the Division the personal financials. Would you be willing to do that?

Mr. R. Williams – Personal financial?

Mr. Hall – Yes. Would you sign a personal guarantee between the difference for what you're needing for renewal? I think that would be easier for you than doing the assignment on the building, or some kind of guarantee that you wouldn't sell the building.

Mr. R. Williams – Right.

Mr. Hall – I'm just trying to think the easiest way to do it. Would you agree with that, Ms. Simon?

Ms. Simon – Mr. Hall, I have to apologize. My biggest concern for this Board meeting. I thought that the best course of action would be to get 100% trusting guarantee, and I was not gearing so much to the personal guarantee, but I think that what you can do, and I apologize for that. What I would suggest is, if you are leaning towards that, then you can make a motion to approve subject to the trusting and subject to the licensee providing the Division a personal guarantee and his personal financials, if you're so inclined.

Mr. Hall – I think that's the simplest and easiest way. I just think some of these, with the net worth being off, and Robin's isn't off as bad as some of these others we've looked at. But I think we give the consumer protection, if you just have them do the personal guarantee, like we've done in the past, and start off on the personal side. That's a whole lot easier and cleaner than worrying about what happens if this licensee sells the building for \$900,000, as he said, Where's the protection there for the consumer? Yes, he has the liquidity there, and by not have any type of mortgage or anything on it, but it doesn't prevent the licensee from selling that property. I was just thinking it may be easier for him to do it that way, like we've done in the past.

Chair – Mr. R. Williams, would you be willing to give a personal guarantee on this so we can move on and approve your renewal?

Mr. R. Williams – Yes, sir.

Chair – I'm sorry. You broke up.

Mr. R. Williams – Yes, sir.

Chair – Thank you so much. Mr. Hall, do you have a motion.

**MOTION:** Mr. Hall moved to approve the application subject to the conditions that the licensee trust 100% of all preneed contract sales, or sells insurance-funded contracts, provides personal financial statements and a personal guarantee. Mr. Clark seconded the motion, which passed unanimously.

Chair – Thank you, Mr. R. Williams. Thank you for coming onboard with us. Thank you.

Mr. R. Williams – Thank you.

**(5) *Shuler & Pender Funeral Service Inc. (F047891) (West Palm Bch)***

Ms. Simon – Is there a representative of Shuler & Pender on the call today? Hearing no response. The licensee has not met its net worth minimum requirements and that it has a negative net worth of approximately \$31,000. The Division recommends that the Board approve the application for renewal of its preneed main license, effective September 1, 2020 – June 30, 2021, subject to the condition that the licensee trust 100% of all preneed contract sales, or sell only insurance funded contracts.

Chair – Is there a motion?

Mr. Helm – I hate to say the same thing over again, but it's the same thing. And there's no one to talk on the phone.

Mr. Hall – It's the cleanest way that it can be done to protect consumer. It's what we've been doing for years.

Ms. Simon – If the Board is so inclined, it can be listed as a condition on granting it. Ms. Morris, am I correct in that? If the Board so inclined, it can be listed as a condition of granting the preneed main license renewal?

Ms. Morris – Yes, I believe so. They can make it a condition for renewal.

Chair – And that condition is a personal guarantee? Is that what you're referring to, Mr. Helm?

Mr. Helm – Yes, sir.

Chair – Ok.

Ms. Simon – And personal financial statements?

Chair – Right. So, is there a motion, then?

**MOTION:** Mr. Helm moved to approve the application subject to the conditions that the licensee trust 100% of all preneed contract sales, or sells insurance-funded contracts, provides personal financial statements and a personal guarantee. Mr. Clark seconded the motion, which passed unanimously.

**(6) *Thomas J Brett Funeral Home Inc. (F019259) (St Petersburg)***

Ms. Simon – Is there a representative of that establishment on the call?

Shuler & Pender – Hello. Can you hear me?

Ms. Simon – Yes. Are you a representative of Thomas J Brett Funeral Home?

Shuler & Pender – No. I was on the call. This is Shuler & Pender. We were on the call with our CPA and for whatever reason, we were not heard.

Chair – Ok. And that Shuler & Pender?

Shuler & Pender – That's correct.

Chair – We've moved on from that one, but do you want to address the Board?

Shuler & Pender – No. I heard your response and your decision, and we are in agreement with it, at this point. I was on the call with my accountant and we were willing and able to answer any questions, if there were any. But, what the Board is asking for, we will certainly submit to.

Chair – Thank you so much. Thank you for joining us. We're on to Thomas J Brett Funeral Home.

Ms. Simon – Yes. The licensee has not met its net worth minimum requirements in that the licensee initially reported a net worth of approximately \$24,000, when the required net worth is \$100,000. The Division recommends that the Board approve the application for renewal of its preneed main license, effective September 1, 2020 – June 30, 2021, subject to the conditions that the licensee provide quarterly financial statements to the Division, and that the licensee trust 100% of all preneed contract sales or sells only insurance funded contracts. Is a representative of Thomas J Brett Funeral Home on the call? Hearing no response.

Chair – Is there a motion?

Mr. Hall – Mr. Chair, I'd make the same motion: a personal guarantee and personal financial statements, 100% trusting.

Ms. Simon – And the quarterly financial statements that he provided, or no?

Mr. Hall – I'm not as concerned about that.

Ms. Simon – I'm sorry for interrupting. So just the 100% trusting, the personal guarantee, and financial statements?

Mr. Hall – Yes. I want to make sure we're clear. They have to provide enough equity to cover the offset here that these individuals are having. Do you follow me?

Ms. Simon – I do.

Mr. Hall – I just make sure there's no gray area there. The applicants are providing it, but it's got to meet the threshold.

Chair – I agree with you, Mr. Hall, and that's the whole reason for doing that.

**MOTION:** Mr. Helm moved to approve the application subject to the conditions that the licensee trust 100% of all preneed contract sales, or sells insurance-funded contracts, provides personal financial statements and a personal guarantee. Mr. Clark seconded the motion, which passed unanimously.

*(7) Troxelcorp Enterprises Inc. (F038723) (Cocoa)*

Ms. Simon – Is a representative of that entity on the call? Hearing no response. The licensee has not met its minimum net worth requirements in that the licensee reported a net worth of approximately \$40,000 when the required net worth is \$100,000. The licensee has provided an alternative to the threshold requirement to wit a personal guarantee, submitted by the principal of the licensee Cary Troxel. The Division recommends that the application for renewal of the preneed main license, effective September 1, 2020 – June 30, 2021, be granted subject to the condition that the licensee trust 100% of all preneed contract sales or sells insurance funded contracts.

Mr. Hall – Mr. Chair?

Chair – Yes?

Mr. Hall – It looks like, Ms. Simon, that they've given us what we wanted at the this. The personal guarantee is extended from before, so there's really no changes in what we've been asked for. Correct?

Ms. Simon – Correct.

Mr. Hall – Motion to approve.

Mr. Helm – Second, Helm.

Ms. Simon – And that's what the condition of 100% trusting?

Mr. Hall – Yes ma'am. It has it all down there at the bottom. It looks like they've already provided you the financials. Is that correct?

Ms. Simon – I believe so. Ms. Morris?

Ms. Morris – Yes. That is correct.

**MOTION:** Mr. Williams moved to approve the application subject to the condition that the licensee trust 100% of all preneed contract sales or sells insurance funded contracts. Mr. Hall seconded the motion, which passed unanimously.

***(8) Williams Funeral Home of Graceville LLC (F019446) (Graceville)***

Ms. Simon – Is there as representative of that entity on the call? Hearing no response. The licensee has not met Sent net worth minimum requirements and that the licensee reported a negative net worth of approximately \$118,000 when the required the required net worth is \$100,000. Based upon previous discussions of the Board, the Division recommends that the Board approve the application for renewal of its preneed main license, effective September 1, 2020 – June 30, 2021, subject to the condition that the licensee trust 100% of all preneed contract sales or sells only insurance funded contracts, and that the licensee provide a personal guarantee which meets its obligations as well as its individual financial statements.

**MOTION:** Mr. Hall moved to approve the application condition that the licensee trust 100% of all preneed contract sales or sells only insurance funded contracts, and that the licensee provide a personal guarantee which meets its obligations as well as its individual financial statements. Mr. Williams seconded the motion, which passed unanimously.

***Dees-Parrish Family Funeral Home***

Ms. Simon – Before we move on to, I'm sorry, Royal...

Chair – Take your time.

Ms. Simon – Ok, before we move on to the next item on the agenda, Dees-Parish Family Funeral Home Inc. is actually on your agenda under the Non-Renewing Pre-Need Licensees, Addendum K. However, since the time that the agenda has been printed, the Division received the appropriate forms for preneed renewal. As a result, the Division recommends approval of the renewal of the preneed main license, effective September 1, 2020 – June 30, 2021, with a condition that the licensee submits a completed R2A and R2B for the most recent fiscal year, that the licensee makes a payment of \$1000 in late fees and that the licensee demonstrates to the Division that it has met its required net worth for renewal

**MOTION:** Mr. Hall moved to approve the application subject to the conditions condition that the licensee submits a completed R2A and R2B for the most recent fiscal year, that the licensee makes a payment of \$1000 in late fees and that the

licensee demonstrates to the Division that it has met its required net worth for renewal. Mr. Knopke seconded the motion, which passed unanimously.

Ms. Munson – Ms. Simon? Chair Brandenburg, if I may? I just wanted to clarify. I know that 16. B. (1) La Paz was denied, but it appears that based on the following discussions, there may have been conditional approvals in the absence of these licensees and I don't know if you want to consistently consider the La Paz Funeral Home situation regarding those.

Chair – Yes, who's this speaking?

Ms. Munson – This is Ms. Munson. I apologize.

Chair – Thank you, Ms. Munson. I'm sorry I didn't recognize who was speaking.

Mr. Helm – Mr. Chairman, this is Helm. If I may?

Chair – Mr. Holm?

Mr. Helm – Ms. Munson, I know you hate to say it like I say it, but I will say it anyway. There was a tremendous amount of difference in the amount of money in the cases.

Ms. Munson – There was, I just didn't know if you wanted to consider the licensee providing a personal guarantee. I don't know what that person's situation was.

Mr. Helm – I don't know them either, but I find that they have a chance to appeal. Usually when someone does that, they get things in order a little better.

Ms. Munson – Ok. I just wanted to note. Thank you.

Mr. Helm – That's my person opinion and the rest of you guys can voice your opinion.

Mr. Knopke – I agree.

Mr. Clark – I agree.

*C. Request(s) for Waiver of Late Fee  
(1) Royal Funeral Service Inc (F019317) (Miami Gardens)*

Ms. Simon – The Division recommends that the Board waives the late fees in lieu of the circumstances in this matter, combined with the fact that the licensee has no other previous issues applying for renewal of preneed licensure in prior years. The Division recommends that this happens without conditions.

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

*D. Non-Renewing Preneed Licensees (Not Renewing as of August 31, 2020) – Addendum K*

Ms. Simon – This is offered for informational purposes only.

Chair – Ms. Wiener, are you back with your client?

Ms. Wiener – I am. Yes, thank you.

**16. Application(s) for Preneed License Renewals**  
*B. Recommended for Approval with Conditions*  
*(2) Nature Coast Services LLC(F048578) (Perry)*



Ms. Wiener – It does appear that there is a problem in the accounting. It looks like the accountant just literally screwed something up and has something that should be on as a positive on as a negative. We would ask that you take one of two actions, if it might be acceptable to the Board members.

Chair – By the way, Board members, this is back to Nature Coast, which was 16. B. (2), just to refresh you on it.

Ms. Wiener – Thank you. Mr. Chairman. We would ask that you alternatively consider approving the applicant dependent upon receipt of financials that reflect the appropriate amount of net worth or alternatively tabling this matter to the next Board meeting, if the Board wants to have another opportunity to review the financials.

Chair – Thank you, Board members, what's your pleasure on this?

Mr. Helm – Motion to table, as long as the deemer is ok.

Ms. Simon – Just my only concern is that the licensee's license is only valid right now until August 31<sup>st</sup> of this year. And by tabling it, the status of his license will be, that it is no longer valid as of September 1<sup>st</sup>.

Chair – And Ms. Wiener, what was your other recommendation, please?

Ms. Wiener – The other recommendation, which might be easier, would be to move to approve the application consistent with receipt of financials that reflect the correct net worth, by the Division, prior to August 31<sup>st</sup>.

Mr. Knopke – I'll make that motion.

Chair – Yes?

Ms. Simon – If I may? Is that a motion to renew the license subject to the condition that the licensee provide financials to the Division that demonstrates that it has met the financial threshold amounts?

Mr. Knopke – Yes.

**MOTION:** Mr. Knopke moved to approve the application subject to the condition that the licensee provide financials to the Division that demonstrates that it has met the financial threshold amounts. Mr. Helm seconded the motion, which passed unanimously.

Ms. Wiener – Thank you, Mr. Chairman.

Chair – Thank you Ms. Wiener. Thank you, Mr. Murrow, if you're still on. Thank you, Mr. B. Williams.

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

**A. Recommended for Approval without Conditions**

**(1) *Bell's Funeral Home Port St Lucie LLC d/b/a Bell's Funeral Home & Cremation Services (Port St Lucie)***

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. The Department received the application on July 1, 2020. The principal of the LLC is James Warren. A completed background check of all principals was returned without criminal history. The Division recommends approval without conditions.

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

**18. Application(s) for Transfer of Preneed License**

**A. Recommended for Approval without Conditions**

**(1) *Wright and Young Funeral Home Inc. (Miami)***

Ms. Simon – Is there a representative of that entity on the call today? Hearing no response. The Department received the application on July 15, 2020. A completed background check of the officer revealed no relevant criminal history. If approved, Applicant will continue to sell insurance funded preneed contracts. The Division recommends approval without conditions.

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

**19. Application(s) for Refrigeration Facility**  
**A. Recommended for Approval with Conditions**  
**(1) Islamic Center of Northeast Florida Inc. (Jacksonville)**

Ms. Simon – The application was received by the Division on April 13, 2020. The application was completed by July 20, 2020. The Division recommends approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff. I believe, a representative of this entity is on the call.

Ali Marar – Yes. I'm on. I'm on the call.

Ms. Simon – Please state your name, sir.

Mr. Marar – My name is Ali Marar and I'm with the Islamic Center of Northeast Florida.

Ms. Simon – Mr. Marar, did you have any comments to make or were you here simply to answer questions?

Mr. Marar – I was simply here simply to answer questions. I just had one concern.

Ms. Simon – Before you go on, if you're going to make any statements, please raise your right hand to be sworn in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Marar – Yes.

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

Mr. Marar – My name is Ali Marar. My last name is Marar, M A R A R.

Ms. Simon – Mr. Chairman?

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

Mr. Marar – I may have overheard but the application was filed for refrigeration facility, but I heard removal facility. I just wanted to make sure that they either was that the same?

Chair – We're considering a roof refrigeration facility. If you heard removal, it was misspoken.

Mr. Marar – Ok, that's all. That was my only comment. Other than that, that's all I have. I appreciate your time.

Chair – Thank you. Board?

Mr. Hall – Motion for approval with conditions.

Mr. Marar – Mr. Chairman, may I have one more concern? Sorry.

Chair – Yes.

Mr. Marar – We're going for approval with conditions. What are the conditions, if you don't mind?

Chair – It's the condition of passing an onsite inspection by a member of the Division's staff.

Mr. Marar – Oh, that's no problem then. Absolutely.

Mr. Knopke –Mr. Chair, question?

Chair – Mr. Knopke?

Mr. Knopke – Ms. Simon, is there an FDIC required for something like this?

Ms. Simon – To be honest with you at this moment, I do not recall whether that is a requirement for a refrigeration facility. I do not believe so.

Chair – I looked it up, Mr. Knopke, and it states that there only be a designated manager.

Mr. Knopke – Ok. Thank you, sir.

Chair – Good question, I had to pose that and looked it up myself. Thank you, sir.

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

Chair – Thank you, Mr. Marar.

Mr. Marar – Thank you.

**20. Application(s) for Removal Facility**  
**A. Recommended for Approval with Conditions**  
**(1) Eternity Mortuary Transport LLC (North Lauderdale)**

Ms. Simon – The application was received on by the Division on April 15, 2020 and completed by May 18, 2020. A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the following conditions:

- a) The usual satisfactory on-site inspection requirement for this application is temporarily waived throughout the length and duration of Executive Order Number 20-52 or any extensions thereof, or any other executive order by the Governor of the State of Florida declaring a State of Emergency regarding the COVID-19 pandemic.
- b) At the Division's discretion, an on-site inspection will be held prior to or within a reasonable time following the expiration of the Executive Order.
- c) The applicant will have 30 days following the initial inspection to correct deficiencies, if any, which are noted during the inspection.
- d) If the applicant is not able to correct any deficiencies within that timeframe, the license will automatically be suspended.

Ms. Simon – Is there a representative from Eternity Mortuary Transport on the call today?

Rico Wilkerson – Yes, I'm here.

Chair – Are you here to answer questions or address the Board?

Mr. Wilkerson – No, sir.

Chair – A spectator?

Wilkerson – Just as a spectator.

Chair – Ok, all right. Thank you. Board?

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

Chair – Thank you, spectator.

Mr. Wilkerson – Thank you much.

**(2) Red Carpet Mortuary Removal and Transport Services LLC (Jacksonville)**

Ms. Simon – The application for a removal service was received on by the Division on May 13, 2020. and completed by June 22, 2020. There was some criminal history for one of the principals, which was included within your Board package. The Division recommends approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff.

Chair – Are anyone representing Red Carpet Mortuary Removal and Transport Services, LLC?

Edgar Riddick – Yes, sir, I'm here.

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

Mr. Riddick – I'm just a spectator, but, if need be, if any questions need to be answered, I'm here to answer them.

Chair – Ok. Board? Is there a motion?

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

Chair – Thank you, sir.

Mr. Riddick – Thank you.

**(3) Sacred Scenes Removal Service LLC (Tallahassee)**

Ms. Simon – The application was received on by the Division on July 7, 2020 and completed by July 29, 2020. The Division recommends approval subject to the condition that the facility passes an onsite inspection by a member of Division Staff. Is there anybody on the call today representing Sacred Scenes?

Joshua Stegall – Yes.

Chair – Sir, would you want to address the Board, or are you merely here to answer questions or just listening in on the call?

Mr. Stegall – Just listening in on the call and answer any questions.

Chair – Thank you so much.

Mr. Stegall – Thank you.

Chair – Board?

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

Chair – Thank you for joining us, sir.

Mr. Stegall – Thank you.

**21. Collective Applications**

**A. Recommended for Approval with Conditions**

**(1) Change of Ownership Application(s) - Gratitude and Compassion LLC**

**(a) Gratitude and Compassion LLC d/b/a Roberts of Ocala Funerals and Cremations (Ocala)**

- **Cinerator Facility**
- **Funeral Establishment**
- **Preneed License**
- **Training Agency (Petition for Waiver)**

**(b) Gratitude and Compassion LLC d/b/a Coast to Coast Cremations (Ocala)**

- **Funeral Establishment**

Ms. Simon – Gratitude and Compassion LLC, a limited liability company, seeks approval of two funeral establishments, a cinerator facility, a preneed license and a request for waiver of a training facility. These applications are due to a change of ownership. More specifically, the entities that are being acquired is as follows:

- 1) Gracefully Southern LLC d/b/a Roberts of Ocala Funerals and Cremations, a licensed cinerator facility, license # F228474, physical address: 606 SW 2nd Avenue, Ocala, FL 34471
- 2) Gracefully Southern LLC d/b/a Roberts of Ocala Funerals and Cremations, a licensed funeral establishment, license #F211908, physical address: 606 SW 2nd Avenue, Ocala, FL 34471
- 3) Gracefully Southern LLC d/b/a Roberts of Ocala Funerals and Cremations, a registered training facility, license number F211908, physical address: 606 SW 2nd Avenue, Ocala, FL 34471
- 4) Gracefully Southern LLC d/b/a Roberts of Ocala Funerals and Cremations, a licensed preneed main, license #F211908, physical address: 606 SW 2nd Avenue, Ocala, FL 34471
- 5) Gracefully Southern LLC d/b/a Coast to Coast Cremations, a licensed funeral establishment, license F307719, physical address: 212 SW 6th Street, Ocala, FL 34471

Enclosed in your Board packages are the separate applications regarding each of the aforementioned properties. If approved, the applicant is acquiring all preneed assets and liabilities for these locations and is assuming responsibility for any outstanding preneed contracts that have previously been issued by or for fulfillment at the above referenced locations.

The Division has no record of disciplinary action. A background check of the principals revealed no criminal history. Contrary to the application the FDIC for this cinerator facility will be Terry Saxton Roberts, and the FDIC for both funeral establishments will be Joshua Mathews Leverett. The Division recommends approval subject to the following conditions:

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

- 8) That the Applicant files for the Fictitious Names Ammen Family Cremation and Funeral Care and Space Coast Crematory within 30 days of the Board meeting.

Chair – Motion?

Ms. Simon – And Ms. Wiener is on the call representing the entity.

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

Ms. Wiener – Thank you.

- (2) *New Application(s)*
  - (a) *FPG Tulip LLC d/b/a Tulip Cremation (Tampa)*
    - *Direct Disposal Establishment*
    - *Preneed License*

Ms. Simon – FPG Tulip LLC, a limited liability company, seeks approval of the following direct disposal establishment license and preneed main license. A completed background check of the principal(s) for the business revealed no relevant criminal history. The entities being acquired are:

- 1) FPG Tulip LLC, a direct disposal establishment, physical address: 615 North Nebraska Avenue, Tampa, FL 33602
- 2) FPG Tulip LLC, a preneed license, physical address: 615 North Nebraska Avenue, Tampa, FL 33602

The Division recommends approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

Mr. Clark – Mr. Chairman?

Chair – Yes?

Mr. Clark – I just want to state for the record by affiliation with Foundation Partners Group and FPG Tulip, and I'll recuse myself for this matter.

Chair – Thank you.

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

Chair – Thank you.

- 22. *Contract(s) or Other Related Form(s)*
  - A. *Recommended for Approval with Conditions*
    - (1) *Monument Retail Sales Agreement*
      - (a) *Affordable Cemetery Monuments, Plaques & Properties, LLC (Melbourne)*

Ms. Simon – Affordable Cemetery Monuments, Plaques & Properties, LLC submits a monument retail sales agreement for approval. If the form is approved, it is to be used for the sale of monuments through its monument retailer establishment. This application was previously approved by the Board during this meeting today. The Division recommends approval subject to the conditions that two (2) full-sized print-ready copies are received by the Department within 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 are received by the Department within 60 days of this Board meeting. Mr. Knopke seconded the motion, which passed unanimously.

(2) *Preneed Sales Agreement*  
(a) *Osceola Memory Gardens, LLC (F019229) (Kissimmee)*

Ms. Simon – Osceola submits a revised preneed sales agreement for approval. If approved, this agreement will be used for the sale of preneed contracts by the above named preneed main establishment and its related preneed branches. The Division recommends approval subject to the conditions that two (2) full-sized print-ready copies of the revised preneed sales agreement are received by the Department within 60 days of this Board meeting.

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

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

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

Mary Schwantes – Good afternoon. If I may, Mr. Brandenburg?

Chair – Please do, Ms. Schwantes.

Ms. Schwantes – I just want to talk to the Board today about Board meetings, specifically, the in-person Board meetings that have been scheduled. At the June meeting of the Board, the Board considered revisions to the schedule for its upcoming meetings, changing all meetings to be held by video conference with the option of phoning in, as we have today, through September of 2020. I promised to come back to the Board this month with a more detailed report of the costs of the Board meetings and a recommendation for future months during 2020, and also the current fiscal year, which ends June 30, 2021. I want to take a few moments to address those issues. Division records show that the travel costs relating to the in-person Board meetings in FY18/19, which was the last full year in which in-person meetings were held, totaled approximately \$20,000. That is for the Board expenses for the Board members and the staff attending. That does not include counsel. So, we double checked and for FY19/20, about half of the year we were able to continue with the in-person Board meetings and those expenses totaled about \$10,000. So, the expenses seem relatively consistent, at about \$20,000 a year for those expenses that are directly related to the travel expenses for the Board members and staff. Additional charges relating to in person meetings would have been incurred for the travel expenses and travel time required for Board counsel to attend the meetings. These expenses would have been charged as part of the contract with the Office of the Attorney General, which of course provides our Board counsel and included in the Division's Operational Budget in the Contract category, rather than the General Expense category. Travel expenses and travel time required for Department counsel to attend the meetings are also included. However, those are charged and allocated as part of a non-operational budget, which the Division does not have direct control over, but the funding for that still comes from our Division's Regulatory Trust Fund account. So, based on the above, we estimate that approximately \$30,000 to \$40,000 per year is spent for expenses relating to the Board's in-person meetings, and, again, that also includes Counsel charges.

As I've previously reported, COVID-19 concerns have resulted in significant budget cuts, currently totaling at least a 6% reduction for the fiscal year, and it is subject to additional cuts when the Legislature meets. These budget cuts have particularly negatively impacted the Division's expense category in its operational budget. While COVID-19 has led to budget cuts, it also, as I'm sure Board members are aware, has led to increased expenses, such as those that are required for the Division to purchase appropriate PPE for our Division personnel and field staff to use in conducting on-site field work. Reducing the number of in-person Board meetings will enable the Division to use the funds otherwise spent on these meetings to better meet its statutorily required inspection and other responsibilities.

The next in person Board meeting, which is scheduled currently to occur, would take place in October and it was to be hosted by the Florida State College at Jacksonville, on October first, which is a Thursday. However, as a result of continuing travel concerns and risks presented by COVID-19, as well as the budget concerns I just outlined, the Division recommends all Board meetings through January 2021 be held telephonically and/or by video conference, with the option of attending by telephone, as we have the last few meetings. We would plan to come back to this Board by the January 2021 meeting with



recommendations regarding Board meetings for the remainder of the fiscal year, which would again depend upon the situation regarding the COVID-19 risks and the budget concerns. I would also like to point out that with the availability of the video conferencing, we should be able to stretch out, or more appropriately to have the disciplinary hearings more evenly spaced out in these video conferencing meetings, so that we would not have to handle disciplinary matters every other month, as we were before with just the in-person meetings. So, at this time, I would like the Board to consider and vote on those changes in its upcoming meeting schedule changing all Board meetings through January 2021, to be held by video conference, again allowing individuals to phone in and attend by telephone, as they are currently this meeting. And Board action would be required.

Mr. Clark – Mr. Chairman? I know in the past when we would go to an area with the mortuary schools, we always greeted them and allowed them to ask questions. I'm supportive of everything that was just said, but can we think of ways to engage the mortuary schools when we would have visited them? I just want to make sure we can stay connected with the mortuary schools and I think it's important for them to see and experience a Board meeting. So, if we can work with the mortuary schools, I think that would be beneficial to the schools as well. I know I enjoy it as a Board member. So, I am supportive of what was discussed, but if we can put some thought into how we can stay connected with the mortuary schools, that would be great.

Chair – Perhaps they could have a group of them gathered and be part of the video conference, Mr. Clark? Maybe they could do that as a project, to have 20 or 30 of them together, and rather than attending an in-person meeting, display it, and have them available on that. We would certainly recognize them, and I agree with what you're saying. Motion?

**MOTION:** Mr. Williams moved to approve the recommendation that all Board meetings through January 2021 be held by videoconference, with the ability to attend by telephone as well. Mr. Jones seconded the motion, which passed unanimously.

Chair – Ms. Schwantes, are you completed, or is there more?

Ms. Schwantes – That is the end of the report. I would like to thank you all for your comments and consideration of our recommendation. We will look into what Mr. Clark is proposing. There might be ways of having a question and answer session towards the end of a Board meeting or something. We'll look at options on that, because I agree. We have enjoyed, as staff, and I know the Board members have enjoyed being able to have the meetings both at these colleges at the Mortuary Schools and also in conjunction with the Association conferences. I would hate to see that end and certainly, you know, we hope like everybody else, that this is a temporary measure and that we will be able to go back to a more regular schedule at some point in the future, but we appreciate your consideration for this year, in particular.

Chair – I have a recommendation that the small stipend afforded the Board members be implemented for all of our Board meetings, both in-person and video conferencing. I think it's a fair move. I would certainly suggest that and hope you'll take that under consideration.

Ms. Schwantes – Mr. Brandenburg, I completely understand and we certainly appreciate the Board members' time. We will have to look into that further, because I'm not sure how that is worded in the statutes right now, Ms. Munson, what they're referring to is a \$50 in-person allowance that they are permitted. We will discuss it.

Chair – The statute does not say in person. The statute does not say in person.

Ms. Schwantes – Let us get clarification on that and just talk with counsel and make sure that we can try to make that happen for you.

Chair – Thank you so much.

Ms. Schwantes – Again, we appreciate your time. Thank you.

Chair – Thank you for your report. We appreciate that. Ms. Simon?

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



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

Monthly Report of Fines and Costs Assessed and Paid  
 Division of Funeral, Cemetery and Consumer Services  
 Date of Board meeting: August 13, 2020  
 Date report was prepared: August 3, 2020

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Anthony M. White d/b/a A.M. White Mortuary	7/22/2020	256169-19-FC	\$2,000			
Anthony M. White	7/22/2020	258651-20-FC	\$2,000			
Trahan Mortuary Services, Inc. d/b/a Pensacola Crematory	7/22/2020	255306-19-FC	\$2,000			
Ana Alicia Logan	7/22/2020	254473-19-FC	\$500			
Cremation Service of Florida LLC	7/22/2020	243562-19-FC	\$300			
Kalis-McIntee Funeral & Cremation Center	7/22/2020	243608-19-FC	\$300			
Carriage Funeral Holdings, Inc. d/b/a Emerald Coast Funeral Home and Reception Center	7/22/2020	255311-19-FC	\$850			
Carriage Funeral Holdings, Inc. d/b/a Lee County Cremations Services	7/22/2020	254944-19-FC	\$300			
Stone Brothers Funeral Chapel:	7/22/2020	243594-19-FC	\$300			
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	Yes	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 Concepcion	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.						

**C. Forms (Action)**

Ms. Simon – If the Board members will look in their package, I have included four forms that we are updating based on legislative changes. And it was also an excuse to go in and update the forms with grammar and other issues. And those are Forms DFS-N1-1732, DFS-N1-1748, DFS-N1-1756, and DFS-N1-1757. For your convenience a current version of each of the four (4) forms, including proposed redline changes was included in your Board package. After the redline versions are clean versions of the four (4) forms, which incorporates the amendments. It would be appropriate, at this time, for the Board to make a motion to approve the proposed amended forms.

**MOTION:** The Chair moved to approve the proposed amended forms. Mr. Jones seconded the motion, which passed with one (1) dissenting vote.

Mr. Knopke – I have the question.

**24. Chairman's Report (Verbal)**

Ms. Simon – Mr. Chairman?

Chair – Well, I'm glad to see everybody healthy and able to attend the meetings. I did want to recognize one of our frequent fliers. Lisa Coney was recently on a virtual selection was elected president of the FCCFA, So, I wanted to recognize Lisa and congratulations and I hope you have a great year of leadership. That's all I have.

Ms. Simon – If I may, Mr. Chairman? Following your report, I just want to make note that Mr. Williams has been on the call the entire Board meeting. I realize his video is not included, but he has been on and he has been participating in each vote.

Chair – Thank you.

## 25. Public Comments (Verbal)

Ms. Simon – Are there any public comments on any item on today's agenda?

Mr. Helm – Mr. Chair? This is Helm.

Chair – Mr. Helm?

Mr. Helm – You didn't hear him a while ago, but I think Mr. Knopke had a question, and I don't think you heard him.

Chair – Oh, did I miss it? I'm sorry.

Mr. Knopke – Mr. Chairman, I had a question about the 64 pages of forms we were asked to approve, with about a week to review them. And I was going to ask that they be postponed to the next meeting, because there's a lot of red and yellow in there, folks. But, it's already been approved, and I dissented the vote.

Chair – Considering that, Board, is there any action that you want to take? All right, Thank you.

## 26. Office of Attorney General's Report

### A. Attorney General's Rules Report (Informational)

#### BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT AUGUST 2020

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69KER20-1	Licensure Compliance Regarding Inspection Deadlines.	07/22/2020					
69K-1.006	Licensure Requirements Regarding Inspections.	07/22/2020					
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 IAPC Corresp. 01/30/2020 IAPC 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 IAPC Corresp. 01/24/2020 IAPC Response	02/10/2020	03/01/2020

Ms. Munson – Good afternoon. I know the information on the report is informational, but I'd like to just make a few comments. One, I want to backtrack to just a point of information regarding the suggestion that was placed on the record to include the, I guess, students at the Mortuary schools. I would just suggest that if we want to include them, since we don't have the opportunity to do so, for in person meetings temporarily, that perhaps if we, the Board or Department office, would choose to maybe send a personal invite. I don't know if we can recommend that they gather because of our social distancing requirements, so even numbers of 30 might be problematic. Just to put that as an aside though, I mean just the way that they'll know that this meeting is taking place and they have a personal inbox or something of that nature.

With regard to the 64 pages of the rule, I saw where they were included in the agenda. For point of information, it may, if you want to technically approve them, because at this particular meeting, because you would technically be making changes to the rule, any changes to forms are considered rulemaking. I have to ask the SERC questions before we can actually move forward with it. And Rule 69K-1.001 will be added to the report for, I guess, the September rules report. If you feel you may need to take the time to look at them, maybe you want to approve them at the September meeting, and then have those SERC questions asked then, I will also note that when we open 69K-1.001 up for rule development, because we are revising the form and the information will have to show the revision date, it's going to present an opportunity for anyone who was looking at it, to review all the forms that are listed in 69K-1.001, where I can see that this Board has decided to consolidate all of its forms. So that's plenty of information. We can't necessarily move forward with the forms, at this meeting, unless we answer the SERC questions and efficiently place it on the rules report. If we table it, we will have to do it at the September meeting. And no matter when we do it, it's an understanding that that particular rule, where all of the forms are listed, is also open for review. That was my only comment, other than the Emergency Rule and the regular rule are still in process, and updated information will be made available at the September meeting.

One final thing, as the Board may know, the Annual Regulatory Plan is usually due by September of this year. I will note that I will reach out and try to contact Chair Brandenburg with staff to review the updated changes for the 2020/2021 Report, and that information will be provided at the September meeting for ratification. But I will probably have a conversation to see if the information that's being considered would receive Staff and the Chair's approval, because we would need to submit at least that draft, by September 1, based on new requirements from the Office of Fiscal Responsibility, Financial Accountability.

Chair – Just let me know, and I'll be available.

Ms. Munson – Ok, I'll do so. So those are my comments on everything. I just didn't want to interject, but I needed to touch base, so we knew how we could move forward.

Chair – Thank you. Again, Board, thank you for all your work, your determination, and sage wisdom. Thank you so much.

## 27. Administrative Report

The information was provided on the Agenda.

**28. Disciplinary Report**

The information was provided on the Agenda.

**29. Upcoming Meeting(s)**

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

**30. Adjournment**

Chair – Any comments? Any Board members' comments? Again, thank you so much, and the meeting's adjourned.

Ms. Simon – Thank you Board members.

The meeting was adjourned at 1:44 P.M.