

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
JANUARY 6, 2022 - 10:00 A.M.

A. 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. This is a Videoconference meeting on January 6, 2022. Ms. Simon?

Ms. Ellen Simon – Yes, Mr. Chairman?

Chair – Yes, would you be kind enough to call the meeting to order and offer preliminary remarks and do the roll call?

Ms. Simon – Yes, sir. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is Thursday, January 6, 2022, and it is approximately 10 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 monitoring from their individual offices. Ms. LaTonya Bryant is recording the meeting and minutes will be prepared.

As this is a videoconference of the Board, there are some items I need to draw your attention to. For one, as a general rule, please do not utilize your video camera for the meeting unless you are a Board member, Board counsel, or an authorized Division employee. If you have a matter listed on the agenda and intend to appear before the Board to represent yourself, or if you are an attorney that is representing a client, only turn your video camera option on when we have reached the agenda item that you want to be heard on or when you hear your name called. Then turn your video camera option off again as soon as your matter has been addressed by the Board. If you are planning on participating by video, please ensure that you are properly attired for the meeting. In the past, we have had the experience of people not being properly attired and it is detrimental to the meeting process, as it could be disruptive. If you are not planning to participate by video, please ensure that your camera is off.

Additionally, we need everyone that is on the call to place their phone or audio feed on mute, if you are not speaking. The ambient noise coming from someone's phone or audio, which is not muted, causes severe disruption to the meeting. If you are not muted, you may be muted by Division staff. As a result, if you have called in, you may need to call back into the meeting because that may be the only way to unmute your phone. 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 so 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. As such, this feature should only be used for technological issues you may be experiencing, directing any inquiries in chat to Mary Schwantes, our Executive 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 point I will take the roll:

- Joseph “Jody” Brandenburg, Chair
- Keenan Knopke, Vice Chair
- Andrew Clark
- Sanjena Clay
- Lewis “Lew” Hall
- Christian “Chris” Jensen
- Ken Jones
- Jay Lyons
- Darrin Williams

Also noted as present:

Mary Schwantes, Executive Director
Rachelle Munson, Board Legal Advisor
Marshawn Griffin, Department Legal Counsel
James Bossart, Department Legal Counsel
LaTonya Bryant, Department Staff

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

Chair Brandenburg – Thank you.

B. Action on the Minutes

- (1) *November 4, 2021*
- (2) *December 2, 2021*

Chair Brandenburg – Action on the minutes for the November 4, 2021 and December 2, 2021 meetings. Is there a motion?

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

C. Old Business

- (1) *Recommended for Approval*
 - (a) *Registration as a Training Agency - Request for Waiver*
 - 1. *Taylor & Modeen Funeral Home Inc (F525314) (Jupiter)*

Ms. Simon – If the Board will recall, this case was on the December 2021 agenda. However, the necessary paperwork was not included. Therefore, it is placed back on your agenda again, with the appropriate paperwork. Taylor and Modeen Funeral Home Inc, is a newly licensed establishment (F525314) and is now seeking approval of a waiver of Rule for 69K-18.004, Florida Administrative Code, concerning certain requirements for licensure as a training agency. Additionally, this establishment is seeking to continue their training agency status. Lastly, they are seeking to have registration as a training agency. The Division is recommending approval subject to the following conditions:

- 1) That Rule 69K-18.004, Florida Administrative Code, be waived as requested by the licensees, provided there has been no dispute by the public within thirty (30) days of the date the request was published; and
- 2) That the Application for Registration of a Training Agency be granted so that the aforementioned funeral establishments may continue to be registered as a training agency under the new ownership.

Chair Brandenburg – Board?

Mr. Keenan Knopke – Mr. Chair, a question for Ms. Simon, before I make a motion. Ms. Simon, we can retro this back to when ownership was approved, so that any interns that were in training still get full credit, correct?

Ms. Simon – That is what we are attempting to do by stating that the funeral establishment shall continue its registration as a training agency, under the new ownership.

MOTION: Mr. Knopke moved for approval subject to the conditions recommended by the Division. Ms. Sanjena Clay seconded the motion, which passed unanimously.

D. Disciplinary Proceeding(s)

- (1) *Settlement Stipulations (Probable Cause Panel A)*
 - (a) *Related Cases – ATN-35349*
 - 1. *Foundation Partners of Florida LLC D/B/A Steele's Family Funeral Service: DFS Case No. 277013-21-FC; Division No. ATN-35349 (F160240)*

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

Mr. James Bossart – Thank you. Good morning, sir. May I proceed?

Chair Brandenburg – Please do, Mr. Bossart.

Mr. Bossart – Foundation Partners of Florida (Respondent) is licensed as a funeral establishment (funeral establishment) under Chapter 497, Florida Statutes, license number F160240, doing business in Winter Haven, Florida. On August 10, 2020, the Department conducted a routine annual inspection of Respondent's premises. The Department noted the refrigeration facility on the premises was not being maintained at a temperature of 40 degrees Fahrenheit or below as required by section 497.386(2), Florida Statutes. The refrigerated space held approximately three (3) un-embalmed human remains at the time of the inspection. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay an administrative fine of \$1,500 and undergo one (1) year of probation. The Department requests that the Board accept this Settlement Stipulation. Thank you.

Mr. Knopke – Mr. Chair?

Chair Brandenburg – Go right ahead.

Mr. Knopke – I need to recuse myself from D. (1) (a) 1., D. (1) (a) 2. and (3) (a), as I was on Probable Cause Panel A.

Chair Brandenburg – Thank you.

Mr. Andrew Clark – Mr. Chairman?

Chair Brandenburg – Mr. Clark, go right ahead.

Mr. Clark – Thank you, sir. I just want to state for the record my affiliation with Foundation Partners Group of Florida and Michael Sanders. I will recuse myself from D. (1) (a) 1 and D. (1) (a) 2. Thank you.

Chair Brandenburg – Thank you, Mr. Clark. Board, any questions? Mr. Jensen?

Mr. Chris Jensen – Yes, Mr. Chair. One quick question. The fine looks a little high. What is the basis for that? Is there a background story to this or something that I've missed? Because it looks like, yes, the degrees were up, but it was promptly fixed. So, why such a big fine?

Mr. Bossart – I believe, under the penalty guidelines that would be the minimum fine. \$1500 is the minimum fine for violation of s. 497.386(2), Florida Statutes.

Mr. Jensen – Ok.

Mr. Bossart – No, there's no underlying story or anything that resulted in an increased fine.

Mr. Jensen – Ok. Thank you. And maybe a follow up question to Ms. Wiener there. I see her on. They're ok with this fine, Ms. Wiener?

Ms. Wendy Wiener – The fine is within the penalty guidelines. We looked back at other cases regarding refrigeration. This is an ongoing issue in the industry because, of course, the way that the laws are written. If you have a cooler open even for, you know, ten (10) minutes while you're moving remains in and out, you're going to violate the statute. I mean, it's just going to happen, and everyone does it every day, but notwithstanding, the law is what it is at this time. The rules are what they are at this time, and so therefore, we have agreed to the fine.

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

Chair Brandenburg – Yes. We have a request for a Settlement Stipulation before us. Board?

MOTION: Mr. Jones moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$1500 fine and undergo one (1) year of probation. Mr. Jensen seconded the motion, which passed unanimously.

2. Sanders, Michael Jacob: DFS Case No. 277016-21-FC; Division No. ATN-35349 (F092021)

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

Mr. Bossart – Thank you. This is the companion case to the case it was just previously heard. Michael Jacob Sanders (Respondent) is a Florida licensed funeral director and embalmer licensed under Chapter 497, Florida Statutes, license number F092021. Respondent is the funeral director in charge (FDIC) of Foundation Partners LLC d/b/a Steele’s Family Funeral Service (funeral establishment), a funeral establishment licensed under Chapter 497, Florida Statutes, license number F160240, doing business in Winter Haven, Florida. On August 10, 2020, the Department conducted a routine annual inspection of the funeral establishment’s premises. The Department noted the refrigeration facility, on the premises, was not being maintained at a temperature of 40 degrees Fahrenheit or below as required by section 497.386(2), Florida Statutes. The refrigerated space held approximately three (3) un-embalmed human remains at the time of the inspection. As FDIC, Respondent is responsible for these violations. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay an administrative fine of \$1,500 and undergo one (1) year of probation. The Department requests that the Board accept this Settlement Stipulation. Thank you.

Chair Brandenburg – Thank you, Mr. Bossart. Board?

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

Chair Brandenburg – Go right ahead, Mr. Jones.

Mr. Jones – Mr. Bossart, you said there was a one-year probationary period on this?

Mr. Bossart – Correct.

Mr. Jones – Ok, I just didn't make that note.

Mr. Bossart – Yes. One-year period of probation.

Mr. Jones – Ok. Thank you. Mr. Chair, I'll make a recommendation to accept.

Ms. Wiener – Excuse me. There's not a probationary period on Mr. Sanders' license. It's only on the establishment license. If you'll look at Paragraph 9. (a), he simply is paying a fine.

Mr. Jones – That's what I was asking.

Chair Brandenburg – Who's speaking?

Ms. Wiener – Wendy Wiener. I represent Michael Sanders.

Chair Brandenburg – Thank you.

Mr. Bossart – That was probably a typo. Excuse me.

Ms. Rachelle Munson – This is Ms. Munson. It looks like under 9. (c), the probation is reflected, but I don't know exactly what the intent of the Department and the Respondent was with this.

Mr. Bossart – Let me check.

Chair Brandenburg – Ms. Simon?

Ms. Simon – Mr. Chairman, it appears that the agreement was a \$1500 administrative fine and one (1) year of probation for this licensee.

Ms. Wiener – You're right. I apologize. I was looking at the wrong stipulation. Sorry.

Chair Brandenburg – That's what the agreement says. Board?

Ms. Wiener – You're correct. I apologize.

Ms. Clay – Can we restate the motion, please?

Chair Brandenburg – The motion hasn't been made. Mr. Hall is making the motion.

Ms. Clay – Ok, no wonder I didn't hear it.

Chair Brandenburg – Mr. Hall?

MOTION: Mr. Lew Hall moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$1500 fine and undergo one (1) year of probation. Mr. Jones seconded the motion, which passed unanimously.

Mr. Williams – Mr. Chair?

Chair Brandenburg – Yes?

Mr. Williams – This is Darrin Williams. I need to recuse myself on cases D. (2) (a)-(f) and D. (4) (a)-(e), as I served on Probable Cause Panel B.

Chair Brandenburg – Thank you for that declaration, and thank you for your service on Probable Cause. Ms. Simon?

(2) Settlement Stipulations (Probable Cause Panel B)

(a) D & L Removal & Transport, Inc.: DFS Case No. 283168-21-FC; Division No. ATN-37001 (F053091)

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

Mr. Bossart – Thank you. This is James Bossart, again, for the Office of the General Counsel. D & L Removal & Transport, Inc (Respondent) is licensed as a removal service under Chapter 497, Florida Statutes, license number F053091. Respondent's registered place of business was 1640 S. Salford Blvd, Northport, Florida 34287. On or about June 22, 2021, the Department conducted an inspection of Respondent at its place of business, where it was found the Respondent had relocated its place of business and operations to 5400 S. Biscayne Drive, Ste. A, Northport, Florida 34287. The Department was not notified of this relocation. At the time of the inspection, the Respondent was conducting operations as a removal service at 5400 S. Biscayne Drive in Northport, Florida. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay an administrative fine of \$1,500 and undergo a one- year period of probation. The Department requests that the Board accept this Settlement Stipulation. Thank you.

Chair Brandenburg – Thank you, Mr. Bossart.

MOTION: Ms. Clay moved to accept the Settlement Stipulation, which provides that the Respondent shall pay an administrative fine of \$1,500 and undergo a one- year period of probation. Mr. Clark seconded the motion, which passed unanimously.

(b) Naples Funeral Home, Inc.: DFS Case No. 282694-21-FC; Division No. ATN-36670 (F040781)

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

Mr. Bossart – Thank you. This is James Bossert for the Office of the General Counsel. Naples Funeral Home (“Respondent”) is currently licensed under Chapter 497, Florida Statutes, as a funeral establishment, license number F040781 and is doing business in Naples, Florida. The Division conducted an investigation of Respondent and alleges the following: On November 30, 2020, Respondent’s license as a removal facility expired and was not renewed until February 21, 2021. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$750. The Department acknowledges that the Respondent has paid the administrative fine and the Department is holding the check pending approval of this stipulation and issuance of an invoice. The Department requests that the Board accept this Settlement Stipulation. Thank you.

Mr. Jay Lyons – Mr. Chair?

Chair Brandenburg – Yes?

Rabbi Lyons – Morning, everyone. I’m assuming that this is based on \$250 a month for three (3) months, being December, January and February until they got themselves relicensed. Am I correct that that’s how the fine came to be?

Mr. Bossart – Ms. Simon could explain that better, sir. Actually, I believe the formula is based on how long it took them to renew the license after November 30th. Perhaps you could explain it.

Ms. Simon – That is correct, Rabbi Lyons. That is how the matter came to a \$750 fine.

Chair Brandenburg – Thank you, Ms. Simon.

MOTION: Rabbi Lyons moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$750 fine. Mr. Jensen seconded the motion, which passed unanimously.

(c) Rose Hill Cemetery Company: DFS Case No.: 282700-21-FC; Division No. ATN-35879 (F039451)

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

Mr. Bossart – Thank you. This is James Bossert for the Office of the General Counsel. Rose Hill Cemetery Company (Respondent) is licensed as a cemetery company under Chapter 497, Florida Statutes, license number F03941. An investigation dated December 10, 2021, revealed that Respondent’s placement and delineation of four (4) occupied grave lots, plots, and spaces, including markers, do not correlate with the Respondent’s records. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay an administrative fine of \$2000 and undergo one (1) year of probation. I would also point out that the Respondent has represented it has made all the necessary corrections to Department satisfaction. The Department requests that the Board accept this Settlement Stipulation. Thank you.

Chair Brandenburg – Thank you, Mr. Bossart.

MOTION: Mr. Jones moved to accept the Settlement Stipulation, which provides that the Respondent shall pay an administrative fine of \$2000 and undergo one (1) year of probation. Mr. Knopke seconded the motion, which passed unanimously.

(d) St. Fort’s Funeral Home, Inc.: DFS Case No. 280742-21-FC; Division No. ATN-36021 (F039876)

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

Mr. Marshawn Griffin – Marshawn Griffin for the Department. St. Fort’s Funeral Home, Inc., (“Respondent”) is a funeral establishment and apprentice/intern training agency, licensed under Chapter 497, Florida Statutes. The Department conducted an inspection of Respondent and found that Respondent engaged in activities requiring licensure under Chapter 497, Florida Statutes, with an expired license. Respondent has prior discipline by way of a Final Order entered in case number 244271-19-FC for unrelated violations. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation

provides that Respondent shall pay a \$500 fine. The Department requests that the Board accept this Settlement Stipulation. The way that the stipulation was calculated was it is two (2) months late, so \$250 per month, as provided by a Rule 69K-30.001, Florida Administrative Code, for a first-time violation of 497.152(5)(b), Florida Statutes.

MOTION: Mr. Knopke moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$500 fine. Mr. Hall seconded the motion, which passed unanimously.

(e) Related Cases – ATN-34561

1. Mackerowski, Peter J.: DFS Case No. 286926-21-FC; Division No. ATN-34561 (F042389)

Ms. Simon – Presenting for the Department is Mr. Griffin. Is Mr. Mackerowski or a representative of Mr. Mackerowski on the call today?

Ms. Wiener – Yes. Wendy Wiener, representing Peter Mackerowski and also Northstar on the subsequent case.

Ms. Simon – Thank you. Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. Peter Mackerowski (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes. The Department conducted an investigation of Respondent and found that Respondent demonstrated negligence or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes; concealed a violation of Chapter 497, Florida Statutes; and submitted a document to the Department that Respondent knew or should have known to be false. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay an administrative fine in the amount of \$2,000 and be placed on probation for twenty-four (24) months. The Department requests that the Board accept this Settlement Stipulation.

MOTION: Mr. Hall moved to accept the Settlement Stipulation, which provides that the Respondent shall pay an administrative fine in the amount of \$2,000 and be placed on probation for twenty-four (24) months. Mr. Knopke seconded the motion, which passed unanimously.

2. Northstar Funeral Services of Florida, LLC, d/b/a Moss-Feaster Funeral Homes & Cremation Services: DFS Case No. 280403-21-FC; Division No. ATN-34561 (F080431)

Ms. Simon – This is the companion case. If everybody that is on the call can please put their phones on mute. We’re hearing some ambient noise. Presenting for the Department is Mr. Griffin.

Mr. Griffin – Northstar Funeral Services of Florida, LLC, d/b/a Moss-Feaster Funeral Homes & Cremation Services (“Respondent”) is a funeral establishment and apprentice/intern training agency, licensed under Chapter 497, Florida Statutes. The Department conducted an investigation of Respondent and found that Respondent demonstrated negligence or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes; filed a report that the licensee knew or had reason to know to be false; and concealed a violation of Chapter 497, Florida Statutes. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$1,500. The Department requests that the Board accept this Settlement Stipulation.

MOTION: Mr. Knopke moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$1500 fine. Mr. Clark seconded the motion, which passed unanimously.

(f) Related Cases – ATN-36031

1. Whitfield, Alvin E.: DFS Case No. 284340-21-FC; Division No. ATN-36031 (F046201)

Ms. Simon – Presenting for the Department is Mr. Griffin. Is Mr. Whitfield or a representative of Mr. Whitfield on the phone today? Hearing no response. Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. Alvin E. Whitfield (“Respondent”) is a funeral director and embalmer, licensed under Chapter 497, Florida Statutes, license number F046201. Respondent is the funeral director in charge (“FDIC”) of

Whitfield Funeral Home (“Whitfield Funeral”), a funeral establishment, license number F041938. The Department conducted an inspection of Whitfield Funeral and found that Whitfield Funeral engaged in activities regulated under Chapter 497, Florida Statutes, with an expired license; failed to use a Department approved form for its bodies handled reports; demonstrated negligence or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes; and failed to disclose a fee. Respondent as FDIC of Whitfield Funeral is subject to discipline based on Whitfield Funeral’s violation of Chapter 497, Florida Statutes. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$1,300 fine and have his license placed on probation for one (1) year. The Department requests that the Board accept this Settlement Stipulation.

MOTION: Mr. Hall moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$1,300 fine and have his license placed on probation for one (1) year. Mr. Knopke seconded the motion, which passed unanimously.

2. *Whitfield Funeral Home: DFS Case No.: 284339-21-FC; Division No. ATN-36031 (F041938)*

Ms. Simon – Presenting for the Department is Mr. Griffin. Is there a representative of Whitfield Funeral Home on the phone today? Hearing no response. Mr. Griffin?

Mr. Griffin – Marshawn Griffin for the Department. Whitfield Funeral Home (“Respondent”) is a funeral establishment, licensed under Chapter 497, Florida Statutes, license number F041938. The Department conducted an inspection of Respondent and found that Respondent engaged in activities regulated under Chapter 497, Florida Statutes, with an expired license; failed to use a Department approved form for its bodies handled reports; demonstrated negligence or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes; and failed to disclose a fee. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides that Respondent shall pay a \$1,800 fine and have its license placed on probation for one (1) year. The Department requests that the Board accept this Settlement Stipulation.

MOTION: Mr. Jones moved to accept the Settlement Stipulation, which provides that the Respondent shall pay a \$1,800 fine and have its license placed on probation for one (1) year. Ms. Clay seconded the motion, which passed unanimously.

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

(a) *Signature Memorial Funeral & Cremation Services, LLC: DFS Case Nos.: 243515-19-FC and 255301-19-FC; Division Nos. ATN-31645 & ATN-33146 (F090323)*

Ms. Simon – This item was pulled from the agenda and will be back in February.

(4) *Material Facts Not Disputed (Section 120.57(2) Hearings) (Probable Cause Panel B)*

(a) *All Points Removal Service: DFS Case No. 286302-21-FC; Division No. ATN-37514 (F040067)*

Ms. Simon – Presenting for the Department is Mr. Griffin. Is there a representative of All Points Removal Service on the call? Hearing no response. Mr. Griffin?

Mr. Griffin – 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 All Points Removal Service (Respondent). The Division alleges Respondent engaged in the following:

- Respondent demonstrated negligence or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes.
- Respondent changed its place of business and commenced operations at a new location without notifying the Department or submitting to a Department inspection.

The Motion demonstrates Respondent 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 and issue an appropriate penalty.

Chair – Is there a motion?

MOTION: Mr. Knopke moved that Respondent failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint. Mr. Jones seconded the motion, which passed unanimously.

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

MOTION: Mr. Jones moved to adopt the allegations of the facts as set forth in both Administrative Complaint. Mr. Knopke 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. The Department believes that it is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

MOTION: Mr. Hall moved to find the Respondent in violation of the statutes as charged in the Administrative Complaint. Mr. Knopke 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 a prima facie case for the violations alleged in the Administrative Complaint. As to penalty, the Department is recommending that Respondent’s license be suspended for one (1) year and pay a \$1500 fine.

Chair Brandenburg – Just a moment. I’m making notes here. Thank you, Mr. Griffin. Board?

Mr. Knopke – Mr. Chair, a couple of questions?

Chair Brandenburg – Go right ahead, Mr. Knopke.

Mr. Knopke – Ms. Simon or Mr. Griffin, has there been any previous violations by this licensee?

Mr. Griffin – I was unable to find any by checking our database. If I had found any prior violations, I would have included them in the report.

Mr. Knopke – Then, from what I see in the file reading, and what you’ve said, you’re proposing suspending his license, so basically, putting him out of business for a year and fining him \$1500?

Mr. Griffin – That is the Department’s recommendation. However, the Board is authorized to follow the penalty guidelines, which call for a reprimand, a fine of \$1000-\$2500, six (6) months to one (1) year probation, suspension up to one (1) year or permanent revocation, for the allegations as alleged in the Administrative Complaint.

Mr. Knopke – I’ll make a motion.

Rabbi Lyons – If I may.

Chair Brandenburg – Ms. Simon?

Ms. Simon – Yes, sir. It appears that there was a previous disciplinary matter for All Points Removal Service, and there was a Final Order issued in 2014.

Chair Brandenburg – Thank you. Mr. Knopke?

Mr. Knopke – I’ll make a motion to put their license on probation for one (1) year, since that’s the maximum, and fine them \$2500.

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Mr. Lyons?

Rabbi Lyons – What's the thought process behind the \$2500, Mr. Knopke?

Mr. Knopke – Thought process is I don't like the idea of putting them out of business. I don't like the idea that they didn't participate today and the fine, if that exceeds the maximum, then I'll lower it, but that the fine be \$2500.

MOTION: Mr. Knopke moved that the Respondent shall pay a \$2500 fine and its license shall be placed on probation for one (1) year. Mr. Jones seconded the motion, which passed unanimously.

(b) Belisle, Yvonne Lynn: DFS Case No. 278561-21-FC; Division No. ATN-36410 (F164595)

Ms. Simon – Presenting for the Department is Mr. Griffin. Is Ms. Belisle or a representative of Ms. Belisle on the call today? 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 Yvonne Belisle (Respondent). The Division alleges Respondent entered a plea to a felony related to the practice; and Respondent's ability to practice under Chapter 497, Florida Statutes

The Motion demonstrates Respondent 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 and issue an appropriate penalty.

MOTION: Mr. Jones moved that Respondent failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint. Mr. Knopke seconded the motion, which passed unanimously.

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

MOTION: Mr. Knopke moved to adopt the allegations of the facts as set forth in both Administrative Complaint. Mr. Jensen 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. The Department believes that it is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

MOTION: Mr. Jones 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. 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 a prima facie case for the violations alleged in the Administrative Complaint. As to penalty, the Department recommends that Respondent's license be revoked.

MOTION: Mr. Hall moved to revoke Respondent's license. Mr. Knopke seconded the motion, which passed unanimously.

(c) Brown, Tracie D.: DFS Case No. 283123-21-FC; Division No. ATN-33003 (F036386)

Ms. Simon – Again, presenting for the Department is Mr. Griffin. Is Ms. Brown or a representative of Ms. Brown on the call today? Hearing no response. Mr. Griffin?

Mr. Griffin – 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 Tracie D.

Brown (Respondent). The Division alleges Respondent entered a plea to a crime related to the practice of Chapter 497, Florida Statutes.

The Motion demonstrates Respondent 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 and issue an appropriate penalty.

MOTION: Mr. Jones moved that Respondent failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint. Mr. Jensen seconded the motion, which passed unanimously.

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

MOTION: Mr. Knopke moved to adopt the allegations of the facts as set forth in both 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. The Department believes that it is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

MOTION: Mr. Knopke moved to find the Respondent in violation of the statutes as charged in the Administrative Complaint. Mr. Jensen 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 a prima facie case for the violations alleged in the Administrative Complaint. As to penalty, the Department recommends that the Respondent’s license be revoked. The Department would point to that in this case, a funeral establishment was listed as the victim as alleged as stated in the charging document that’s included in the investigative file of the product.

Chair Brandenburg – And I believe that the courts have ordered restitution as well. So, Board?

Mr. Hall – On the accomplice, the funeral director who was involved in this, too, what is the status on his license?

Mr. Griffin – So, there’s not been an investigative file. And furthermore, the State Attorney’s Office did not feel that there was enough to proceed in the case. I spoke with the prosecutor when I was working this matter up to draft the Administrative Complaint.

MOTION: Mr. Knopke moved to revoke Respondent’s license. Mr. Jones seconded the motion, which passed unanimously.

(d) Marion Graham Mortuary; DFS Case No. 280739-21-FC; Division No. ATN-36090 (F040391)

Ms. Simon – Presenting for the Department is Mr. Griffin. Is there a representative of Marion Graham Mortuary on the call today?

Mr. Elliott Graham – Yes.

Ms. Simon – Thank you, sir. 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 Marion Graham Mortuary (Respondent). The Division alleges Respondent demonstrated negligence or incompetency in the practice of activities regulated under Chapter 497, Florida Statutes; and failed to timely honor a contract. The Motion demonstrates Respondent 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 and issue an appropriate penalty.

Chair – Is there a motion?

MOTION: Mr. Hall moved that Respondent failed to timely file a responsive pleading contesting the allegations in the Administrative Complaint. Mr. Jensen seconded the motion, which passed unanimously.

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

MOTION: Mr. Jones moved to adopt the allegations of the facts as set forth in both 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. The Department believes that it is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint.

MOTION: Mr. Hall moved to find the Respondent in violation of the statutes as charged in the Administrative Complaint. Mr. Knopke 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 a prima facie case for the violations alleged in the Administrative Complaint. As to penalty, the Department is requesting that the Respondent pay a \$4000 fine and to place its license on probation for two (2) years, consecutive with any probation it is currently serving.

Chair Brandenburg – Thank you Mr. Griffin. And there’s a representative of Marion Graham. Who is that representative, please?

Mr. Graham – This is Elliott Graham. My first question is haven't we already addressed ATN-36090, back in June or July of last year? Why is it coming up again?

Chair Brandenburg – Please be sworn in. Thank you. Please be sworn in.

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

Mr. Graham – Yes.

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

Mr. Graham – Elliott, E L L I O T T, Graham, G R A H A M.

Chair Brandenburg – Mr. Graham, go right ahead, please.

Mr. Graham – So, my first question for the Board is ATN-36090 was addressed back in June or July. So, I'm trying to figure out why is it even on the agenda for today. We've already paid a fine associated with this one already.

Chair Brandenburg – Mr. Griffin?

Mr. Griffin – Hold on, let me pull it up. I'm going through my old files.

Chair Brandenburg – Take your time.

Ms. Simon – If I can assist?

Chair Brandenburg – Ms. Simon, go right ahead.

Mr. Griffin – In August of last year, we dealt with two (2) different cases of Marion Graham. We dealt with ATN-34877 and ATN-36045. So, this is ATN-36090, so my guess would be that Mr. Graham may be transposing or confusing the numbers. They are kind of similar, but there were three (3) cases the Department had. Three (3) different ATNs. This is a different ATN with a different set of facts than the one that was resolved back in August of last year.

Mr. Graham – So, the one that I've been looking at is different. The one that I have, we've already been assessed, and we've already paid it.

Mr. Griffin – You have multiple cases open with the Department?

Mr. Graham – Correct, but this one here was addressed last year also, and we paid the fine already for that. I have a receipt with this fine number already on there.

Chair Brandenburg – Was that for different cases, or for this one?

Mr. Graham – For this one.

Chair Brandenburg – ATN-36090? Mr. Knopke?

Mr. Knopke – I was going to ask Mr. Graham if he would read the case number that he's got a receipt for into the record.

Mr. Graham – The one that I have is ATN-36090, and the amount was for \$2300.

Chair Brandenburg – Would you repeat that ATN number, please?

Mr. Graham – ATN-36090.

Mr. Knopke – That's what our memorandum says, too. Thank you.

Chair Brandenburg – Mr. Griffin, can you help?

Mr. Griffin – Ok, so the \$2300 he paid was for ATN-32444. Marion Graham has four (4) cases in the universe. He's confusing the case numbers. He paid a fine last year, but on a different case, especially if you're saying the amount is \$2300, because \$2300 was the fine that was issued in the Final Order, for Case number 243643-19-FC, and that was in April of 2021. Then, on August 26, 2021, a Final Order was issued in 265816-20-FC for ATN-34877. Then, also on August 26, 2021, a Final Order was issued for ATN-36045, in case number 278140-21-FC. This is a different Final Order, a different case.

Chair Brandenburg – Thank you.

Ms. Munson – Mr. Chair?

Chair Brandenburg – Ms. Munson, go right ahead.

Ms. Munson – Just a quick question. I'm wondering if the Respondent may have been invoiced improperly. He said he has a receipt that has that ATN number on it. It could have been a misprint, and that could be the cause of the confusion. I don't know. That would be something that maybe the Department can address.

Chair Brandenburg – Ms. Simon?

Ms. Simon – If I may? I'm reviewing the invoices for all three (3) Orders issued in 2021. The first one was issued for Case No. 265816-20-FC, and that was for \$2000. The second one was for Case No. 278140-21-FC, and that was \$4000. Then the last case, as Mr. Griffin has already referenced, is Case No. 243843-19-FC, and that was for \$2300.

Chair Brandenburg – So, Elliott Graham, it appears that this is a separate distinctly different chase that we're addressing today.

Mr. Graham – I understand what you're saying. I can only go by what I have. I'll be happy to send it to you guys what I have. I don't know how else to do it. I guess I would ask if we could address this issue, I guess, next month, after I'm able to I guess send what I have to Mr. Griffin.

Chair Brandenburg – Well, perhaps we could assess the fine, and subject to any research, have it brought back to us next time for withdrawal, but this appears to be an entirely different case than any that you're referencing. Rabbi Lyons?

Rabbi Lyons – Thank you, Mr. Chair. If I understand correctly, the issue here is that the Respondent didn't reply to the Department, and that's why he didn't avail himself with the opportunity to do any type of settlement. But if the basis of that is; however, it is that he has a receipt that has this case number on it, and...

Mr. Griffin – The Respondent has had four (4) cases open with the Department. Three (3) of them have been resolved. This is a different case.

Ms. Simon – Entirely different facts.

Rabbi Lyons – But he's claiming that he has a receipt with this case number on it. Correct?

Mr. Knopke – With the ATN number. And I'll help you out, Rabbi Lyons. The thing is he says he's got a receipt for ATN-36090.

Rabbi Lyons – Which is this ATN number in front of us, correct?

Mr. Knopke – Yes. That's what I have on my package.

Rabbi Lyons – That's what I have on my package, also.

Chair Brandenburg – Ms. Simon?

Ms. Simon – If I may? The licensee had the opportunity to respond to this matter. He had the opportunity to respond to the Office of the General Counsel, and he did not take that opportunity. I would suggest you go forward, as suggested.

Ms. Munson – Chair, if I may?

Chair Brandenburg – Ms. Munson? Go right ahead please.

Ms. Munson – Thank you. I would just caution the Board to be careful. This is the Respondent's opportunity for his hearing and if he's presenting some type of oral evidence that he has a receipt for a different ATN, which based on all of the information provided by the Department, may very well be a typo, this is still his opportunity for the hearing. So, what I would suggest that the Board does, if you want to vote on the matter, I'm not necessarily inclined to issue a Final Order based on that vote with the information on the record stating that there may be some type of mistake or error in play here. You can vote on it, subject to clarification of this documentary evidence, and maybe delegate the authority to the Chair to communicate that. If this proves to be a mistake, then it's so documented as a mistake. But if he does have a written document that has this number, I think on the record there needs to be some type of clarification. To say that he doesn't have it may be just a little bit problematic with regard to his due process rights, since this is his opportunity for the hearing.

Ms. Clay – Mr. Chair?

Chair Brandenburg – Thank you, Ms. Munson. Ms. Clay?

Ms. Clay – Is it possible or is it appropriate to table this until we have some clarification?

Mr. Griffin – I mean, I guess if we move it to February and give the licensee that time to supply some sort of proof, because as the Department asserts, I think he's just mixing up the numbers because there's two (2) cases that begin with 360. So, if he can provide proof, you know, of some receipt, and I will point out that Marion Graham has made payments on the previously assessed fines. They paid over approximately \$6000 last year, or about \$5000. They made payments last year on fine. So, give them time, and basically if they can't provide any sort of documentary evidence to support their claim, proceed with the hearing as we've done so far.

Chair Brandenburg – Mr. Hall?

Mr. Hall – I would agree with Ms. Simon, too. When this individually establishment was notified they were on the agenda, is there some reason that he can explain to us why he didn't mail this information or fax it to Mr. Griffin before the meeting?

Chair Brandenburg – Mr. Graham?

Mr. Graham – I will admit when I looked at it, of course it was truly during the holiday, I did not reach out to Mr. Griffin. I did not. And again, one of the reasons why I did not reach out to Mr. Griffin, and this is not to say anything negative about Mr. Griffin at all, but I asked Mr. Griffin one time, "Can I please have all my settlements?" {Inaudible} the funeral home after the passing of my father and my mother. And the response I got from Mr. Griffin was, you know, it was too late. So, I took that as it was, you know, too late for me to ask for a settlement is the way I took it.

Mr. Griffin – Well...

Chair Brandenburg – Mr. Griffin?

Mr. Griffin – I mean, if they're willing to settle, the settlement offer would be a \$4000 fine and two (2) years of probation.

Chair Brandenburg – Mr. Hall? And I'm sorry, I can't see everyone on my screen. So, if you'll just start to talk, I'll recognize you, because I have a message of who's talking. Go ahead, Mr. Hall.

Mr. Hall – Ms. Munson, are you ok if we go ahead and vote on this and approve it, and if he provides the information to Mr. Griffin afterwards, then they can clear this up?

Ms. Munson – Again, I don't know. You can vote on it if you want. I'm just concerned about issuing the Final Order based on that vote. I'm just curious. If he produces a receipt with this ATN number, the Department is still going to have the obligation or the requirement to research why that ATN number is on a receipt, and I think the Board might want to hear how that mistake happened. If he cannot produce this receipt with that ATN number, then this conversation will be moot, and perhaps that Final Order can be issued, because this discussion is only in play because the Respondent, at his hearing, is stating that he has a receipt from the Department with this ATN number. So, that that kind of puts the onus on the Department to kind of prove the basis, if such receipt exists.

Mr. Hall – Can we vote on it and require him to provide that information to the Department or Mr. Griffin within a two-week period?

Ms. Munson – Of course, we can. And again, that's why I stated initially, if he provides no such receipt, then I'll be more comfortable issuing the Final Order. But if he does, I think it still has to come back before the Board for the Department to explain how he got this receipt, even if it was just a typographical error, some explanation because the Board is to make a decision based on all of the correct information.

Mr. Griffin – If I may be heard? To kind of bounce off of Ms. Munson, I would think that if we're going to give them the time to provide the additional documentation, I think OGC would prefer to wait and do the vote on penalty until that's happened,

just because I think it's a lot neater tier to address it then, versus we're sending Orders and whatnot. And in this timeframe, if Mr. Graham has time to submit documentation, the Department would like to also have the opportunity to potentially supplement the record with the Final Orders that I previously mentioned, with additional documentation to support the Department's position that this is a separate case.

Chair Brandenburg – So, Ms. Munson, with that consideration, would it be appropriate for me to entertain a motion to table this until the next meeting?

Ms. Munson – Absolutely.

Ms. Clay – Mr. Chair?

Chair Brandenburg – Thank you. Ms. Clay?

MOTION: Ms. Clay moved to table the discussion and the decision regarding the penalty until the next meeting in February.

Chair Brandenburg – Thank you. Mr. Jones?

Mr. Jones – Can you add to that that he has two (2) weeks to submit the invoice before the next meeting?

Chair Brandenburg – So is that added to your motion, Ms. Clay?

Ms. Clay – Yes, it is.

Chair Brandenburg – Thank you so much; and is there a second?

Rabbi Lyons – Second, Lyons.

Chair Brandenburg – And it's been seconded and all those in favor, aye?

Board members – Aye.

Chair Brandenburg – And any opposed? And that motion carries. Thank you, Mr. Graham.

Mr. Graham – Thanks you guys. I appreciate it. Mr. Griffin, I will definitely be in contact with me within the next two (2) weeks. Thank you.

(e) McCartney, Joy Marie: DFS Case No. 282878-21-FC; Division No. ATN-36432 (F055012)

Ms. Simon – This matter has been withdrawn.

(5) Motion for Order Dismissing Petition Without Prejudice

(a) HW Oldham Funeral Home: DFS Case No. 282703-21-FC; Division No. ATN-36350 (F041806)

Ms. Simon – Presenting for the Department is Mr. Bossart. Is there a representative of HW Oldham Funeral Home on the call? Hearing no response. Mr. Bossart?

Mr. Bossart – Thank you. James Bossart for the Office of the General Counsel. The matter is presented to the Board for consideration of the Department's Motion for Order Dismissing Petition without Prejudice (Motion) in the matter of HW Oldham Funeral Home (Respondent). On October 22, 2021, the Department filed an Administrative Complaint against Respondent. On November 24, 2021, Respondent timely submitted an Election of Proceeding requesting an administrative hearing pursuant to section 120.57(1), Florida Statutes. The Department asserts that although Respondent has requested a hearing pursuant to section 120.57(1), Florida Statutes, Respondent's request failed to abide by the requirements of section 120.569(2)(c), Florida Statutes, and Rule 28-106.2015(5), *Florida Administrative Code*. The Department's Motion requests that this

Board determine that Respondent's petition for hearing has failed to comply with the requirements of section 120.569(2)(c), Florida Statutes, and Rule 28-106.2015, *Florida Administrative Code*. The Department requests that this Board enter an Order dismissing the Respondent's petition for hearing and providing Respondent with an additional twenty-one (21) days in which to respond to the Administrative Complaint. Thank you.

Chair Brandenburg – Board, is there a motion?

MOTION: Rabbi Lyons moved to dismiss Respondent's petition for hearing and provide Respondent with an additional twenty-one (21) days in which to respond to the Administrative Complaint. Mr. Clark seconded the motion, which passed unanimously.

Chair Brandenburg – Ms. Simon?

Ms. Simon – Yes, sir. Is that the end of your presentation, Mr. Bossart?

Mr. Bossart – Yes, it is.

Ms. Simon – Ok. Thank you.

E. Application(s) for Preneed Sales Agent
(1) 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.

F. Application(s) for Continuing Education
(1) Course Approval - Recommended for Approval without Conditions – Addendum B
(a) Cremation Association of North America (16008)
(b) Graystone Associates, Inc. (41808)
(c) Funeral Service Academy (23408)
(d) National Funeral Directors and Morticians Association, Inc. (15608)
(e) Selected Independent Funeral Homes (137)
(f) Wilbert Funeral Services (39408)

Ms. Simon – Pursuant to s. 497.147, F.S., and Board Rule 69K-17.0041, F.A.C., the courses presented on Addendum B have been reviewed by the CE Committee and the Committee, as well as the Division, recommends approval of the applications for the number of hours indicated.

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

G. Consumer Protection Trust Fund Claims
(1) Recommended for Approval without Conditions – Addendum C

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

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

H. Application(s) for Embalmer Apprentice
(1) Informational Item (Licenses Issued without Conditions) – Addendum D
(a) Dunning, Jason K F551170
(b) Farmer, Julie A F551157
(c) Lufkin, Patrick F553217

(d) Stone, Anthony F553407

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

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

(1) Informational Item (Licenses Issued without Conditions) – Addendum E

(a) Funeral Director (Internship and Exam)

1. *Bell, Mikara E*
2. *Hugli III, John R*

(b) Funeral Director and Embalmer (Endorsement)

1. *Brewer, Ralph L*
2. *Crider, Stephen T*
3. *Everett, Dawn R*
4. *Fisher, Dean R*
5. *Relihan, Sean P*
6. *Reyes, Jaime*

(c) Funeral Director and Embalmer (Internship and Exam)

1. *Campfield, Latric*
2. *Lee, Amy T*
3. *Little, Christin R*
4. *O'Dell, Keith*
5. *Peters, Gloria*
6. *Pierce, Alexis L*

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

(2) Recommended for Approval with Conditions (Criminal History)

(a) Funeral Director and Embalmer (Endorsement)

1. *Estefania, Melissa E*

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

Chair Brandenburg – Take your time.

Ms. Simon – An application for a funeral director and embalmer license was received by the Division on June 18, 2021. The application was incomplete when submitted but finalized on December 6, 2021. The applicant's fingerprints were received with a relevant criminal history; however, the applicant answered no to the criminal history question. The relevant criminal history is the applicant pled guilty to Driving While Impaired and was sentenced to thirty (30) days suspended license and \$300 fine. The Division is recommending approval subject to the condition that the applicant be placed on a one-year probation once the Florida Law and Rules examination has been passed and the license has been issued. Is Ms. Estefania or a representative of Ms. Estefania on the call today?

Ms. Melissa Estefania – Yes, good morning. I am present. This is Melissa Estefania.

Ms. Simon – Thank you. Mr. Chairman?

Chair Brandenburg – Ms. Estefania, do you wish to address the Board or you're merely here to answer questions that the Board may have?

Ms. Estefania – I do have a question regarding the one-year probation. What would that entail exactly? Would I be able to be a funeral director, or I would have to wait the one year during probation before I could possibly be a funeral director there in Florida?

Chair Brandenburg – I believe I can answer that. The one-year probation does not prohibit you from acquiring your license.

Ms. Estefania – Ok. Would there be a fine with that as well? Or would it just be a probation period?

Chair Brandenburg – The Division is recommending that we approve your application and place you on a one-year probation, once the Florida Law and Rules examination has been passed and the license has been issued.

Ms. Estefania – Ok. Thank you, sir.

Chair Brandenburg – Thank you. Mr. Jensen?

Mr. Jensen – Mr. Chair, I just have one question. I was reading the statement from Ms. Estefania here. Are all your fines and everything paid and done with the previous case?

Ms. Estefania – Yes, sir.

Mr. Jensen – Ok. Thank you.

Chair Brandenburg – Thank you. Mr. Knopke?

MOTION: Mr. Knopke moved to approve the application subject to the condition that the applicant be placed on a one-year probation once the Florida Law and Rules examination has been passed and the license has been issued. Mr. Hall seconded the motion, which passed unanimously.

Chair Brandenburg – Good luck, Ms. Estefania.

Ms. Estefania – Yes, sir? I'm sorry I couldn't hear you.

Chair Brandenburg – Good luck. Best wishes to you.

Ms. Estefania – Thank you. May I add one thing?

Chair Brandenburg – Yes.

Ms. Estefania – The only reason that I said, I did not have a criminal background was because I didn't have a felony or misdemeanor. I've never committed any other crime before, and I wasn't aware that it was still on my record.

Chair Brandenburg – Thank you for that explanation.

Ms. Estefania – Thank you.

Chair Brandenburg – Ms. Simon?

Ms. Simon – Thank you, sir.

2. Yzenbaard-Budgen, Sarah

Ms. Simon – Is Ms. Yzenbaard-Budgen or a representative on the call today?

Ms. Sarah Yzenbaard-Budgen – Yes. Sarah Yzenbaard-Budgen is here.

Ms. Simon – Thank you. Board members, an application for a funeral director and embalmer license was received by the Division on September 27, 2021. The application was incomplete when submitted. A completed application was received on December 6, 2021. The applicant's fingerprints were received with relevant criminal history; however, the applicant answered

no to the criminal history question. The relevant criminal history is that on or around September 2021, the applicant pled guilty to Disorderly Conduct and was sentenced to a \$275 fine. The Division is recommending approval subject to the condition that the applicant be placed on a one-year probation.

Chair Brandenburg – Ms. Yzenbaard-Budgen, do you wish to address the Board, or are you merely here to answer questions, if the Board has any questions?

Ms. Yzenbaard-Budgen – I would like to answer questions. I would also like to add that both of my employers were aware of the situation and it had nothing to do with my work.

Chair Brandenburg – Let's swear you in then. You have to be sworn in.

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

Ms. Yzenbaard-Budgen – Yes, I do.

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

Ms. Yzenbaard-Budgen – Sarah Yzenbaard-Budgen, S A R A H Y Z E N B A A R D - B U D G E N.

Chair Brandenburg – Thank you. And did you want to address the Board?

Ms. Yzenbaard-Budgen – Yes, I would please.

Chair Brandenburg – Please go right ahead.

Ms. Yzenbaard-Budgen – I just wanted to state that when I began my application process earlier last year, I had almost everything completed, and I had no criminal record at that point in time. When COVID happened, it kind of slowed down the process of my husband and I moving to Florida. I finalized all of my application requirements following the closing of the trial that I had, paid all of my fines and both of my employers in Michigan and Florida are aware of the situation and that it has nothing to do with my work history.

Chair Brandenburg – Thank you. So, you have already moved to Florida?

Ms. Yzenbaard-Budgen – Yes, I'm employed in Florida.

Chair Brandenburg – What area?

Ms. Yzenbaard-Budgen – Tampa.

Chair Brandenburg – Thank you.

MOTION: Mr. Knopke moved to approve the application subject to the condition that the applicant be placed on a one-year probation. Mr. Jensen seconded the motion, which passed unanimously.

Chair Brandenburg – Good luck, ma'am.

Ms. Yzenbaard-Budgen – Thank you so much.

J. Application(s) for Internship

(1) Informational Item (Licenses Issued without Conditions) – Addendum F

(a) Funeral Director

1. Fuller, Kasey F553602

2. *Stone, Anthony F553407*
3. *Sykes, Lindsey H F506822*
- (b) *Funeral Director and Embalmer*
 1. *Allen, Shannon M F553216*
 2. *Brake, Amber S F552877*
 3. *Lewis, Cassandra S F425478*
 4. *Reyes, Dayana S F553218*
 5. *Tomaru, Kyuta F554142*

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

- (2) *Application to Renew Internship*
 - (a) *Recommended for Approval without Conditions*
 1. *Kopchak, Mary A F486444*

Ms. Simon – An application to renew the funeral director internship license was received on December 3, 2021. The Applicant has previously been licensed as a funeral director intern and Rule 69K-18.002, Florida Administrative Code, only permits one internship in a lifetime. The current license expires on January 13, 2022. The Division is recommending approval without conditions.

Chair Brandenburg – Is there a representative on the line?

Ms. Linda Edwards – Yes, Your Honor. I'm sorry, yes, Mr. Chair.

Chair Brandenburg – Did you want to address the Board, or you're merely here to answer any questions that the Board may have?

Ms. Edwards – I'll answer any questions that the Board may have. Ms. Kopchak is also present if there are specific questions regarding her application.

Chair Brandenburg – Thank you. Board?

MOTION: Mr. Jensen moved to approve the application. Rabbi Lyons seconded the motion, which passed unanimously.

Chair Brandenburg – Good luck, Ms. Kopchak.

Ms. Mary Kopchak – Thank you, sir.

Ms. Edwards – Thank you.

Chair Brandenburg – You're welcome.

- K. **Application(s) for Monument Establishment Sales Agent**
 - (1) **Information item (Licenses Issued without Conditions) – Addendum G**
 - (a) *East, Glenn E F550025*
 - (b) *Williams, Tijuana F549797*
 - (c) *Wilson-Wolfe, Claire F552563*
 - (d) *Wilson-Wolfe, Luis F072453*

Ms. Simon – Pursuant to s. 497.554, Florida Statutes, the Division has previously approved the applicants listed on Addendum G.

- L. **Application(s) for Preneed Branch License**

- (1) *Recommended for Approval without Conditions – Addendum H*
 - (a) *Legacy Options Bonita Springs LLC (F430440) (Bonita Springs)*
 - (b) *NorthStar Funeral Services of Florida LLC d/b/a Ferdinand Funeral Homes (Miami)*
 - (c) *SCI Funeral Services of Florida LLC d/b/a Manion Memorial Park (F039511) (Bradenton)*

Ms. Simon – Pursuant to s. 497.453(7), Florida Statutes, the applicants listed on Addendum H have applied for preneed branch licensure. Their applications were complete without reportable criminal or disciplinary history and accompanied by the required fine required fee. The record indicates that the applicants qualify for branch licensure. The Division recommends that the applicants be approved for the branch licenses applied for.

Chair Brandenburg – I want to declare my affiliation with SCI Funeral Services or Florida, LLC. That affiliation will in no way affect my ability on making a fair and impartial decision. So, we have before us preneed branch applications. Board?

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

M. Applications(s) for Registration as a Training Agency

- (1) *Information item (Licenses Issued without Conditions) – Addendum I*
 - (a) *CEJ South Inc d/b/a Christian Family Funeral (F086290) (Pensacola)*
 - (b) *NCS Marketing Services LLC d/b/a National Cremation Society (F471781) (The Villages)*
 - (c) *Neptune Management Corp d/b/a Neptune Society (F471761) (Palm Harbor)*

Ms. Simon – This is an informational item. The Division has reviewed the applications listed on Addendum I and found them to be complete in that the applicants have met the requirements to be a training agency. Pursuant to Rules 69K-1.005, Florida Administrative Code, the Division has previously approved these applications.

N. Application(s) for Broker of Burial Rights

- (1) *Recommended for Approval without Conditions*
 - (a) *Danny Eason Enterprise LLC d/b/a Florida Burial Plots (Hollywood)*

Ms. Simon – The application was received on November 10, 2021. The application was incomplete when received. The application was deemed complete on December 1, 2021. The Department completed a background check of Applicant's principal and owner, which revealed no criminal history. The Division is recommending approval without conditions. Is there a representative of the applicant on the line today? Hearing no response. Board?

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

O. Application(s) for Funeral Establishment

- (1) *Recommended for Approval with Conditions*
 - (a) *Beyers Funeral Home Inc d/b/a Beyers Funeral Home and Crematory (Leesburg)*

Ms. Simon – An application for funeral establishment licensure was received on November 3, 2021. The Funeral Director in Charge will be Roger Beyers (F046479). A background check of the principals revealed no criminal history for its principals. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

- (b) *Manuels Funeral Home and Cremation LLC d/b/a Anthony Manuel Funeral Home (Hollywood)*

Ms. Simon – An application for funeral establishment licensure was received on November 9, 2021. The application was incomplete when submitted. A completed application was received on December 9, 2021. There is a current funeral establishment, A J Manuel Funeral Home Inc (F060392) at this location that was owned by the applicant's father. This is not a change of ownership application. They are closing the current establishment and applying for a new establishment licensure.

The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff and that the current funeral establishment license be relinquished.

MOTION: Mr. Knopke moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff and that the current funeral establishment license be relinquished. Mr. Clark seconded the motion, which passed unanimously.

(c) Marcus A Allen Funeral Home Inc (Live Oak)

Ms. Simon – An application for funeral establishment licensure was received on September 20, 2021. The application was incomplete when submitted. A completed application was received on November 29, 2021. The Division is recommending 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 application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Mr. Jensen seconded the motion, which passed unanimously.

(2) Recommended for Denial

(a) Washington Memorial & More Funeral Service Industry LLC (Lake Butler)

Ms. Simon – An initial application for funeral establishment licensure was received on April 22, 2021. During the course of 2021, the principals for the funeral establishment changed, and in or about October 2021, the Division received a second application, this time with the applicant's name being Washington Memorial & More Funeral Service Industry LLC. This application was also incomplete. An email was sent to Mr. Washington, a principal of the applicant, providing with specificity the deficiencies to the second application. The applicant began emailing amendments to the application. However, when these emails became too voluminous, the applicant submitted a third and final application.

This application was received on or about December 10, 2021. While this application contained conflicting information about funeral chapel, a decision was made to tender this application to the Board. The applicant had many telephone conversations with an assortment of staff at the Division. However, at the end of November he was told to direct any calls and emails to the Assistant Director. When calling the principal of the applicant, Mr. Washington, the voicemail message provides the name of the business entity, which is concerning in that the application is still pending. Included is a sampling of the emails sent to the Division. The Funeral Director in Charge will be Monica Waldon (F339959). Based upon a totality of the factors, the Division is recommending denial. Is there a representative of the applicant on the call today?

Mr. Raymond Washington – Yes, I am present.

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

Mr. Washington – I do, yes.

Ms. Simon – Please state your name, your first and last name.

Mr. Washington – My name is Raymond, R A Y M O N D, Washington.

Ms. Simon – Mr. Chairman?

Chair Brandenburg – Yes, ma'am?

Mr. Washington – Mr. Chairman, if I may ask, what was the nature of the denial?

Chair Brandenburg – Ms. Simon?

Ms. Simon – There has been no denial yet. There is a recommendation for denial, however, the Board has not taken action yet.

Mr. Washington – Excuse me, Mr. Chair, the recommendation for denial was on what basis, again?

Ms. Simon – Mr. Chairman, may I?

Chair Brandenburg – Go right ahead.

Ms. Simon – The recommendation for denial was based on a number of factors. One of them is that when calling the number provided on the application, the answering message is that it is Washington Memorial & More Funeral Service Industry, LLC. The second is that there is a conflict regarding information concerning the visitation chapel. And lastly, I believe, while it is not included on the cover sheet, there is a question regarding the information of who is providing cremation, refrigeration, and embalming services, and the contracts that are included. There appears to be a conflict in that as well.

Mr. Washington – Ok, Ms. Simon. Excuse me. I'm sorry, Mr. Chair, if I may?

Chair Brandenburg – Go right ahead, Mr. Washington.

Mr. Washington – Ok, now, Mr. Simon, the application and the contract for the cremation, you have that information, and you also have the information involving Ms. Monica. You have the information involving everything. Keep in mind, and let me just convey this to the Board, the reason why you have that voice mail, Washington Memorial & More Funeral Service Industry LLC, prior to me applying for an application in Florida for a funeral establishment license, I also have a casket business that I have in Georgia. So, I'm trying to figure out what's the conflict? You still haven't conveyed that yet. If I may, Mr. Chair? In terms of the chapel, I thought we conveyed that because I do remember Jasmin Richardson, who is a part of the Board, a part of your staff, e-mailing me and telling me that I had to scratch that out, in terms of the chapel services. Everything is going to be there at 8593 South County Road 231, in Lake Butler, Florida. Ladies and gentlemen, I'm here, as I've conveyed to Ms. Simon, all I'm trying to do is serve these people. All of these roadblocks. Give me everything that I need. Tell me what I need to do. If I need to get an attorney on this I will, but I'm trying to serve these people in Lake Butler. All these other roadblocks and the bull jive, we can quit it, because you know dang on well this application is supposed to be approved.

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Rabbi Lyons, go right ahead.

Rabbi Lyons – Ok, just so I understand, if we could take this one issue at a time, maybe? Did the voicemail greeting indicate that they're providing funeral services, or it just says the name of the entity, as registered on Sunbiz? This question is for Ms. Simon.

Ms. Simon – A voicemail on the recording is Washington Memorial & More Funeral Service industry, LLC.

Rabbi Lyons – And isn't that the legal entity name?

Ms. Simon – Yes, sir.

Rabbi Lyons – So, what's the problem? Why is that an issue, then?

Ms. Simon – May I, Mr. Chairman?

Chair Brandenburg – Go right ahead.

Ms. Simon – The concern is that, by indicating that the phone belongs to Washington Memorial & More Funeral Service Industry, LLC, is that this is already operating as a funeral establishment under that name, and that is the concern that is indicative of practicing without a license, although I don't know that it is, but that's the Division's concern.

Mr. Washington – Mr. Chair? Mr. Chair? Ms. Simon, you're jumping cradles. You just heard me...

Chair Brandenburg – Mr. Washington! Mr. Washington, you've not been recognized. We're still...

Mr. Washington – Mr. Chair, do you mind if I speak, please?

Chair Brandenburg – Yes, I do mind.

Mr. Washington – OK.

Chair Brandenburg – I'll call on you in just a moment.

Mr. Washington – Yes, sir.

Chair Brandenburg – Rabbi Lyons?

Rabbi Lyons – I guess I'm just trying to understand, meaning a lot of establishments have some name in there, you know, some terminology in their legal name that indicates that they're a funeral home or a cemetery or monument, or whatever they are exactly. And it's reasonable that they would have, you know, an operating phone with a voicemail greeting, even before licensure, for no other reason than to field phone calls from the Department. I guess, what I'm asking is that if it's a violation to have a greeting that has the very name of the entity, or if you're going to say it was a violation, but whatever, if that's going to be a demerit against them and a reason to deny an application, so then what would be the recommended alternative? I mean, how do you have a voicemail greeting without saying who you are?

Ms. Simon – Mr. Chairman?

Chair Brandenburg – Go right ahead, Ms. Simon.

Ms. Simon – Rabbi Lyons, the concern is that by answering with a voicemail, the name of your establishment, that indicates that the establishment is already operating. The alternative is to not have that be the response on the call, not have that be on the voicemail. The alternative is to have a name on the voicemail of a human being, as opposed to the name of an establishment, which is the applicant, because it is indeed reflective of the fact that the business is already operating, but that is only one of the concerns, as I mentioned.

Chair Brandenburg – Mr. Hall?

Mr. Hall – That's where I was going. We're trying to approve it for licensure and they are already putting their name out there. Answering phones, as Ms. Simon says, as if they're open. So, they can't do those type things. They can't do signage, et cetera, until that's approved.

Chair Brandenburg – Mr. Jensen?

Mr. Jensen – Thank you, Mr. Chair. A couple of things I'd probably like to point out here. One is when Ms. Richardson sent back the emails, and looking at the emails, I feel like she was very clear. The gentleman mentioned that she was not being clear as to what he needed to do, but it was very clear. If you're going to have a visitation chapel in another location, has all that been rectified? Number 2 is, it looks like the State was willing to refund his money, which is a little unusual, because all the applications are non-refundable. So, I'm just wondering, can we just get rid all this and can he just do an application so we can start over, because it's the most jumbled application I've ever seen.

Chair Brandenburg – Mr. Knopke, you're trying to get my attention?

Mr. Knopke – Yes, sir, Mr. Chair. Thank you. I've got a couple of questions. In the most recent application there are things that have confused me. On the application on page 4, listed under refrigeration, Weston's Mortuary on N. Myrtle in Jacksonville is going to be doing the refrigeration for the firm, except when you get a little further back about several pages back, and I use paper, so bear with me, we've got River City Crematory contract. It says they're going to do refrigeration storage for Washington Memorial, as well as cremations. That's a conflict right, there. We need a clear application or a clean application

that says, who's going to do what. It also says, in that same vicinity, on another letter, that Mr. Weston, that they've granted approval or has entered into agreement to allow Washington Memorial & More Funeral Service LLC to use their embalming facility. Does that mean that Mr. Washington is going to go there to work for Weston's to do the embalming or is Weston going to do the embalming? We've just got lots of conflicts in this.

Mr. Washington – Mr. Chair, can I speak?

Mr. Williams – Mr. Chair?

Chair Brandenburg – Go ahead, Mr. Washington.

Mr. Washington – Mr. Knopke, I think you're correct. There was a change in the application, when I began to try my best to fix all the applications, because keep in mind, ladies and gentlemen, this is new to me, as I conveyed to Ms. Simon. Of course I'm very excited. I might have made some minor mistakes, and I'm entitled. Be that as it may, for the correction of the Board, yes, I was going to pay Weston Mortuary to do the embalming, and for the refrigeration, or the cremation, rather, I was supposed to be hiring River City to do the cremation.

Mr. Knopke – Ok, who's going to store the bodies?

Mr. Washington – Yes, sir. The storing of the body, and maybe I didn't put that information on there, and that's just innocent. It was supposed to be Weston Mortuary. The only cremation portion, if you will, was supposed to be the River City. But everything else prior to picking up the remains, and what have you, was supposed to be done by Weston Mortuary.

Mr. Williams – Mr. Chair?

Mr. Knopke – So, what you're saying, Mr. Chair, may I please?

Chair Brandenburg – Please go ahead, Mr. Knopke.

Mr. Knopke – Thank you. So, what you're saying is, you're going to make removals in Late Butler, take it to Weston's. When it's time to cremate, you're going to transport it over to River City to be cremated. Is that correct?

Mr. Washington – Yes, sir.

Mr. Knopke – Ok, the application doesn't reflect that right now. My suggestion, and this is just mine, is that you slow down, start over, redo the application, get everything in order, and send it in, because right now we could spend months here trying to figure out what you want or don't want. Innocent mistakes, unfortunately, create problems down the road.

Mr. Washington – Yes, sir.

Chair Brandenburg – Mr. Hall?

Mr. Hall – Mr. Chair, I think my concern to is if you pull up and Google this name, it's on the website. He chose the hours. And there's a three (3) month old post that says their service there is awesome. There is spelled T H E R, E. It tells their hours, et cetera. So, that goes back to what we said earlier. You can't be doing those same prior to the license being put in place.

Mr. Washington – Whoa, whoa, whoa, whoa, whoa. Hold on, Mr. Hall. Excuse me, Mr. Chair. I'm sorry, Mr. Chair. Mr. Hall?

Chair Brandenburg – Mr. Washington! Would you please let Mr. Hall finish before you interrupt him? Mr. Hall?

Mr. Hall – My only other concern is I agree with what Mr. Knopke has said. It's a mess. It's not our fault. Ms. Bryant, I think we would all find is probably the most efficient person to send out this information and takes care of it. I made a comment this week that her information to the Board is impeccable. She mothers us all. She takes care of us. She does the same thing for licensees. And, so, I think, if you'll follow her instructions and stuff, you can get through this very rapidly. But, I think the

attitude has to change a little bit to let them help you. You've got to let them help you, and you have to help them do that, and, at this point, it doesn't feel like you're wanting to do that.

Chair Brandenburg – Mr. Washington?

Mr. Washington – Yes, sir, Mr. Chair?

Chair Brandenburg – Did you want to talk?

Mr. Washington – Yes, sir. Mr. Chair, all I was going to convey to the Board, and maybe my attitude, I may apologize about that. My whole premise is to convey to this Board that the Lord has blessed me, here in Georgia to be a blessing, too, since I've been here. Prior to me applying for that application there in Florida, was that I have assisted on a Board that overseas. I'm a member of the Church of God in Christ, and I've worked on the Memorial Department for our national church and as a result of me working with our national church, I provided that casket business and that's when I started that casket business, that's when I was able to be a blessing to our Bishops and others. However, the name I never did change the name. I only decide that since, I'm going to be using that name in Florida, I just thought there was no difference in the name. Now, keep in mind. No, I did not and no, I am not providing any services there at 8593 South County Road 231. I haven't done anything there, no more than pay the rent for that facility. So, in terms of the hours, and all of that, that was only reflecting on the casket business, and I don't know how to say that any further to this Board.

Chair Brandenburg – Mr. Hall?

Mr. Hall – If you look at the Google website that I referred to, it shows your address that you just alluded to there in Lake Butler. It shows the hours of business and it says Call Now, and it gives the number. You don't have a license for them to call there and do that yet. All that's spelled out on this site that I'm looking at.

Mr. Washington – Ok. That may be true, because, Mr. Chair, I'm sorry, Mr. Chair?

Chair Brandenburg – Go right ahead.

Mr. Washington – Ok. So, what happened in the beginning was that it was under a Georgia address. I think because of other people in my family who were assisting me with creating the website and things of that nature, they probably did change that address to the Lake Butler thinking that there would be nothing that will prevent me. But the whole premise, and, just to be honest, has been about my casket business. If you go to my Facebook, you can see the number of people that I have assisted in caskets and serving their families that didn't even have enough money to pay for their caskets. And we have, you know, because of Washington Memorial & More Funeral Service Industry, LLC, I have been able to be a blessing to those people. But I tell you what, Mr. Hall. What I will do, and with the Board's recommendation, I will go in myself to try my best to delete any information that may prevent me from being denied by this Board. In terms of Mr. Knopke's explanation, indicating that I needed to start all over again, I can start all over again, but my question is, to the Board, would I be able to get on the February ballot?

Mr. Williams – Mr. Chair?

Chair Brandenburg – Go right ahead, Mr. Williams.

Mr. Williams – Yes, sir, thanks so much, Mr. Chair. Also, I wanted to point out to the Board, on page 33 of the packet, there's also another conflict going in line with Mr. Knopke's statement regarding the conflict with embalming facilities and where things are going to be happening, and the application is just everywhere. So, I want to make a motion to deny this applicant.

Mr. Knopke – Mr. Chair, you've got Ms. Munson, looking for you.

Chair Brandenburg – There's a motion to deny.

Mr. Washington – Mr. Chair, Ms. Munson is trying to get your attention.

Chair Brandenburg – I'm sorry. Go right ahead, Ms. Munson.

Ms. Munson – I just wanted to make a point of reference for the Board. I've just been listening to all the various discourse and the concerns that the application is just so problematic. The applicant indicating that some of it is a mistake, and all of that was not. I just wanted to remind the Board that the applicant, if the Board chooses to, has the option of withdrawing his application. A denial on the application, I just wanted to clearly state on the record, a denial would mean that the denial would follow this license with any type of review. The withdrawal of the application would, I guess, not necessarily be a do over, because you can't get your application fee back. And, again, that would be a request of this applicant, if he so chooses to do that. I didn't hear that in any of the discussions, but I know that was a possible, legal remedy to the situation, I thought I should at least bring it to the table. Thank you, Mr. Chair.

Chair Brandenburg – Mr. Hall?

Mr. Hall – Can we maybe hear from Ms. Simon before I speak, Mr. Chair? I see that she's trying to reach you, too.

Chair Brandenburg – Who is that?

Mr. Hall – Ms. Simon?

Chair Brandenburg – Ms. Simon?

Ms. Simon – Yes, sir. Thank you. I'd like to point out a couple of things. I don't want there to be a misconception with the Board. Mr. Jensen mentioned the refund issue. That refund was only offered at the first application. That was because of the name change. There needed to be a new application submitted. As so, the refund was only based on the first applicant, which was a different name entirely. Now, I'm not sure what action the Board is going to take, but please consider before making a motion that there have been three (3) applications submitted by this applicant. Each time there has been, at least on the first two and on the third, there have been issues concerning the applications. And as previously stated, Ms. Richardson stated quite clearly what was needed for the application. The emails coming from the Division are quite clear and yet we still have not got an application that would pass muster before the Board. I wanted to make that comment known because I'm not sure what the Board is going to do at this point. Thank you,

Chair Brandenburg – Thank you. Mr. Hall?

Mr. Hall – I like Ms. Munson's suggestion. I would like to see us make an offer to this gentleman to withdraw. I think that he needs to take charge of this application himself, and not let other people in the family, as he referred to, help him with this. Obviously, he's got websites up saying to call me now. None of it refers to the casket business that he does or any of that type thing. It all refers to this license he has applied for at Lake Butler. I think he should go back to the Division with the right attitude, and they'll assist him. Jasmin, we all know, knows what she's doing. She's not going to bend according to the law to suit you though. I can tell you. She wouldn't for anybody sitting on this Board right now. So, she can help you and guide you through that if you allow her to do it. But the attitude needs to be right going in, sir, and she can get you through this quicker. Wipeout what you've done to this point, because it's a mess, and listen to her when she's telling you what you need to do, and you may get through this, but I'd like to give you the opportunity to withdraw it at this point.

Chair Brandenburg – Mr. Washington, do you want to take advantage of the offer to withdraw and resubmit, or would you like for the Board to move forward with their decision, at this point?

Mr. Washington – I appreciate what Ms. Munson said, and also Mr. Hall. And I do apologize for me yelling and screaming. This is just near and dear to my heart, and I just want to be able to get through this process, you know, so that I can be able to be a great benefit to the civilians there in Union County and maybe, you know, if the Lord see fit, to other counties, if that's a possibility. And so, yes, I will, if the Board will allow me to withdraw this application and resubmit another application. So, major question, Mr. Chair, if it's ok?

Mr. Knopke – Mr. Chair?

Chair Brandenburg – Yes?

Mr. Washington – Oh, I'm sorry.

Mr. Knopke – Are you recognizing me?

Chair Brandenburg – Go ahead, Mr. Washington.

Mr. Washington – Mr. Chair, my question was, once I withdraw this application to resubmit another application, it will be 563?

Chair Brandenburg – I don't know what 563 means.

Mr. Washington – Whatever, 500 and so dollars it was that I needed to pay, with the application.

Chair Brandenburg – Yes.

Mr. Washington – Ok.

Chair Brandenburg – You've been working on this application since April 22, 2021, so the Board will vote. Do you want to accept his offer to withdraw, Board?

Mr. Washington – Yes, sir. That's what I was saying, Mr. Chair. I was going to go ahead and agree with Ms. Munson and Mr. Hall to go ahead and withdraw this application and resubmit another application.

Chair Brandenburg – Ok, thank you very much.

Mr. Washington – So I do have to pay another fee, right? OK, I got you, Ms. Munson.

Chair Brandenburg – Yes.

Mr. Knopke – Mr. Chair?

Chair Brandenburg – Is that Mr. Knopke?

Mr. Knopke – Yes, sir. Thank you. For Mr. Washington, you might want to employ an attorney to assist you with this.

Mr. Washington – Yes, sir.

Mr. Knopke – That way you don't get into this skirmish again.

Mr. Washington – Right.

Mr. Knopke – Let the attorney handle it and apply and so forth for you. Just a suggestion, not a requirement.

Mr. Washington – No, Mr. Knopke, I really appreciate that.

Chair Brandenburg – Mr. Jensen, you were trying to get my attention earlier, I'm sorry. Go right ahead.

Mr. Jensen – I do have a question, but I'd like to hear what Ms. Simon has to say first, if you don't mind, Mr. Chair.

Chair Brandenburg – Ms. Simon says about what, Mr. Jensen?

Mr. Jensen – Well, I want to make a motion, but my motion would be to let him redo the application but add the stipulation that he will remove the website and the phone thing, you know, indicating that he's doing business now. I'm OK with, you know, letting him redo it because, I mean, the Department can't work with this. That's why I wanted to hear what Ms. Simon was going to possibly suggest here.

Chair Brandenburg – Ms. Simon?

Ms. Simon – Mr. Chairman, thank you. I just do not want there to be a misapprehension. There is no guarantee that any subsequent application will be placed on the February agenda. That depends on when the application is received and whether the application is sufficient.

Chair Brandenburg – Thank you. So, the applicant has withdrawn. So, on to the next item.

Ms. Simon – Yes, sir.

Ms. Clay – Mr. Chairman, does it require any action from the Board? There was a motion on the floor. Did it die for lack of a second?

Chair Brandenburg – I don't think it requires any action on the Board's part, if the applicant indicates that they're withdrawing the application.

Ms. Clay – Prior to that, there was a motion.

Mr. Jensen – I'll withdraw my motion.

Chair Brandenburg – Right. The motion is withdrawn.

Ms. LaTonya Bryant – Mr. Williams made the motion.

Chair Brandenburg – Ms. Munson, are we ok to move forward?

Ms. Munson – We are, sir. At this point we are.

Chair Brandenburg – Thank you so much. Ms. Simon?

- P. Application(s) for Preneed Main License**
(1) Recommended for Approval without Conditions
(a) Phillip & Sons The Funeral Directors Inc (Melrose)

Ms. Simon – The Department received an application for preneed main licensure on October 14, 2021. The application was deemed complete on November 11, 2021. Applicant's qualifying funeral establishment license is located at the address mentioned on the coversheet in your Board package. The Division is recommending approval without conditions.

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

- Q. Collective Application(s)**
(1) Recommended for Approval with Conditions
(a) Eden Funeral Services LLC
1. Change of Ownership
 - *Funeral Establishment*
 - *Transfer of Preneed*

Ms. Simon – Eden Funeral Services LLC, seeks approval of the following based upon a change of ownership: an application for funeral establishment licensure and an application for transfer of preneed licensure. More specifically, the entities that are being acquired is as follows:

- 1) Eden Funeral Services LLC, a licensed funeral establishment, license #F328597, physical address: 2450 W Sample Road #2, Pompano Beach, FL 33073. FDIC: Lawrence Schuval, license #F024258
- 2) Eden Funeral Services LLC, a preneed license, license #F052853, physical address: 2450 W Sample Road #2, Pompano Beach, FL 33073

Included in your Board package are the separate applications regarding the aforementioned properties. The change of ownership is the result of an asset purchase. The principals of the corporation have submitted fingerprints for the principals were returned without criminal history. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these locations, the obligation to fulfill those preneed contracts will be assumed by the new owners. The Division is recommending approval subject to the following conditions:

- 1) That the closing on the transaction to acquire ownership shall occur within sixty (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, (if any), of the location(s) being acquired.

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Go right ahead.

Rabbi Lyons – I just want to declare that I know several people involved on this, but that's not going to affect my ability to be impartial.

Chair Brandenburg – Thank you so much.

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

- (b) Lake City Property Holdings Inc d/b/a Ferreira Funeral Services**
 - 1. Change of Ownership**
 - **Funeral Establishment**
 - 2. New Application**
 - **Preneed Branch**

Ms. Simon – Lake City Property Holdings Inc d/b/a Ferreira Funeral Services, seeks approval of the following matters based upon a change of ownership: an application for funeral establishment licensure and an application for preneed branch licensure. More specifically, the entities that are being acquired is as follows:

- 1) Dees-Parrish Family Funeral Home Inc, a licensed funeral establishment, license #F039886, physical address: 458 South Marion Avenue, Lake City, FL 32055. FDIC: Kimis Whitehead, license #F026466

New Application:

- 1) Ferreira Funeral Services, a preneed license, physical address: 458 South Marion Avenue, Lake City, FL 32055

Included in your Board package are the separate applications regarding the aforementioned properties. The change of ownership is the result of an asset purchase. The principals of the corporation have submitted fingerprints for the principals were returned without criminal history. The Division is recommending 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, (if any), of the location(s) being acquired.

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

(c) Southern Heritage Funeral Services LLC

1. Change of Ownership

- *Funeral Establishment (2)*
- *Transfer of Preneed*

Ms. Simon – Southern Heritage Funeral Services LLC, seeks approval of the following applications submitted based upon a change of ownership: applications for licensure of two (2) funeral establishments and transfer of preneed licensure. More specifically, the entities that are being acquired is as follows:

- 1) Ponger Funeral Home PA, a licensed funeral establishment, license #F257775, physical address: 50 N Hillsborough Ave, Arcadia, FL 34266. FDIC: Allyson Christ, license #F044169
- 2) Ponger-Karnes Funeral Home PA, a licensed funeral establishment, license #F257774, physical address: 205 N 9th Ave, Wauchula, FL 33873. FDIC: Allyson Christ, license #F044169
- 3) Ponger Funeral Home PA, a preneed license, license #F019184, physical address: 50 N Hillsborough Ave, Arcadia, FL 34266

Included in your Board package are the separate applications regarding the aforementioned properties. The change of ownership is the result of an asset purchase. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these locations, the obligation to fulfill those preneed contracts will be assumed by the new owners. The Division is recommending approval subject to the following conditions:

- 1) That the closing on the transaction to acquire ownership shall occur within sixty (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, (if any), of the location(s) being acquired.

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

- (d) Whitehead Funeral Home Inc*
1. *Change of Ownership*
 - *Funeral Establishment*
 - *Transfer of Preneed*

Ms. Simon – Whitehead Funeral Home Inc, seeks approval of applications for a funeral establishment license and for transfer of a preneed license. These applications are based upon a change of ownership. More specifically, the entities that are being acquired is as follows:

- 1) Comforter Funeral Home, a licensed funeral establishment, license #F040483, physical address: 601 Long Avenue, Port St Joe, FL 32456. FDIC: Jared Whitehead, license #F062317
- 2) Comforter W P d/b/a Comforter Funeral Home a preneed license, license #F019302, physical address: 601 Long Avenue, Port St Joe, FL 32456

Included in your Board package are the separate applications regarding the aforementioned properties. The change of ownership is the result of an asset purchase. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these locations, the obligation to fulfill those preneed contracts will be assumed by the new owners. The Division is recommending 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, (if any), of the location(s) being acquired.

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

Chair Brandenburg – And at this time, we'd like to take a short break. I have 12 PM. Let's be back at 12:20, please.

*****BREAK*****

Chair Brandenburg – Ok, I've got 12:20. Welcome back. Ms. Simon?

Ms. Simon – Yes, sir.

- R. **Contract(s) or Other Related Form(s)**
 - (1) **Recommended for Approval with Conditions**
 - (a) **Preneed Sales Agreement(s)**
 - 1. **Neptune Management Corporation (F064863) (Plantation)**

Ms. Simon – Neptune submits a preneed sales agreement for approval: Prearranged Trust Funded Funeral Agreement. If approved, this agreement will be used for the sale of preneed contracts by the aforementioned preneed main establishment and its related preneed branches. The Division recommends approval with the condition that two (2) full sized print-ready copies of the preneed sales agreement are received by the Department within sixty (60) days of this Board meeting.

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

- 2. **Simple, Easy Affordable Cremation Inc. (F533284) (Tampa)**

Ms. Simon –SEAC submits a Prearranged Trust Funded Funeral Agreement for approval. If approved, this agreement will be used for the sale of preneed contracts by the aforementioned preneed main establishment and its related preneed branches. The Division recommends approval with the condition that two (2) full sized print-ready copies of the preneed sales agreement are received by the Department within sixty (60) days of this Board meeting.

Chair Brandenburg – Mr. Jensen?

Mr. Jensen – Yes. Just a quick question here. I recognize this as an FSI contract, and I would like to ask Ms. Wiener why is there no itemization on this?

Ms. Wiener – The sales are extremely limited. This contract was actually previously approved. We just changed a couple of the terms on page 3 and 4, but the format of the contract wasn't changed. Simple, Easy Affordable is an FSI client and FSI designed this contract for them. They really do just sell what is on that contract.

Mr. Jensen – So, they're a direct cremation only service?

Ms. Wiener – They are a funeral establishment, but yes, they only sell direct cremation, and they sell primarily online. Yes.

Mr. Jensen – Are they not required to have separate itemization?

Ms. Wiener – You are only, pursuant to the FTC Funeral Rule, required to itemize what you sell and direct cremation, as you know, pursuant to the funeral rule, is a package. So, we believe that their firm is compliant with the funeral rule.

Mr. Jensen – Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

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

S. Executive Director's Report
(1) Operational Report (Verbal)

Ms. Simon – For this part, I will turn the meeting over to Mary Schwantes, your Executive Director.

Ms. Schwantes – Thank you. Mr. Chair, may I?

Chair Brandenburg – Please go right ahead.

Ms. Schwantes – Thank you, sir. Good afternoon again, Board members. A quick update on the Board Appointment Process. I have spoken with the front office. We anticipate that the CFO will very soon present to the Governor, his nominations regarding the applications that were received for each of the five (5) open Board positions. Those who are nominated will be notified and provided information on the next step in the process. As a reminder, the next step will be that you will have to go through the Governor's application requirements and meet those that are established by the Governor's Office. In the meantime, please contact me if you have any questions on this matter.

We've had some Division changes, new faces, and some position openings, over the last couple of years, particularly last year, that I wanted to make you all aware of. And, of course, that information is being made available to the licensees and others who are listening in, as well. Like so many other agencies and businesses, over the past year or so, the Division has been dealing with staffing shortages, generally involving at least three (3) vacancies, again, we only have twenty-five (25) to twenty-seven (27) positions to begin with generally involving at least three (3) vacancies at any given time during the course of the year. Currently, we have four (4) vacancies. First, I want to commend, highly commend, all of our Division staff and team members for their extraordinary work in meeting all of the inspection, licensing, and other deadlines, despite staff shortages, the pandemic, and other challenges during these past couple of years. They've done a great job, and I cannot emphasize that enough to the Board or to our licensees. They really do a wonderful job every day, but with extra effort over the last couple of years. The vacancies that we have experienced are usually the result of employee retirements or relocation, but they've also provided advancement opportunities for remaining Division employees, and I'm very pleased to announce that we've been able to promote from within for many of the positions. This has multiple benefits to the employees by providing career advancement opportunity for them and greatly benefits the Division and the licensees, significantly expanding the cross training of our staff.

Those who are familiar with some of our Division employees may now receive communications from them in a different role. And because there's been so much change, I wanted to go through some of those role changes with you all now. Don Carr is now our Investigation Manager. He moved from our Examination Team. Stephanie Schmidt has moved from our Inspection Team to our Examination Team. Bill O'Brien is a new employee, a funeral director, who recently joined our Inspection Team, and we're glad to have him on board. Mary Ivory was promoted from an OPS position to our Licensing Team. Crystal Grant, a longtime Administrative Assistant for our Division who I know many of you have spoken with in the past, is now on our Licensing Team. So, again, a different role, but you'll still be dealing with a lot of these wonderful people. And Melissa Montgomery has moved to take over the Administrative Assistant responsibilities that Crystal assumed. So, those are some of the changes that we've had recently. While learning their new responsibilities, these employees are also continuing to assist in their former roles as needed during the continued staffing shortages. I want to thank them for that, as well. And I will update the Board and others, again, later in the year with any additional staffing changes. Again, because there were so many, I want to make sure that the Board was updated on the new roles.

To give you an update on the legislative session for 2022, the Department's Agency Bill has been filed. It was filed in House by Representative Chip LaMarca, on December 17th. It is assigned bill number HB959. The four (4) portions of the Agency Bill, which relate to Chapter 497, are as follows:

First, a change to s. 497.277. This deletes the cap on transferring burial rights fees. The purpose is to eliminate the current cap of \$50. If passed, there will be no cap.

The next change would be s. 497.369. This revises the requirement for licensure by endorsement to practice embalming. The purpose for this is to make it easier to obtain licensure in Florida, if you're already licensed in another state. Specifically, the proposal eliminates the current review by the Board and the Division to determine if the licensing requirements in another state are substantially equivalent to Florida's and provide that those who hold a valid license, in good standing, to practice embalming in another state, have engaged in the full-time licensed practice of embalming in that state for at least five (5) years, and meet the other testing and other requirements, would qualify for Florida licensure. So, again, listening to the industry, this effort is to try to make it easier for other state's licensees to enter our state individual licensees are who I'm referring to.

A change to s. 497.372, F.S., revises the scope of funeral directing practice. The purpose of this is to allow funeral establishment staff to perform some minor, administrative type activities, which currently require the funeral director perform them.

And, finally, the last change with s. 497.374, F.S. Similar to the proposed changes regarding the licensure by endorsement for embalming, this revises the requirement for licensure by endorsement to practice funeral directing. And the purpose, again, is to make it easier to obtain licensure in Florida, if you're already licensed in another state. The terms are very similar to the ones I read before. Specifically, the proposal eliminates the current review to determine if the licensing requirements in another state are substantially equivalent to Florida's and provide that those who hold a valid license in good standing to practice funeral directing in another state, have engaged to a full-time licensed practice of funeral directing in that state for at least five (5) years, and meet the other testing, et cetera requirements, would qualify for Florida licensure. That provision also proposes that an applicant need not hold an associate degree or higher if the applicant holds a diploma or certificate from an accredited program of mortuary science. So, again, trying to streamline the process and make it easier, make certain years of experience equal education, et cetera. There is not yet a companion Senate Bill, and the last I looked, the House Bill had not been assigned to committees yet, but we will be, of course, updating you all with that later. And, as a final reminder on this, the 2022 Legislative Session begins on January 11th, and ends 60 days later, on March 11th.

There is another bill that I just found or received notice about today. It is the Reviser's Bill: SB852. On January 4th, Senator Kathleen Passidomo filed SB852, which is titled Reviser's Bill. The stated purpose of the bill is to eliminate duplicative, redundant, or unused rulemaking authority, et cetera. We're still reviewing the bill. However, it does propose changes to Chapter 497. Specifically, in two (2) areas, s. 497.15, F.S., involving compliance examinations of existing licensees. The bill provides for the elimination of the requirement that the Department may adopt rules, or the implementation of that section. And s. 497.16, F.S., regarding receivership procedures under our chapter, similar to what I just told you about, the bill provides for the elimination of the requirement that the Department may adopt rules for the implementation of that section. So, a cleanup kind of a bill, but we will be monitoring it.

I have a matter that I want to discuss with you all regarding Board meetings. In May of 2021, the Board voted to hold all of the Board meetings through the end of this fiscal year, which again ends June 30th, to hold those meetings virtually. I'll come back later this spring with recommendations for the next fiscal year's meetings. Meanwhile, we have received through the course of this last year, a lot of compliments from our licensees, because they are saying that it is easier for them to attend, and we have had great attendance at the virtual Board meetings, but we've also received requests from Board members and others to go back to at least some in person meetings. And, as you all may recall, when we talked in May and made the decision to have virtual meetings, one of the biggest concerns in addition to the pandemic was our budget. So, we've been working with this and really were considering coming back to the Board and recommending having two (2) in person meetings before the end of the fiscal year. We were considering recommending that the March 3rd meeting, and again the dates for the meetings don't change, but the March 3rd meeting be held in Tallahassee, and that the May 5th meeting be held in Jacksonville. So, this was what we were working towards and coming back to the Board with. However, Omicron came up, and there is some uncertainty on accommodations at this point. So, what I would like to propose to the Board is that instead of having the Board vote today to have those two (2) meetings for March and May be held in person, as we've discussed, I'd like for the Board to consider authorizing the Board Chair and Executive Director to change the March and/or May meetings from the currently scheduled virtual format to in-person meetings at our discretion, depending upon the status of the pandemic, accommodation availability, and ability to meet any publication deadlines regarding the meeting notices. And, we do have to publish change of meeting times, etcetera, in advance, well in advance of the meetings. So, do any Board members have, well I see Rabbi Lyons has a question.

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Go right ahead.

Rabbi Lyons – Ok, thank you. Just to clarify, are we suggesting both meetings be in Tallahassee if they were to be in-person meetings?

Ms. Schwantes – Mr. Chair, may I just go ahead and respond to any questions that come up on this?

Chair Brandenburg – Please go ahead and respond.

Ms. Schwantes – Thank you, sir. Rabbi Lyons, what we were suggesting before was that the March meeting be held in Tallahassee. One (1) of the reasons for that is because that would be held towards the end of the Legislative Session. And I know in the past, at least, Board members have expressed interest in having a meeting in Tallahassee about that time. The May meeting, we suggested being held in Jacksonville. Again, with the Board's consideration on this, I think it would be more appropriate at this time, because of the pandemic and other accommodation concerns, to provide the Executive Director and the Board Chair with authority to change those meeting times, locations, et cetera, not the dates, but the locations, because of these other concerns. This is open to the Board for consideration. Mr. Knopke?

MOTION: Mr. Knopke moved to authorize the Board Chair and Executive Director to change the March and/or May meetings from the currently scheduled virtual format to in-person meetings, at their discretion, depending upon the status of the pandemic, accommodation availability, and ability to meet any publication deadlines regarding the meeting notices. Rabbi Lyons seconded the motion, which passed unanimously.

Ms. Schwantes – Thank you, Board members. We will make the arrangements as early as possible, and of course, coordinate with your schedules, as well, for any changes that are made. And, we will be working with Mr. Brandenburg on this, of course.

Chair Brandenburg – Thank you.

Mr. Knopke – Ms. Schwantes, on our agenda, we've got meetings listed all the way through December of this year, other than the July meeting. Do we need to vote on those, or have we done that already?

Ms. Schwantes – Mr. Knopke, we only voted, as I recall, and I did look back through the minutes, we only voted in May for the meetings through the end of the fiscal year. However, I will be coming back in the spring with recommendations for additional meetings after June.

Mr. Knopke – Ok, so the dates on the agenda are not firm at this point after, I guess, July, August?

Chair Brandenburg – They're not firm after June.

Mr. Knopke – Ok.

Ms. Schwantes – Mr. Knopke, normally the dates do not change. There is some exception for that during the summertime, as you know, and we'll be taking a closer look at that. Our intent was to return to, or at least try to return to some in-person meetings, three (3) or four (4) a year, at a minimum. We do have legislative authority, as you all know, to continue with virtual meetings, and that is a great, great benefit to our budget issues right now, but we will come back to the Board with discussion.

Mr. Knopke – Mr. Chair, if I may follow up with another question?

Chair Brandenburg – Please go right ahead.

Mr. Knopke – Have you all given any thought to, and I don't know the expense of it, of having offering both in-person and virtual meetings at the same time? Broadcasting?

Ms. Schwantes – Thank you for bringing that up, Mr. Knopke. That is an interest that we certainly have. As I said, we have gotten a lot of compliments from licensees, because they are able to attend these meetings and get the continuing education

credit and other benefits from that. Our problem is finding a location that we're able to do that. I am aware that there are other Boards or other agencies that do provide that. The ones that I have seen, I've been doing some research into this, and it seems like the ones that I've seen generally hold those meetings at one location. And so, I'm not sure how we would make that work and still be able to have meetings in different parts of the state, but we are looking into it.

Chair Brandenburg – Good point. Rabbi Lyons? I'm sorry, I can't see everyone. On my screen, I can only see six (6) people at a time.

Rabbi Lyons – All right, thank you. Ok, I just want to mention one thing. October 6th is the day after Yom Kippur. So, if that were to be a live in-person meeting, it would be very difficult or impossible to travel the day before. So, if we could maybe make sure that one stays virtual, I think...

Chair Brandenburg – What is that date?

Rabbi Lyons – October 6th is the day after Yom Kippur.

Chair Brandenburg – Thank you.

Ms. Schwantes – We'll take that into consideration when we look at the schedule for next fiscal year.

Rabbi Lyons – Ok, excellent. I think the other thing is that Ms. Clay is also in Palm Beach County, right? So, there you go. We're happy to host you all in Palm Beach County if we're talking about locations for live meetings.

Chair Brandenburg – Thank you.

Ms. Schwantes – The final item on the Executive Director report is just to remind you all that the next Board meeting is a videoconference meeting on Thursday, February 3, 2022. Happy New Year to you all. And that ends the Operational Report. Thank you, Mr. Chair.

Chair Brandenburg – Thank you. Appreciate that. Ms. Simon?

(2) Report: Payment of Disciplinary Fines and Costs (Informational)

Ms. Simon – This is informational only. Please accept, my apologies. The wrong date is listed on that form. However, that is indeed for today's meeting. It has been updated for today's meeting.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 Date of Board meeting: December 2, 2021
 Date report was prepared: November 22, 2021

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
Charles Hancock	12/2/2021	268724-20-FC	\$1,000			
Hancock Funeral Home	12/2/2021	268724-20-FC	\$1,000			
Marie Decker	May-21	243582-19-FC	\$2,250	11/22/2021	No	Sent to OGC for administrative action
Americare Funeral Services, LLC, d/b/a Lifesong	11/4/2021	280011-21-FC	\$500			
Southwest Professional Services, Inc.	11/4/2021	282717-21-FC	\$750	12/17/2021		
Debra Lynn Parrish	11/4/2021	282523-21-FC	\$1,000	12/17/2021		
Dees-Parrish Family Funeral Home	11/4/2021	280025-21-FC	\$1,000	12/17/2021		

Johnson-Nelson-Gill Funeral Home LLC	11/4/2021	282877-21-FC	\$1,750	12/17/2021	Paid in Full	
David Menneke	11/4/2021	276640-21-FC and 280022-21-FC	\$7,500	12/17/2021	Paid in Full	
Carol Y. Washington dba Washington Funeral Home	11/4/2021	283173-21-FC	\$1,250	12/17/2021	Paid in Full	
Florida Finest Family Cremations, LLC d/b/a Florida Family Cremations	11/4/2021	. 276834-21-FC and 280021-21-FC	\$7,500	12/17/2021	Paid in Full	
Hernando Crematory	Oct-21	282561-21-FC	\$250	11/18/2021	Paid in Full	
Jonnye Charlow	Oct-21	282725-21-FC	\$1,250	11/18/2021	Paid in Full	
Charlow Funeral Home	Oct-21	282722-21-FC	\$1,750	11/18/2021	Paid in Full	
Richard Ritchie	Oct-21	283112-21-FC	\$1,250	11/18/2021	Paid in Full	
Daniel Vinson	Oct-21	270655-20-FC	\$1,250	17-Jan-22	Paid in Full	
Vinson Funeral Home	Oct-21	270637-20-FC	\$1,750	17-Jan-22	Paid in Full	
Anthony Zipperer	Oct-21	283117-21-FC	\$1,250	11/18/2021	Paid	
Zipperer's Funeral Home	Oct-21	283113-21-FC	\$1,750	11/18/2021	Paid	
Callahan Funeral Home, Inc.	Oct-21	278180-21-FC	\$1,000	11/18/2021		Sent to OGC
Andrew Thornberry	Oct-21	280951-20-FC	\$500	11/18/2021	Paid	
Warren Family Funeral Homes, Inc. d/b/a Newcomer Cremations, Funerals & Receptions:	Oct-21	280392-21-FC	\$1,250	11/18/2021	Paid	
Winslow Honors Funeral Chapel	Oct-21	283111-21-FC	\$3,000	11/18/2021	Paid	
Phillips Mortuary	24-Jun-21	243521-19-FC	\$300	9/6/2021		Sent to OGC
Metro Crematory Inc.	24-Jun-21	278434-21-FC	\$250	9/6/2021		Sent to OGC

 12-20-2021

T. Chairman's Report (Verbal)

Chair Brandenburg – Thank you. Although there may be some other Board Members and staff that I don't have the information on, but I just want to recognize that Board member Darrin Williams' birthday is tomorrow. Happy birthday. And our Division director, Mary Schwantes' birthday is tomorrow. So happy birthday to both of you. That's all I have.

Ms. Schwantes – Thank you.

Mr. Williams – Thank you.

**U. Office of Attorney General's Report
(1) Attorney General's Rules Report (Informational)**

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
JANUARY 2022**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-12.011	Annual Inspection Fees for Monument Builders	09/02/2021	10/19/2021	10/29//2021	11/17/2021		

Ms. Simon – Ms. Munson?

Ms. Munson – Happy New Year, Board. I just wanted to alert you that the Rules Report that you see for January 2022 is still accurate and current. As of just yesterday, however, I received a letter from the Joint Administrative Procedures Committee with comment regarding the rulemaking involving 69K-12.011. The rule is technically scheduled to expire in the rulemaking process next month. And I would request that the Board approve the tolling of this rule so that we don't run into a wall regarding this expiration and have to start this process over while I review, initially, with the Department and report to the Board at the February meeting what some of the concerns were that were raised by the Joint Administrative Procedure Committee, and my response to those concerns as well. So, I'm just simply requesting that the rule be tolled, so that I can properly and efficiently request it to the Joint Administrative Procedure Committee, so that we don't find ourselves in a start-over process.

Chair Brandenburg – Is there a motion to that effect?

MOTION: Mr. Knopke moved to approve the tolling of Rule 69K-12.011. Mr. Hall seconded the motion, which passed unanimously.

Ms. Munson – Thank you, Chair. That concludes my report.

V. Public Comments (Verbal)

Ms. Simon – This is the time for any comments to be made or any questions.

Chair Brandenburg – Mr. Jensen, I see your hand.

Mr. Jensen – Yes, Mr. Chair, thank you. I've been kind of saving this. I have a question. What would we need to do to be able to address the fines on the coolers? What has to be done to address that? I feel this is a little unreasonable. Anybody?

Chair Brandenburg – Ms. Munson? And, Mr. Hall?

Mr. Hall – We've talked about that in the past. Chris, and I agree with you. My concern is like Ms. Wiener eluded to earlier. Sometimes if it's a busy location, and those doors are open and shut, placing them in or taking them out to go to the crematories, et cetera, it can affect it. It's all mechanical equipment. Anything can break in your funeral home, whether it's video equipment, cooler, etcetera, overnight and it may be at night, but each time, it's a problem. So, my feeling has been in the past is if we can have some type of agreement were if the funeral director there could establish to you that it was fine, the thermostat went out or whatever happened to the unit, and he provides a billing where he paid that the correct it immediately, then you waive that, you know, or you move on. If they refuse to do that and inspector goes back and it's still a problem, then you fine that person. But anything that's mechanical, I mean anything in our facilities, our vehicles, our video equipment or anything can go out, so to come in and hit the guy with a \$1500 fine, that's a little much. If he doesn't respond to the request for the repairs, then he gets the fine.

Ms. Schwantes – Mr. Brandenburg, may I?

Chair Brandenburg – Yes, but let's do all Board members. Let's remember that cases coming before us, we have the authority to decide the disciplinary fines, and we can change, or we can administer the fines as the Board sees fit. Does that make sense, Mr. Jensen?

Mr. Jensen – Yes, sir. It does make sense, and I did pose that question earlier when we were fining the funeral home and the FDIC \$1500 apiece. That's a \$3000 bill for the cooler being four (4) or five (5) degrees over. I'm just wondering if possibly, and the answer was, from Ms. Simon, that that is the normal fine. So, I guess my question is, I understand we can change it at the time, and maybe we should look at that or have a step-process or something because that's excessive. I mean, we're in Florida. If we open a cooler in Florida, I mean, the temperature is going to go up and depending on when the inspector comes in and there's also a lot of talk about the type a thermometer and different things, but I just feel, you know, \$1500 for the FDIC and \$1500 for the funeral home is a little excessive. That's more than, you know, probably twice or three (3) times as much as it

costs them to fix their cooler problem or whatever the case might be. And for expired licenses, false reports, and negligence, I mean, we've fined someone \$3200 for negligence earlier. So, you know, \$1500 for a few degrees on a cooler seems excessive. I'm just wondering how we deal with this. So, I guess you're saying we deal with it on an individual basis and not have a set standard. Is that what I'm hearing?

Chair Brandenburg – That was my opinion. And not only on those cases, but any cases coming before us, we have the discretion, as a Board, to make those decisions.

Ms. Wiener – Mr. Chairman?

Chair Brandenburg – Yes?

Ms. Wiener – Thank you. So, the tricky part about this, and I don't know if Marshawn and I are going to say something similar, but we do appreciate that the Board has the capacity to revise a fine that comes before you with a stipulation, if you don't feel that it's reasonable. No licensee, like Foundation Partners and Mr. Sanders, found that the \$1500 fine was reasonable. And I would certainly invite you to reopen that matter before we conclude this meeting and change that fine if you find it appropriate. But we really need to address this issue in a more meaningful way, like Mr. Hall suggested or some other way because it makes it difficult. Mr. Griffin and Mr. Bossert, they have penalty guidelines to go by, and that's what they have to go by. And they talk to their client, and their client says, go with the penalty guidelines, and that is what ends up happening. But, and then when we come to the Board, when the licensee then makes an argument for the Board to go lower, then that really undermines the whole negotiating a settlement situation and the relationship between the licensee and counsel for the Division. So, I would encourage the office to or the Board rather to send this matter back to rulemaking to revise how the fines regarding this refrigeration matter are handled.

Ms. Schwantes – Mr. Chair, may I?

Chair Brandenburg – Go right ahead.

Ms. Schwantes – Thank you, sir. I just wanted to explain to Board members a little bit better on some of the inspection and training practices that are put in place. So, if one of our inspectors goes on-site to a facility and they open the cooler, or they find out the cooler has been opened a lot in the last half hour, they will close the cooler and wait for a little while to see if it goes down. And so that does happen. Our inspectors are very aware that we're in Florida and very aware of problems that our licensees have and try to work with the licensees, as much as is possible. Very frequently, I'm not speaking to any of the cases that were before the Board today, necessarily, but very frequently, what actually comes to the Board involves more than just the violation regarding cooler and the temperature. There are other violations involved as well. And settlements take those violations into consideration as well. And I don't know whether Mr. Griffin got off or not, or if he had something he wanted to add to that, but I did want to explain that our inspectors and our staff are working with the licensees as much as we can.

Chair Brandenburg – Mr. Griffin, did you want to respond?

Mr. Griffin – My only response is to change the penalty guidelines and rulemaking. There are very clear guidelines that are prescribed by rule for any sort of violation. We are creatures of statutes and rules, as attorneys, and as an agency. So, if there's a different outcome that you'd like to see, the rules have to be changed to change the penalty guidelines versus an ad hoc or some sort of remedial measures, et cetera. It's just easier to change the rule to change the penalty guidelines.

Chair Brandenburg – Thank you. Mr. Hall?

Mr. Hall – I just want to elude back to what Mary just said, and it's 100% correct. We've had inspectors in, and we told them we've been in and out, and they'll close it to make sure it adjusts. They have their own equipment with them to gage it, and we're watching ours to make sure it goes back down and they're not unreasonable there. Again, I think going back to it, if we can have some type of agreement or change the rules like Marshawn said, but if when you have some type of agreement and if it's a repeat offender, and they're not servicing their equipment, they're not repairing their equipment, then that's when the added fine comes in, but on the first round, it's excessive.

Chair Brandenburg – Thank you.

Ms. Munson – Chair Brandenburg?

Chair Brandenburg – Go right ahead.

Ms. Munson – I just wanted to just add for the record that with any of these penalty guidelines, because every case is fact specific, I want the Board to, and it's just a reminder. I'm sure that you can adjust those with regard to your consideration as mitigating or adjust it up for aggravating, adjust it down for mitigating circumstances that apply to that specific case. I know we're talking primarily about settlement stipulations, but they would apply to any discipline case that come before you, where these quality guidelines are in play. And when we consider rulemaking regarding changing the penalty guidelines, that probably will be an issue that is definitely on the table, but you might want to consider what you consider to be a reasonable guideline, or you're still going to be faced with the same type of dynamic. Whether to adjust up, or whether to adjust down for mitigating circumstances. So, I just thought, again, since some of the Board members are newer, they may not fully understand how that works. And I just wanted to, again, present that for consideration as well, and the interest in the thought process. Thank you, Chair.

Chair Brandenburg – Thank you.

Ms. Dominique Beeks – Mr. Chairman?

Chair Brandenburg – Go right ahead.

Ms. Beeks – Yes, sir. I had an actual question concerning the law that states that you cannot be a funeral director or direct disposer and a life insurance agent at the same time. We are not to be a preneed agent. So, I just kind of wanted to let you know you or if you guys are aware of it, or can I get an understanding on why it might be like that? Do you guys know about that?

Chair Brandenburg – Mr. Hall?

Mr. Hall – Ms. Wiener would be a good one for you to go back to on that, in terms of the Insurance Department. It's not our group, it's through the insurance side, because even when I came on the Board originally, they went back, and they thought that maybe there's a conflict with me holding an insurance license and being on the Board. It went back and forth, then finally they come back and determined there was no gray area, and said I could keep it, but I just (inaudible), because I didn't want that issue. I think she would be a good one. If Bill is on, he can go over that with you, either one.

Ms. Beeks – What's our name again, I'm sorry.

Mr. Hall – Wendy Wiener, the attorney that's been on earlier. She's done a lot of work with the Insurance Department, too.

Ms. Munson – Or for the record, any member of the Department staff. You should always feel free to call the office as well directly.

Ms. Beeks – Thank you. And then also, one more question, if I may? Just speaking in terms of just getting licensed in general, being a licensed funeral director and embalmer. Just going through testing, are you guys aware of the statistics on the, I guess the retakes of taking the test? And then even just me personally going through my own experiences for myself, there are fees to retake the test as well. And then over some time, the test score has went up, as well, but we don't get questions back on what we missed to kind of like go over that. Plus, they constantly change the fee. Those were just some of my concerns. I don't know if I'm in the right space for that, but those are kind of like my concerns as far as going through my process. Getting licensed and trying to give my community the best services as possible, and I did obtain a preneed license. Me personally, I feel like my family would benefit from a life insurance policy over a preneed policy, not just based on what the funeral home sells, but just to have the opportunity to provide generational wealth. Those are my concerns.

Ms. Jasmin Richardson – Mr. Chairman? I'm sorry this is Jasmin, and I did want to respond real quick to Ms. Beeks. That is something that you can contact me about and we can discuss, because I believe you're speaking of the National Board exam,

and that's not something that this Board or the Division has any jurisdiction over. So, that's something you can contact me about and we can discuss it further, but that is not something that the Board or this Division authorizes. That is a different examination from the Law and Rules exam.

Chair Brandenburg – Thank you, Ms. Richardson.

Ms. Beeks – Thank you so much.

Chair Brandenburg – Any other comments? Mr. Jensen?

Mr. Jensen – Yes, sir, Mr. Brandenburg. I hate to beat this down again, but I don't feel like I've gotten any resolution on this cooler thing. Mr. Griffin said that the normal fine is \$1500, and I would agree with what Ms. Wiener said. If the normal fine is \$1500, and it goes to a settlement, the settlement is \$1500, then they come before the Board. The Board is going to ask why did they agree to the \$1500 if they weren't willing to do that? I get all that. I'm just saying perhaps we should have a new normal on that, because \$1500 per incident for the funeral home and the FDIC, I just believe is excessive in our state.

Chair Brandenburg – Well, we can certainly address that in the rulemaking, and I think Ms. Munson has taken note of this. Is that correct, Ms. Munson?

Ms. Munson – Yes, sir. The February meeting, if you would like, we can review the matter, and if the Board wants to open that particular rule up for rulemaking, we can present that for discussion at the next meeting. It's the Board's call because it's the Board's rule. Some of these rules overlap with the Department, though, and that's why I'm a little bit quiet. I know that Director Schwantes may have a comment.

Ms. Schwantes – Yes. Mr. Chair, may I?

Chair Brandenburg – Go right ahead.

Ms. Schwantes – Thank you, sir. Thank you, Mr. Jensen, for your concerns on that. If it is ok with Board, I would like to talk to Ms. Munson about this to determine whether this is a Department rule or a Board rule. If it's a Department rule, it would not go through the rulemaking that Ms. Munson is talking about, it would go through with the Department. However, I do also want to point out that this is part of the huge rule that we did several years back on the disciplinary guidelines, and you can't just open up one little part, you're opening up the entire rule. So, I just want to remind you all of that, and again, as a final reminder, most of the cases involve more than one violation that settlements and penalty recommendations are made on. And, Mr. Griffin has his hand up, Mr. Brandenburg, in case you can't see that.

Chair Brandenburg – Go right ahead.

Mr. Griffin – I just wanted to make a correction. Mr. Bossart may have misspoken earlier. So, there is no set, almost no violation under 69K-30.001, it's a \$1000 fine, it's a range. So, for example, failure to properly refrigerate is \$500 to \$2500 in fines. So, honestly the settlement at \$1500 is kind of splitting the baby in the middle, but it's a range. I can probably count on one (1) or two (2) hands the number of violations, and we've itemized almost every possible violation under Chapter 497 into its own penalty. There's only about five (5) or ten (10) that have a set amount. Everything else is a range.

Chair Brandenburg – Good. So, any other comment? Mr. Jensen.

Mr. Jensen – Can we put this on the February meeting and address it, because I did hear them correct that it's sort of a standard amount. I like what Mr. Hall said about having maybe a first violation at this, a second, or third violation at a higher amount. I think that \$1500 out of the gate, I mean, and I know that it's not written down, but it's sort of accepted, the \$1500. So, somehow, I don't know how to do it, but we have to figure out how to get away from that is what I'm proposing. Mr. Griffin?

Mr. Griffin – The rule also already contemplates different fine amounts for subsequent violation. So, just to use this one as a hypothetical, the second violation is \$2500 to \$5000.

Mr. Jensen – Oh.

Mr. Knopke – Mr. Chair?

Chair Brandenburg – Is that Mr. Knopke?

Mr. Knopke – It is.

Chair Brandenburg – Go right ahead.

Mr. Knopke – Thank you, sir. For Ms. Schwantes, or Ms. Munson, or both. Could we go ahead, through a motion or something, schedule a Rules Committee meeting at the next Board meeting, to take this issue up, if it's determined that it is a Board rule and not a Department rule? That way, we've got a step ahead of it, as opposed to getting there and saying, nope, you can't. You have to do it a different way.

Ms. Munson – I'm not opposed to setting any type of meetings with regard to rulemaking, so my short answer is yes.

Ms. Schwantes – Mr. Chair, may I?

Chair Brandenburg – Go ahead.

Ms. Schwantes – Mr. Knopke, I'm not sure whether you were suggesting that the Rules Committee meeting occur at the same time as the February Board meeting, or that we just tried to go ahead and schedule something around that time. It would be a virtual meeting.

Mr. Knopke – My motion would be to schedule it either as part of the Board meeting or immediately after the Board meeting, or immediately before the Board meeting. I don't think it would take all that long to, at least, address this issue. But rather than getting it to February, and then talking about it, to talk about a meeting down the way, I'm just trying to get the process going.

Ms. Schwantes – If acceptable to the Board, what I would like to do is, again, have an opportunity to discuss this with Ms. Munson and, of course, with our counsel, regarding where the appropriate rulemaking is and such. And if you all will accept a commitment from us that we will take a look at the possibility of having a Rules Committee meeting at some point close by the next February Board meeting, but I don't want to commit to having it during the meeting and just need to look into that. And we do need to have enough time to publish notice about that. So, if I may have the leeway to work on that, I will commit to looking into it.

Mr. Knopke – It's fine by me.

Chair Brandenburg – Please use your discretion on that. You know that it is a concern of the Board and several members of the public, and we appreciate your attention on this.

Ms. Schwantes – Thank you, sir.

Mr. Knopke – Marshawn?

Mr. Griffin – Something I would say for us to think about is if we're ever going towards this rulemaking process is, we used to have a lot of these violations that were citations that never came before the Board, that were handled kind of outside of your \$300 flat. And a long time ago, almost a lot of things were citations, and then we changed the rules to turn almost everything into reprimand, fine, this range. So, something to consider might be is starting to parse out what things should just be flat citations that can be resolved without this process. That's all I would say.

Chair Brandenburg – Thank you.

Mr. Hall – Thank you.

W. Upcoming Meeting(s)

- (1) February 3rd (Videoconference)
- (2) March 3rd (Videoconference)
- (3) April 7th (Videoconference)
- (4) May 5th (Videoconference)
- (5) June 21st (Videoconference)
- (6) July TBD (Videoconference)
- (7) August 4th (Videoconference)
- (8) September 1st (Videoconference)
- (9) October 6th (Videoconference)
- (10) November 3rd (Videoconference)
- (11) December 1st (Videoconference)

X. Adjournment

Chair Brandenburg – All right. We'll see you next meeting. Everybody be safe out there. Thank you again, everybody.

The meeting was adjourned at 1:06.