

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
JUNE 21, 2022 - 10:00 A.M.

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

Mr. Jody Brandenburg, Chair – Good morning. Welcome to the Board of Funeral, Cemetery, and Consumer Services' Videoconference meeting. It's June 21, 2022. Ms. Simon would you please make your preliminary remarks?

Ms. Ellen Simon – Yes, Mr. Chairman. Good morning. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is June 21, 2022, and it's approximately 10:00 A.M. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by videoconference. 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 this 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 a 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 can 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, 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 reminder, Board meetings are public meetings under Florida Law, and anything said via chat is subject to a public records request. This feature should only be used for technological issues you may be experiencing, and all inquiries in chat should be directed to Mary Schwantes, Division Director. She is monitoring the chat feature and, as necessary, will forward your inquiry to someone who can assist in resolution of the problem. Mr. Chairman?

Chair Brandenburg – Thank you. I'd like to introduce and recognize the new members of the Board. Todd Ferreira?

Mr. Todd Ferreira – Yes, Sir?

Chair Brandenburg – Good morning and welcome aboard.

Mr. Ferreira – Thanks.

Chair Brandenburg – Mr. Ferreira, Ferreira Enterprises, from McClenny. Next is Janis Liotta. Janis is a CPA in Saint Augustine and we're so glad to have a consumer CPA member.

Ms. Janis Liotta – Glad to be here.

Chair Brandenburg – We've been without a CPA consumer member, so I'm glad you're with us, Ms. Liotta.

Ms. Liotta –Thank you.

Chair Brandenburg – And Jill Peeples, from Jacksonville and has Peeples Funeral Services. I'm glad to have you with us, Jill.

Ms. Jill Peeples – Thank you, sir.

Chair Brandenburg – Of course, the reappointment that I would like to recognize is a consumer member, Darrin Williams. Thank you for serving again, Darrin.

Mr. Darrin Williams – Thank you, Mr. Chairman.

Chair Brandenburg – I'll call upon Ms. Schwantes.

Ms. Simon – Actually, Mr. Chairman, would you mind if I take the roll at this point?

Chair Brandenburg – Let's take the roll now.

Ms. Simon – Ok. At this point I will take the roll:

Joseph "Jody" Brandenburg, Chair
Andrew Clark
Sanjena Clay
Vincent "Todd" Ferreira
Christian "Chris" Jensen
Kenneth "Ken" Jones
Janis Liotta
Jay Lyons
Jill Peeples
Darrin Williams

Also noted as present:

Mary Schwantes, Executive Director
Rachelle Munson, Board Legal Advisor
James Bossart, Department Legal Counsel
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff
Crystal Grant, Department Staff
LaShonda Morris, Department Staff

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

Chair Brandenburg – Thank you so much. I'd like to call upon Mary Schwantes.

Ms. Mary Schwantes – Thank you, sir. Before beginning my introduction, I want to congratulate Mr. Brandenburg on his reappointment to the Board as well. Sir, we're very glad to have you back on Board, as well.

Chair Brandenburg – Thank you

Ms. Schwantes – So, I'm very pleased, on behalf of Chair Brandenburg and also this Division, to read to you all into the record two (2) resolutions for former Board members, Keenan Knopke and Lew Hall. So, we'll begin with the resolution and recognition and appreciation of distinguished service by Keenan L. Knopke. And I actually am not sure if either of these

gentlemen are joining us today, but if they are, and they want to turn their cameras on or their microphones, that would be lovely. Don't see anything. So, again, it reads:

**RESOLUTION
IN RECOGNITION AND APPRECIATION OF
DISTINGUISHED SERVICE
BY
KEENAN L. KNOPKE**

WHEREAS, Sections 497.101 and 497.102, Florida Statutes, effectively establish the composition and authority of the Board of Funeral, Cemetery, and Consumer Services (the "Board"), which is comprised of ten members who serve 4 year staggered terms for the general purpose of overseeing the licensing and regulation of Florida's death care industry;

WHEREAS, Keenan L. Knopke was appointed by the Governor of Florida as a Board member in 2013 and graciously volunteered his time and expertise to the Board, providing invaluable insights, perspective, and guidance throughout his term with the Board;

WHEREAS, Keenan L. Knopke served on the Board with great professionalism, dedication, and distinction:

WHEREAS, Keenan L. Knopke's service as Board Vice-Chair, participation on the Board's Probable Cause Panel, participation in Board activities, and recommendations throughout the years have greatly assisted the Board in fulfilling its mission;

NOW, THEREFORE, BE IT RESOLVED that the Board of Funeral, Cemetery, and Consumer Services acknowledges and extends its gratitude to Keenan L. Knopke for his dedicated service to the Board, his notable contribution to the Board's mission, and his dedicated service thereby to Florida's death care industry and consumers.

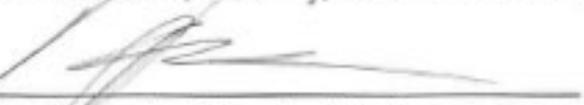


**Adopted by the Board of Funeral, Cemetery,
and Consumer Services**

On June 21, 2022



Joseph Brandenburg, Chair
Board of Funeral, Cemetery, and Consumer Services



Mary Schwantes, Executive Director
Board of Funeral, Cemetery, and Consumer Services

Ms. Schwantes – It would be appropriate for the Board at this time to vote on that resolution, for Keenan L. Knopke. Mr. Chair?

MOTION: Chair Brandenburg moved to adopt the resolution. Mr. Ken Jones seconded the motion, which passed unanimously.

Chair Brandenburg – Thank you.

Ms. Schwantes – Wonderful. The record will show that this resolution was adopted by the Board today, on June 21, 2022, and a certificate looking like this will be framed and mailed to Mr. Knopke. So, the second resolution that I have reads:

**RESOLUTION
IN RECOGNITION AND APPRECIATION OF
DISTINGUISHED SERVICE
BY
LEWIS HADLEY HALL, JR.**

WHEREAS, Sections 497.101 and 497.102, Florida Statutes, effectively establish the composition and authority of the Board of Funeral, Cemetery, and Consumer Services (the "Board"), which is comprised of ten members who serve 4 year staggered terms for the general purpose of overseeing the licensing and regulation of Florida's death care industry;

WHEREAS, Lewis Hadley Hall, Jr. was appointed by the Governor of Florida as a Board member in 2009 and graciously volunteered his time and expertise to the Board, providing invaluable insights, perspective, and guidance throughout his term with the Board;

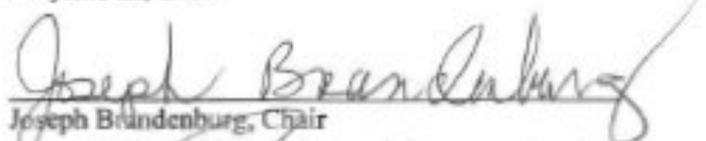
WHEREAS, Lewis Hadley Hall, Jr. has served on the Board with great professionalism, dedication, and distinction;

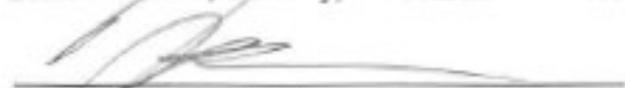
WHEREAS, Lewis Hadley Hall, Jr.'s participation in Board activities and recommendations throughout the years have greatly assisted the Board in fulfilling its mission;

NOW, THEREFORE, BE IT RESOLVED that the Board of Funeral, Cemetery, and Consumer Services acknowledges and extends its gratitude to Lewis Hadley Hall, Jr. for his dedicated service to the Board, his notable contribution to the Board's mission, and his dedicated service thereby to Florida's death care industry and consumers.



**Adopted by the Board of Funeral, Cemetery,
and Consumer Services
On June 21, 2022**


Joseph Brandenburg, Chair
Board of Funeral, Cemetery, and Consumer Services


Mary Schwantes, Executive Director
Board of Funeral, Cemetery, and Consumer Services

Ms. Schwantes – Again, it would be appropriate at this time for Board action on this resolution.

MOTION: Chair Brandenburg moved to adopt the resolution. Ms. Sanjena Clay seconded the motion, which passed unanimously.

Ms. Schwantes – Thanks, Board members. The record will also show that this resolution for Lewis Hadley Hall, Jr. was adopted by the Board on today and a framed copy of the resolution will be mailed to him. Thank you, Mr. Chair, and thank you Board members.

Chair Brandenburg – Thank you.

B. Action on Minutes

(1) May 5, 2022

Chair Brandenburg – Action on the minutes of the May 5, 2022 meeting.

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

Chair Brandenburg – Ms. Simon?

Ms. Simon – Thank you, Mr. Chairman.

C. Disciplinary Proceeding(s)

(1) Settlement Stipulations (Probable Cause Panel A)

(a) Gallaher American Family Funeral Home LLC: DFS Case No. 278188-21-FC; Division No. ATN-35934 (F405563)

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

Mr. James Bossart – Good morning to the Board. May I proceed, Mr. Brandenburg?

Chair Brandenburg – Mr. Bossart, you go right ahead.

Mr. Bossart – Thank you. This is James Bossart for the Office of the General Counsel. Gallaher American Family Funeral Home LLC (“Respondent”) is a licensed funeral establishment, licensed under Chapter 497, Florida Statutes. The Division conducted an investigation of Respondent and alleges that on November 30, 2020, Respondent’s license as a funeral establishment expired and was not renewed until December 29, 2020. Respondent has entered into a proposed Settlement Stipulation. The proposed stipulation provides for a \$250 administrative fine. The Department requests that the Board accept this Settlement Stipulation. Thank you.

Chair Brandenburg – Is there anyone on the call representing Gallaher American Family Funeral Home? Hearing no response. Board?

MOTION: Mr. Chris Jensen moved to Board accept this Settlement Stipulation, which provides that the Respondent shall pay a \$250 administrative fine. Ms. Peeples seconded the motion, which passed unanimously.

(2) Department’s Motion for Order Dismissing Petition without Prejudice (Probable Cause Panel B)

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

Mr. Williams – Mr. Chairman?

Chair Brandenburg – Is someone trying to get my attention?

Mr. Williams – Yes, sir. Mr. Chairman, this is Darrin Williams. I served on Probable Cause Panel B. I read through the case, but I'm not sure if I was present during that Probable Cause meeting, but I'd like to declare that I do serve on Probable Cause Panel B and I may have served on this panel during this case hearing. So, I just wanted to disclose and declare that, if I'm in order.

Chair Brandenburg – The case for HW Oldham Funeral Home?

Mr. Williams – Yes, sir.

Chair Brandenburg – Thanks for that declaration. So, noted.

Ms. Simon – Mr. Williams, if I may ask? Are you recusing yourself?

Mr. Williams – Yes. I served on Probable Cause Panel B.

Ms. Simon – Thank you, sir.

Mr. Williams – Yes, ma'am.

Ms. Simon – Is there a representative of this entity on the call today? Hearing no response. Mr. Bossart?

Mr. Bossart – Thank you, ma'am. May I proceed, Mr. Chairman.

Chair Brandenburg – Please, Mr. Bossart.

Mr. Bossart – The above-referenced matter is presented to the Board for consideration of the Department's Motion for Board to enter an Order Dismissing Petition without Prejudice ("Order"). On or about October 22, 2021 the Department filed an Administrative Complaint against HW Oldham Funeral Home ("Respondent") alleging violations of chapter 497, Florida Statutes. On or about November 24, 2021, Respondent timely submitted a petition for hearing alleging that there were disputed issues of material fact and requesting a hearing pursuant to section 120.57(1), Florida Statutes. Respondent's petition failed to meet the requirements for a petition for a formal hearing as outlined in Rule 28-106.2015, *Florida Administrative Code*. Accordingly, this motion requests that the Board dismiss Respondent's petition without prejudice and enter an order providing Respondent with an additional twenty-one (21) days in which to file a facially sufficient petition for formal hearing or to request an informal hearing. Furthermore, the Department requests that the Order provide that if Respondent fails to provide a timely response to the Order that Respondent will have waived its right to a hearing in this matter. Thank you. The Department would ask that you enter this Order. Thank you.

Chair Brandenburg – Board, is there a motion?

MOTION: Mr. Ken Jones moved to dismiss Respondent's petition without prejudice and enter an Order providing Respondent with an additional twenty-one (21) days in which to file a facially sufficient petition for formal hearing or to request an informal hearing. Furthermore, the Order shall provide that if Respondent fails to provide a timely response to the Order that Respondent will have waived its right to a hearing in this matter. Mr. Jensen seconded the motion, which passed unanimously.

D. 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.

E. Application(s) for Continuing Education
(1) Course Approval - Recommended for Approval without Conditions – Addendum B
(a) Academy of Graduate Embalmers of Georgia, Inc (41609)

- (b) *Florida Cemetery, Cremation & Funeral Association (75)*
- (c) *Florida Morticians Association (23208)*
- (d) *Frigid Fluid Company (44808)*
- (e) *Ged Lawyers, LLP (17408)*
- (f) *Independent Funeral Directors of Florida Inc (135)*
- (g) *International Cemetery, Cremation and Funeral Association (22808)*
- (h) *National Funeral Directors and Morticians Association, Inc (15608)*
- (i) *National Funeral Directors Association (136)*
- (j) *New Jersey Funeral Service Education Corp (7002)*
- (k) *WebCE (43)*
- (l) *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. Williams moved to approve the applications. Ms. Peeples seconded the motion, which passed unanimously.

Chair Brandenburg – Just a moment. Particularly, for the new members, I want to share with you the Continuing Education Committee: Andrew Clark, Gail Thomas-DeWitt, Tracy Huggins, Steven Miller, and Roy Scott. Since it's our first full meeting together, I thought you needed to know those names, because they serve diligently, and review all this continuing education information before it comes to the Board. It really does help us understand what's going on with their pre-approval. So, thank you.

- (2) *Provider Approval - Recommended for Approval without Conditions – Addendum C*
 - (a) *Foundation Partners, LLC (46208)*
 - (b) *McClendon Agency (45808)*
 - (c) *Simon Law Group, P.A. (46008)*
 - (d) *Witherspoon Law Group (46408)*

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

Mr. Andrew Clark – Mr. Chairman?

Chair Brandenburg – Mr. Clark?

Mr. Clark – Just want to state for the record my affiliation with Foundation Partners Group of Florida, and it will not prevent me from rendering a fair and impartial decision.

Chair Brandenburg – Thank you for that declaration. Board?

MOTION: Mr. Jones moved to approve the applications. Mr. Williams seconded the motion, which passed unanimously.

- F. **Consumer Protection Trust Fund Claims**
 - (1) *Recommended for Approval without Conditions – Addendum D*

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

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

G. Application(s) for Embalmer Apprentice

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum E*
- (a) *Acevedo-Rios, Andres F587196*
 - (b) *Bennett, Elizabeth J F589692*
 - (c) *Butler, Jovan E F583894*
 - (d) *Howard, Lawrence F333820*
 - (e) *Marvin, Meghan M F591615*
 - (f) *Maynard, Joshua A F584445*
 - (g) *McKay, Holly M F593262*
 - (h) *Mihalik, Vivien F590064*
 - (i) *Oreckinto, Anita F F590729*
 - (j) *Proctor, DonQurain J F590164*
 - (k) *Weaver Sr, Ricardo D F591598*

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.

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

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum F*
- (a) *Funeral Director (Internship and Exam)*
 - 1. *Barker, Erin M*
 - 2. *Meeks, Cheryl T*
 - 3. *Sikes, Lyndsey H*
 - (b) *Funeral Director and Embalmer (Endorsement)*
 - 1. *Escamilla, Mariah L*
 - 2. *Federico, Joseph D*
 - 3. *Herman, Robert P*
 - 4. *McRae, Donna S*
 - 5. *Nieves, Holly C*
 - 6. *Rector, Danielle A*
 - 7. *Sparzak, Sydney A*
 - (c) *Funeral Director and Embalmer (Internship and Exam)*
 - 1. *Ohm, Christina*
 - 2. *Partin, Courtney N*
 - 3. *Ponce, Alisia L*
 - 4. *Sams, Valoria*
 - 5. *Stone, Brian M*
 - 6. *Washington, Tabitha D*
 - 7. *Weiss, Hannah E*

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) *Recommended for Approval with Conditions (Criminal History)*
- (a) *Funeral Director and Embalmer (Endorsement)*
 - 1. *Mora, Manuel A*

Ms. Simon – An application for a funeral director and embalmer license was received by the Division on March 14, 2022. The application was incomplete when submitted. A completed application was received on May 13, 2022. The applicant’s fingerprints were received with a relevant criminal history, which is listed on the coversheet in your Board packet. The Division is recommending approval subject to the condition that the applicant be placed on probation for one (1) year once the Florida Law and Rules Examination has been passed and the funeral director and embalmer license is issued.

Chair Brandenburg – Is Mr. Mora on the call or anyone representing Mr. Mora? Hearing none.

Mr. Clark – Mr. Chairman?

Chair Brandenburg – Mr. Clark?

Mr. Clark – Yes, I just want to state for the record, I have an affiliation with Mr. Mora. However, that affiliation will not prevent me from rendering a fair and impartial decision.

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

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

Chair Brandenburg – Go right ahead, Ms. Peebles.

Ms. Peebles – On page 12 of the Board packet, under this Sentence Order from Colorado, it states that there's twenty (24) months of supervised probation, and I didn't see where that had been any kind of information to the Board. It was filed on July 28, 2020, So, we haven't reached that two-year mark. Has the Board Office received any information from Mr. Mora?

Ms. Simon – If I may, Mr. Chairman?

Chair Brandenburg – Go right ahead.

Ms. Simon – It would appear that the conditions placed on the recommendation for approval include probation, which would align with the criminal probation. So, while he is on criminal probation, he will be on probation with the Division, if approved.

Chair Brandenburg – Thank you.

Ms. Peebles – Thank you, Ms. Simon.

MOTION: Mr. Jensen moved to approve the application subject to the condition that the applicant be placed on probation for one year once the Florida Law and Rules Examination has been passed and the funeral director and embalmer license is issued. Mr. Jones seconded the motion, which passed unanimously.

I. Application(s) for Internship

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

(a) Funeral Director

1. Chandler, Glenn A F592313

(b) Funeral Director and Embalmer

1. Allers, Kelly A F501641

2. Batts, Jamaad C F236933

3. Coffee, Shamonique L F592097

4. Cooper Jr., Aaron A F080847

5. Gomez, Amanda M F591291

6. Mills-Coleman, Chelsey S F591581

7. Ortiz, Alexandra R F527263

8. Simon, Jordan B F590065

9. Williams, Justin T F592359

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 G.

(2) Recommended for Denial (Criminal History)

(a) Funeral Director and Embalmer

1. Lewis, Johnnie R

Ms. Simon – Is Johnnie Lewis or a representative on this call today?

Mr. Johnnie Lewis – Yes, I am here.

Ms. Simon – Thank you, sir. An application for a concurrent intern license was received by the Division on April 1, 2022. The application was incomplete when submitted. A completed application was received on May 16, 2022. The relevant criminal history is included on the coversheet in your Board package. The Division is recommending denial.

Chair Brandenburg – Thank you. Mr. Clark?

Mr. Clark – I just want to state for the record my affiliation with Foundation Partners Group. I will recuse myself for this matter.

Chair Brandenburg – Thank you. Good morning, Mr. Lewis.

Mr. Lewis – Good morning, Mr. Chairman.

Chair Brandenburg – Would you like to address the Board or are you merely here to answer questions?

Mr. Lewis – I'm here to address the Board.

Ms. Simon – Mr. Lewis, before you continue, if you can raise your right hand to be sworn in.

Chair Brandenburg – Thanks, Ms. Simon.

Mr. Lewis – Yes.

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

Mr. Lewis – Yes, ma'am. I do.

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

Mr. Lewis – Johnnie Lewis, L E W I S.

Chair Brandenburg – Thank you, Mr. Lewis. Go ahead and address the Board, if you wish.

Mr. Lewis – First of all, I just {inaudible} in my past that I am very ashamed of. If you go through my complete history, I have had no instance before or after that circumstance has happened. I have fourteen (14) years as a licensed funeral director back in Illinois from 1989 until 2003, and I'm back in the funeral industry. I'm just working as an attendant and an associate. It just would be my greatest honor to get back into funeral service and care for families even further. I regret what I've done, and I can only hope that my record {inaudible}, I've had five (5) jobs since I graduated high school, two (2) funeral homes, and then when I actually got into trouble and work release, I got a position at Subway and I worked seven (7) years at that very same job and climbed up into multi-unit manager. I relocated down to Florida eleven (11) years ago and I, again, continued with Subway. And I'm also a unit manager, and the last eight (8) years as regional. When COVID hit and everything got crazy in the restaurants, I just knew I needed to do something different. The only thing I knew to do is to come back to what I really felt and loved, and I've gotten a job in a funeral procession, in the funeral industry. Again, it would be my greatest honor to be back in that profession and help those who need help.

Chair Brandenburg – Thank you, Mr. Lewis. In addition to the drug charges, there's some other things that concern me.

Mr. Lewis – Yes, sir.

Chair Brandenburg – You missed the court date, evaded a warrant, purchasing, again, meth, violation of probation and dealing drugs. That's part of the summary that we received.

Mr. Lewis – Yes, sir. And again, I {inaudible} to talk about, because this truly goes back to the deepest, darkest shadows of what happened. If you look through the court records, I did not do what I was charged with in the first place. I actually got out of my car and into another car, and I was there to purchase marijuana. That is the truth. And it was the other stuff that was in the guy's car that I got into. I missed the court date. I thought it was the day after, and that's the reason that I did miss the court date. And again, it shames me for what's happened. Later, like I said, I lost everything I had. I was staying with some friends in Chicago. And I did after the fact get involved in using methamphetamines. I was not selling or dealing, as the officer said, but I was picked up with a small amount on me, and that did violate my probation. And again, I went in and I served my time. I truly lost everything I've ever owned in that whole thing. I got out and got my job at Subway, and I just rebuilt my life after that. And, again, that was almost twenty (20) years ago, and I know that the Board's papers and the state paperwork says fifteen (15) years, but I can only hope that you understand my mitigating situations that it was a very small blip in history, and it is not anything before that period of time or nothing since that time. I have been nothing but a complete law-abiding citizen, and I'm embarrassed and ashamed of my past, but also know that it's helped me pursue even further to be stronger because I've always felt that I've had to be the next step above. Anything that I've gone into, I've gone above. At my job, I didn't settle for just being Subway. I went on to be multiunit. Again, I went on to be regional. And even in that, I went further, and I actually obtained my certificate for Serve Safe, as instructor and proctor. And, again, anything I've done, I've gone above and beyond and tried to be the best I can be. And, again, I truly hope the opportunity to show you all that I could be an amazing funeral director and embalmer once again.

Chair Brandenburg – Thank you, Mr. Lewis.

Mr. Lewis – Yes, sir.

Mr. Jones – Mr. Chair?

Chair Brandenburg – Mr. Jones, go right ahead.

Mr. Jones – Mr. Lewis, a couple of questions. In 2004 and 2005, were you a licensed funeral director at that time?

Mr. Lewis – No, sir. I was not. I let my license lap in 2003. Again, this is hard to discuss, because it goes back twenty (20) years, but I was HIV positive, and at the time of buying the marijuana, my doctor {inaudible} I was in the wasting. I was five (5) years into HIV, and at that time, lifespan was three (3) to five (5) years. Come 2003, health wise, I really wasn't doing too well at all. And that's when I stepped back from funeral service, and I actually left funeral service before any of this took place and happened, because my goal was to spend the time with my family, that I had {inaudible} emotional. But this is truly the deepest darkest secrets that other than my immediate family, nobody else knew. So, I appreciate the time and you hearing me out.

Mr. Jones – No disciplinary actions against your license when you were a funeral director?

Mr. Lewis – No, sir.

Mr. Jones – Ms. Simon, have we confirmed that, or can we confirm that?

Ms. Simon – I am not sure that we confirmed to that being that he was licensed in Illinois before 2003. I'm unfamiliar with any adverse history.

Mr. Jones – Thank you. Thank you, Mr. Chair. Thank you, Mr. Lewis.

Mr. Lewis – You're welcome.

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Go right ahead.

Rabbi Lyons – Morning, everyone. Mr. Lewis, have you been working in the funeral industry in Florida, up until now? Any experience there?

Mr. Lewis – I was with Subway until October of last year. Since October 25th, I have been back in the funeral industry. Yes.

Rabbi Lyons – Looking through the packages one more time, I don't think I saw it, but do we have any letters of endorsements from the funeral home that you're working with now or anything like that?

Mr. Lewis – No, sir.

Ms. Simon – Mr. Chairman, I did not believe that anything of that nature was submitted.

Chair Brandenburg – Thank you.

Mr. Jones – Mr. Lewis, what do you do at the funeral home?

Mr. Lewis – I'm the associate. I work the funerals. I am pretty much the senior associate. I'm over scheduling all the associates for about four (4) of the funeral homes. I make sure cars are cleaned. I greet guests. Many days, I spend the time answering the phones, so I'm kind of the first call answering the phones. Just anything that's needed of me, I'm there to do.

Mr. Jones – How long have you been doing that?

Mr. Lewis – I've been there since October 25th, sir.

Mr. Jones – Thank you.

Chair Brandenburg – Mr. Jensen? Mr. Jones, were you finished?

Mr. Jones – Yes, sir, I am, thank you.

Chair Brandenburg – I'm sorry, I thought I interrupted you. Ok, Mr. Jensen?

Mr. Jensen – Thank you, Mr. Chairman, Mr. Lewis, couple of questions for you. I notice here in 2004, looks like you had some sort of court ordered rehab. Is that correct?

Mr. Lewis – Again, I believe that's something that went through while I was incarcerated, so it was just some classes that I had gone through. So, that was all while I was in work release. And there wasn't really much of a program other than what I went through, and some classes while I was in custody.

Mr. Jensen – Ok, thank you Mr. Lewis. That leads me to my next question. Are you in any sort of program? What are you doing to prevent this stuff from reoccurring?

Mr. Lewis – Sir, again, this is seventeen (17), twenty (20) years ago. It's just not in myself. At the time, I was kind of in the end stages of life, with my illness and when I was actually in custody, they got me onto a medication that changed my outcome of my condition, and I'm twenty-four (24) years healthy with my health now. I don't smoke, I rarely drink, and I just don't have any substance abuse issues. One of the things I included in one of the assessments, it states in there that I was only like a one-year issue that I had. And, again, that was related to my health issues at the time. I'm in no programs, because I don't have any issues with any dependencies.

Mr. Jensen – But here, you said one (1) year. I mean, I'm seeing you were arrested in 2003, some sort of a court ordered classes in 2004, and then arrested again in 2005. So that's, I mean, how long did this stretch? So, that's at least two (2) years there.

Mr. Lewis – Again, when I was first arrested, that was only under purchasing the marijuana. It didn't have anything to do with all that other stuff listed. When I went to court, I was pleading innocent, because I kept telling them that I didn't want to plead guilty because that wasn't what I was guilty of. I was only guilty of the marijuana. Since the guy didn't know who he was, my Public Defender just advised me to plead guilty and take the case because if I fought, I could get a lot worse than then the four (4) years of probation. And then as soon after that is when I lost my home, and I was staying with friends, and that's kind of where I got involved into the meth, but I assure you that is done and over, and it's not anything of who I am or any part of who I am today.

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

Ms. Clay – Mr. Chair?

Chair Brandenburg – Ms. Clay?

Ms. Clay – Mr. Lewis, I'm just curious. When you submitted your application, were you aware that it would kind of land you here at this moment, explaining the circumstances surrounding your arrest and your criminal history?

Mr. Lewis – I had hoped not, but I knew that it was part of my past, because in all the documentation it said that you go back fifteen (15) years. It has been beyond that fifteen (15) years. I hate going back to the past. I knew in the back of my mind that it was a possibility that you could. But I'm here before you today, even knowing I'd be subjected to this, but it means so much to me to be back in the profession that I present myself to you folks and truly hope for mercy for twenty (20) years of a good life since things have happened.

Chair Brandenburg – Thank you, Mr. Lewis.

Ms. Clay – I'm just curious, as to, in terms of your knowing that and your plan to come to this body to kind of plead and indicate that your life has been changed, that you didn't take upon yourself to get some things from persons who could vouch for you or recommendations from treatment that you've received before. Is there a reason why, or did you just not think about that?

Mr. Lewis – Honestly, I've spent so much time on anything that was asked of me. I made sure that I sent it in. I honestly didn't think about it, because honestly, ma'am, there's nobody in my world that I associate with that knows my past. My spouse and immediate family are the only folks that that have any knowledge of my past. Again, I'm so ashamed and embarrassed and proud that I've gone past and beyond that. I would like to hope to think that my record of my having a couple of jobs in the last few years should prove that I am a man of substance and character. I've risen to regional manager, while at Subway. Any competitions of getting our stores and my managers to have sales goals, I was always ahead of that. I apologize for not getting it, but [inaudible] I could submit papers, if you need them, but I apologize that I didn't think about having those turned in, because they weren't requested.

Chair Brandenburg – Thank you, Mr. Lewis. Ms. Clay, anything else?

Ms. Clay – No. Thank you.

Chair Brandenburg – Ms. Peeples?

Ms. Peeples – Thank you, Mr. Chair. To the Board team that's on the call, can you update the Board members as to why a denial was the Division's recommendations, since we only go back fifteen (15) years for criminal history, and this has been more than seventeen (17), eighteen (18) years ago?

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

Chair Brandenburg – Please, Ms. Simon.

Ms. Simon – Actually, I believe that the information that was given was incorrect, in that we look twenty (20) years back, relevant criminal history, within twenty (20) years, not fifteen (15), and this was included within the past twenty (20) years.

Chair Brandenburg – Thank you, Ms. Simon.

Ms. Peebles – Thank you, Mr. Chair.

Chair Brandenburg – Ms. Munson?

Ms. Rachelle Munson – Just a question: for the record for clarification. Mr. Lewis, do you have an identifiable sobriety date?

Mr. Lewis – It happened when I was in custody. When I was arrested, I was using at that point and that date was probably in October 2004, or something like that, when I was actually sentenced, I wasn't re-arrested, but when I was actually sentenced in 2005. So, I would say that it was the end of 2004, October or whatever day I was arrested, was the last day I've ever used.

Ms. Munson – You do not have to go through a program for any type of substance use?

Mr. Lewis – Again, there were some classes when I was in custody, just some classes I sat through. I don't know that anything that was actually certified, other than just classes that I had sat through, but I assure you I have {inaudible} substance abuse since October 2004. So, that's been seventeen (17), eighteen (18) years or so that I have not used. I don't drink. I don't do anything other than taking my medication.

Ms. Munson – Thank you, Chair.

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Mr. Jones?

MOTION: Mr. Jones moved to approve the application and applicant shall be placed on a one-year probation. Ms. Peebles seconded the motion.

Mr. Williams – Mr. Chair, I have a question. If Mr. Jones will accept this friendly amendment to his motion of having some type of update from Foundation Partners of Florida, in reference to his character and things like that, so that we can kind of keep up with what's going on and maybe some kind of testing. I'm not sure what that looks like and what the Board can order. That's what I'm thinking, Mr. Jones, to just get some kind of updates to make the Board feel a little bit better.

Mr. Jones – How about if we do a one-year probation and Foundation Partners gives us an update at six (6) months as to how it's going? Is that sufficient Mr. Williams?

Mr. Williams – Yes, sir.

Mr. Jones – Ms. Peebles?

Ms. Peebles – Yes, sir. I'll second that motion with the amendment.

Chair Brandenburg – Mr. Jones, thank you. We have a motion and a second. Mr. Lewis, did you pass, or did you have a drug test before your latest employment?

Mr. Lewis – No, sir, but I'm down for any drug test at any point.

Chair Brandenburg – {Inaudible}, yes or no?

Mr. Lewis – No, sir.

Chair Brandenburg – Thank you. Any other discussion?

Rabbi Lyons – Yes, Mr. Chair. Just really quick, if I may?

Chair Brandenburg – Rabbi Lyons?

Rabbi Lyons – So, since Mr. Clark is recused, I don't know if you two actually know each other, but would it be appropriate to ask Mr. Clark to be a character witness, since we have him right here and he's recused from no matter?

Ms. Munson – It would be completely inappropriate.

Rabbi Lyons – Completely inappropriate? Well, never mind. Let's not do that.

Ms. Munson – I do have a clarification with the motion, if I may, Chair?

Chair Brandenburg – Go right ahead.

Ms. Munson – One-year probation with the condition that Foundation Partners provide an update as to how the employment is going. If that update is not favorable, what then? Is it a suspension? Is it what? I need that type of information.

Mr. Jones – Ms. Munson, I would go to Ms. Simon, as far as the Division. If it's not acceptable and it's a one-year probation, what would the Division recommendation be?

Ms. Simon – Well, that's a little difficult, because if we approve the license and then there is a recommendation that is not favorable, then what happens is we need to take the administrative action against the license. We cannot say, if after six (6) months the recommendation is unfavorable, this license is automatically suspended. Instead, we have to take administrative action at that time, which, as you know, can take anywhere from one (1) to two (2) years, normally.

Mr. Jones – That's the reason I didn't answer, Ms. Munson.

Ms. Munson – I understand. I'll just note for the record that the Department would also have an opportunity, if the information is extremely unfavorable, to request an emergency suspension, which would be immediate.

Mr. Jones – Ok, thank you.

Chair Brandenburg – Mr. Jensen?

Mr. Jensen – Thank you, Mr. Chair. So, I just want to understand the motion. The motion is to approve with one-year probation, approve the funeral director's license. And also, just for clarification. Has the Florida Laws and Rules test been done yet?

Mr. Lewis – No, sir. I have not taken that yet.

Mr. Jensen – Ok. Mr. Jones, is it to approve with one-year probation?

Mr. Jones – It is. If he's met all requirements for licensure in Florida, which means he has to do everything required by the Department, with a one-year probation.

Chair Brandenburg – Ms. Richardson?

Ms. Jasmin Richardson – Hi. I think is for an internship, so the other items aren't necessarily relevant. This is for the internship license, so he would have to come back before the Board to apply for the funeral director and embalmer license.

Mr. Jones – Right. And I thought it was an intern license.

Chair Brandenburg – Thank you. Mr. Ferreira?

Mr. Ferreira – Yes. I think we need to take Foundation Partners out of this. I don't like the idea that we're basing his future on his employer. So, I think with him coming back in a year for his license, that should be satisfactory in this process.

Chair Brandenburg – Thank you.

Mr. Jones – Mr. Chair, if I may?

Chair Brandenburg – Mr. Jones, go right ahead.

Mr. Jones – Can I go back to Mr. Williams and ask to remove your reference, because it is an intern license, which we would see him again, as Mr. Ferreira said, and go with the one-year probation? We will see Mr. Lewis again.

Mr. Williams – Yes, sir. I'll accept that being that it is an internship license.

MOTION: Mr. Jones moved to approve the application with a one-year probation.

Chair Brandenburg – Is that a second, Mr. Williams?

Mr. Williams – Second, Mr. Chair.

Chair Brandenburg – Is there any other discussion? All those in favor, aye?

Board members – Aye

Chair Brandenburg – And any opposed?

Board members – Opposed.

Chair Brandenburg – Let's have a roll call, Ms. Simon.

Ms. Simon – Thank you, sir. If I just can have one moment?

Chair Brandenburg – Take your time.

Ms. Simon – Thank you, sir. If you can answer yay or nay, whether you approve the motion. Mr. Williams?

Mr. Williams – Yes.

Ms. Simon – Mr. Clark? Excuse me, Mr. Clark was recused. Mr. Ferreira?

Mr. Ferreira – Yes.

Ms. Simon – Ms. Liotta?

Ms. Liotta – Yes.

Ms. Simon – Mr. Jones?

Mr. Jones – Yes.

Ms. Simon – Ms. Peeples?

Ms. Peeples – Yes.

Ms. Simon – Ms. Clay?

Ms. Clay – No.

Ms. Simon – Mr. Jensen?

Mr. Jensen – No.

Ms. Simon – Rabbi Lyons?

Rabbi Lyons – No.

Ms. Simon – Mr. Chairman?

Chair Brandenburg – No.

Ms. Simon – I believe that the motion passes, Mr. Chairman.

Chair Brandenburg – I have it as being passed, and so, the motion carries. Thank you.

- (3) Application(s) to Renew Internship*
- (a) Recommended for Approval without Conditions*
- 1. Burch, Zoe E F448323*

Ms. Simon – An application to renew the concurrent internship license was received on May 5, 2022. The Applicant has previously been licensed as a concurrent intern and 69K-18.003, Florida Administrative Code, only permits one internship in a lifetime. The current license expires on May 18, 2022. The Division is recommending approval without conditions.

Chair Brandenburg – Ms. Burch?

MOTION: Mr. Jensen moved to approve the application. Rabbi Lyons seconded the motion.

Mr. Williams – I have a question, Mr. Chair.

Chair Brandenburg – There's a motion to approve, and it's been seconded, and there's a question. Mr. Williams?

Mr. Williams – Yes, just trying to bring some clarity. So, this applicant's license has been renewed, and there's only one (1) internship per lifetime, so I guess I'm just trying to understand exactly what's going or why we're approving this, if it's going to expire or has expired.

Ms. Simon – Mr. Chairman, if I may?

Chair Brandenburg – Ms. Simon?

Ms. Simon – Mr. Williams, the application to renew was submitted before the period expired of the internship. So, in other words, it was stayed until now. And, because you are only permitted to have one (1) internship in a lifetime, often, the way that our rules allow us to go is instead to renew the internship which is permitted by law.

Mr. Williams – Ok.

Ms. Simon – Thank you, sir.

Chair Brandenburg – So, we have a motion to approve, and it's been seconded. And all those in favor, aye?

Ms. Peeples – Mr. Chair?

Rabbi Lyons – I think Ms. Peeples is trying to get your attention.

Chair Brandenburg – Ms. Peeples, go right ahead.

Ms. Peeples – Thank you, Mr. Chair. To the Board staff, I notice on page four the comment that Ms. Burch wrote with her application that she did not graduate from mortuary school until March of this year, was not able to take National Boards, and she will need to take it again, said she didn't pass. How much internship does she need to complete, or did she complete it all? What is the reasoning for the continuation of the internship request?

Ms. Simon – May I, Mr. Chairman?

Chair Brandenburg – Go right ahead.

Ms. Simon – Ms. Peeples, it appears that one (1) of the basis for renewing your internship is the fact that the applicant did not graduate from mortuary school, and that the test has not been passed. Those are two (2) bases for actually applying to renew your licensure.

Chair Brandenburg – Thank you. So, we're in the middle of a vote. Any one opposed?

Mr. Williams – Aye.

Chair Brandenburg – And the motion carries. Mr. Williams?

Mr. Williams – Yes, sir?

Chair Brandenburg – I'm sorry. I thought you were trying to get my attention. Ms. Simon, go right ahead.

Ms. Simon – Thank you, sir.

2. Downing, Tarvoares J F081209

Ms. Simon – Is Mr. Downing or a representative on the call today? An application to renew the funeral director internship license was received on May 23, 2022, which is before the internship expired. The Applicant has previously been licensed as a funeral director intern and 69K-18.002, Florida Administrative Code, only permits one internship in a lifetime. The current license expires on June 4, 2022. The Division is recommending approval without conditions.

MOTION: Rabbi Lyons moved to approve the application. Mr. Jones seconded the motion, which passed with one (1) dissenting vote.

- J. Application(s) for Monument Establishment Sales Agent**
(1) Informational Item (Licenses Issued without Conditions) – Addendum H
(a) Chapman, Darren F587011
(b) Pittman, Donald J F355503

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

- K. Applications(s) for Registration as a Training Agency**
(1) Information item (Licenses Issued without Conditions) – Addendum I
(a) Milton Funeral Home LLC (F076017) (Dade City)

- (b) Sanchez Rehoboth Mortuary LLC (F349637) (St Petersburg) (*
- (c) Shuler & Pender Funeral Service Inc (F307261) (West Palm Beach)*

Ms. Simon – This is an informational item. The Division has reviewed the application 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.

L. Notification(s) of Change in Location

- (1) Information Item (Licenses Issued without Conditions) – Addendum J*
 - (a) Beth Shalom Memorial Chapel (F041223) (Orlando)*
 - (b) Pax Villa USA Funeral Home Inc (F041720) (Ft Lauderdale)*

Ms. Simon – This is an informational item. The establishment listed on Addendum J has applied for approval of a change of location of their business. The only criteria for approval is that the new location pass inspection by the Division of Funeral, Cemetery, and Consumer Services.

M. Application(s) for Cinerator Facility

- (1) Recommended for Approval with Conditions*
 - (a) Gilley's Family Cremation LLC d/b/a Gilley's Family Cremation (Lakeland)*

Ms. Simon – An application for a cinerator facility was received on May 18, 2022. The application was complete when submitted. A background check of the principals revealed no criminal history for its principals. The Division is recommending approval subject to the condition that the cinerator facility passes an onsite inspection by a member of Division Staff.

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

- (b) Riverside Crematory LLC (Melbourne)*

Ms. Simon – An application for cinerator facility licensure was received on May 2, 2022. The application was complete when submitted. A background check of the principals revealed no criminal history for its principals. The Division is recommending approval subject to the condition that the cinerator facility passes an onsite inspection by a member of Division Staff.

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

- (c) Stonemor Florida Subsidiary LLC d/b/a The Bellevue Crematory (Daytona Beach)*

Ms. Simon – An application for cinerator facility licensure was received on May 3, 2022. The application was complete when submitted. A background check of the principals revealed no criminal history for its principals. The Division is recommending approval subject to the condition that the cinerator facility passes an onsite inspection by a member of Division Staff.

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

N. Application(s) for Direct Disposal Establishment

- (1) Recommended for Approval with Conditions*
 - (a) Millennium Crematory LLC d/b/a Millennium Cremation Services (Palm Bay)*

Ms. Simon – An application for a direct disposal establishment was received on February 25, 2022. The application was incomplete when submitted. A completed application was received on May 25, 2022. A background check of the principals revealed no criminal history for its principals. The Division is recommending approval subject to the condition that the direct disposal establishment passes an onsite inspection by a member of Division Staff.

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

O. Application(s) for Funeral Establishment
(1) Recommended for Approval with Conditions
(a) Jay Funeral Home LLC (Perrine)

Ms. Simon – An application for a funeral establishment, based on a change of ownership, was received May 18, 2022. The application was incomplete when submitted. A completed application was received on May 26, 2022. The change of ownership is due to the passing of the current owner. A background check of the principals revealed relevant criminal history, which is outlined in your Board packets. The current establishment does not have a qualifying preneed license. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

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

(b) Posh Funeral Home LLC (Gulfport)

Ms. Simon – An application for funeral establishment licensure was received on May 12, 2022. The application was incomplete when submitted. A completed application was received on May 25, 2022. The Division is recommending approval subject to the condition that the establishment passes an onsite inspection by a member of Division Staff.

MOTION: Ms. Peebles 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.

(c) Trahan Family Funeral Home of Milton Inc (Milton)

Ms. Simon – An application for funeral establishment licensure, based upon a change of ownership, was received May 16, 2022. The application was complete when submitted. The current establishment does not have a qualifying preneed license. 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. Jensen moved to approve the application subject to the condition that the establishment passes an onsite inspection by a member of Division Staff. Ms. Peebles seconded the motion, which passed unanimously.

P. Application(s) for Preneed Main License
(1) Recommended for Approval without Conditions

(a) R Butts Inc d/b/a Butts Memorial Chapel (F068625) (Belle Glade)

Ms. Simon – The Department received an application for a Preneed License on May 2, 2022, which was incomplete at the time of submission. The application was deemed complete on May 26, 2022. A completed background check of all principals was returned without criminal history; however, the applicant does have reportable adverse licensing history. Applicant’s qualifying funeral establishment license is located at the address provided on your coversheet. For the Board’s information, although it was not included as part of your Board package, both Mr. Butts and his establishment, as referenced in the package, have a previous Consent Order from 2020., and Mr. Butts was given sixty (60) days to pay the fine. Approximately two (2) months later, he asked for an extension of ninety (90) days to make payment. The extension was granted, and payment was made. Is Mr. Butts or a representative of the establishment available on today’s call?

Mr. Rickey Butts – Yes.

Ms. Simon – Thank you, sir. Mr. Chairman?

Chair Brandenburg – Mr. Butts, did you want to address the Board, or you’re merely here to answer questions that the Board may have?

Mr. Butts – Yes, sir. I’m here to answer questions.

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

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

Chair Brandenburg – Thank you, Mr. Butts for joining the meeting today.

Q. Application(s) for Preneed Main License Renewals
(1) Recommended for Approval without Conditions – Addendum K

Chair Brandenburg – I’d like to declare my affiliation with Service Corporation International and its subsidiaries. This affiliation will not affect my ability to render a fair and unbiased decision on any issue coming before the Board today.

Ms. Simon – Mr. Chairman, if I may? I believe that other Board members have comments along the same line.

Chair Brandenburg – Ms. Peeples?

Ms. Peeples – Mr. Chair, thank you. I would like to make my affiliation known with Peeples Funeral Services Incorporated that’s included on Addendum K, and I feel that I’ll be able to make a fair and impartial decision and appreciate the Board’s continued work.

Chair Brandenburg – Thank you. Mr. Ferreira?

Mr. Ferreira – Yes, Mr. Chairman. I also am affiliated with Ferreira Enterprises that’s included on Addendum K, and I too feel like I can make a fair and impartial decision in this case.

Chair Brandenburg – Thank you for that declaration. Mr. Jensen?

Mr. Jensen – Yes. I also have affiliation with three (3) of the entities on this list, and I, too, can make an impartial decision, even based on that affiliation. Thank you, Mr. Chair.

Chair Brandenburg – Thank you. Mr. Clark?

Mr. Clark – Again, I wanted to declare my affiliation with Foundation Partners Group of Florida. That affiliation will not prevent me from rendering a fair and impartial decision on this matter.

Chair Brandenburg – Thank you. Rabbi Lyons?

Rabbi Lyons – I would like to declare my affiliation with Nafesh Monuments and giving a straightforward initial does matter. I feel that I can be fair and impartial.

Chair Brandenburg – Thank you. Any other declarations? Ms. Simon?

Ms. Simon – Thank you, sir. With the exception of Samuel's Funeral Home Incorporated, listed on page 22, the Division staff recommends that the preneed licenses listed on Addendum K have their preneed licenses renewed effective July 1, 2022, based upon meeting the minimum net worth requirement for renewal. As for Samuel's Funeral Home, that item will be removed from today's agenda and placed on an agenda within the next couple of months.

Chair Brandenburg – Thank you. Ms. Peeples?

MOTION: Ms. Peeples moved to approve the applications listed on Addendum K, with the exception of Samuel's Funeral Home, Inc. Mr. Williams seconded the motion, which passed unanimously.

(2) Recommended for Approval with Conditions

(a) Reference Guide – 69K-5.0016

1. A1 Affordable Cremation Inc. (F052353) (Holly Hill)

Ms. Simon – Licensee has demonstrated a net worth of \$22,802. Licensee reports total outstanding preneed contracts of \$242,370. The minimum required net worth for renewal is \$40,000. The Division recommends that the application for renewal is granted, subject to the condition that the Board accepts the stated conditions of the existing Personal Guarantee of the licensee's preneed obligations executed by licensee's principal, Tracy Woodward, along with the personal financial statement of assets and liabilities for Ms. Woodward; and an agreement to continue to utilize only contracts funded by insurance.

MOTION: Rabbi Lyons moved to approve the application subject to the conditions of the stated conditions of the existing Personal Guarantee of the licensee's preneed obligations executed by licensee's principal, Tracy Woodward, along with the personal financial statement of assets and liabilities for Ms. Woodward; and an agreement to continue to utilize only contracts funded by insurance. Mr. Jones seconded the motion, which passed unanimously.

2. Gendron Funeral & Cremation Services Inc. (F065944) (Fort Myers)

Ms. Simon – Board members, they have now paid all required fines and fees, and we recommend approval without conditions as they meet the financial threshold.

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

3. Kim-Ken Developments Inc. (F019400) (Orlando)

Ms. Simon – Licensee reports a net worth of \$169,202 against a required minimum net worth of \$100,000. Due to the lateness in submissions by this entity, there is a late fee due in the amount of \$1,000. The Division recommends that the application for renewal be granted, subject to payment of a \$1,000 late renewal filing fee: the renewed license is suspended, but the imposition of the suspension is stayed for sixty (60) days from the renewal date. If the late fee is paid by said 60th day, the suspension imposed shall not take effect. If the suspension imposed takes effect, it shall continue in force until the licensee pays the late fee.

Ms. Wendy Wiener – Mr. Chairman, this is Wendy Wiener. I represent the applicant in this matter. I would appreciate being heard on the matter of the late fee.

Chair Brandenburg – Go right ahead, Ms. Wiener.

Ms. Wiener – Thank you. This application was late to the Division, but that is because it was late in being received at FSI, which is its servicing agent. As you can see when you look down in the Board packet before you on this matter, the Postal Service notified FSI, mid-late April, I believe, on the 22nd, that, in fact, it had three (3) packages that it was holding for signature at the Postal Service location. And so, those applications did not get to FSI, and FSI, therefore, did not deliver them to the Division as is customary, FSI delivers dozens and dozens of applications to the Division, during the renewal season without a hiccup in the past, but we did suffer this issue in our office. Frankly, our Postal Service is terrible at our office. We have trouble all the time, with lots of things, just very recently, and so, we would request that the Board renew without the imposition of the \$1,000 late fee.

Chair Brandenburg – Thank you for that information. Board?

Rabbi Lyons – Mr. Chair?

Chair Brandenburg – Mr. Jensen?

Mr. Jensen – Yes. Mr. Chair, I do know the Postal Service has had some issues. I do feel that \$1,000 may be a little bit high. It was late, and I think maybe we should follow sort of the guidelines we use on lateness renewing funeral establishment licenses. And I propose approval with a fine of \$250.

Chair Brandenburg – That's a motion?

MOTION: Mr. Jensen moved to approve the application subject to payment of a \$250 late renewal filing fee: the renewed license is suspended, but the imposition of the suspension is stayed for sixty (60) days from the renewal date. If the late fee is paid by said 60th day, the suspension imposed shall not take effect. If the suspension imposed takes effect, it shall continue in force until the licensee pays the late fee.

Chair Brandenburg – Thank you. Rabbi Lyons?

Rabbi Lyons – I just had a question for Ms. Wiener. What was the deadline to get it to FSI?

Ms. Wiener – Well, the deadline to get it to the Division was the first and they mailed it, as you can see in your packet, I think maybe the last page. You can see that the applicant sent it out overnight priority delivery or overnight delivery to be delivered by April first. And that's not untypical. So, it would have got...had it gotten to FSI, it would have gotten to the Division without having been late.

Chair Brandenburg – Thank you, Ms. Wiener. There's a motion. Is there a second?

Mr. Williams – Mr. Chair? A question?

Chair Brandenburg – Mr. Williams?

Mr. Williams – Question for Ms. Simon. Is the Division sending out information in enough time for entities to receive it, knowing that there may be a delay in the Postal Service and things like that? Has this issue come up before with other entities?

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

Chair Brandenburg – Go right ahead.

Ms. Simon – Mr. Williams, we're sending out the letters in more than enough time, and I don't think that was the issue in this case. The issue in this case was simply that it did not get to us in time from FSI. However, the Division is not permitted to grant the request that the fine be removed or not imposed, and that is why it is in front of the Board today.

Mr. Williams – Yes, ma'am. Thank you.

Chair Brandenburg – We have before us motion from Mr. Jensen to approve subject to a \$250 fine.

Ms. Peebles – Second.

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

Board members – Aye.

Chair Brandenburg – Any opposed?

Rabbi Lyons – Opposed.

Chair Brandenburg – The motion carries. Thank you, Ms. Wiener.

Ms. Wiener – Thank you.

4. *Lawson Funeral Home & Cremation Services (F061572) (St Petersburg)*

Ms. Simon – This entity has now submitted the required paperwork and has paid any required fines and they meet the financial threshold. As a result, we recommend approval without conditions.

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

5. *Robert Bryant Services Inc. (F039341) (Orlando)*

Ms. Simon – Licensee has demonstrated a net worth of \$15,861. Licensee reports total outstanding preneed contracts of \$310,731. The required net worth for renewal is \$40,000. The Division recommends that the application for renewal is granted, subject to the condition that the Board accepts the licensee's agreement to voluntarily trust 100% or utilize insurance-funding by the entity.

MOTION: Rabbi Lyons moved to approve the application subject to the condition that the licensee trust 100% of all preneed contract sales or sell only insurance funded contracts. Ms. Clay seconded the motion, which passed unanimously.

6. *Sunset Funeral Chapel Inc. (F508099) (Naples)*

Ms. Simon – It appears that the paperwork submitted by this entity was insufficient, and as a result, the Division recommends that the application for renewal is granted, but the renewed license is suspended effective upon renewal, and shall remain suspended until the licensee satisfies the following conditions:

- 1) That licensee provides to the Division financial statements in compliance with GAAP for its most recent fiscal year end (Forms R2A and R2B) as required by the renewal application within thirty (30) days from the date of this Board Meeting.
- 2) That Licensee has demonstrated that it meets the minimum net worth requirement for renewal.

Ms. Simon – May I just have one moment?

Chair Brandenburg – Please.

Ms. Simon – The Division further recommends that the suspension not be imposed for a sixty (60) day period. If during the sixty (60) day period, the applicant complies with all conditions that this suspension is not imposed. However, if the applicant does not comply with the conditions listed, that the suspension take effect and remain in effect until required paperwork and information is submitted.

Chair Brandenburg – Rabbi Lyons?

Rabbi Lyons – Ok, just a question. Are we approving the license, then suspending the license?

Ms. Simon – May I, Mr. Chairman?

Chair Brandenburg – Go right ahead.

Ms. Simon – Rabbi Lyons, because there are conditions on licensure, if we approve without the condition of suspension, then there's no way to take immediate action, should the conditions not be met. However, if we request conditions and follow it up with a suspension that will not be imposed the same day and will only be imposed sixty (60) days thereafter if the conditions are not met. That safeguards the public as well.

Rabbi Lyons – A follow-up question?

Chair Brandenburg – Go right ahead.

Rabbi Lyons – If we do nothing doesn't the license just expire?

Ms. Simon – Actually, no, sir. What would happen is, if we do nothing, and the information is not submitted to the Division, then the Division will be forced to take administrative action, which would not be done as quickly as the suspension would allow for.

Chair Brandenburg – Thank you.

Rabbi Lyons – I'm sorry, I don't understand. They have a license, they are currently licensed as a preneed entity, and that license is going to expire July 1st. They have an application which is insufficient. So, how does that license renew on July 1st?

Ms. Simon – May I, Mr. Chairman?

Chair Brandenburg – Please.

Ms. Simon – If the license is not granted, on July 1st, the applicant is stopped from writing preneed. Sometimes, that seems like an unwanted action or repercussion. In this case, if we impose suspension, then they can still go on. If we recommend suspension, but it not be imposed for sixty (60) days, they can still go on and sell preneed within those sixty (60) days, as long as they meet the conditions within those sixty (60) days. If not, their license will be suspended.

Chair Brandenburg – Thank you. Ms. Munson?

Ms. Munson – For clarification, is it the Department's recommendation that the application or the license is renewed and not immediately suspended, not suspended until sixty (60) days after {inaudible}, if these conditions are not met?

Ms. Simon – Mr. Chairman?

Chair Brandenburg – Go right ahead.

Ms. Simon – That is the Division's intention. Yes, ma'am.

Ms. Munson – Ok, because it says the renewed license is suspended effective upon renewal. That part is what we just changed, just to clarify.

Chair Brandenburg – Thank you. Is there a motion to that effect?

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

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

Ms. Simon – Licensee reports a net worth of \$44,317. Licensee reports total preneed contracts outstanding of \$923,718. The required minimum net worth for renewal is \$100,000. The Division recommends that the applicant be approved subject to the condition that the Board extends the conditions of the existing personal guarantee of the license's preneed obligations, and it accepts the attached current statement of personal assets and liabilities by the applicant's principal, Mr. Troxel, and that the establishment trust 100% of all contracts entered into.

Chair Brandenburg – Is there a motion to that effect?

MOTION: Rabbi Lyons moved to approve the application subject to the condition that the conditions of the existing personal guarantee of the license's preneed obligations are extended, and it accepts the current statement of personal assets and liabilities by the applicant's principal, Mr. Troxel, and that the establishment trust 100% of all contracts entered into. Ms. Peeples seconded the motion, which passed unanimously.

8. Wolf Funeral Services Inc. (F068748) (Plant City)

Ms. Simon – Since the time that the agenda was sent out, they have submitted the required paperwork, have paid any required fines and they meet the financial threshold. As a result, the Division recommends approval without conditions.

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

(3) Recommended for Denial
(a) McIntee Holdings LLC (F019193) (Wilton Manors)

Ms. Simon – Ms. Simon – There is an update since the time that the agenda was sent out. The applicant originally indicated a net worth of approximately \$75,000 in the negative against a required net worth of \$40,000. Since the time that the agenda has been sent out, the applicant provided financial statements from a CPA as of December 31, 2021, indicating that the current reported net worth is at \$43,491. Therefore, as the applicant apparently meets the net worth requirement for renewal, we recommend approval without conditions.

Rabbi Lyons – Mr. Chair, can I ask a question?

Chair Brandenburg – Rabbi Lyons?

Rabbi Lyons – How did they find \$120,000? What exactly happened? I just missed how the number changed.

Ms. Simon – Mr. Chairman.

Chair Brandenburg – Go right ahead.

Ms. Simon – This is paperwork we received from the CPA, and as a result of that and based on previous actions, we're recommending approval without conditions.

Rabbi Lyons – Ok.

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

Ms. Simon – May, I just have one moment?

Chair Brandenburg – Yes, take your time.

Ms. Simon – Thank you, sir.

(4) Non-Renewing Preneed Licensees (Not Renewing as of June 30, 2022) – Addendum L

Ms. Simon – This is provided to the Board for information purposes only. The licensees on Addendum L have either affirmatively advised the Division that they are not renewing their preneed license or have not responded to the renewal application that was sent to them, or the follow-up notice. However, the following entity on the Addendum L has submitted the required items, and we are recommending approval:

- *Chestnut Funeral Home (F040669)*

Ms. Simon – As of June 16th, the applicant has submitted the required paperwork and has met the required net worth. The applicant has also paid the late fees due with the exception of the renewal fee, which has not been paid, which is \$405. The Division recommends approval subject to the payment of the \$405 renewal fee. It is further recommended that upon approval the licensee is suspended, but the imposition of the suspension stayed for sixty (60) days from the renewal date. If the late fee is paid by the 60th day, the suspension imposed shall not take effect. If the suspension imposed takes effect, it shall continue in force until the licensee pays the renewal fee.

Chair Brandenburg – Which entity is that, please?

Ms. Simon – That entity is Chestnut Funeral Home.

Chair Brandenburg – Chestnut, about the fifth one down on the non-renewing preneed license. Have they met the minimum net worth?

Ms. Simon – That is my understanding, sir. Yes.

Chair Brandenburg – Ms. Peeples?

Ms. Peeples – Thank you, Mr. Chair. Ms. Simon, did I hear correctly that they've paid a late fee but not the renewal fee? Is that correct?

Ms. Simon – Mr. Chairman?

Chair Brandenburg – Go right ahead.

Ms. Simon – Yes. That is correct, Ms. Peeples.

Ms. Peeples – Thank you, ma'am. Thank you, Mr. Chair.

Chair Brandenburg – You're welcome. So, what was your motion recommendation, Ms. Simon?

Ms. Simon – The recommendation is that the preneed license be renewed subject to a payment of a \$405 renewal fee. It is further recommended that upon approval of the license is suspended by the imposition of the suspension is stayed for sixty (60) days from the renewal date. If the late fee is paid by the 60th day, the Division recommends that the suspension shall not be imposed and shall not take effect. If this suspension imposed takes effect, it shall continue in force until the applicant pays the renewal fee.

Mr. Williams – Mr. Chair?

Chair Brandenburg – Mr. Williams?

Mr. Williams – Thank you for that, Ms. Simon. So, in layman's terms, I just want to make sure I'm hearing this correctly. Once the applicant pays all the fees, their license will be renewed and reinstated. Correct?

Ms. Simon – If I may, Mr. Chairman?

Chair Brandenburg – Go right ahead.

Ms. Simon – Actually no, Mr. Williams. We are recommending that the renewal be granted, and that it be granted as of July 1, 2022. However, in order to ensure that they pay the \$405 renewal fee, we are recommending a suspension, which shall be lifted for the first sixty (60) days, giving them an opportunity to pay that \$405 renewal fee, and if they have not paid, the suspension should then go into effect until the full payment is made.

Mr. Williams – Ok.

MOTION: Mr. Williams moved to approve the application subject to payment of a \$405 renewal fee: the renewed license is suspended, but the imposition of the suspension is stayed for sixty (60) days from the renewal date. If the late fee is paid by said 60th day, the suspension imposed shall not take effect. If the suspension imposed takes effect, it shall continue in force until the licensee pays the late fee. Mr. Jones seconded the motion, which passed unanimously.

Chair Brandenburg – Thank you.

R. Application(s) for Removal Service

- (1) *Recommended for Approval with Conditions*
(a) *Premium Funeral Services Corp (Hialeah)*

Ms. Simon – An application for removal service licensure was received on October 13, 2021. The application was incomplete when submitted. A completed application was received on March 9, 2022. The Division is recommending approval subject to the condition that the removal service passes an onsite inspection by a member of Division Staff.

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

- (2) *Recommended for Approval without Conditions*
(a) *Saben Schmitt (Defuniak Springs)*

Ms. Simon – An application for removal service licensure was received on March 29, 2022. The application was incomplete when submitted. A completed application was received on April 16, 2022. The removal service passed its inspection on May 11, 2022. The Division is recommending approval without conditions.

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

S. Collective Application(s)

- (1) *Recommended for Approval with Conditions*
(a) *Foundation Partners of Florida LLC (Bradenton)*
1. *Change of Ownership*
 - *Cinerator Facility*
 - *Funeral Establishment*
2. *New Establishment*
 - *Preneed Branch*

Ms. Simon – Foundation Partners of Florida LLC, seeks approval of the following applications based upon a change of ownership: one (1) funeral establishment, one (1) cinerator facility, and one (1) new preneed branch license. More specifically, the entities that are being acquired is as follows:

- 1) Griffith – Cline Funeral and Cremation Services Inc, a licensed funeral establishment, license #F039925, physical address: 720 Manatee Avenue W, Bradenton, FL 34205. FDIC: Sam Simpkins, license #F043371
- 2) Griffith – Cline Funeral & Cremation Services Inc d/b/a Mangrove Coast Crematory, a license cinerator facility, license #F050175, physical address: 720 Manatee Avenue W, Bradenton, FL 34205. FDIC: Sam Simpkins, license #F043371

New Preneed Branch

1) Foundation Partners of Florida LLC d/b/a Griffith-Cline Funeral & Cremation Services

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

Mr. Clark – Mr. Chairman?

Chair Brandenburg – Mr. Clark?

Mr. Clark – Last one for the day, I hope. I just wanted to declare my affiliation with Foundation Partners Group of Florida, and I will recuse myself from this matter.

Chair Brandenburg – Thank you. Board?

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

(b) Northstar Cemetery Services of Florida LLC (New Port Richey)

- 1. Change of Ownership***
 - Acquire Control of an Existing Cemetery***
- 2. New Establishment***
 - Preneed Branch***

Ms. Simon – Northstar Cemetery Services of Florida, LLC (Northstar), a limited liability company, seeks approval of the following applications due to a change of ownership: an Application to Acquire Control of an Existing Cemetery Company, and an Application for Preneed Branch Office License which will operate under NorthStar's preneed main license # F019194 at the below listed location. More specifically, the entity being acquired is as follows:

- 1) Trinity Memorial Cemetery Inc d/b/a/ Trinity Memorial Gardens, a licensed cemetery company, license # F039638, physical address: 12609 Memorial Dr, New Port Richey 34655

New license:

- 1) Northstar Cemetery Services of Florida, LLC d/b/a Trinity Memorial Gardens, a preneed branch office license, physical address: 12609 Memorial Drive, New Port Richey, FL 34655

Attached are the separate applications regarding the above listed property. The change of ownership is the result of an asset purchase where NorthStar is acquiring the assets and liabilities as specified within your Board package. The officers of the LLC will be: Timothy Birch, David Jenkins, Thomas Reichert, Jr., John Renfro, and Brian Sullivan. 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 seventy-five (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 ninety (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.

Ms. Simon – Thank you.

Chair Brandenburg – Thank you for that information.

Mr. Jensen – Mr. Chairman?

Chair Brandenburg – Go right ahead.

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

(c) Northstar Funeral Services of Florida LLC (New Port Richey)

1. Change of Ownership

- *Cinerator Facility*
- *Funeral Establishment*

Ms. Simon – Northstar Funeral Services of Florida LLC, seeks approval of applications for licensure of (1) funeral establishment and one (1) cinerator facility. These applications are based upon a change of ownership. More specifically, the entities that are being acquired is as follows:

- 1) Trinity Memorial Gardens, a licensed funeral establishment, license #F041382, physical address: 12609 Memorial Drive, New Port Richey, FL 34655. FDIC: Cecil Frye, license #F045012
- 2) Trinity Memorial Crematory, a license cinerator facility, license #F050175, physical address: 12609 Memorial Drive, New Port Richey, FL 34655. FDIC: Cecil Frye, license #F045012

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 seventy-five (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 ninety (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. Jones moved to approve the applications subject to the conditions recommended by the Division. Mr. Jensen seconded the motion, which passed unanimously.

(d) Trahan Mortuary Services Inc. (Pensacola)

1. *Change of Ownership*
 - *Cinerator Facility*
 - *Funeral Establishment (2)*
 - *Transfer of Preneed*
2. *New Establishment*
 - *Preneed Branch*

Ms. Simon – Trahan Mortuary Services Inc, seeks approval of applications for licensure based upon a change of ownership of two (2) funeral establishments and one (1) cinerator facility. The applicant is also applying for the transfer of a preneed license as well as a new preneed branch license. More specifically, the entities that are being acquired is as follows:

- 1) Trahan Mortuary Services Inc d/b/a Trahan Family Funeral Home, a licensed funeral establishment, license #F457717, physical address: 60 Industrial Parkway, Pensacola, FL 32503. FDIC: Richard Trahan, license #F045326
- 2) Trahan Mortuary Services Inc d/b/a Pensacola Mortuary Shipping, a licensed funeral establishment, license #F041209, physical address: 419 Yoakum Court, Pensacola, FL 32505. FDIC: William Trahan, license #F045325
- 3) Trahan Mortuary Services Inc d/b/a Pensacola Crematory, a license cinerator facility, license #F040689, physical address: 430 Beverly Parkway, Pensacola, FL 32505. FDIC: William Trahan, license #F045325
- 4) Trahan Mortuary Services Inc d/b/a Trahan Family Funeral Home, a licensed preneed main, license #F019410, physical address: 60 Industrial Parkway, Pensacola, FL 32503

New Preneed Branch

- 1) Trahan Family Funeral Home of Milton Inc, a preneed branch physical address: 6539 Trammel Drive, Milton, FL 32570

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 seventy-five (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 ninety (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. Jensen moved to approve the applications subject to the conditions recommended by the Division. Mr. Clark seconded the motion, which passed unanimously.

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

(I) Recommendation for Approval with Conditions

(a) Monument Retail Sales Agreement

1. Christian Memorial Chapel, LLC (Graceville)

Ms. Simon – 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 – Rabbi Lyons, have you had a chance to review this?

Rabbi Lyons – Yes, it's great.

Chair Brandenburg – 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. Jensen seconded the motion, which passed unanimously.

(b) Preneed Sales Agreement

1. Physicians Life Insurance Company (Omaha, NE)

Ms. Simon – Physicians Life Insurance Company submits the attached preneed sales agreement forms for approval: a Guaranteed Statement of Funeral Goods and Services (Form L-NB-0578) and a Non-Guaranteed Preneed Funeral Agreement-Statement of Funeral Goods and Services (Form LNB-0580). If approved, these forms are to be used for the sale of insurance-funded preneed funeral goods and services by various licensed preneed main establishments and their related preneed branches. The Division 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.

Ms. Wiener – Mr. Chairman, this is Wendy Wiener. As, you know, I'm counsel for FSI. I have a question to raise regarding these attachments.

Chair Brandenburg – Ms. Wiener?

Ms. Wiener – Thank you. So, in the attachments, you'll see that there is a reference to the record keeper acting as a third-party administrator (TPA), and while we don't have any objection to the program, specifically, we do believe that the documents need to be revised, to eliminate that reference. In Florida, a third-party administrator is a specific type of licensee. It's an

insurance licensee regulated pursuant to the Florida Insurance Code and it's inappropriate for the record keeper to refer to itself as a third-party administrator here in Florida, in this setting. And so, we would simply call that to the Board's attention and request that the Board require that the documents be revised to properly reflect that the record keeper is not a third-party administrator.

Chair Brandenburg – Thank you. Is there anyone on representing Physicians Life Insurance Company?

Ms. Summer Bokhary – Hi. Good morning. This is Summer Bokhary for Region Bank. We're actually the Trustee for this arrangement and we are happy to make that edit that Ms. Wiener suggested. That's not a problem.

Chair Brandenburg – Thank you very much. So, is there a motion?

Mr. Jensen – Mr. Chair?

Chair Brandenburg – Mr. Jensen?

Mr. Jensen – Yes, sir. May I ask a question?

Chair Brandenburg – Of course.

Mr. Jensen – I'm not really sure, but maybe Ms. Simon can answer this. I'm curious as to why there's no reference on here to funeral services in the State of Florida are 100% cancellable at any time, like I've seen on any other preneed contract I've ever looked at. Why is that not referenced on here anywhere?

Ms. Simon – May I, Mr. Chairman?

Chair Brandenburg – Please do.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yes?

Ms. Simon – I am not sure why it is not referenced on the agreement. At this point, I cannot remember that it was not. I apologize, since my review of this. However, that is the law.

Mr. Jensen – Yes. I don't see it. I don't know if I missed it, but I don't see it referenced on here. I do know that I've never seen one without that. Maybe somebody else could help me here.

Ms. Bokhary – This is Summer Bokhary again, for Regions Bank. We can also make that edit and incorporate it into the preneed agreement.

Ms. Peebles – Mr. Chair?

Chair Brandenburg – Do you know why that was not originally included?

Ms. Bokhary – I apologize, I'm sorry. What did you say?

Chair Brandenburg – Do you know why that was not originally included?

Ms. Bokhary – To be very honest, I did not prepare that preneed agreement. That was prepared by Physicians Mutual, but I'm going to go back to them and let them know about the edits.

Chair Brandenburg – Thank you. So, is there a motion to approve contingent upon? Mr. Jensen?

Ms. Wiener – Mr. Chairman?

Chair Brandenburg – Yes.

Ms. Wiener – Mr. Chairman, before you vote, this is Wendy Wiener. There is the reference to contract cancelation on the terms and conditions page, but I think actually, as I'm glad Mr. Jensen raised the question. As I'm looking at this contract, I'm not sure. There are, pursuant to Florida law, certain things that have to appear on the signature page of a preneed contract in 10-point boldface type or larger, and I do see the cancelation provision under terms and conditions, but it's not on the signature page. So, I am concerned that we may be setting a precedent with regard to approving this particular preneed contract when it doesn't necessarily comply with all of the requirements of Florida law. I don't know if tabling this matter on this contract would be appropriate at this point.

Chair Brandenburg – Thank you. Ms. Simon or Ms. Munson, either one? Ms. Munson?

Ms. Simon – Ms. Munson, you're on mute.

Ms. Munson – I was just going to say that I would like to defer to what the Departments would like to do. I absolutely feel and stand in agreement with Ms. Wiener. However, I don't know if you want to accept it condition to the change, or table it until it's resubmitted properly. I'll kick that back to Ms. Simon.

Chair Brandenburg – Ms. Simon?

Ms. Simon – Mr. Chairman, I think it would be appropriate that the Board approves this matter subject to the conditions outlined within your Board package, as well as the cancelation being on the signature page, and there was one other item, I apologize, Mr. Jensen that he brought up on the third-party administrator. Thank you. And I think that it would be fine if those conditions are put out and the contracts are not accepted by the Division until we receive that.

Chair Brandenburg – Ms. Peeples?

Ms. Peeples – Thank you, Mr. Chair. Going back to Ms. Wiener's comment of the cancelation and under the terms and conditions on page seven. If you'll review back to page six, at the bottom portion of page six, it talks about home sales only, about canceling, and I did not see the form that said the notice of cancelation form, which was included. So maybe we could ask Physicians Mutual to provide that also, so we can consider it, if this item is tabled.

Chair Brandenburg – Is representative for Regions still on the line?

Ms. Bokhary – Yes.

Chair Brandenburg – If this is tabled, would you be able to come back with a corrected and legal statement of funeral goods and services at the next meeting?

Ms. Bokhary – Absolutely.

Chair Brandenburg – Thank you. Is there a motion, Mr. Jensen?

Mr. Jensen – Yes, sir.

MOTION: Mr. Jensen moved to table this item to the next meeting. Rabbi Lyons seconded the motion, which passed unanimously.

Ms. Simon – I apologize to the Board members for having those contracts submitted to you without the required language.

Rabbi Lyons – Mr. Chairman, I have a question.

Chair Brandenburg – Rabbi Lyons?

Rabbi Lyons – Just for my edification. When we're talking about the cancelation policy being on the signature page, is that Florida Statutes and the rules? Can somebody please cite that?

Ms. Simon – May I, Mr. Chairman?

Chair Brandenburg – Go right ahead.

Ms. Simon – Rabbi Lyons, I can get that information for you after the Board meeting, if that's acceptable.

Rabbi Lyons – All right, sounds good.

Chair Brandenburg – Thank you.

(c) Trust Agreement and Preneed Sales Agreement
1. Physicians Mutual Innovations LLC (Omaha, NE)

Ms. Simon – Physicians seeks approval of a master preneed trust agreement along with a participation agreement and a preneed funeral agreement, all as more specifically set out within your Board package. Physicians also seeks approval of the following: First Amended Agreement and Declaration of Trust of Physicians Mutual Innovations, LLC Master Preneed Funeral Trust Agreement; and First Amended Master Preneed Funeral Trust Agreement.

Physicians seeks approval of the attached preneed Statement of Funeral Goods and Services agreement and Master Preneed Funeral Trust Contract for Merchandise & Cash Advance Items. The Division recommends approval subject to the following condition:

- 1) That the representations of Physicians, through its representative from Regions, as set forth in the Board package, be deemed material to the Board's decisions herein.
- 2) That fully executed copies of the trust documents as identified above be provided to the Division within sixty (60) days of this Board meeting.
- 3) That two full sized print-ready copies the preneed sales agreement be provided to the Division within sixty (60) days of this Board meeting.

Ms. Wiener – Mr. Chair? This is Wendy Wiener, again. I apologize. I think the matter I was speaking about earlier, I think, perhaps when I opened my packet, for some reason I don't see both of these in my Board packet. And so, I might have been speaking about this matter, the trust agreement matter with regard to the third-party administrator. I thought this was one in the same matter. So, I think the same issues that we just spoke about may be present with regard to this matter, as well.

Chair Brandenburg – Representative from Regions?

Ms. Bokhary – Yes? This Summer Bokhary on the line.

Chair Brandenburg – Go ahead.

Ms. Bokhary – I'm assuming Ms. Wiener is requesting for us to incorporate the same edits.

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

Ms. Bokhary – I do.

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

Ms. Bokhary – Summer Bokhary, B O K H A R Y, for Regions Bank.

Ms. Simon – Thank you, ma'am.

Chair Brandenburg – Thank you. Go right ahead.

Ms. Wiener – I'm sorry.

Ms. Bokhary – My question to the Board, was I'm assuming that Ms. Wiener's request is in line with what she stated earlier was that she wants an update to the reference of third-party record keeper or administrator. Is that accurate?

Chair Brandenburg – Yes.

Ms. Wiener – Yes. This is the document that has the trust agreement built into it, and those are the issues with regard to the reference to third-party administrator. And there are also issues with regard to the preneed contract, for this one, as well. And I apologize for the confusion previously. I have too many tabs open on my PDF screen.

Ms. Bokhary – Completely understood. We can certainly make those edits. That's not a problem. Are there any other questions?

Chair Brandenburg – Do you think that you could have those done by the next meeting, if we tabled this?

Ms. Bokhary – Yes, sir. Absolutely.

Chair Brandenburg – Thank you, Ms. Bokhary. Board?

MOTION: Mr. Jensen moved to table this item to the next meeting. Rabbi Lyons seconded the motion, which passed unanimously.

U. Motion to Approve Partial Financing of a Cemetery Property
(1) Recommended for Denial
(a) Jacksonville Memory Gardens, Inc. (Orange Park)

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

Chair Brandenburg – Of course.

Ms. Simon – On or about May 31, 2022, the Division received a Motion to Approve Partial Financing of a Cemetery Property. As with any request for cemetery financing, the Division has concerns. The mere possibility that a cemetery loan will be defaulted upon resulting in a financing company owning the cemetery creates concerns regarding Florida consumers and the required perpetual care of a cemetery. While the Motion goes into great detail as to the increased need for cemetery space, as well as the cemetery's history and previous conduct demonstrating the ability to pay back any financing, the Division's concerns are not alleviated. I believe a representative of Jacksonville Memory Gardens is on the phone.

Chair Brandenburg – Is there a member on the call? I'm sorry, let me recognize, Mr. Ferreira.

Mr. Ferreira – Yes, sir. I have had conversations over the years with some of the folks over Jacksonville Memory Gardens, but I do feel like I can be fair and impartial on this decision.

Chair Brandenburg – Thank you. Is there a representative present? Mr. Gabriel?

Mr. Jason Gabriel – Yes, sir. Mr. Chair, thank you. My name is Jason Gabriel. I'm an attorney with the law firm of Burr & Forman, and we represent the applicant here, Jacksonville Memory Gardens. I have with me today John Shipley, who is sitting right next to me. He is one of the principles. I thank you for your time. I appreciate your staff. They've really been responsive and helpful to us as we went through this process. A little bit of a unique process that we were going through, but, in any event, you should have before you, the Motion dated May 26th, that your staff would have received at the end of May. And the

request is, you know, Jacksonville Memory Gardens, and I know it's a relatively small community, you know, statewide of funeral and cemetery operators. So, probably several of you or most of you know who Jacksonville Memory Gardens is. They're a multi-generational longstanding, well-operated family-owned business. They've been around for about sixty-four (64) years since 1958, and they're solid and well established in the community. In the past, and I think we have placed a point of fact in the pleadings, they've finance parts of the property. The last known financing, I think, that we placed in our pleading, was back in 1989 and they paid off that financing within five (5) years. Just as a show that they have the means and the ability to obviously satisfy their debts.

The request here before you is for what we're calling a partial financing of the property. The property is valued at about, and this is about sixty-nine (69) acres, give or take, just south of the Orange Park Mall in Clay County, Florida. The property is valued at about \$8.8 million and change. The financing we're seeking is and we're capping it at \$2.2 million, so about roughly a quarter of the value of the property, and it is to buy the interest of a family member who would like to completely exit from the business. So, that's the reason for the request. Like I said, it's not a full financing of the whole value of the property. I do understand, you know, your staff's general concern about what I would deem a very remote possibility of a down the road default. You know, cemetery properties landing in the hands of a lender or some sort of financier, or whoever that doesn't have real experience in this sort of sensitive area of business. But, as you all know, in this day and age, lenders, I mean, they lend in a whole variety of business trades and typically don't get involved and don't want to get involved in really any sort of business operations, let alone, you know, the operations of a cemetery or funeral parlor. And so, they typically, in situations like that, will hire an operator, if we even got to that point. Let alone, you know, the decision making at a bank to even foreclose on property like this, particularly on something that's not fully encompassed, or should I say that's partially finance. But in any event, I do think that that is a very far remote and speculative type of concern, but a concern, nonetheless. So, what we're asking for is, and it's laid out in the Motion before you, but what we're asking for is this permission to respectfully get the Board's approval for this partial financing of up to \$2.2 million of an \$8.8 million valued property.

If I may, you know, again, in reviewing the, the concerns of staff and then talking it through with them, I'll propose a couple of alternatives. I'm proposing the order of, you know, the desire of Jacksonville Memory Gardens, because you know that, again, the request is for this partial financing of up to \$2.2 million, with the whole property as the collateral. Understanding that a lot of these potential things down the road are very far removed and remote, due to the well operated establishment, how they run their business, and a lot of other factors that we've put into the pleading. But, as an alternative, if I may, Mr. Chairman? And again, there's a lower priority of desire here, but another idea as I'm thinking through a way to alleviate perhaps some of the concerns of your staff and perhaps Board members. Obviously I haven't heard your perspective yet, but one alternative be perhaps a condition that, again, Memory Gardens asks for Board approval to partially financed the property for up to the \$2.2 million, but perhaps a condition that, and we would have to talk this through with our lender, that the financing include what's called a Marshaling provision, where the applicant would agree with a lender that in the remote potential of a foreclosure, the lender would look to prioritize the collateral. So, there is a, and I'm sorry I didn't mention this, but there is about a 17.33-acre part of the property that's in the northeast quadrant of the property that's completely vacant and not utilized for cemetery purposes currently. And actually, could be potentially utilized in the future for other sorts of development, completely vacant. And in a moment, if I could share my screen, I can show you the survey if you'd like to see the pictorial of that.

Going back to this Marshaling provision, the idea would be to agree with a lender that in the remote possibility of a foreclosure, the lender will look to that 17.33 acres first to satisfy any debt. If that doesn't satisfy the debt, then they would look to the funeral home part of the property second, to satisfy the debt. And if that doesn't satisfy the debt, then a third would be to then go to the cemetery as collateral. That would be an alternative potential approval with that condition. And the last alternative, which we respectfully request that one of those first two that I just discussed wouldn't be the way to go. But the last wouldn't be that the Board approve the partial financing of the property by encumbering, allowing for the encumbrance of just the 17.33 acres, which is the uncommitted, unutilized part of the property. So, that property would not be able to be used for any cemetery uses during the term of any financing and if financing were paid off in the future, they can cross that bridge when they get there. The reason that last alternative is not as desirable for us, is because of two real reasons. One, we won't be able to borrow as much, so they will have to come out, cash in hand for part of that. Because, again, you're talking about a much smaller, though very valuable part of the property. And number two, higher rates, especially in the sort of financing world we're living in right now, and where it's headed. So, that would be the reason why that would be the less desirable. But, thank you for obliging me. I wanted to lay out those three (3) possible ways of going about this. Again, I can share this screen, if you wanted me, to, to show you this survey, so I can show you where these parts of the property are. I'm

absolutely available for any questions that you may have. And, again, I appreciate your time and I appreciate staff's time as well.

Chair Brandenburg – Thank you, Mr. Gabriel. Ms. Simon?

Ms. Simon – Thank you, Mr. Chairman. If the Board chooses to go with option three (3), I would request that the 17.33 acres be undereducated, and then used as collateral for that part only used for collateral, for the loan. I think that the Board needs to approve the un-dedication before that should be permitted.

Chair Brandenburg – My question, Mr. Gabriel, is the seventeen (17) acres dedicated cemetery property?

Mr. Gabriel – Yes. My understanding is right now, if you pulled, and Ellen Simon could correct me if I'm wrong, but if you were to pull the license on this, you're going to see a one (1) parcel that's sixty-nine (69) acres. So, we're talking about either conditioning into that 17.33 acres as untouched or unencumbered, or as Ellen was stating, un-dedicating that part. Again, I think it might be more form over substance, but in any event. And if you like, Mr. Brandenburg, if I go to share my screen, it says ask the organizer to make you a presenter. But if you wanted to, I can show you, if I shared my screen, I could show you the actual survey, so I can tell you like where the different parts of the property are, but that's your call, obviously.

Chair Brandenburg – I have a question of Ms. Simon. Ms. Simon, could you remind the Board of the statute that we're to uphold on cemetery encumbrances?

Ms. Simon – If I may have a moment?

Chair Brandenburg – Yes. I did not see that in our paperwork.

Ms. Simon – Mr. Chairman, I'm afraid that I'm unable to speak to that, at this time.

Mr. Gabriel – And Mr. Chairman, if you'd like, I do have the statute in front of me if you'd like me to read it into the record, or is that what you're asking? I mean, whatever your desire.

Chair Brandenburg – Thanks to you. Ms. Simon? I'm sorry. I said, Ms. Simon, but I meant Ms. Munson. I'm sorry.

Ms. Munson – That's fine, I was trying to search it because it's not wrote memory, of course. But what is the statute number that you're referencing?

Ms. Simon – If I may, Mr. Chairman? I apologize for interrupting. I've located that. It is under Section 497.261(3)(f), F.S. It states that the property described herein shall not be sold, conveyed, leased, mortgaged or encumbered without the prior written approval of the Department of Financial Services. Is that what you're referring to, Mr. Chairman?

Ms. Munson – It's not 261, I don't think.

Ms. Simon – It's not, excuse me. You're right, it's 263.

Ms. Munson – Thank you.

Mr. Gabriel – If I may? I think the one I have, and maybe that's an older version, I don't know. But I have s. 497.270, F. S. That's the version that I'm looking at. And maybe it repeats itself in different parts of the statutes. It could be that as well. But that's the part, I'm looking at, s. 497.270.

Chair Brandenburg – Thank you. Mr. Jensen?

Mr. Jensen – Yes, sir. I do have a couple questions here. So, Mr. Gabriel, if I'm understanding, the sixty-nine (69) acres does have interments it, less seventeen (17) acres of that. The seventeen (17) acres does not have any interments, correct?

Mr. Gabriel – That is correct. And in fact, actually, and again, if I were able to put this up on the screen, which I'm happy to do, there's actually an additional they said everyone knows. In addition to the 17.33 acres, and an additional 7.4 acres that's in the southeast quadrant. That is also completely vacant, but that one has been designated by Jacksonville Memory Gardens as a future development of cemetery area. So, we're not talking about that part. I just want you to know that there is that space there that designated as kind of the second, next tranche, I suppose. But, yes, to answer your question, the 17.33 acres we're talking about, which is in the northeast quadrant of the property, is not, it's completely, it's vegetation, some wetlands, and it has not been used for any cemetery burials or anything like that.

Mr. Jensen – Mr. Chair, a follow up question?

Chair Brandenburg – Go right ahead.

Mr. Jensen – Mr. Gabriel, also on this, if you took the seventeen (17) acres off, and even possibly that other seven (7) acres, the seventeen (17) acres get you to \$2 million, by your calculation. The other seven (7) acres would certainly get you your \$2.2 million. Why not just separate those off, as Ms. Simon referred to un-dedicating them, and get a loan against that? That's my question.

Mr. Gabriel – Yes, sir. I understand, and we proposed that idea as sort of our alternative three (3). It can be done, but in that scenario, the way the lenders are looking at these properties. You're right. I mean, it's all valuable property, but it's a smaller area. I don't have the exact numbers in front of me. It is a smaller value and they base it off a fraction of that. So, in other words, I'm not sure that we'll get to the \$2.2 million that we're seeking to borrow. It may be less than that and the Jacksonville Memory Gardens folks will probably have to come out of pocket, to some degree, with cash. I don't have the exact numbers. Plus, I do believe the interest rates go up with that smaller collateral. That's the reason. It is a potential option, but a less desirable one.

Mr. Jones – Mr. Chair?

Mr. Ferreira – Mr. Chair?

Chair Brandenburg – Mr. Ferreira?

Mr. Ferreira – Yes. Mr. Gabriel, I think I missed one of the options. Could you summarize the first two (2) options, please?

Mr. Gabriel – Sure. Yes, thank you. The first was really the request that we applied for, which is simple. We're asking the Board to approve the request to partially finance the entire property for up to \$2.2 million. Again, understanding that that's a quarter of the value of the property. That's the first and most desirable option. The second is the same thing, but with a condition that we would have to get with our lender and agree to a Marshaling provision, where we would agree with the lender that in that remote possibility of a foreclosure with the lender, that the lender is something we have to agree with the lender, that they would look to the 17.33 acres first. We still have to prioritize the collateral. So, the 17.33 acres is looked at first to satisfy any debt, if there were an issue in the future. If that did not satisfy the debt, the lender would then look to the funeral home piece of the property, which is its own parcel at the northside of the property. I think it's about an acre and a half, or two (2) acres or so. That would be the second that we'd look at to satisfy the debt. And if all else failed, and those two (2) priorities of collateral failed, then and only then that the bank would go to the cemetery itself as a sort of place of last resort for collateral. So, the second one is approving the partial financing with the whole property as collateral but prioritizing what the lender could foreclose on. That's what's called the marshaling provision. Those are the first two (2) alternatives, and the last was this idea of approving the financing, but with only the 17.33 acres, and not the rest.

Chair Brandenburg – Do you think the lender will agree to the marshaling provision?

Mr. Gabriel – This is something we've been discussing in this last, let's say 48 hours leading up to this hearing. I don't know, Mr. Brandenburg, but it's certainly something. If all else fails, if that's where we are, that's certainly what we will request to the lender, if that's where we end up. I have not gotten a lender to agree to that yet, but we haven't approached them yet. So, that is an option that we would certainly pursue, if that's the desire of this Board. Again, our request is really to just approve this partial financing for that up to \$2.2 million. The reason I came up with, you know, in consultation with a client, the reason we

came up with these other two (2) alternatives is to try our best to alleviate the concerns that, you know, we've heard from your staff and the general sort of perspective. Yes, I do think it's a very far-removed possibility, but the possibility of a lender taking over a cemetery property, understanding that if that would ever occur with all these hurdles to get to that occurrence, that a lender would have an operator to operate the business. They wouldn't be doing it themselves. But in any event, I know this is a sensitive area of trade, and so to keep that in line, that's why we're coming up with these alternatives.

Chair Brandenburg – Thank you for your explanation. Ms. Munson?

Ms. Munson – I just wanted to just make a couple points., if I may? Thank you, Chair. I wanted to just caution the Board on making a decision based on speculative information. I can appreciate the applicants/petitioners request regarding the requests for the partial financing. I think that the Department has expressed a pretty clear case for their view, regarding the public interest that may be involved. I just wanted the Board, because my focuses are wanting the Board to make a decision based on the information presented. So, the information presented, and I believe that counsel has referenced s, 497.270(1), F.S. correctly stating that this land cannot be mortgaged or otherwise financed, given the public interest, unless certain criteria or certain levels of scrutiny are met. Just to be clear, that's what the Board is faced with. Do they feel strong enough that there is not a degree of public interest that would allow them to do that? The Department is clearly stating that there is. However, when we start discussion, and we have a CPA on the Board now who can probably understand a lot of this in terms that she operates, but when we start talking about other types of financing options, whatever contracts that this particular petitioner hinges onto with the bank, it's a private contract. The Board would have no knowledge or control. They won't be involved at any level as to what those terms. So, to that extent, if you want to consider approving any of the marshaling, for example, you're not going to know exactly what happens. If the petitioner wants to present a particular contract for the Board to review, to see if it is indeed acceptable, that's a different story. But to make a decision based on what the petitioner and the bank, in privity of their private contract, will come to terms, is just a little bit different and I believe it might be too far of a reach for this particular Board to make a decision without all of the facts. Because the statute is there for a reason. My only other and final statement regarding this particular matter is, I think, and I'm sorry if I'm looking to the side, because I'm reading various parts of the statute that may be in place, is that if the Board is considering making any decision of this nature, I don't know if this has come before the Board before, but if this is the first occurrence of it, I would caution the Board, as to the basis for that decision that they're going to make. Those are my only comments. I'm deferring to the Department, because I understand that this statute is pretty much the bread and butter of the Department. So, I just wanted to make sure, especially with new Board members on the call, that we kind of understand what we're looking at, because we're talking about so many different things. Some of them are not real right now. Some of them are in levels of possible negotiations that we don't know what they would land in. So, in all fairness to the new Board members, or those who may not have as much knowledge as perhaps our CPA on the Board, I just wanted to clarify a couple of items, so there could be a better understanding. Maybe I did, maybe I didn't, but it's an effort to do so.

Chair Brandenburg – Thank you.

MOTION: Chair Brandenburg moved to approve the partial financing. Mr. Ferreira seconded the motion.

Rabbi Lyons – Mr. Chair, can we be clear on what we're approving? What does partial financing mean?

Chair Brandenburg – Motion that is presented to us for the partial financing.

Rabbi Lyons – Of the seventeen (17) acres?

Chair Brandenburg – No.

Rabbi Lyons – The Motion presented to us?

Chair Brandenburg – Yes.

Rabbi Lyons – Understood.

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

Board members – Aye.

Chair Brandenburg – And any opposed?

Rabbi Lyons – Opposed.

Ms. Liotta – Opposed.

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

Mr. Ferreira – Mr. Chairman?

Chair Brandenburg – Mr. Ferreira?

Mr. Ferreira – Yes. Can you restate your motion, please?

Ms. Simon – If I may, before we take a vote? The motion that is being submitted or being heard right now is the same motion that was in your Board package that motion. So, no tiered approach, no nothing. That motion. And the motion was to accept that request. If I may take a roll call on that, Mr. Brandenburg?

Mr. Ferreira – Ms. Simon? Ms. Simon?

Chair Brandenburg – Just a moment.

Mr. Ferreira – So, what's the motion? To accept the parcel funding, correct?

Ms. Simon – Mr. Chairman? Yes, it is exactly what is written and provided within your Board package. May I take the roll call now, Mr. Chairman?

Chair Brandenburg – Yes.

Ms. Simon – Ok, Mr. Williams?

Mr. Williams – Yes.

Ms. Simon – Mr. Clark?

Mr. Clark – Yes.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Yes.

Ms. Simon – Ms. Clay?

Ms. Clay – Yes.

Ms. Simon – Ms. Peeples?

Ms. Munson – You're muted.

Chair Brandenburg – You're muted, Ms. Peeples.

Ms. Peeples – I'm sorry. Yes.

Ms. Simon – Mr. Jones?

Mr. Jones – Yes.

Ms. Simon – Ms. Liotta?

Ms. Liotta – No.

Ms. Simon – Mr. Jensen?

Mr. Jensen – No.

Ms. Simon – Rabbi Lyons?

Rabbi Lyons – Opposed.

Ms. Simon – Mr. Chairman?

Chair Brandenburg – Yes.

Ms. Simon – Based upon that vote, the motion does pass.

Rabbi Lyons – Did Ms. Clay vote?

Ms. Simon – I'm sorry?

Rabbi Lyons – Did Ms. Clay vote?

Ms. Simon – Ms. Clay, did I call on you? I apologize.

Ms. Clay – You did, and I voted in favor of. People were probably anticipating a no for me.

Ms. Simon – Thank you.

Chair Brandenburg – Thank you. Thank you, Mr. Gabriel. Thank you, Board. Next item, Ms. Simon.

Ms. Simon – Yes, sir.

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

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

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

Chair Brandenburg – Go right ahead, please.

Ms. Schwantes – Thank you, sir. Good afternoon, again, Board members. Governor DeSantis signed the Department's Agency Bill, which was HB959 on May 25th. The new laws go into effect on July 1st. Particularly for our newest Board members, the law will effectuate the following changes to Chapter 497:

Section 497.277, F.S. – The law will eliminate the cap on transferring burial rights fees. So, basically, for our purposes, it eliminates the current cap of \$50. There will be no cap.

Section 497.369, F.S. – It revises the requirement for licensure by endorsement to practice embalming - hopefully, to make it easier for individuals to obtain licensure in Florida who are already licensed in another state. And I will not go through all of the requirements of that, but that is one of the changes that it's making.

Section 497.372, F.S. – It revises the scope of the practice of funeral directing to allow funeral establishment staff to perform some minor administrative type activities, which currently require that a funeral director perform them.

And finally, Section 497.374, F.S., is similar to the changes regarding the licensure by endorsement for embalming. This revises requirements for licensure by endorsement to practice funeral directing. Again, the purpose is to make it easier for an individual to obtain licensure in Florida if they are already licensed in another state. So, rulemaking will be required to change some of the rules and forms relating to licensure by endorsement. These matters will be presented to the Board in future months.

I want to talk about CPTF claims just briefly. Over the next few months, Board members may see an increase in the number of CPTF claims presented each month. That is our Consumer Protection Trust Fund, as you all know. Some of you may be aware that the Division has experienced a backlog on processing these claims primarily due to staffing shortages and issues with our technology systems that are used for this purpose. However, we have brought in temporary part-time assistance to reduce this backlog. As a result, we anticipate that all claims will be caught up within a few months. So, I just wanted to give an explanation of that before you see the increase, any kind of significant increase, in the next months.

As a reminder, Board members must submit their annual financial disclosure forms to the Commission of Ethics by July 1st. If any of you have not yet submitted your form, please do so as quickly as possible, particularly to avoid any fines.

Finally, updates regarding the next meetings. The next Board meeting will be a videoconference on Tuesday, July 12th at 10 AM. As a further reminder, all upcoming Board meeting dates and locations are posted on our website already. The August Board Meeting, which is scheduled for Thursday, August 4th, is still planned for Jacksonville. We're actually working on the contracts with the venue at this point. We should have an update on the hotel meeting room location by our next meeting. That ends the Operational Report for today. Thank you, Mr. Chair.

Chair Brandenburg – Thank you. Any questions of Ms. Schwantes? Ms. Simon?

Ms. Simon – Yes, sir.

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

Ms. Simon – This is informational only.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 Date of Board meeting: June 21, 2022
 Date report was prepared: June 14, 2022

Licensee	Board Meeting	Case No.	Total Fine & Cost Due	Date Due	Paid in Full?	Comments
McRae Funeral Services LLC	April 7, 2022	285315-21-FC	\$1,750	May 16, 2022	Paid in Full	
Leanardo Stubbs	March 3, 2022	287747-21-FC	\$1,250	June 23, 2022	Paid in Full	
Timothy Kitchens	March 3, 2022	278063-21-FC	\$2,000	April 25, 2022	Paid in Full	
Timothy E. Kitchens Funeral Home, Inc	March 3, 2022	278061-21-FC	\$2,000	April 25, 2022	Paid in Full	

	Vinson Funeral Home	March 3, 2022	283110-21-FC	\$250	May 9, 2022		In the process of sending to OGC for administrative action
	Jeffrey Lee Tillman	March 3, 2022	275817-21-FC	\$4,000	April 25, 2022		In the process of sending to OGC for administrative action
	Om-8 Luxury Designs, LLC d/b/a A Mortuary Service	March 3, 2022	287746-21-FC	\$1,750	June 23, 2022		In the process of sending to OGC for administrative action
	Marion Graham Mortuary	Jan/Feb 2022	280739-21-FC	\$4,000	March 25, 2022	Paid in Full	
	Joy McCartney	2/3/2022	282878-21-FC	\$1,250	March 25, 2022	Paid in full	
	Paradise Funeral Chapel LLC	2/3/2022	App for Licensure	\$1,500	March 25, 2022		Sent to OGC for administrative action
	Stonemor Florida LLC DBA Forrest Hills Memorial Park	2/3/2022	282705-21-FC	\$800	April 25, 2022	Paid in full	
	All Points Removal Service	1/6/2022	286302-21-FC	\$2,500	March 5, 2022	Paid in full	
	Peter Mackerowski	1/6/2022	286926-21-FC	\$2,000	March 25, 2022	Paid in full	
	Rose Hill Cemetery Company	1/6/2022	282700-21-FC	\$2,000	March 29, 2022	Paid in Full	
	Naples Funeral Home, Inc.	1/6/2022	282694-21-FC	\$750	March 29, 2022	Paid in Full	
	D & L Removal & Transport, Inc	1/6/2022	283168-21-FC	\$1,500	28-Feb-22		In the process of sending to OGC for administrative action
	Marie Decker	May-21	243582-19-FC	\$2,250	11/22/2021	No	Sent to OGC for administrative action
	Debra Lynn Parrish	11/4/2021	282523-21-FC	\$1,000	12/17/2021		In the process of sending to OGC for administrative action

ES6-14-2022

W. Chairman's Report (Verbal)

Ms. Simon – Mr. Chairman?

Chair Brandenburg – Thank you. I would like to announce some changes on Probable Cause Panel B. As per the rules, the Chairman is responsible for appointing Probable Cause Panel members. Richard Chesler, who has been the Chairman of Probable Cause Panel B, is going into a well-deserved retirement and has resigned from the Probable Cause Panel B. I have appointed Jason Toale to fill the position as a member of Probable Cause Panel B. And also, on that Probable Cause Panel is Tracy Huggins and Darrin Williams. I have appointed Darrin Williams as Chairman of Probable Cause Pamela B. So, thank you for serving, all of you, and particularly Probable Cause Panel B Chairman, Darrin Williams, for accepting that very, very responsible position.

Ms. Simon – Mr. Chairman?

Chair Brandenburg – Yes?

Ms. Simon – I'm sorry, I didn't want to interrupt. I didn't know whether you were done.

Chair Brandenburg – Yes, I am.

Ms. Simon – Thank you, sir.

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

Ms. Simon – Included within your Board package is the Attorney General's report. That is informational only. Ms. Munson, do you have a report to make?

Ms. Munson – Nothing other than at the next meeting, I will have some discussion regarding the annual regulatory plan that we, the Board, should be preparing for with regard to new rulemaking, and probably to include some of the information Director Schwantes has just mentioned.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
JUNE 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 03/04/2022	10/29//2021	11/17/2021 12/21/21 – JAPC Letter 01/10/22 – JAPC Response 01/11/22 – JAPC Letter 01/11/22 – TOLLED 02/16/22 – Notice of Correction 03/15/2022 – Notice of Change 04/04/2022 - JAPC Response	04/15/2022	05/05/2022

Y. Public Comments (Verbal)

Ms. Simon – Is there any public comment to be made by those attending this meeting? Hearing no response.

Z. Administrative Report

The information was provided on the Agenda.

AA. Disciplinary Report

The information was provided on the Agenda.

BB. Upcoming Meeting(s)

- (1) *July 12th (Videoconference)*
- (2) *August 4th (Jacksonville)*
- (3) *September 1st (Videoconference)*
- (4) *October 6th (Videoconference)*
- (5) *November 3rd (Orlando)*
- (6) *December 1st (Videoconference)*

CC. Adjournment

Chair Brandenburg – Board members, I thank all Board members greatly, and particularly, welcome to the new Board members. Your initial meeting was very good. Thank you for your participation and your willingness to serve. Again, I always give an opportunity at this time, for the Board members to say anything for the good of the cause, mention anything. Any Board member have any comments? Hearing none. This meeting is adjourned.

Ms. Simon – Thank you, Board members.

Ms. Munson – Thank you, Board.

The meeting was adjourned at 12:40p.