

MINUTES
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
NOVEMBER 2, 2023 - 10:00 A.M.

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

Ms. Jill Peeples – Good morning, this is Chair Jill Peeples. It is 10:00 A.M. It's Thursday, November 2, 2023, and I would like to turn it over to Ms. Simon for preliminary remarks and roll call.

Ms. Ellen Simon – Thank you, Madam Chair. Good morning. My name is Ellen Simon. I am the Assistant Director for the Division of Funeral, Cemetery, and Consumer Services. Today is November 2, 2023, and it is approximately 10 AM. 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 are on the agenda, which has been made available to the public. The link and call-in number and other information relating to this Board meeting has also been published on the Division's website. 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.

As always, 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, Ms. Peeples, runs the meeting. Persons desiring to speak should initially ask the Chair for permission.

As a reminder to Board members, you are to refrain from commenting on facts not included within your Board packages, and instead base your decision solely on the information in your Board packages, as well as testimony provided at this meeting. Additionally, ongoing investigations are private and confidential and are not to be discussed, even for the purposes of confirming there is an investigation. Just a few words about Item T on your agenda, which is Public Comment. Public Comment is reserved for general comments by the public and not for re litigation of any matter before the Board. Please be aware that if Public Comment is used as an attempt to re litigate a matter that has been heard on this agenda, the Board will be instructed that the comment is not appropriate for Public Comment, and it should not be considered for further discussion.

As a final 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, Executive Director. She is monitoring the chat feature and, as necessary, will forward your inquiry to someone who can assist in resolution of the problem. At this point I will take the roll:

Jill Peeples, Chair
Andrew Clark, Vice Chair
Joseph "Jody" Brandenburg
Sanjena Clay
Vincent "Todd" Ferreira
Christian "Chris" Jensen
Kenneth "Ken" Jones

Janis Liotta
Jay Lyons
Darrin Williams {DELAYED}

Also noted as present:

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

Ms. Simon – Madam Chair, we have a quorum for the business of the Board.

Chair Peebles – Thank you, Ms. Simon.

B. Old Business

(1) Request for Reconsideration

(a) Bonar, Brian James: DFS Case No. 293064-22-FC; Division No. ATN-37322 (F042932)

Ms. Simon – This item has been withdrawn from the agenda.

C. Disciplinary Proceedings

(1) Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel A)

(a) Norwood, Lisa Michelle: DFS Case Nos. 277447-21-FC and 278059-21-FC; Division Nos. ATN-35686 and ATN-36112 (F072972)

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

Mr. Marshawn Griffin – Marshawn Griffin for the Department. The above-referenced matter is presented to the Board for consideration of the Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Motion) in the matter of Lisa Norwood (Respondent). Respondent was the funeral director in charge of Cannon Funeral Home, a funeral establishment licensed under Chapter 497, Florida Statutes, license number F275650. The Division alleges Cannon Funeral Home engaged in the following:

- Entered into a contract that was incomplete
- Permitted an unlicensed individual to assist in the embalming of a decedent
- Failed to ensure a form of identification was affixed to a body in its care and custody
- Made alterations to its physical structure without providing the Department timely notice
- Permitted an unlicensed individual to engage in funeral directing
- Failed to maintain a complete and accurate report of bodies handled

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

Chair Peebles – Thank you. Mr. Jones?

Mr. Ken Jones – I just want to recuse myself from items C. (1) and (2), as I was on Probable Cause Panel A.

Chair Peebles – Thank you, Mr. Jones. Board members, as you've just heard from Mr. Griffin, what is your pleasure?

MOTION: Mr. Chris Jensen moved that Respondent failed to timely file a responsive pleading. Mr. Andrew Clark seconded the motion, which passed unanimously.

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

MOTION: Ms. Sanjena Clay moved to adopt the allegations of the facts as set forth in both Administrative Complaint. Ms. Janis Liotta seconded the motion, which passed unanimously.

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

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

Mr. Griffin – Is Ms. Norwood present today? Hearing no response. The Department asked that the Board adopt into evidence, the investigative report with exhibits, a copy of which has been previously furnished to the Board to establish a prima facie case for the violations alleged in the Administrative Complaint. As to penalty, the Department recommends that the Board should issue Respondent a \$3500 fine and place her license on probation for a period of two (2) years.

Chair Peeples – Board members?

Mr. Jay Lyons – Madam Chair?

Chair Peeples – Yes, sir?

Rabbi Lyons – Good morning, Mr. Griffin. Can we just go through the calculation, please, for your recommendation?

Mr. Griffin – So, Counts I, II, III are each punishable by a reprimand or a fine of up to \$500 to \$1,000, six (6) months to one (1) year of probation. Count IV is punishable by a reprimand or a fine of \$1000 up to \$2500, six (6) months to one (1) year of probation. Count V is punishable by a reprimand or a fine of \$250 up to \$1,000 and is punishable by up to two (2) years of probation. Count VI possible by a Notice of Noncompliance. Count VII is punishable by a reprimand or a fine of \$1,000 to \$2500, six (6) months to one (1) year probation. So, putting it all together, Ms. Norwood faced a maximum potential liability of \$3750, and a maximum potential liability of \$5500, \$6500, about \$9000. So, I believe that the calculation was \$500 for the first three (3) counts, \$1,000 fine for the second two (2) counts, and then a \$1,000 for Count VII.

Chair Peeples – Rabbi, does that complete your question?

Rabbi Lyons – Yes. It's fascinating that not reporting a structural change seems like it's a bigger deal than allowing an unlicensed person to assist in an embalming.

Mr. Griffin – The unlicensed charge is punishable by a Notice of Noncompliance. The failure of unlicensed practice is a \$1000 to \$2000 fine, six (6) months to one (1) year probation, up to one (1) year of suspension and permanent revocation.

Rabbi Lyons – All right.

MOTION: Rabbi Lyons moved that the Respondent shall pay a fine of \$3500 and have its license placed on probation for two (2) years. Ms. Liotta seconded the motion, which passed unanimously.

- (2) Settlement Stipulations (Probable Cause Panel A)**
(a) Leonardo, Alberta L: DFS Case No. 273845-20-FC; Division No. ATN-35429 (F044032)

Ms. Simon – Is Ms. Leonardo or a representative of Ms. Leonardo here?

Mr. Christopher Butler – Good morning, this is attorney Christopher Butler.

Ms. Simon – Good morning, sir. Ms. Marshall, presenting for the Department.

Ms. Kimberly Marshall – Thank you, Ms. Simon. Kimberly Marshall on behalf of the Department. Good morning, Board members. Alberta L. Leonardo (“Respondent”) is a funeral director and embalmer licensed under Chapter 497 and holding license number F044032. At all times material to this case, Respondent was the funeral director in charge of Holmes Funeral Directors (“HFD”), a funeral establishment and apprentice/intern training agency holding license number F041651 and doing business in Haines City, Florida. The Department conducted an investigation of HFD and found as follows: HFD failed to provide the purchaser of funeral goods and services with a detailed, written agreement. HFD failed to obtain written authorization to embalm a body. Further, HFD failed to maintain a complete copy of the Bodies Handled Report for June 2020. As funeral director in charge of HFD, Respondent is responsible for these violations. The disciplinary guidelines for these violations provide as follows:

- Count I: *Failing to provide the purchaser of funeral goods and services with a detailed, written agreement, second violation:* Reprimand, fine of \$2,000 to \$5,000 plus costs, probation one (1) to two (2) years
- Count II: *Failing to obtain written authorization to embalm a body, second violation:* reprimand, fine of \$2,500 to \$5,000 plus costs, probation up to two (2) years, suspension up to two (2) years, or permanent revocation of the license
- Count III: *Incomplete bodies handled report:* Notice of non-compliance

I’d like to note for the record that Respondent does have prior disciplinary history, so Counts I and II are both second violations, so the enhanced disciplinary guidelines are there. Respondent has entered into a proposed settlement stipulation. The proposed stipulation provides that Respondent shall pay a fine of \$7,500, and Respondent’s license shall be placed on probation for a period of two (2) years. As Respondent’s license is currently on probation, and the new term of probation will commence on March 23, 2024, when the current term of probation is completed. The Department requests that the Board accept this settlement stipulation in resolution of this matter, and I’m available to answer any questions. Thank you.

Chair Peeples – Thank you, Ms. Marshall. Ms. Clay?

Ms. Clay – Ms. Marshall, you indicated that two (2) of these are repeat offenses. How long ago were the initial offenses.

Ms. Marshall – She is still currently on probation for those, so relatively recently.

Ms. Clay – Thank you.

Mr. Butler – May I make a comment?

Chair Peeples – Yes, sir.

Mr. Butler – Thank you so much. That probation expires in March of 2024, and it was about three (3) to four (4) years ago.

Chair Peeples – Thank you, Mr. Butler. Are there any other questions for Ms. Marshall or Mr. Butler? Mr. Jensen?

Mr. Jensen – Ms. Marshall, I’m just curious here. If they are already on probation, is that how you arrive at that? Is there a penalty for doing this again, since they were already on probation?

Ms. Marshall – Yes. So, the disciplinary guidelines, if you look at the way the rule is written, there are columns for first violations, second violations, and for third or subsequent violations. Because this is a second violation, it is an enhanced level of penalty.

Mr. Butler – Thank you. May I make a comment to Ms. Marshall’s comment?

Chair Peeples – Yes, sir.

Mr. Butler – Thank you very much, ladies and gentlemen of the Board. Ms. Marshall and I have been working on this settlement stipulation, but this case precedes Ms. Marshall. I had been working on this case with Jim, before he retired. I was finally able to reach Ms. Leonardo on August 16th, with regard to the most recent settlement stipulation, and she has voluntarily entered into a stipulation with one concern, which is she felt that the fine was excessive. Now, with respect to this being the second violation, the penalty range still calls for a range starting at \$2500 for a fine for each of these alleged violations. Excuse me, starting at \$2000, but the lowest penalty is a reprimand. So, I would respectfully ask the Board to first consider approving the settlement agreement and then maybe consider reducing the fine down to the lower spectrum of this second tier for the penalty range for an approximate total or range of \$3500 to \$4500.

Chair Peeples – Thank you, Mr. Butler. Ms. Munson?

Ms. Rachelle Munson – If counsel is proposing any type of modification to this settlement, we can't approve it. We'll have to reject it and then consider a counter, in proper form.

Chair Peeples – Thank you, Ms. Munson. Mr. Jensen?

Mr. Jensen – A quick question for Mr. Butler here. Mr. Butler, your client entered into a settlement agreement, which I think is more than fair. I mean, I personally believe it should be a little more since she is already on probation. Why now argue that it should be less if you've already accepted the stipulation here to settle?

Mr. Butler – Well, we were negotiating the agreement prior to now. So, I didn't wait until this point to argue that. It was a request of the licensee from my attempt to respectfully request the Board to reduce define, you know, by a few thousand to the lower range of the penalty.

Chair Peeples – Mr. Jensen, does that complete your question, sir?

Mr. Jensen – Yes, ma'am.

Chair Peeples – Thank you. Mr. Brandenburg?

MOTION: Mr. Jody Brandenburg moved to accept this Settlement Stipulation, which provides that the Respondent shall pay a fine of \$7,500 and Respondent's license shall be placed on probation for two (2) years. Mr. Todd Ferreira seconded the motion, which passed unanimously.

Mr. Butler – Thank you.

Chair Peeples – Thank you. Ms. Simon?

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

Ms. Simon – This is an informational item. Pursuant to Section 497.466, Florida Statutes, the applicants on Addendum A have been issued their licenses and appointments as preneed sales agents.

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

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

Chair Peeples – Thank you, Ms. Simon. Are we going to address E (2) (a)?

Ms. Simon – I'll mention that after, but that is not a part of the addendum.

Chair Peeples –Ok, thank you, ma'am. Board members, what is your pleasure?

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

(2) Informational Item
(a) Kunz, Bonnie

Ms. Simon – The above claim and request for disbursement of payment to the Preened Contract Consumer Protection Trust Fund was initially approved at the October 12, 2023, Board Meeting. It should be noted that due to a correction of the spelling of the claimant's last name to Kunz, this claim has been amended. The amount for payment of claim originally approved by the Board was \$895 for Bonnie Kunz, however, the amount for approval and disbursement of the claim has been reduced due to part of the funds being held in trust for this claim through FSI for Ms. Bonnie Kunz. Therefore, the amount to be disbursed from CPTF for this claim is \$383.50 instead of \$895.

F. Application(s) for Embalmer Apprentice
(1) Informational Item (Licenses Issued without Conditions) – Addendum C
Gaudette, Hope A F714863

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

(2) Recommended for Approval without Conditions
(a) Dicamillo, Bradford A

Ms. Simon – Is Mr. Dicamillo here today or a representative?

Mr. Bradford Dicamillo – Present, ma'am.

Ms. Simon – Thank you. An application for an embalmer apprentice license was received by the Division on September 18, 2023. The application was incomplete when submitted. The application was deemed complete on October 23, 2023. On October 20, 2020, Mr. Dicamillo was found guilty of the 2nd degree misdemeanor criminal charge of breach of peace. Mr. Dicamillo sentencing includes six (6) months' probation, random alcohol/drug screening, and fines/court costs. The Division recommends approval without conditions.

Chair Peeples – Mr. Brandenburg?

Mr. Brandenburg – On page 5, there is an answer "NO" to the question of communicable disease. Is he required to complete a course on communicable disease.

Chair Peeples –Yes, sir, Mr. Brandenburg. I had that question also when I was reviewing. But if you look on page 9 of the packet, he completed that course, which was after the date that he had signed his application.

Mr. Brandenburg – Ok.

Chair Peeples – It was signed in September, and this course was completed on the {inaudible} of October.

Mr. Brandenburg – Thank you.

Chair Peeples –Sir, thank you. Board members?

MOTION: Ms. Liotta moved to approve the application. Mr. Jones seconded the motion.

Chair Peeples – Is there any discussion on the motion?

Rabbi Lyons – Madam Chair?

Chair Peeples – Yes, sir, Rabbi Lyons?

Rabbi Lyons – Question for the Division. Sometimes with a criminal history, the recommendation is denial. Sometimes it's approval. I think we had a few of them last meeting that were recommended for approval. Why is breach of the peace not a criminal history that you would recommend the denial?

Ms. Simon – I believe that the decision was made in this matter, based on the fact that the criminal violation was a second degree misdemeanor.

Chair Peeples – Does that completes your question, Rabbi Lyons?

Rabbi Lyons – Yes.

Chair Peeples – Ok. We have a motion, and we have a second. Any further discussion on the motion? Hearing none, all in favor of the motion, say yes.

Board members – Yes.

Chair Peeples – All opposed, say no. Motion carries.

(3) Recommended for Denial
(a) McWilliams, Morgan A

Ms. Simon – Is Mr. McWilliams, or a representative of Mr. McWilliams here?

Ms. Wendy Wiener – Good morning, Board members. Wendy Wiener and Hank Thompson, representing Mr. McWilliams, and he is here as well.

Ms. Simon – An application for an embalmer apprentice license was received by the Division on September 12, 2023. The application was incomplete when submitted. A completed application was received on October 16, 2023. The applicant answered "YES" to the criminal history question and submitted three (3) criminal history forms along with the application. The applicant previously held an embalmer apprentice license that expired on April 19, 2022, before the application was submitted. This application was withdrawn from the November 2022 Board meeting (minutes attached). Rule 69K-27.001, F.A.C. provides that only one (1) embalmer apprentice license can be held in a lifetime. The criminal charges in this matter stem from:

- In Collier County, in August 2021, the Applicant pled to the following:
 1. One Count of possession of a controlled substance, a third-degree felony, for which adjudication was withheld, and he was sentenced to eighteen (18) months of probation with the condition of a substance abuse evaluation and the requirement of being subject to random breathalyzer/urinalysis; and
 2. One count of possession of a narcotic paraphernalia, a second-degree misdemeanor, where he was adjudicated guilty and sentenced to fines/costs.
- In Lee County, in or around October 2021, the applicant pled to nolo contendere to driving while license suspended/ revocation equivalent status, a second-degree misdemeanor, for which she was adjudicated guilty and sentenced to fines/court costs, advised of habitual and/or felony status.
- In Collier County, on August 10, 2022, the Applicant pled to the following:
 1. One count of reckless driving causing property damage, a first-degree misdemeanor, for which he was adjudicated guilty and was sentenced to twelve (12) months' probation, ordered to pay fines/court costs, 10-day imprisonment, attend DUI school and a substance abuse evaluation, and be subject to random breathalyzer/urinalysis. The Court additionally ordered certain alcohol restrictions and restitution to CVS;

2. One count of not having possession of a valid driver's license, a second-degree misdemeanor, for which he was adjudicated guilty and received the same sanctions as above.

The Division recommends denial.

Chair Peeples – Thank you, Ms. Simon. Ms. Wiener, would you or Mr. Thompson like to address the Board?

Ms. Wiener – So I will start off on this. Thank you, Chair Peeples. Good morning, Board members. Nearly one (1) year ago today, this applicant was before you. It was actually November 3rd, and I'm very glad that the Board meeting minutes from that meeting are in your Board packet so that you can see the extensive discussion that was had with regard to Mr. McWilliams' criminal history, his efforts at rehabilitation, and his leadership as a result thereof. At that time, he was presented to you for denial solely on the basis of his criminal history. So, the Board considered his history, as you can see, and as I've said, and heard from Mr. McWilliams, rather extensively. Ultimately, the primary focus of the Board appeared to be the fact that he was still on criminal probation. And it has indeed been this Board's pattern and practice to not license those who continue to be on criminal probation, so consistent with that. Now, at the time of that meeting, last year, he had six (6) months to go on his probation, and, of course, it's been a full year now. Board members Jensen and Clark, specifically toward the end of the Board meeting minutes, commented on the fact that his probationary status was of import to the decision that was being made on his application at that time. Of course, since that time, he has successfully completed his probationary term, has had additional time since then with absolutely no incidents of criminal history, or wrongdoing. As he can testify, if you desire to hear from him, he continues to do very well in his managerial jobs, in school, and also has sobriety. And, importantly, he continues to be a leader with a great story to tell about how to make a change in your life and really go on to do good things. So, the leadership is one that he has embraced surrounding his own criminal history and the choices that he makes every day. And so, we believe on that basis this Board would be well served to grant him his application for apprenticeship.

You're facing, however, a new issue, this November, that you did not face last November, which is that this time around the Division has recommended denial based on the rule, not the law, but the rule that provides that a person can hold only one (1) embalmer apprenticeship, per lifetime. Mr. McWilliams has not applied for another embalmer apprenticeship. He did not complete his first apprenticeship. That is an important distinction for you to focus on. And, in fact, when he applied, back in 2022, he was specifically directed by the Division, because at that time, he was still in that time period where you could request an extension. He originally intended to submit that application, and he was directed by the Division to submit it as a new application, but that at the Board meeting, the Board would be told that he would only finish out his first embalmer apprenticeship. And, in fact, that's exactly what happened. The November Board meeting from 2022 packet indicates that he has this criminal history, but if he is approved, he will finish out the two (2) years that has left on his apprenticeship. Aware of this rule, when we came to represent Mr. McWilliams earlier this year, aware of this rule, and having very often in the past submitted to you petitions for waiver or variance of those kinds of rules, the kind that allow people to only do one (1) internship in a lifetime, we also reached out to the Division to confirm that, in fact, this would not be considered a new apprenticeship, but would be the continuation and completion of his apprenticeship, despite the language to the rule, and that was confirmed for us as well. The very first notice I received that this might be an issue at all for this Board, was when we, like Mr. McWilliams, and like all of you, received the Board packet. And so, we are hopeful that you, like the Division has consistently recommended to Mr. McWilliams, and to us, will treat this as the continuation of his apprenticeship. So, given that we and Mr. McWilliams followed the direction of the Division as to the way that the applications were submitted, we would request that if you approve this licensure, which we strongly urge you to do so, based upon the completion of Mr. McWilliams' probation, his sobriety since 2021. You'll see on your Board minutes that he previously testified to in May of 2021 date of sobriety. His continued service to his community and his acknowledgement of his criminal history, and everything that has occurred in the past, we urge you to grant his application to complete his embalmer apprenticeship for the remaining time period. I am available to answer any questions.

Chair Peeples – Thank you, Ms. Weiner. Ms. Simon, will you swear in Mr. McWilliams? I have a question for him from his application, please.

Ms. Simon – Yes, ma'am. Sir, please raise your right hand to be sworn in. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. McWilliams – I do.

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

Mr. McWilliams – Morgan Andrew McWilliams, M C W I L L I A M S.

Ms. Simon – Thank you, sir.

Chair Peeples – Thank you, Mr. Williams, and thank you for participating today in this videoconference. I have a question for you. Page 6 of the application, letter G, states that you're currently enrolled in a mortuary program that you enrolled in June of 2022, You have your application for embalmer apprentice. How much longer do you have for your program to be completed?

Mr. McWilliams – So, at this time, at the end of this semester, I will be at 80% and that is certainly a goal of mine to pursue that as well. As well as, you know, I really just want to do the right thing, and become licensed, step by step, and that is a really close goal of mine right around the corner. Thank you for that question.

Chair Peeples – Yes, sir. Do you have a graduation date yet that you're working toward?

Mr. McWilliams – May of 2024, I'll graduate.

Chair Peeples – Ok. Ms. Simon, I have a question. Because this is an embalmer apprentice license application, if Mr. McWilliams is successful in graduating next year, he would most likely want to start to serve an internship. So, I don't know if this is a question for Mr. McWilliams, Ms. Wiener, or Mr. Thompson. Would he need to have this embalmer apprentice application if possibly in the next eight (8) months, if he may want to? Or can you move it to an internship? How do we handle that when someone this close to graduation requests this type of license?

Ms. Simon – Madam Chair, my understanding is that if the applicant would like to become an embalmer intern, he would need to apply for that at the time of graduation or at the time of meeting the requirements.

Chair Peeples – Correct. And I know that's the process, but what I'm asking is he's asking for an embalmer apprentice now. So, he has about eight (8) months, possibly, before he'll graduate. So, how does the Department handle that, if he is now on an embalmer apprentice, then he wants to do an internship? Do they just stop that and then he applies for the internship?

Ms. Simon – That is my understanding, Madam Chair.

Chair Peeples – Thank you. Board members. Any questions for Mr. McWilliams? Mr. Jensen?

Mr. Jensen – I do have a question for Ms. Wiener. In her dissertation there, she mentioned that Mr. McWilliams is enjoying his managerial capacity. What is he managing?

Ms. Wiener – He is a manager at Legacy Options. He is not performing any work that requires a license, but he is a manager there, which does not require any licensure in the state of Florida.

Mr. Jensen – Ok, thank you.

Ms. Wiener – Thank you. Chair Peeples, to address your prior question as to Mr. McWilliams' intentions related to his concurrent internship, you're exactly right, and Ms. Simon is correct. The way that that would work is at the time that it is appropriate for him to do so, he will apply for that, and if approved for that licensure, in essence, that internship will supplant the process that he is going through now. But he wishes to get going. He had completed a significant portion of his embalmer apprenticeship, and he'd like to get going with that as soon as possible. Thank you.

Chair Peeples – Thank you, ma'am. Ms. Clay, did you have a question?

Ms. Clay – I indeed do. Ms. Wiener, you're indicating that this is not a new application, and that you are asking the Board to consider his continuation of the apprenticeship. So, are we saying that he just picks up where he left off?

Ms. Wiener – Yes, ma'am, that is my understanding of what the Division was actually suggesting back in November of last year. If you harken back to almost a year ago today, actually a year ago tomorrow, the Board coversheet indicated that if Mr. McWilliams was approved, he would serve out the remaining two (2) years of his apprenticeship. And so, we are asking that, and frankly, Board member Clay, that may be a question that we need not grapple with. Because I believe that it is likely, as Mr. McWilliams testified, that what's going to happen next is if this Board is good enough to grant his application now, he will get going with his apprenticeship, and then he'll be back to you for a concurrent internship license so that he can be both a funeral director and embalmer, which that, as I said, would supplant that process anyway. So, I doubt that he will be in this apprenticeship for more than one (1) year, but he did have two (2) years left. So, if for some reason he abandons the process entirely of becoming a funeral director, he could finish out the apprenticeship, if granted, and then apply for his licensure as an embalmer.

Chair Peeples – Ms. Clay, does that complete your question?

Ms. Clay – Yes. Thank you.

Chair Peeples – Thank you. Rabbi Lyons?

Rabbi Lyons – Couple of questions. So, Ms. Wiener, first of all, let me just understand. Let's say this application is not approved {inaudible}. But if this application were not approved, how would that adversely affect Mr. McWilliams if he were to graduate in May and then be an intern? How would not approving this right now affect his career path?

Ms. Wiener – If he had not applied for this licensure or if for some reason, he was to not pursue this apprenticeship, then he would simply be applying to you fresh in whenever the time is appropriate for his concurrent internship. But as I said, Mr. McWilliams began down this path, pursuing this path, and it really appears from a reading of the Board meeting minutes that, consistent with its prior practices, this Board was correctly concerned that he continued to be on probation. And I think there was concern about setting a precedent for a person with a criminal history that remained on active probation. And, of course, that time has now passed by six (6) months, and Mr. McWilliams has been in this process for some period of time, actually submitted this application some time ago, as you'll see from your Board packet. And because it takes some time to get the process at the Division and to this Board, he's here, and he's ready to get started again, being an embalmer apprentice.

Chair Peeples – Rabbi Lyons did that complete your question? Do you have a follow-up?

Rabbi Lyons – No, I'm sorry. Just to address the specific point. There's a ruling option of an embalmer intern in May, how would it adversely affect him to not be an apprentice between now and May?

Ms. Wiener – He will not be able to engage as an embalmer apprentice and I'm sure that that probably has an impact on his financial situation as well. My associate Mr. Thompson might have a more complete answer to that question.

Chair Peeples – Mr. Thompson?

Mr. Henry Thompson – Rabbi Lyons, if I remember correctly from my conversations with Mr. McWilliams, one of the other key reasons you would like to get this apprenticeship license up and running again, is that part of his coursework does not necessarily require licensure. However, having some sort of license to practice even in a limited capacity as like an embalmer apprentice, makes it significantly easier for him to complete the coursework, I believe he's had to talk over his lack of licensure with a few of his professors to try to figure out alternative ways to complete certain class requirements. And so, while a denial of his apprenticeship licensure would not make him incapable of completing his coursework, it would significantly handicap him.

Chair Peeples – Thank you. Rabbi Lyons, does that complete your question?

Rabbi Lyons – It did. I have another one, if it's ok?

Chair Peeples – Yes, sir.

Rabbi Lyons – I believe Mr. McWilliams' supervisor is on call today, and if we could hear an endorsement from him if he is so willing to share that, that would be very helpful.

Chair Peeples – Mr. McWilliams, is this person participating today?

Mr. McWilliams – Yes. My employer/supervisor is here, Mr. Jeffrey Nieves.

Jeffrey Nieves – Yes. I am on the call.

Chair Peeples – One second sir. If you'll let Ms. Simon, please swear you in.

Mr. Nieves – Hello members of the Board. I am here.

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

Mr. Nieves – Yes, ma'am.

Ms. Simon – I'm sorry sir, can you please repeat that?

Mr. Nieves – Yes, ma'am, I do.

Ms. Simon – Thank you, sir. Please state your name and spell your last name for the record.

Mr. Nieves – My name is Jeffrey Nieves, N I E V E S. And you'll have to forgive me for my connection. I'm going outside my wife's physical therapy appointment. She just had surgery so I'm on my hotspot right now. So, forgive me for that. Is there a specific question you want me to address regarding the application?

Rabbi Lyons – Yes, if I may? You had a very impassioned endorsement at the meeting a year ago. I just want your impression of Mr. McWilliams over the past year. Do you stand by your original remarks, or do you have anything to add?

Mr. Nieves – Absolutely. Morgan McWilliams is an absolutely remarkable employee. He has served in a capacity. I mean, he's always the first one to, you know, help do a transfer on the weekends, holidays. He covers phones at night. He really is our most valued employee that we have right now. I really do wish I could replicate him five (5) times over. That would be amazing, right? I know that if you all had the experience to work with Morgan, I honestly believe you would feel the same way. He's maintained a period of sobriety for, I believe, 2.5 years, through close to three (3) years now, and it's definitely shown in his work. I was on the last Board meeting, and my take-away from it was, you know, the fact, as Ms. Wiener mentioned, he was actively serving his probation term. And the feedback that we got from all of you nice people on the Board, I see a lot of the same faces, was that let him finish out this probation period. He was allowed to withdraw his application at that time. And the suggestion was to let him finish out the probation period and come back to the Board and present this same option that we're presenting now, with him free and clear from probation.

Chair Peeples – Thank you, sir. Rabbi Lyons, does that complete your questions?

Rabbi Lyons – Yes, ma'am.

Chair Peeples – Thank you. Mr. Jensen?

Mr. Jensen – Thank you, Madam Chair. I have a question for Mr. Thompson, and also, I'd like to make a motion. Mr. Thompson, the motion, I'm thinking, is approval with a little probation on his license, just in the light of the last couple of

years' activities. Would you have any issue with it?

Mr. Thompson – If I may, I'd like to hand it off to co-counsel Wiener. She has a little bit more experience with the impacts of probation. And my primary worry with that is I didn't not know if that would affect his application for a concurrent internship in the future. And that's my primary concern with putting a probation on his license.

Ms. Wiener – Thank you. It's really a question for Mr. McWilliams. Frankly, I don't believe that placing Mr. McWilliams on probation is necessary, but, likewise, I don't think that it's going to have any impact on him. I think you're going to expect that he will be an absolutely great apprentice, later, a wonderful concurrent intern, and ultimately a credit to the profession. So, from a legal perspective, I would not, I don't have any concern about that. Frankly, being an apprentice has you in a way on probation anyway, because you are an apprentice and an intern. So sometimes we put folks that are in internships and apprenticeships on probation, but in a way, it's sort of baked into the process, anyway.

Chair Peebles – Mr. Jensen, does that complete your question, and you mentioned a motion, possibly?

Mr. Jensen – Yes, that's the motion I would like to make. I would like to approve this gentleman to continue his studies, but I do believe, just in the recent, last couple of years, the incidents that have happened, there should be a probation attached for the length of the apprenticeship. That'll be my motion, Thank you.

Rabbi Lyons – I will gladly second that motion.

Chair Peebles – We have a motion by Mr. Jensen, when you have a second by Rabbi Lyons. Ms. Simon?

Ms. Simon – Thank you, Madam Chair. I just have a question, based on the conversation that occurred in this matter. Since Mr. McWilliams has already been an embalmer apprentice, the statute says that the maximum period somebody can be an embalmer apprentice is five (5) years. I'm not sure if you want to tailor the finding to a time period, or you want to ignore the time period. I'm not certain.

Chair Peebles – Mr. Jensen?

Mr. Jensen – Yes, I would say that he's got a year to complete his apprenticeship, because he's in school right now. I mean, I think he deserves a shot to finish school and then apply for, you know, the official license. So, yes, I would put a year on that. Thank you.

Chair Peebles – Rabbi Lyons?

Rabbi Lyons – Yes, I would second that.

Chair Peebles – So we have a motion by Mr. Jansen and a second by Rabbi Lyons, with an addendum of the motion. Is there any other discussion? Hearing none. Any discussion? Ms. Munson?

Ms. Munson – I just wanted to clarify what the addendum is. Do we have a specific length for the probation that's stated for the Order, or no?

Mr. Jensen – One year.

Rabbi Lyons – One year.

Ms. Munson – One year? Thank you.

Chair Peebles – Thank you. We're going to take a vote on the motion. All in favor of the motion, say yes.

Board members – Yes.

Chair Peeples – All opposed, say no. Motion carries. Thank you, Mr. McWilliams. Good luck. Thank you, Mr. Thompson and Ms. Weiner and Mr. Nieves.

Ms. Wiener – Board, thank you.

Mr. Nieves – Thank you so much.

G. Application(s) for Florida Laws and Rules Examination

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

- (a) Direct Disposer**
 - 1. Daniel, Noah C
 - 2. Freese, Joan A
- (b) Funeral Director (Endorsement)**
 - 1. Moore, Destiny P
- (c) Funeral Director (Internship and Examination)**
 - 1. Carroll, Madison N
 - 2. Jones, Brin R
 - 3. Megna, Gianna M
- (d) Funeral Director and Embalmer (Endorsement)**
 - 1. Knapp, Aurelia R
- (e) Funeral Director and Embalmer (Internship and Exam)**
 - 1. Boldrey, Kathryn L

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

H. Application(s) for Internship

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

- (a) Funeral Director**
 - 1. Moylan, William T F714894
 - 2. Simon, Ortavia D F714862
- (b) Funeral Director & Embalmer (Concurrent)**
 - 1. Brissett, Shaige S F621491
 - 2. Leonard, Lori E F714486
 - 3. Saint Germain, Maressa B F717190

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.

I. Application(s) for Cinerator Facility

(1) Recommended for Approval with Conditions

- (a) Metro Crematory, Inc. (Ocoee)**

Ms. Simon – Is there a representative of Metro Crematory Incorporated on the call today?

Thomas Philpot – Yes, Ms. Simon. This is Thomas Philpot and I'm joined with Susan Schneider, who is the president and CEO of this entity.

Ms. Simon – Thank you, sir. An application for cinerator facility licensure was received on August 22, 2023. The application was incomplete when submitted. A completed application was received on September 15, 2023. The funeral director in charge will be Eric Halsey (F063975). A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the cinerator facility pass an on-site inspection by a member of Division Staff.

Chair Peebles – Ms. Simon, I have a question. On page 7 of 12 in our packet, it states on item 19 where it says, “Applicant may attach to this application additional pages to explain any answer herein,” and they wrote in death certificate. I didn't see anything in the packet. Possibly, can we get a clarification of what that item was? Maybe Mr. Philpot can assist us.

Mr. Philpot – Certainly, Chair Peebles. For the Board's reference, Ms. Schneider is also affiliated with Quality Vaults, which is another item on the Board's agenda today. All of these matters related to change of ownership on these licenses are prompted by sadly the circumstances of Ms. Schneider's husband. Jim Tramonte who passed away this year it was the owner and manager of these entities and built them over the course of forty (40) plus years and expanded them and grew them to the success they are today. And so, this change of ownership is the family carrying on this business through Susan's leadership and ownership of the entities. On the cinerator license, in particular, the funeral director in charge remains the same as it has been on the license previously. This is simply the necessary action to reflect a change of ownership, so that Susan can continue working to carry forward the legacy of service that Jim built in this industry.

Chair Peebles – Thank you, Mr. Philpot. A death certificate was not provided as stated in the application. Correct?

Mr. Philpot – It's my understanding it was. I would defer to Board staff, on whether it was included in your packet today. If there's not a record of it on record with the Division, we certainly are willing to supplement that, but it's my understanding it was submitted.

Chair Peebles – Ms. Simon?

Ms. Simon – Madam Chair, I do not believe it was submitted with this application, but it may have been submitted with the others. I'm not certain at this point.

Chair Peebles – Thank you. Mr. Brandenburg?

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

Ms. Simon – Madam Chair? I apologize.

Chair Peebles – Yes, ma'am?

Ms. Simon – If it would be acceptable to you, if we could call item P out of order on the agenda?

Chair Peebles – Yes, ma'am.

P. Related Items – Change of Ownership

(1) Application(s) for Monument Establishment Retailers and Monument Sales Agreement

(a) Recommended for Approval with Conditions

1. Quality Vaults Inc (Lake Wales)

Ms. Simon – An application for monument establishment retailer licensure was received on August 23, 2023. The application was incomplete when submitted. A completed application was received on September 20, 2023. A background check of the principals revealed no criminal history. The Division recommends approval. This is contrary to your cover sheet. The Division recommends approval subject to the applicant passing an on-site inspection. And this morning a settlement stipulation was mailed out to the Board members, and the Division would request that if the license were approved, that it be approved with a condition of the settlement stipulation. The settlement stipulation is for both of the applications for monument establishments and calls for payment of \$1250 per matter as a condition of licensure. Thank you, Madam Chair.

Chair Peebles – Thank you, Ms. Simon. Ms. Munson?

Ms. Munson – Is the settlement stipulation in the materials?

Ms. Simon – Yes, the settlement stipulation that was sent out this morning. Yes, ma'am. Excuse me. I apologize. It was sent out yesterday afternoon.

Ms. Munson – In the Board materials, not just to the Board members, is what I'm asking?

Ms. Simon – I can't answer that at this time.

Chair Peeples – Ms. Munson, does that complete your question, or do you have a comment for the Board?

Ms. Munson – I don't know. Is the information being added for good cause shown, pursuant to the Chair's motion or anything like that, That information will be important, since additional information may have been made available that was not otherwise provided.

Ms. Simon – Madam Chair, the Division would request that you permit the settlement stipulation based upon good cause of this order.

Chair Peeples – Thank you, ma'am. So moved. Mr. Brandenburg?

Ms. Munson – It's not the Division's call. It's the Chair's call to make that. And I don't know if the parties regarding the settlements are here to confirm, accept, reject, approve. I don't know if that is all in play as well.

Ms. Simon – Madam Chair?

Chair Peeples – Yes, ma'am?

Ms. Simon – As we indicated, a settlement agreement was sent to Board members yesterday afternoon, and I believe that you have already found that there was good cause in that. The representative to the applicant and the applicant's attorney is on the line, and they were part of the process of the settlement stipulation for today.

Chair Peeples – Thank you, ma'am. Mr. Brandenburg?

MOTION: Mr. Brandenburg moved to approve the application and accept the settlement stipulation. Mr. Jensen seconded the motion.

Chair Peeples – Is there any discussion? Ms. Simon?

Ms. Simon – Mr. Brandenburg, did that include an on-site inspection?

Mr. Brandenburg – I'm sorry. Yes, subject to an on-site inspection.

Ms. Simon – Thank you, sir.

Chair Peeples – Mr. Jensen, do you amend your second?

Mr. Jensen – Yes, ma'am. Thank you.

Chair Peeples – Thank you. Rabbi Lyons?

Rabbi Lyons – I didn't really understand the settlement stipulation. What was the nature of the offense?

Ms. Simon – Based upon matters, that were factors involved in this matter, the Division thought it was prudent to have a settlement stipulation included as part of the recommendation for approval of licensure.

Rabbi Lyons – What are we settling is my question?

Ms. Simon – It is where we were asking for that as a condition of licensure, Rabbi.

Ms. Munson – He’s asking about the merits. He’s asking you to explain the details, which is normally what the Office of General Counsel would present.

Ms. Simon – I'm sorry, Rabbi. I would like to present to the Board that this was part of the decision that was made by the Division to include a \$1250 fine for each of these matters. I'm not feeling comfortable giving the reasons behind it, and I apologize.

Chair Peeples – Does that complete your question, sir? We have a motion and a second. We're in the discussion phase.

Rabbi Lyons – Yes, it completes my question. So, we're approving a fine, but we don't know why? That's basically what the motion on the floor right now is?

Chair Peeples – We are going by the Division’s recommendation, which Mr. Schneider has signed and has agreed to the settlement stipulation. As you see in the information that we received yesterday that she signed it in 11/1 from that perspective.

Rabbi Lyons – But we don't know why she did that. We don't know what she did. We don't know why there’s a fine, and we're being asked to approve it. That’s not a question. That was a statement. If I'm wrong, somebody can correct me, but that is the motion on the floor right now, is to approve a fine that we don't understand.

Chair Peeples – We have a motion to accept the settlement stipulation, to approve the application with the condition of an on-site inspection. That is the motion, and that is the second that we have.

Mr. Brandenburg – Call the question?

Chair Peeples – Thank you, sir. We have a motion. We have a second. All in favor of the motion, say yes.

Board members – Yes.

Chair Peeples – All opposed, say no.

Rabbi Lyons – No.

Ms. Liotta – No.

Ms. Clay – No.

Chair Peeples – Let's do a roll call vote really quick, Ms. Simon, please.

Ms. Simon – Yes, ma'am. All those that agree with the motion, please say yay, and those that do not say nay. Mr. Clark?

Mr. Clark – Yes.

Ms. Simon – Mr. Brandenburg?

Mr. Brandenburg – Yes.

Ms. Simon – Ms. Clay?

Ms. Clay – No.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Yes.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Yes.

Ms. Simon – Mr. Jones?

Mr. Jones – Yes.

Ms. Simon – Ms. Liotta?

Ms. Liotta – No.

Ms. Simon – I'm sorry, Ma'am?

Ms. Liotta – Nay.

Ms. Simon – Thank you, Rabbi Lyons?

Rabbi Lyons – No.

Ms. Simon – And Madam Chair?

Chair Peeples – Yes.

Ms. Simon – And that motion passes.

Chair Peeples – Thank you, ma'am. If we can go on, please.

2. Quality Vaults Inc (Ocoee)

Ms. Simon – This is a very similar matter in nature. An application for monument establishment retailer licensure was received on August 23, 2023. The application was incomplete when submitted. A completed application was received on September 21, 2023. A background check of the principals revealed no criminal history. The Division recommends approval subject to the conditions of passing an on-site inspection and acceptance of the settlement agreement.

Chair Peeples – Board members?

MOTION: Rabbi Lyons moved to approve the application subject to the conditions of passing an on-site inspection, but not the settlement stipulation.

Chair Peeples – Ms. Munson, will we have to make a motion to reject the settlement before we take the motion that Rabbi Lyons mentioned?

Ms. Munson – No, you don't have to reject anything because this motion was to approve it only for the on-site inspection. He didn't include [inaudible].

Chair Peeples – Thank you, ma'am.

Ms. Clay – Madam Chair, I second.

Chair Peeples – Ms. Simon?

Ms. Simon – Yes, if I may? The applicant and their counsel signed the settlement agreement for both matters, and they accepted the settlement agreement for both matters, as a condition of licensure. I understand what the Rabbi's doing, and I understand that the Board has a decision to make. However, I just wanted to put that in that the settlement agreement included both applications.

Chair Peeples – Rabbi Lyons?

Rabbi Lyons – If I may? We have settlement agreements all the time where the applicant also signed the settlement agreement, and the Board is given the information behind it. And so, this motion is in protest to the secrecy of this.

Ms. Simon – Madam Chair?

Chair Peeples – Go ahead, Ms. Simon.

Ms. Simon – Rabbi, It's not secrecy but there is confidentiality and there are things that can be discussed during the Board meeting, and there are things that can't be discussed during the Board meeting. And obviously, this is something that the applicant agreed to. so, the applicant is in a position to offer the settlement stipulation as part of the application for licensure and to accept it as part of a condition of the application for licensure. And we would request the Board to do the same.

Chair Peeples – We have a motion. We have a second. We need a roll call by Ms. Simon, on this motion. If you agree to the motion, which is to accept the application request without the settlement stipulation you'll vote yes. If you disagree with that, you will vote no.

Mr. Clark – Madam Chair, can I ask a question? The settlement stipulation included both licenses. The settlement stipulation has been approved, so why do we need to approve it for this license? The stipulation has been approved. I guess I'm confused.

Chair Peeples – Mr. Clark, I think because they are two (2) separate license applications. So, that settlement stipulation applies to both. We have completed P (1) (a) 1., and now we're on P (1) (a) 2.

Mr. Clark – I understand. It just feels like we're voting on the settlement stipulation twice. We've already accepted it. I mean, the settlement stipulation has been approved. We can proceed with that. I just wanted to make that comment. I mean, we've approved the settlement stipulation.

Chair Peeples – Ms. Simon?

Ms. Simon – I believe that Mr. Clark has a point. You would have already approved the settlement stipulation. Mr. Philpot, do you have any objection to that?

Mr. Philpot – I'm sorry, Ms. Simon, to what? To not including the stipulation for this vote?

Ms. Simon – Yes, because the stipulation has already been voted on and approved as to the other matter.

Mr. Philpot – I would defer to this more for a procedural standpoint on whether it needs to be accepted for this license as well. But I do agree that both licenses were covered in the stipulation that was entered by the client.

Chair Peeples – Ms. Munson?

Ms. Munson – Are you asking whether we can move forward with the motion the way it is?

Chair Peeples – Yes, ma'am. And that the settlement stipulation will apply to P (1) (a) 1., and P (1) (a) 2.

Ms. Munson – I believe that the motion will be, that's been placed on the record, is just for an on-site inspection. And if the stipulation that was previously approved with the other application is attached to this, any order that would be issue would not indicate it. Whether or not it will apply to it, but by the way the settlements stipulation is written it probably will, But for the way that this vote is being taken, technically, they're two (2) separate motions. The Department has the authority based on the way the settlement stipulation is to apply it to whatever's in the settlement stipulation.

Ms. Simon – As a result of that, Madam Chair, if I can change the recommendation of the Division to simply be a recommendation that this license be approved subject to an on-site inspection.

Chair Peeples – Thank you. Rabbi Lyons, your motion is to approve just with an on-site inspection, correct?

Rabbi Lyons – Yes.

Chair Peeples – Ms. Clay, do you concur?

Ms. Clay – Yes.

Chair Peeples – Ok. Instead of a roll call.

Rabbi Lyons – Ma'am?

Chair Peeples – The settlement stipulation is going to apply to both applications, sir, because it was already approved in P (1) (a) 1. So, it will video part of P (1) (a) 2 also.

Rabbi Lyons – Let me ask a theoretical question. If this application were to theoretically be denied then the way that we would have the settlement stipulation is that they would only pay the fine one (1) time, not twice, correct? Because the settlement stipulation is for each application.

Chair Peeples – Yes, sir. It applies to P (1) (a) 1., and P (1) (a) 2.

Rabbi Lyons – Ok, then I will amend my motion on two (2) conditions. One (1) is that it passes the on-site inspection, and two (2) that the previously approved stipulation does not apply to this license.

Chair Peeples – Ms. Simon, that's not an option, is it?

Ms. Simon – It is not, ma'am. Right now, the only option we can do is on this particular matter, and I believe that Mr. Clark had a good point. And so that was why I made the statement I did.

Chair Peeples – So, Rabbi, would you like to amend your motion to approve the application with an on-site inspection?

Rabbi Lyons – I believe that was my original motion.

Chair Peeples – Ms. Clay, do you agree to that?

Ms. Clay – Would you restate the motion, because I don't believe that was the original motion?

Rabbi Lyons – Well, the way that I said, it was...

Chair Peeples – Excuse me, Rabbi. We've had three (3), so we are back to the first one for approval of the application with an on-site inspection. Because the previous discussion is the settlement stipulation was already approved under P (1) (a) 1. but it applies to P (1) (a) 1., and P (1) (a) 2. So, that stipulation has already been approved. So, now we have a motion with P (1) (a) 2 to approve the application with an on-site inspection. Rabbi Lyons, do you agree to the motion? Ms. Clay, do you agree with

the second?

Rabbi Lyons – Yes, the motion is to approve with the condition of an on-site inspection.

Chair Peeples – Ms. Clay?

Ms. Clay – Yes.

Chair Peeples – We have a motion on the table? No further discussion. All in favor of the motion, say yes.

Board members – Yes.

Chair Peeples – All opposed, say no. Motion carries.

Ms. Simon – Thank you.

3. *Quality Vaults Inc.*

Ms. Simon – The Division recommends approval subject to the condition that two full sized print-ready copies are received by the Department within sixty (60) days of this Board meeting.

Chair Peeples – Board members?

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

Chair Peeples – Thank you Mr. Philpot and Ms. Schneider.

Mr. Philpot – Thank you, Chair Peeples and members of the Board.

Chair Peeples – Ms. Simon, are we returning back to the agenda to letter J?

Ms. Simon – Yes, ma'am.

J. *Application(s) for Funeral Establishment*

(1) Recommended for Approval with Conditions

(a) Peggy J Johnson Funeral and Cremation Services (Pompano Beach)

Ms. Simon – An application for funeral establishment licensure was received on October 11, 2023. The application was incomplete when submitted. A completed application was received on October 13, 2023. The funeral director in charge will be Peggy Johnson Rahming (F043590). A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the establishment pass an on-site inspection by a member of Division Staff.

Chair Peeples – Board members?

MOTION: Ms. Liotta moved to approve the application subject to condition that the establishment passes an inspection by a member of Division Staff. Mr. Jones seconded the motion.

Chair Peeples – Is there any discussion on the motion? Do I have someone? Ms. Johnson, are you raising your hand? If you are, and if you'd like to speak, we need to swear you in. Would you like to speak or address the Board?

Ms. Peggy Johnson – Yes.

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

Ms. Johnson – Yes.

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

Ms. Johnson – Peggy Joyce Johnson, J O H N S O N.

Ms. Simon – Thank you, ma'am.

Chair Peeples – Thank you, Ms. Johnson. Would you like to address the Board?

Ms. Johnson – Yes, I would. The on-site inspection has been done. It was done on Monday.

Chair Peeples – Thank you, ma'am. We appreciate that. We have a motion by Ms. Liotta, a second by Mr. Jones. Is there any further discussion? Hearing none. All in favor of the motion, say yes.

Board members – Yes.

Chair Peeples – All opposed, say no. Motion carries. Thank you, Ms. Johnson, for attending.

Ms. Johnson – Thank you.

K. Application(s) for Removal Service

(1) Recommended for Approval with Conditions

(a) Beyond Limo Transportation LLC (Miramar)

Ms. Simon – An application for removal service licensure was received on September 27, 2023. The application was incomplete when submitted. A completed application was received on October 4, 2023. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the removal service pass an on-site inspection by a member of Division Staff. Is there a representative of the applicant here today?

Mr. Erick A Gonzalez – Yes, good afternoon. My name is Eric Gonzalez. Good afternoon to everyone.

Chair Peeples – Mr. Gonzalez, do you need to address the Board? If so, we would need to swear you in. Are you here if there are possibly any questions?

Mr. Gonzalez – Yes, I would like to address the Board, please.

Chair Peeples – Thank you. Let us swear you in please, sir.

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

Mr. Gonzalez – Yes, ma'am.

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

Mr. Gonzalez – Erick A Gonzalez, G O N Z A L E Z.

Chair Peeples – Thank you, Mr. Gonzalez. Would you like to address the Board, sir?

Mr. Gonzalez – The condition for establishment is for the vehicles, correct, that I'm going to use? As opposed to a property location, correct?

Chair Peeples – Ms. Simon, would you like to address Mr. Gonzalez's question?

Ms. Simon – Yes. The inspection will be on the property, as well as the vehicle. The address provided as the business address.

Mr. Gonzalez – Ok. I'm still learning about this here. When you mentioned the property, the location, I guess I'll have to read on that more. Yes, I accept. I don't know what else to actually really. This is my first time applying for a removal service.

Chair Peeples – Yes, sir. As Ms. Simon mentioned, if the Board approves your application with the condition of an on-site inspection, that would be for your equipment and your location, physical address.

Mr. Gonzalez – OK. Yes, ma'am.

Chair Peeples – Thank you sir, Board members, your pleasure? Rabbi Lyons?

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

Chair Peeples – Good luck, sir. Thank you for participating today.

Mr. Gonzalez – Thank you. Have a good day.

(b) Charon Mortuary Transport LLC (Weston)

Ms. Simon – Is there a representative of this entity on the call today? An application for removal service licensure was received on August 15, 2023. The application was incomplete when submitted. A completed application was received on August 24, 2023. A background check of the principals revealed criminal history. The criminal history for principal Samuel Adler was previously presented to the Board as part of Samuel Adler's application for concurrent internship licensure at the March 3, 2023, meeting. The Division recommends denial. However, should the Board reject the Division's recommendation and approve the application, the Division requests that the approval be subject to the condition that the removal service pass an on-site inspection by a member of Division Staff.

Chair Peeples – Is there any discussion? What's the Board's pleasure? Is there anyone representing this entity on the call? Is Mr. Adler participating?

Mr. Samuel Adler – Yes, I am. I'm here.

Chair Peeples – Thank you, Mr. Adler. Would you like to address the Board or are you here for questions? If so, we need to swear you in, sir.

Mr. Adler – I'm here at the Board's pleasure.

Chair Peeples – Thank you. Board members, do we have any questions? Mr. Brandenburg?

Mr. Brandenburg – I note that on page 6 of the application, under letter K, the applicant mentioned that they're attaching additional pages, twenty-five (25) pages. I just wondered if it was left off the application, but I can't find the twenty-five (25) pages.

Ms. Simon – I'm sorry. Was that question directly toward me, sir?

Chair Peeples – No, sir, Mr. Adler. Let us do this, if we may, please, sir. May we swear you in, please?

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

Mr. Adler – I do.

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

Mr. Adler – Samuel Adler, A D L E R.

Chair Peeples – Thank you, Mr. Adler. Ms. Simon, would you like to address Mr. Brandenburg's question?

Ms. Simon – The only thing I would say to Mr. Brandenburg's question is that this is the second time the matter has been on the agenda, and I am unclear what was involved on the agenda previously. This is all I know that was submitted for today's proceedings.

Chair Peeples – Mr. Brandenburg, would you like to address that question to Mr. Adler?

Mr. Brandenburg – Yes, Mr. Adler where are the twenty-five (25) pages?

Mr. Adler – The documentation that I submitted was not only letters of recommendation, as well as an explanation, but I also submitted, for the Board's convenience, a summary of the Board minutes from the March agenda meeting, just to have everyone, so that they could go back and reference it, if they would like. But that's what the pages were.

Mr. Brandenburg – Ok, good. I've got another question for Mr. Adler, if I may, Madam Chairman?

Chair Peeples – Yes, sir.

Mr. Brandenburg – Mr. Adler, have you had your civil rights restored?

Mr. Adler – Yes, sir.

Mr. Brandenburg – You have?

Mr. Adler – Yes. There have been zero changes from anything that was discussed previously since March.

Chair Peeples – Mr. Brandenburg, does that complete your question, sir?

Mr. Brandenburg – Yes. Thank you, Madam Chairman.

Chair Peeples – Board members, is there any other discussion. What is your pleasure? Mr. Jensen?

Mr. Jensen – Yes, a question for Mr. Adler. To piggyback off of Mr. Brandenburg here. So, so the Department is recommending denial based on criminal history. And 2015 was the last incident?

Mr. Adler – Yes, sir. Actually, I'm just curious, because I understand, but according to the agenda that I received, it was actually filed under applications for removal with conditions and approval. So, has changed?

Mr. Jensen – Unless I'm looking at the wrong one, the one I see says denial.

Chair Peeples – Mr. Jensen, if I may? Mr. Adler, we receive a cover sheet, which gives the pertinent information to each Board member, and it states the recommendation was for denial of your application request, So that was the information that we have, sir.

Mr. Adler – Ok, I understand. There must have been some type of mix up, because the one that I received that I'm looking at says approval, but not a big deal.

Chair Peeples – Sir, since we have other information, would you like to withdraw your application and we may be able to put it on the next month's Board agenda? Or would you like us to go forward?

Mr. Adler – No, I would like to go forward.

Chair Peeples – Thank you, sir. Mr. Jensen, any further questions?

Mr. Jensen – Yes, ma'am. As a follow up to that question, Mr. Adler, is all of your restitution, all your probation and everything over with?

Mr. Adler – Yes, sir. Everything has been completed as of December 2020. So, everything considering from, you know, probationary or anything that was related to that order of condition has been completed as of December 2020.

Mr. Jensen – Thank you. Madam Chair.

Chair Peeples – Yes, sir. Any other Board members? Any other questions? What is your pleasure? Rabbi Lyons?

MOTION: Rabbi Lyons moved to approve the application subject to condition that the removal service passes an inspection by a member of Division Staff. Ms. Liotta seconded the motion, which passed with one (1) dissenting vote.

Chair Peeples – Thank you, Mr. Adler.

Mr. Adler – Thank you, members of the Board.

(c) Fastraq Transport LLC (Wesley Chapel)

Ms. Simon – An application for a removal service licensure was received on September 26, 2023. The application was deficient when submitted. A completed application was received on October 12, 2023. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the removal service pass an on-site inspection by a member of Division Staff. Is there a representative of this entity on the call today?

Mr. Robert Dowdell – Yes, ma'am.

Ms. Simon – Thank you, sir.

Chair Peeples – Board members?

MOTION: Mr. Clark moved to approve the application subject to condition that the removal service passes an inspection by a member of Division Staff. Ms. Liotta seconded the motion.

Chair Peeples – Is there any discussion?

Mr. Dowdell – I did want to ask a question regarding the condition.

Chair Peeples – Sir, if we can swear you in, please?

Mr. Dowdell – Yes, ma'am.

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

Mr. Dowdell – I do.

Ms. Simon – I apologize. Can you please raise your right hand? Let me ask the question again. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Dowdell – I do.

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

Mr. Dowdell – Robert Dowdell, D O W D E L L.

Ms. Simon – Thank you, sir.

Chair Peebles – Thank you. Mr. Dowdell. What is your question to the Board, sir?

Mr. Dowdell – Is the site inspection separate from the initial inspection that was completed? Is there another round of inspections that has to be done? Someone came out last week to inspect the property and equipment.

Chair Peebles – Ms. Simon?

Ms. Simon – Thank you, Madam Chair. The on-site inspection is a condition of licensure. It may have been previously completed. However, passing the on-site inspection is a condition, and if that's already been done, it's still a condition of licensure.

Mr. Dowdell – Ok. So, there's no one else coming back out? So, we just have to wait on the results from that initial one?

Ms. Simon – It appears that would be the case.

Chair Peebles – We have a motion, and we have a second. Mr. Dowdell, we would like to go ahead and proceed, sir. Is there any discussion on the motion by the Board members? Hearing none. All in favor of the motion, say yes.

Board members – Yes.

Chair Peebles – All opposed, say no. Motion carries. Thank you, Mr. Dowell. And if you have any questions, you can please address it to the team at the office. Thank you.

Mr. Dowdell – Thank you.

(d) Phoenix Services of Florida LLC (Tampa)

Ms. Simon – Is there a representative of this entity on the call today? Hearing none. An application for removal service licensure was received on October 3, 2023. The application was incomplete when submitted. A completed application was received on October 12, 2023. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the removal service pass an on-site inspection by a member of Division Staff.

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

(e) Ramirez Removal Services LLC (Miami Gardens)

Ms. Simon – Is there a representative of this entity on the call today? Hearing none. An application for removal service licensure was received on September 20, 2023. The application was complete when submitted. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the removal service pass an on-site inspection by a member of Division Staff.

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

Chair Peeples – Please let the record reflect that Mr. Williams has joined the meeting. Good morning, Mr. Williams. Thank you for coming.

Mr. Darrin Williams – Good morning.

Chair Peeples – Ms. Simon, if we can proceed, please.

Ms. Simon – Yes, ma'am.

(f) VIP Removal Transport LLC (Hiialeah)

Ms. Simon – Is there a representative of this entity on the call today? Hearing none. VIP Removal Transport LLC originally applied for removal service licensure on September 6, 2022. A completed application was received on September 28, 2022. A background check of the principals revealed a criminal history for its principal Sergio Gonzalez, even though the applicant answered no to the criminal history question. On August 27, 2003, Sergio Gonzalez was convicted of felony Possession of Cocaine. The Board denied the application at the November 3, 2022, meeting. At this point, the criminal history is no longer relevant to the application process. This instant application for removal service licensure was received on September 5, 2023. The application was incomplete when submitted. A completed application was received on October 3, 2023. A background check of the principals revealed no relevant criminal history. The Division recommends approval subject to the condition that the removal service pass an on-site inspection by a member of Division Staff.

Chair Peeples – Board members? Rabbi Lyons?

Rabbi Lyons – There is someone whose name is the same as that. I don't know if the guy wants to speak or not.

Mr. Sergio Gonzalez – I'm here, sir. I'm here.

Chair Peeples – Who is speaking, please?

Mr. Gonzalez – Sergio Gonzalez, ma'am.

Chair Peeples – Thank you, Mr. Gonzalez. Ms. Simon had asked if there was a representative of the entity, and we did not hear you, sir.

Mr. Gonzalez – I'm here.

Chair Peeples – Yes, sir. If you would like to speak to, the Board, we will need to swear you in, sir.

Mr. Gonzalez – Yes, ma'am.

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

Mr. Gonzalez – Yes, ma'am.

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

Mr. Gonzalez – My name is Sergio Gonzalez, G O N Z A L E Z.

Ms. Simon – Thank you, sir.

Mr. Gonzalez – Thank you.

Chair Peeples – Thank you, Mr. Gonzalez. Would you like to address the Board, or are you here for questions, if we have any?

Mr. Gonzalez – Answer questions, if there are any.

Chair Peeples – Thank you. Board members?

MOTION: Rabbi Lyons moved to approve the application subject to condition that the removal service passes an inspection by a member of Division Staff. Ms. Liotta seconded the motion.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Quick question for Ms. Simon. I see on the application, the answered no to the criminal history, and you mentioned criminal history, but you're saying that it is too far out. Is that correct?

Ms. Simon – What I'm saying is that there is no longer any relevant criminal history.

Mr. Jensen – Ok. So, that means it's been over, what is it, ten (10) years?

Ms. Simon – Over twenty (20) years, sir.

Mr. Jensen – All right. Thank you, Madam Chair.

Chair Peeples – Thank you. We have a motion. We have a second. Is there any other discussion on the motion? Hearing none. All in favor of the motion, say yes.

Board members – Yes.

Chair Peeples – All opposed, say no. Motion carries. Good luck, Mr. Gonzalez. Let's take a restroom break, from 11:35 to 11:45, then we'll come back and conclude the agenda. Thank you.

*****BREAK*****

Chair Peeples – It is 11:45. Is Ms. LaTonya, ready to begin recording.

Ms. LaTonya Bryant – I am. Thank you.

Chair Peeples – Yes, ma'am. Ms. Simon?

Ms. Simon – Thank you, ma'am.

- L. **Application(s) for Renewal**
 - (1) **Recommended for Denial (Criminal History)**
 - (a) **Funeral Director and Embalmer**
 - 1. **Cormany, Rachel N**

Ms. Simon – Is Ms. Cormany, or a representative on the line today?

Ms. Rachel Cormany – Yes. Rachel Cormany here.

Ms. Simon – Thank you. Ms. Cormany's license is expired as she didn't renew her license for the renewal period ending August 31, 2021. Ms. Cormany submitted a license renewal application and payment on August 24, 2023, and answered "yes" to the criminal history question. On March 2, 2021, Ms. Cormany entered a plea of nolo contendere for a misdemeanor 1st

degree to Driving Under the Influence (DUI) and was adjudged guilty. Ms. Cormany's sentencing includes twelve (12) months' probation, fines/court costs, driver's license revocation for 6 months, and DUI school. On September 1, 2022, Ms. Cormany entered a plea of nolo contendere for a misdemeanor 1st degree to Driving Under the Influence (DUI) and was adjudged guilty. Ms. Cormany's sentencing includes twelve (12) months' probation, 120 days jail time, first twenty-one (21) days to be served in custody, and the following ninety-nine (99) days is to be served on alternative sentencing with CAM to be placed on defendant prior to release, fine/court costs, driver's license revoked for five (5) years, vehicle impound for thirty (30) days, two (2) years ignition interlock device, DUI school must be completed within eleven (11) months, random urinalysis testing, and complete a parenting class. The Division recommends denial. However, if the Board rejects the Division's recommendation, the Division requests the following three (3) conditions be imposed if licensure is approved: Ms. Cormany will pay the license renewal fee of \$380 for the renewal period ending August 31, 2025; she will submit the required twelve (12) hours of continuing education credits; and she will pay the late fee of \$50.

Chair Peeples – Thank you, Ms. Simon. Ma'am, would you like to address the Board? If so, we would need to swear you in.

Ms. Cormany – Yes.

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

Ms. Cormany – Yes.

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

Ms. Cormany – Rachel Cormany, C O R M A N Y.

Ms. Simon – Thank you, ma'am.

Chair Peeples – Thank you, ma'am. Would you like to address the Board?

Ms. Cormany – Well, I'm here to answer any questions. I have paid the license through 2021 to 2023, and I am prepared to pay the term through 2023 to 2025, as well as the CEUs and late fee. I am prepared to do that.

Chair Peeples – Thank you, ma'am. Board members, do you have any questions for Ms. Cormany? Or what is your pleasure? Mr. Jensen?

Mr. Jensen – I do you have a question for Ms. Cormany. I see here in 2021 you had a DUI, and then right at a year later you had another one. They seem to be pretty strict with you, with jail time and so forth. Are there any other extenuating circumstances you have?

Ms. Cormany – So, I did have probation after my second DUI. I did not after my first one and yes, they were close together. After my first DUI, I didn't have any therapy. After my second DUI and with what I was dealing with my mental health and behavioral health, I did voluntarily put myself through a thirty (30) day residential treatment. I voluntarily went through parenting classes. Voluntarily completed Mothers Against Drunk Driving, and I am a part of AA. I've been continually going through AA classes. But I have completed all court stipulations, probation. I was recommended and did get early release. All restitutions have been paid.

Chair Peeples – Mr. Jensen, does that complete your question sir?

Mr. Jensen – One other follow-up. Ms. Cormany, are you working now?

Ms. Cormany – Am I working now?

Mr. Jensen – Yes.

Ms. Cormany – Sorry, you broke up. Right now, I'm working for my husband's company. I run his office. It's an electrical company.

Mr. Jensen – Do you have prospects to get back in the funeral business?

Ms. Cormany – At this time I do not, but I hope to have my license so that I can.

Mr. Jensen – Ok, thank you.

Ms. Cormany – You're welcome.

Chair Peeples – Mr. Jones?

Mr. Jones – Thank you. Ms. Cormany, as a funeral director, any disciplinary actions or anything against your license during your career?

Ms. Cormany – During my career, no. Other than the first DUI I was working, but the second one I was not.

Mr. Jones – Yes, but nothing against you as a funeral director?

Ms. Cormany – Absolutely not. The offenses were on my own personal time. There's nothing against my degrees or my license. No.

Mr. Jones – Thank you.

Ms. Cormany – You're welcome.

Chair Peeples – Thank you, Mr. Jones. Mr. Williams?

Mr. Williams – I don't have any questions.

Chair Peeples – Ok. Are there any other Board members? Any questions? What is your pleasure? Rabbi Lyons?

MOTION: Rabbi Lyons moved to approve the application subject to the conditions recommended by the Division. Ms. Liotta seconded the motion, which passed with two (2) dissenting votes.

Chair Peeples – Good luck, Ms. Cormany. Ms. Munson?

Ms. Munson – Just to clarify, was it a straight-out approval?

Chair Peeples – It was a motion to approve with conditions.

Ms. Munson – That were outlined in the materials?

Chair Peeples – Yes, ma'am.

Ms. Munson – Ok. Thank you.

Chair Peeples – Thank you, Ms. Cormany. Good luck.

Ms. Cormany – Thank you for your time.

M. Application(s) to Renew Internship
(1) Recommended for Approval without Conditions

(a) Funeral Director and Embalmer (Concurrent)

1. McLemore, Ashley E F596965

Ms. Simon – Is Ms. McLemore, or a representative on the phone today? Hearing no response. An application to renew the concurrent internship license due to illness, hardship, or awaiting results was received on October 20, 2023. The application was complete when received. The applicant is licensed as a concurrent intern pursuant to 69K-18.001, Florida Administrative Code, only permits one internship in a lifetime. The current license expires on November 8, 2023. The Division recommends approval without conditions.

Mr. Clark – Madam Chair?

Chair Peeples – Mr. Clark?

Mr. Clark – I want to state for the record, my affiliation with Foundation Partners Group of Florida, but that affiliation will not prevent me from rendering a fair and impartial decision on this matter, or any matter coming before the Board today.

Chair Peeples – Thank you, Mr. Clark. Board members, your pleasure?

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

2. Uriarte, Destiny Q F524744

Ms. Simon – Is Ms. Uriarte, or a representative on the call today? Hearing no response. An application to renew the concurrent internship license due to illness, hardship, or awaiting results was received on October 9, 2023. The application was complete when received. The applicant is licensed as a concurrent intern pursuant to 69K-18.001, Florida Administrative Code, only permits one internship in a lifetime. The current license expires on October 25, 2023. The Division recommends approval without conditions.

Chair Peeples – Mr. Brandenburg?

Mr. Brandenburg – I was hoping that the applicant would be on. Perhaps you can tell me what the hardship is. I couldn't find what the hardship was for the internship renewal?

Chair Peeples – Ms. Simon?

Ms. Simon – Mr. Brandenburg, that's a very good question. The application for renewal of internship does not ask for that information. Typically, there is a letter that accompanies the application, but I do not see one in this package.

Mr. Brandenburg – I was looking at the Division's remarks, 'due to illness, hardship, or awaiting results' and I didn't see any answers.

Chair Peeples – Mr. Brandenburg, does that complete your question? It seems that nothing was supplied to the Division.

Mr. Brandenburg – Sure.

Chair Peeples – Board members, your pleasure?

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

Chair Peeples – Ms. Simon?

Ms. Simon – Thank you, ma'am.

N. Contract(s) or Other Related Forms

(1) Recommended for Approval with Conditions
(a) Request(s) for Transfer of Trust
1. Adams Funeral Home Inc (F038709) (Blountstown)

Ms. Simon – Adams seeks approval of the below proposed trust asset transfer as more specifically set forth in correspondence from Justin Wilson, representative, dated September 28, 2023. Adams now seeks approval of the transfer of the following: the FSI Master Trust Agreement (dated 2/6/78) and Preened Funeral Trust Agreement (dated 1/31/94) (Exhibit A), under Argent Trust Company (Argent) to the First Amended and Restated Agreement and Declaration of Trust of IFDF Master Trust Fund Agreement (dated 2/1/19) (Exhibit B), and the Security Trust Master Trust Agreement (dated 7/19/85) (Exhibit C), to the IFDF Master Trust Fund A Agreement (dated 2/1/19) (Exhibit D) under Argent. If approved, Argent is or will continue to be the trustee, all as more specifically set out in attached correspondence. The Division recommends approval subject to the following conditions:

- 1) That the representations of Adams, as set forth in the representative's correspondence dated September 28, 2023, be deemed material to the Board's decisions herein.
- 2) That within ninety (90) days of this Board Meeting Argent provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - ⦿ A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trust to be transferred pursuant to the representative's correspondence, dated September 28, 2023.
 - ⦿ A letter signed and dated by one (1) of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in the representative's attached correspondence, dated September 28, 2023.
 - ⦿ Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in the representative's attached correspondence, dated September 28, 2023.
- 3) That the Board's Executive Director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional ninety (90) days.

Chair Peoples – Board members?

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

2. Whitehead Funeral Home Inc d/b/a Comforter Funeral Home (F019302) (Port St Joe)

Ms. Simon – Whitehead seeks approval of the below proposed trust asset transfer as more specifically set forth in correspondence from Justin Wilson, representative, dated September 20, 2023. Whitehead seeks approval of the transfer of assets of the following: the FSI Master Trust Agreement (dated 2/6/78) (90/10 trust), and the FSI 88 Trust Agreement (dated 7/2/90), (Exhibit A) to the First Amended and Restated Agreement and Declaration of Trust of IFDF Master Trust Fund (dated 2/1/19) (Exhibit B); and the First Florida Trust Agreement (dated 11/4/16) (Exhibit A) to the First Amended and Restated Agreement and Declaration of Trust of IFDF Master Trust Fund A (dated 2/1/19) (Exhibit C). The details of the proposed transfer are outlined in Exhibit A. If approved, Argent will continue to be the trustee, all as more specifically set out in attached correspondence. The Division recommends approval subject to the following conditions:

- 1) That the representations of Adams, as set forth in the representative's correspondence dated September 20, 2023, be deemed material to the Board's decisions herein.
- 2) That within ninety (90) days of this Board Meeting Argent provide the FCCS Division (ATTN: LaShonda Morris), the effective date of the transfer and certifications including the following:
 - ⦿ A letter signed and dated by one of its officers, certifying that it meets one or more of the applicable criteria in s. 497.266(1), and s. 497.458(1)(b), to act as trustee of the trust to be transferred pursuant to the representative's correspondence, dated September 20, 2023.
 - ⦿ A letter signed and dated by one of its officers, certifying the dollar amount of trust assets being transferred to the trust as identified in the representative's attached correspondence, dated September 20, 2023.
 - ⦿ Acknowledgement of receipt of the amount of trust assets being transferred as specified under the former trust, as identified in the representative's attached correspondence, dated September 20, 2023.
- 3) That the Board's Executive Director, for good cause shown, may extend the compliance time frame for the above specified conditions, an additional ninety (90) days.

Chair Peeples – Board members?

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

O. Petition(s) for Variance

(1) *Foundation Partners of Florida, LLC and FPG Tulip, Inc.*

Ms. Simon – The Division received a Petition for variance from rules 69K-6.005, 69K-8.003, and 69K-10.001(8), F.A.C., on or about August 17, 2023. The Petitioners are requesting that they be permitted to destroy certain categories of documents after seven (7) years, when the rules in question require indefinite retention of these records. The Division contends that the Petitioners have not met the legal standard for granting a variance. The Petitioners have not demonstrated that the underlying purpose of the statute will be satisfied by other means. The Department has broad authority to conduct investigations, financial examinations, and inspections. The rules in question are meant to facilitate these regulatory activities. As such, the purpose of the rule would be frustrated if licensees are permitted to destroy records. Additionally, the Petitioners have also failed to demonstrate that they will suffer a substantial hardship or that principles of fairness would be violated if the Petition is not granted. Costs associated with records retention are a burden borne by all licensees, large and small, and nothing in the Petition indicates that the Petitioners are uniquely affected by this rule. Madam Chair?

Chair Peeples – Thank you, Ms. Simon. Ms. Wiener, are you representing this entity?

Ms. Wendy Wiener – Absolutely. Both of these entities. Thank you, ma'am.

Chair Peeples – Would you like to address the Board, ma'am?

Ms. Wiener – I would. We would agree with most of Ms. Simon's comments. However, we strongly disagree that this petition should be denied. While it is true that these rules impact all licensing is large and small, it so happens that no one else has requested a variance from the rule. If you look carefully at the listing of the items that we are requesting a variance from the rule, not from the law, but from the rule, in order to no longer maintain, you will see that these are not items that would be reviewed by the Board. There would not be any awarding of capacity for the Board to take regulatory or disciplinary action against the licensees. I think, to broad brush and simply say {inaudible}, so forever it is, is really to put it far too simplistically. If you look carefully at that list, price disclosure list, seven (7) years after the contract is no longer in effect is certainly a reasonable time to destroy a price list. Advertising, financial records, all of these general kinds of records, we're requesting permission to destroy them after a period of seven (7) years, but the ones that are typically included in an examination may refer to the seven (7) years beyond the time that the examination had concluded. Once an examination has concluded, those documents are never come back to. In my thirty (30) years of experience, I have not yet had a licensee be asked to go back and produce records, even a moment after they were examined, frankly, but certainly not seven (7) years after they were examined. And so, the law is not specific as to the retention period. It is this rule that is specific. However, this rule is unduly burdensome for these two (2) licensees, and, for frankly, all licensees, because there is this requirement that materials be kept at {inaudible} expense, in terms of storage and financial expense that is really imposed upon licensees for a reason that does not make good, common sense. And so, we have asked that the Board consider a variance to the rule on these specific items only, and on these timeframes only. The request does not violate the statute. It is a request for a variance from the rule, and the Board is well within its rights to grant a variance to the rule. Perhaps others will make a request, which is the same, or maybe not, but I don't think that that alone should be a consideration for this Board.

Chair Peeples – Thank you, Ms. Wiener, and a question to you. For instance, at our location, we have our original records, we also have them scanned. Is that not an option that could be considered for this entity?

Ms. Wiener – Of course. Of course, scanning is an option, but scanning is still itself, for records that are this old and that will never be needed or looked at again, imposing an unlimited time period for retention. I'm certain, if you have scanned all of your records, you know that that is very expensive, and getting more and more expensive by the day. And so, it becomes unduly burdensome for licensees, especially licensees with this many locations and this many records to be required to keep things like mortgages on real property beyond a period of seven (7) years after that mortgage was satisfied. I'm asking this Board to look at common sense resolutions of this matter by way of a variance. Not just simply say, "Well, you don't have to

keep anything.” But to look at this from a commonsense perspective.

Chair Peeples – Thank you, ma'am. We started our 55th year of business yesterday and we have internally scanned all of our records, as well as we have the hard records themselves. We have a storage room here at our location that they're kept, so we understand the amount of paperwork that we've had from that perspective. So, the comment from Chair is to scan, have available. Is there any other Board members that have any questions or comments, for Ms. Wiener? Mr. Jensen?

Mr. Jensen – Yes, a question for Ms. Wiener. Well, two (2) questions, actually. One is on the bullet points, Ms. Wiener, I would agree with some of these, but some of these like other contracts including at-need sales and contracts for burial rights, why would a cemetery not want to keep those over seven (7) years? I mean, how are you going to show that? Somebody might have bought a lots or plots many, many years ago. And also, the other one I have here is the records of cancelation request and refunds given. Wouldn't you want to have a record of if somebody took out a refund or something at a cemetery?

Ms. Wiener – Well, so let me speak first to your question on other contracts including at-need sales and contracts for burial rights. Of course. An interment right contract that has been completed, such that the interment right is paid for, there are other records associated with that that we absolutely agree would be maintained in perpetuity. And I'm perfectly happy for this Board to say variants to these, but not to these. Also, happy with that result as well. But, as to record of refunds and that sort of thing, beyond a period of seven (7) years, if a refund was given out, there will also be other records that could be located and cross references in bank records and other things that companies have [inaudible] their other means. The question becomes all of the pieces of paper and documentation that are maintained at the various locations around the state for all licensees that no one is ever going to look at again. And is there a capacity or more reasonable regulation here? Because we are not in an active rulemaking cycle the opportunity to [inaudible] rulemaking, which frankly, I believe should be done, I think these rules should be carefully reviewed by the Rules Committee and looked at to determine what's reasonable and what's not. But in the absence of that and of that opportunity, we bring this issue to this Board by way of a request for variance, so that this Board can make a reasoned decision on whether or not it is necessary or appropriate to keep many of these documents beyond a particular time period.

Chair Peeples – Mr. Jensen?

Mr. Jensen – Ms. Wiener touched on the other part of what I was wondering. Why is this not going to the Rule Committee first to look at this issue before it comes to the Board?

Ms. Wiener – I would be happy for this Board to table this motion and refer this matter to the Rules Committee. I think that a change to these rules needs to be made so that this Board can look at it. These rules were written thirty (30) plus years ago. Many of them predate even my involvement in the industry, which was to come to the very first meeting of the Board of Funeral and Cemetery Services, as it was known in November of 1993. So, these rules are just, they're out of date, they're antiquated, and they're requiring a retention of documents that defies reason, logic and common sense, and we would like to see changes made to that by variance, or by consideration of changes to the rules so that we could make this more with today's society, and today's technology.

Chair Peeples – Mr. Jensen, does that complete your question, sir?

Mr. Jensen – Yes, ma'am, and I would also like to make a motion, if I may.

Chair Peeples – If you'll hold one second. Ms. Clay did you have a question?

Ms. Clay – I was about to make a motion, so you can go ahead.

Chair Peeples – Mr. Jensen?

MOTION: Mr. Jensen moved to table the item and have it referred to the Rules Committee.

Ms. Clay – I have a question. Do we table it, or deny it, and refer it to the Rules Committee.

Chair Peeples – Ms. Munson?

Ms. Munson – So yes, I was trying to just interject. There are a couple of things that Ms. Wiener said that I just like to comment to. First of all, it is a rule. They are there are rules, and not statutes. You can only petition rules. You can't petition statutes. So, I want to just clarify that. The Petition for Variance applies only to rules, not statutes. So, I wanted to clarify that statement as well. Second. No, because it is a petition, you can't really table it. You're either going to approve it, deny it or have it withdrawn. Petitions have to be acted upon. There is no problem referring the information to the Rules Committee in general for review. And third, whatever the decision the Board makes, I'd just like to remind you, as outlined in summary, the basis for that decision. If the party has not shown a substantial hardship, then that is the criteria that would require that the petition to be denied because it's a criteria of the statute requirement. So, I just wanted to review the merits of what Chapter 120.542, F. S., references with regard to Petitions for Variances and Waivers. I wanted to explain your options with regard to voting on this particular matter: approve, deny, or withdraw. And I also wanted to clarify that, because these are rules that Petitions for Variances and Waivers only apply the rules, not statutes. I'll turn it back over to you, Madam Chair.

Chair Peeples – Thank you, Mr. Munson. Mr. Jensen, would you like to resend your motion so I can ask a question of Ms. Wiener?

Mr. Jensen – Yes, ma'am. I would, and I'll probably ask the same question.

Chair Peeples – Ms. Wiener, would you like to withdraw this instead of us voting on it so that we can submit this to Rules Committee at a future meeting?

Ms. Wiener – Yes, as long as this gets moved forward. I mean, this has been an ongoing issue that we've been hoping for some establishment of regular Rules Committee meetings so that these kinds of things can be addressed. If, in fact, that is going to be the case, then we would withdraw the petition at this time.

Chair Peeples – Thank you, ma'am. We will be having, and this will come up in a little bit further in the agenda, the next Rules Committee. It will not be on that Committee agenda, but we will put it on the next agenda item. Thank you for withdrawing the variance request. I concur. I think we do need to get to 2023 technology, but as I mentioned, we've already scanned, We still have hard records, and that's just our location here, but we do need to address it. So, thank you for that. Thank you for the withdrawal, and I appreciate you participating today.

Ms. Wiener – Thank you.

Ms. Wiener – Ms. Simon? Rabbi Lyons?

Rabbi Lyons – Did we make a motion to send this rule to the Rules Committee?

Chair Peeples – No, sir. We didn't make a motion. She withdrew the variance request.

Rabbi Lyons – Are we on our own going to send this to the Rules Committee?

Chair Peeples – As I mentioned, on record, that we have noted the request for it to go to Rules Committee, which we will put it on an agenda item, but it will not be on the November agenda Rules Committee item.

Rabbi Lyons – Don't we need to make a motion to open up the rule for review or something like that?

Chair Peeples – No, sir.

Rabbi Lyons – Ok, perfect.

Chair Peeples – Thank you.

Ms. Wiener – Pardon me?

Chair Peeples – Yes, ma'am?

Ms. Wiener – Chair Peeples, the offer, if you will, to withdraw this matter and not to push it forward to a vote at this time, really is contingent upon a commitment from this Board that this will go to Rules Committee. An idea that maybe we're going to talk about rules feels like we're going to say....

Chair Peeples – Yes, ma'am. I did say that. It's on record. I said this will go to a Rules Committee agenda. It will not be on the November agenda, but it will be on an agenda at a subsequent meeting.

Ms. Wiener – Ok. Thank you.

Chair Peeples – Yes, ma'am. Ms. Simon?

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

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

Ms. Mary Schwantes – Thank you. May I, Madam Chair?

Chair Peeples – Yes, ma'am.

Ms. Schwantes – Thank you. Good afternoon. There's no legislative report for this month. At least one (1) month per year that happens. I'm sure activity is going to pick up significantly in December and we'll resume reports at that time.

Several of our licensees have reported receiving an email, supposedly from this Department that requests confirmation of information that is shown in the email, and also provides a link for the recipient to use to verify or update the information. The emails we have seen indicate that they concern "Florida Department of Financial Services Training Agency Information Update", and it contains the CFO's seal. The information which the sender asked the licensee to confirm is easily obtainable from public information that is contained in the licensee search on our website. It has obviously been used for that purpose in creating this type of email. The Department does not send any such emails. These emails involve spam or phishing. We appreciate the licensees who brought these to our attention. Unfortunately, as we all know, spam and phishing attempts are a part of modern life that we all have to deal with at some point. And so, although we have reported the issue to our own IT Department, the first line of defense, as always, is the recipient. Licensees who receive these emails should delete them immediately without responding or clicking any links in the emails. If we learn of any similar attempts of this nature, we will also inform the Board and make sure the industry associations know, as well, so that they can get the word out to their members.

As Madam Chair mentioned, the Rules Committee meeting has been scheduled to take place in person in Tallahassee on November 14th, from 1p to 5p. The meeting is open to the public. Notice has been posted in the Florida Administrative Register and also on our website. Additional information regarding the location of the meeting is also published there. The purpose of the meeting will be to discuss proposed changes to the eight (8) rules, which we raised at our last meeting, which impact operational funding for this Division. The meeting agenda will be available one week prior to the meeting. It will be sent out and will also be published on our website. Although it is not mandatory for those not serving on the Committee, all Board members are encouraged to attend the Rules Committee meeting. As always, travel expenses, etc. will be reimbursed, in accordance with our statutes. We hope to see you there.

Our next Board meeting will take place by videoconference on Thursday, December 7th, at 10 AM. That ends this portion of the Executive Director's Report. Thank you, Madam Chair.

Chair Peeples – Thank you, ma'am. Ms. Simon?

Ms. Simon – Thank you, Madam Chair.

(2) Report on 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: November 2, 2023
 Date report was prepared: October 24, 2023

Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
Samuel's Funeral Home	12-Oct-23	305186-23-FC	\$1,500			
Guerry Funeral Home	12-Oct-23	306763-23-FC	\$1,500			
Brittnee Milton	12-Oct-23	306765-23-fc	\$1,500			
Guerry Funeral Home	12-Oct-23	304779-23-FC & 308191-23-FC	\$5,000			
Saundra Brown	12-Oct-23	307399-23-FC	\$1,250			
J Brown Funeral & Cremation Services	12-Oct-23	307398-23-FC	\$1,750			
William Lee Guerry	12-Oct-23	304782-23-FC & 308192-23-FC	\$5,000			
Justin Lee	12-Oct-23	279222-21-FC	\$1,500			
Geronimo Mena	12-Oct-23	306755-23-FC	\$1,500			
Michael Shorter	3-Aug-23	292655-23-FC	\$500	11-Sep-23	Paid in Full	
Ruben Rojas	13-Jul-23	292034-22-FC	\$6,000	11-Sep-23		
Holmes Funeral Directors	13-Jul-23	276841-22-FC	\$250	11-Sep-23	Paid in Full	
Ozzie Christopher McLemore	13-Jul-23	279221-21-FC	\$2,500	11-Sep-23		
Mary Lou Boyd	13-Jul-23	292035-22-FC	\$500	11-Sep-23		
Nelson's Elite Care	13-Jul-23	301514-22-FC	\$500	11-Sep-23		
Brian James Bonar	6/29/2023	293064-22-FC	\$11,000	4-Sep-23		

ES 10-24-2023

R. Chair's Report (Verbal)

Ms. Simon – Madam Chair?

Chair Peeples – Thank you Ms. Simon. As Ms. Schwantes stated, we're going to have a Rules Committee meeting on November 14th, in Tallahassee. We're trying to have more committee meetings so that items can be discussed and brought up to the Committee and then brought back to the Board, if necessary. I think, Ms. Marshall, and I saw her kind of chime in a little bit ago, but I try to say thank you, during this time. As always, thank you to the Board, and to the Division of the Department. Especially, I want to just recognize counsel today. Office of General Counsel, Mr. Griffin, Ms. Marshall, and Mr. Woliver, thank you all for the hard work, and all the effort. Ms. Munson, who's our Board counsel, thank you for keeping us straight. Thank you for making sure that we stay on the right path. So, I appreciate everything that you all do. Ms. Marshall, if you would relay that to the other two (2), that would be appreciated. That completes my report. Thank you.

Ms. Simon – Thank you.

S. Office of Attorney General's Report

(3) Attorney General's Rules Report (Informational)

Ms. Simon – Ms. Munson?

Ms. Munson – This is provided for informational purposes only. Thank you so much.

**BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES RULES REPORT
NOVEMBER 2023**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-18.004	Intern Training Agencies	09/20/2023	09/28/2023	10/09/2023			
69K- 8.006	Description of Merchandise on Preneed Contracts	10/12/2023					

T. Public Comments (Verbal)

Ms. Simon – Is there any public comment to be supplied to the Board?

Ms. Crystal Grant – Yes. I have a public comment. This is Crystal Grant, Division Staffer.

Chair Peeples – Yes, Ms. Crystal?

Ms. Grant – Yes, I just wanted to address an issue really quick that Mr. Brandenburg had regarding a request to renew from Ms. Uriarte, stating that she didn't provide the Division with any reasoning behind why she wanted to renew her internship. She did, in her emails to me, submit emotional distress and family issues, but she did that prior to submitting the application, so I just wanted to make that statement.

Chair Peeples – Thank you, Ms. Grant. We appreciate that.

Ms. Grant – Ok, thank you.

Chair Peeples – You're welcome.

Mr. Brandenburg – Thank you, Ms. Grant.

Chair Peeples – Ms. Simon?

Ms. Simon – Are there any other public comments to be submitted at this time? Hearing none. Madam Chair?

Chair Peeples – Thank you, Ms. Simon.

U. Upcoming Meeting(s)

- (4) December 7th (Videoconference)
- (5) January 4th (Videoconference)
- (6) February 1st (In-Person - Tallahassee)
- (7) March 7th (Videoconference)
- (8) April 4th (Videoconference)
- (9) May 2nd (Videoconference)
- (10) June (In-Person - TBD)
- (11) June 27th (Videoconference)

V. Adjournment

Chair Peoples – It is 12:20 on November 2nd, and if there's no other items, we will be adjourned. I appreciate everybody's attendance today. Thank you.

The meeting was adjourned at 12:21.