

AGENDA
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES
VIDEOCONFERENCE MEETING
FEBRUARY 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's 10 o'clock, and I would like to turn it over to Ms. Simon for preliminary remarks and roll call, please?

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 February 2, 2023, and it's approximately 10:00 A.M. This is a public meeting of the Board of Funeral, Cemetery, and Consumer Services. This meeting is being held by videoconference. Notice of this meeting has been duly published in the Florida Administrative Register. An agenda for this meeting has been made available to all interested persons. Both the link and call-in number is on the agenda, which has been made available to the public. The call-in number and other information relating to this Board meeting has also been published on the Division's website. 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 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 X 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 LaTonya Bryant. 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 {**DELAYED**}

Jay Lyons
Darrin Williams

Also noted as present:

Rachelle Munson, Board Legal Advisor
Marshawn Griffin, Department Legal Counsel
Kimberly Marshall, Department Legal Counsel
LaTonya Bryant, Department Staff
Jasmin Richardson, Department Staff

Ms. Simon – Madam Chair, there is a quorum present to conduct the business of the Board.

Chair Peebles – Thank you, Ms. Simon. We are going to have Agenda Item B, a presentation by Ms. Dalene Paull. Ms. Paull?

B. Presentation by Dalene Paull, Executive Director of The International Conference of Funeral Service Examining Boards, Inc.

Ms. Dalene Paull – Well, good morning, everybody. It's nice to be speaking to you in the Sunshine State from the ice-covered roads of Arkansas, northwest Arkansas. Thank you for allowing me time on your agenda. And also, I appreciate the opportunity to address you guys a little bit about what The Conference does and how we are a partner with the Florida Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services. First off, I just wanted to talk a little bit about who The Conference is and what we do. The Conference is an organization of funeral service regulators that was formed in 1903. So, we are getting ready to celebrate our 119th annual meeting. And the onus of The Conference, when it was formed, was for the promotion of standardization and to be able to have things common across state lines for transportation of human bodies. And now 119 years later, that's morphed into also the idea of mobility of professionals through standardization and public protection through standardization, as much as we can, of rules and regulations within the funeral profession. So, I think one of the most important things that The Conference does is to connect the funeral service regulatory community. And we do that in a lot of ways. One of those is, of course, our annual meeting that I just mentioned. Another is through virtual learning sessions that we provide, either through our specialized regulatory board counsel or through conference staff or members who have particular knowledge of items that come up of interest. Right now, we're talking about items of legislation and human composting and those sorts of things, alkaline hydrolysis, things that are starting to be important to regulatory boards. And I talked a little bit about the onus of standardization and promoting resource documents for the funeral service regulatory community and for legislators that are looking for language that has been developed by administrators of funeral boards and funeral service licensees across the country. That's another resource that we provide through our model law documents, model internship, and most recently, our model standards for disposition. So those are some important resources that we have out there that sometimes are lesser known by our member boards.

I will touch a little bit on the exam as well, because that tends to be the thing that we are most identified with in The Conference. And so, in your Board packet I have provided for you some of the documentation that we use for presentations. But probably the most important one is something that we developed a few years ago called The Welcome to the National Board Exam Document. And it's a pretty lengthy document. But it's a great resource for anybody who wants to know a little bit more about how the National Board Exam is developed, scored, administered, and maintained. And that's all done by The Conference as a partner service for our member boards of which Florida is one. So, if there are particular things as you go through that document that you have questions on, I would definitely say that you could reach out to me either through your Board office through Ms. Simon or just to me directly. And talking about the National Board Exam is something that we do pretty frequently. I've had the opportunity in the past year to speak to several Boards. And it's also nice since probably the only decent thing to come out of COVID seemed to be that a lot of boards have the ability to reach out via Zoom or GoToMeeting or some other digital platform so that we can sort of connect a little better. So, we've appreciated those opportunities. And we appreciate that the Florida Board has continued to do that post pandemic. I don't want to go on ad nauseam about some of the things that are included in your paperwork, because like I said, you can sort of look at that at your leisure. And I don't know if you all want to take the opportunity to ask any questions, or if there's anything in particular that you would like me to hit while I'm here, I'm happy to do that. But in respect of your time, I will probably conclude there. And you can let me know if you have any questions.

Mr. Jody Brandenburg – I have a question.

Ms. Paull – Sure.

Mr. Brandenburg – Ms. Paull, can you tell me who is the owner of The Conference?

Ms. Paull – There is no owner of The Conference. The membership, we are a 501(c)(3) nonprofit organization run by a board of directors. And that board of directors is elected from nine (9) districts across the country. Florida is in District 3. And you're currently represented on the Board of directors by gentleman on the Alabama Board. So, there is no owner. We're a nonprofit organization run by a board.

Mr. Brandenburg – Thank you.

Ms. Paull – You're welcome.

Chair Peebles – Thank you, Mr. Brandenburg. Are there any other Board members with questions for Ms. Paull?

Mr. Chris Jensen – Madam Peebles? I do have a question.

Chair Peebles – Yes, sir?

Mr. Jensen – Thank you, Ms. Paull, for the presentation. Quick question for you. I noticed your pass rate or the pass rate in Florida is something that's been of concern. I see that your pass rate is somewhere around the 70%, on average, give or take a little bit. So, have you done any research to find out how that compares with any other professional test?

Ms. Paull – We have actually done that. And part of our discussions with some of the state boards have been surrounding the pass rate. So, it's interesting, I went ahead and threw in, even though it's just a really, really small slice of the pass rate for January so far. But what we have found, you know, it's tough because, you know, when you're in your own little bubble i.e., the funeral service world, there's a lot of discussion about there being a low pass rate on the exam, so there must be a problem with the exam. And so, what we've focused our research on is to not only look at other professions and see how their pass rates compare, and they've all seen a dip in pass rate. And it's not fair to exclude the outside factors like online learning for people who are in-seat learners and different things. We have sort of a proliferation of schools within the funeral service world that have a lot of varying standards for admission into the program. So, a lot of times, people will maybe try to compare the National Board Exam. Recently, I had someone try to do that with the bar exam. And that's a little bit of a hard connection to make because there are very rigorous entrance requirements for law school and for the bar exam. So that makes it a little bit different from our exam where in some states, you might not have to have any interest requirements to get into a community college or program like that. So, it's a little bit problematic when you do those comparisons. But yes, overall, the professional licensing exam world has seen a dip. And we're starting to track those trends pretty carefully to see if they're going back up post pandemic, and college is sort of returning more back to normalcy. And the other thing that we did as part of our research is to start to shift the focus. With so much discussion about the low pass rates, we started to go through and tease out how many programs have a really successful pass rate on both the arts and sciences portions of the exam. And what we found is that there's about somewhere around 18% of the programs across the country are what we would call highly successful programs. So, we think that's an interesting part of the discussion. And those are topics we'll cover at our annual meeting and then be able to share those materials out after. We're inviting some of those schools that are really successful to come and speak to the regulatory community about how they attain that success and sort of to really dive into all that stuff.

Mr. Jensen – Chair Peebles, a follow-up, please?

Chair Peebles – Yes, sir.

Mr. Jensen – Ms. Paull, what I'm trying to get at is there's a lot of discussion in Florida that the tests may be too hard about lowering the standards. And what I think is that the funeral test is pretty much on par with other industries. Is that correct?

Ms. Paull – That is correct. Yes.

Mr. Jensen – All right. Thank you.

Ms. Paull – You're welcome.

Chair Peeples – Thank you, Mr. Jensen. Any other Board members have questions for Ms. Paul? Hearing none. Ms. Paull, we greatly appreciate your participation today, and thank you for the information.

Ms. Paull – Thank you for having me, and I appreciate it. I look forward to future Board meetings.

Chair Peeples – Thank you, ma'am.

Ms. Paull – Thank you.

Chair Peeples – At this time, I'm going to turn the meeting over to Mr. Clark, as Vice Chair, for him to continue with the meeting so I can hold my voice. Thank you, Mr. Clark.

Mr. Andrew Clark – No problem. Thank you, Ms. Peeples. Ms. Simon, just for the record, I think Ms. Liotta is here. Did we count her as present? She does appear to be on screen.

Ms. Janis Liotta – Yes, I'm here. I was having internet issues, and I seem to have fixed it.

Mr. Clark – No problem.

Ms. Liotta – Thank you.

Mr. Clark – Just wanted to make sure we counted you. Also, I would like to state for the record my affiliation with Foundation Partners Group of Florida. That affiliation will not prevent me from rendering a fair and impartial decision on any matter coming before the Board. With that, Ms. Simon?

Ms. Simon – Thank you, Mr. Clark.

C. Action on Minutes
(1) November 3, 2022

Ms. Simon – I believe it would be appropriate at this time to take a vote.

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

Ms. Simon – Thank you.

D. Old Business
(1) Disciplinary Proceedings
(a) Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel A – No Recusal Needed)
1. Leonardo, Alberta: DFS Case No. 273845-20-FC; Division No. ATN-35429 (F044032)

Ms. Simon – Alberta Leonardo is being withdrawn from the agenda, and I expect that it'll be back on a subsequent meeting.

(b) Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed Issues of Material Fact (Probable Cause Panel B)
1. D&L Removal and Transport, Inc.: DFS Case No. 300633-22-FC; Division No. ATN-38585 (F053091)

Ms. Simon – Presenting for the Department is Ms. Marshall.

Mr. Darrin Williams – Mr. Chair?

Mr. Clark – Mr. Williams, go ahead.

Mr. Williams – I'd like to state that I served on Probable Cause Panel B, and I need to recuse myself for this case.

Mr. Clark – Thank you, Mr. Williams. Ms. Marshall, go ahead.

Ms. Kimberly Marshall – Thank you. This is Kimberly Marshall on behalf of 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 D&L Removal and Transport (Respondent). The Division alleges Respondent relocated its business to a new address and failed to obtain a new license reflecting the new address. 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. Now before I get to my motions in this case, I'd like to note a couple of things for the Board's edification. The first is that yesterday afternoon, I received from the Respondent's attorney, an affidavit from the owner of D&L Removal and Transport. Unfortunately, it was received too late to include it with your materials, but I wanted to make you aware of its contents. Essentially, it was presenting mitigation evidence. He was attesting that he has had a number of health issues over the last few years, which had interfered with his ability to run his business. He also had an issue with losing his business manager, which also affected his ability to handle administrative matters for the business. The attorney for this Respondent is here today. So, I'm sure he will go into more detail about that. The other thing I want to draw your attention to is the fact that this Respondent does have an application later on this agenda. And Ms. Simon, I believe that is correcting the issue that was identified in this case.

Ms. Simon – Yes, ma'am.

Ms. Marshall – So with that, I'd like to move on to my motions. At this time, it would be appropriate for the Chair to entertain a motion determining whether the Respondent has waived his right to a hearing under Section 120.57(1), based upon their failure to timely file a response in this case.

Mr. Clark – Board, what is your pleasure?

MOTION: Mr. Jensen moved that the Respondent has waived his right to a hearing under s. 120.57(1), based upon their failure to timely file a response in this case. Ms. Clay seconded the motion, which passed unanimously.

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

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

Ms. Marshall – The Department contends that the Board's findings of fact support a finding of violations of Chapter 497, Florida Statutes, as charged in the Administrative Complaint. The Department believes that it is appropriate at this time for the Chair to entertain a motion finding Respondent in violation of Florida Statutes as charged in the Administrative Complaint. And I also see that Mr. Clayton, the attorney, has some things he would like to say.

Drew Clayton – Yes. Thank you. Madam Chair, may I speak? This is Drew Clayton.

Mr. Clark – Yes, sir. Go right ahead.

Mr. Clayton – Thank you very much. Thank you all for allowing me to appear in front of you today. I'm an attorney in Sarasota, Florida. I represent D&L Removal and Transport. As Ms. Marshall noted, I provided an affidavit to her yesterday signed by Richard Kaufman, who, with his wife, are the owners of D&L Removal and Transport. And I think Ms. Marshall

captured the essence of the affidavit, which is that for unfortunate health related reasons, Mr. Kaufman has had difficulty in keeping up with his business, particularly for the past couple of years. He did have an office manager working for him named Tracy Tameleo, who thankfully, although she left in the summer of 2021, I believe it was, came back last May or June to try to help Mr. Kaufman, but because he spent a total of three (3) months and three (3) separate periods between December of '21 and September of '22 in the hospital, he was frankly, very much behind the eight ball in getting his business operating correctly. Thankfully, with Ms. Tameleo's return, I think things are starting to get better. However, the reason for my brief statement to you today is to say that as you consider an appropriate sanction as a result of Mr. Kaufman's company's failure to respond, I'd like you to bear in mind that this is a man who has operated this business for a number of years. The problems that have come before the Board in the past essentially relate to management related issues. And I think that those are certainly getting better at this stage. I realize that you don't have the benefit of the affidavit in front of you. But very quickly, I will tell you that Mr. Kaufman is 77 years old. He's a former law enforcement officer who was injured on the job in SWAT training quite a number of years ago. Ultimately, he ended up in a wheelchair where he has been since 2015. As a result of being in a wheelchair, he has suffered pressure sores that have become infected. And he's been trying to get these infections under control now for well more than a year. And that has been the cause of his hospitalization and his inability to stay on top of things. His wife, although she's a co-owner of the business, has not been involved with it. Tracy Tameleo is on the phone with us, I believe. I don't see her name on the screen in front of me, but I believe she was calling in. I do see somebody named Tracy on the screen, so that may be her by phone. But in any event, she has been trying to help Mr. Kaufman steady the ship, if you will. So, I would ask that you bear in mind that Mr. Kaufman, whatever difficulty he may have had, was certainly not an intention to violate the law. He was just struggling with personal issues. Please bear that in mind, if you would. Thank you.

Mr. Clark – Thank you, Mr. Clayton. Does the Board have any questions for Mr. Clayton at this time? Hearing none. Ms. Marshall, would you state again the last motion for our consideration?

Ms. Marshall – Certainly. The Department contends that the Board's findings of fact support finding a violation of Chapter 497 Florida Statutes as charged in the Administrative Complaint. It is appropriate at this time for the chair to entertain a motion finding Respondent in violation of Florida Statutes as alleged in the Administrative Complaint.

Rachelle Munson – If I may? I didn't know if that Tracy was somebody that the Respondent's attorney wanted to present information or if the Board had any questions if she is in fact that individual for that witness.

Mr. Clark – Thank you, Ms. Munson. Mr. Clayton, would you like Ms. Tameleo to make comments to the Board, or is she just available to ask questions?

Mr. Clayton – She was on the line so that she could be available to answer questions. I'm not sure if I'm seeing all of the people participating in this call. So, the name that I saw a moment ago is no longer on my screen. Perhaps you can see it on yours. But I don't see it on mine now.

Mr. Clark – Is there a Tracy Tameleo on the call? Hearing no response.

Mr. Clayton – Okay. She may have signed off.

Ms. Tracy Tameleo – I'm here.

Mr. Clayton – Oh, there she is.

Mr. Clark – Ms. Tameleo, are you there?

Ms. Tameleo – Yes. Yes, I am.

Mr. Clark – Thank you. Mr. Clayton has stated that you're here just to answer questions. Is that correct?

Ms. Tameleo – Sure.

Mr. Clark – Thank you. Board, any questions for Ms. Tameleo? If not, we'll take the motion under consideration. Mr. Brandenburg?

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

Ms. Marshall – As to penalty, the Department is recommending a \$500 fine and one (1) year of probation.

Mr. Clark – Thank you, Ms. Marshall.

Ms. Clay – Mr. Chair, before we move forward, can we hear why that particular amount was assessed or recommended?

Ms. Marshall – Yes. So given that this violation is not specifically delineated in the disciplinary guidelines, it falls under the general guideline for 497.152(1)(a), which provides that the penalty range for a first offense is a reprimand, a fine of between \$250 and \$2,500 and costs. In addition, probation for six (6) months to one (1) year, suspension up to two (2) years, permanent revocation of license and/or restitution. The reason for that simply is that there was no evidence that this was an intentional violation. They have taken steps to mitigate it. They are, as I mentioned before, on this agenda to obtain that new license. So, I went toward the lower end of that penalty range.

Ms. Clay – Mr. Chair, if I can just get a follow up? So, in terms of the \$250 to the highest range, how did you come up with the \$500?

Ms. Marshall – Generally, in line with what in my experience of seeing this Board impose in similar cases.

Ms. Clay – Thank you, Mr. Chair.

Mr. Clark – Thank you, Ms. Marshall. Thank you, Ms. Clay. Any other questions? Mr. Jensen?

Mr. Jensen – Yes. Thank you, Chair. Quick question for the attorney there. I mean, the penalty certainly seems reasonable. Is that acceptable to your client?

Mr. Clayton – Sir, I think it's appropriate. I'm certainly not going to suggest otherwise. We appreciate the Board's indulgence, and we understand the importance for our client to cross the t's and dot the i's here.

Mr. Jensen – Thank you, Chair.

MOTION: Mr. Jensen moved that the Respondent shall pay a fine of \$500 fine and one (1) year of probation.

Mr. Clark – Thank you, Mr. Jensen. Before we get a second, Ms. Simon?

Ms. Simon – Yes, sir. Thank you. I would request that the penalty be assessed against the new license if the new license is approved today, because their application for a new license is later on the agenda. So, I would request that the fine follow that new license.

Mr. Clark – Okay. Mr. Jensen, are you okay with that? Would you like to modify your motion?

Mr. Jensen – Yes, sir.

Mr. Clark – Thank you, Mr. Jensen.

Ms. Munson – Just to clarify, and this is probably for Ms. Marshall to address. Is it the contention of the Department that if the Board approves that new license, the new license cannot be granted until the fine is paid? Or just to clarify what that means just for this Order.

Ms. Marshall – That's really up to the Board how they want to impose that.

Mr. Clark – Ms. Munson, anything else?

Ms. Munson – I just need clarification because in writing the Order, I just want to be clear what I'm writing in the Order. Ms. Simon, go ahead.

Ms. Simon – Mr. Chairman, I would request that that condition be made part of the motion that the new license not be issued until the payment of the administrative fine is made.

Mr. Clark – Thank you for that guidance. Thank you, Ms. Simon. Mr. Jensen, again, are you okay with that as part of your motion, sir?

Mr. Jensen – Yes, sir.

Mr. Clark – Thank you. Mr. Jensen. Do we have a second?

Mr. Jay Lyons – Second.

Mr. Clark – We have a motion by Mr. Jensen and a second by Rabbi Lyons. Any other questions or discussion?

Mr. Clayton – Members of the Board, may I just ask you one (1) procedural question?

Mr. Clark – Mr. Clayton, if you could just let us finish our vote, then I'll turn it right back over to you, sir.

Mr. Clayton – Yes, sir. I apologize.

Mr. Clark – No, that's all right. Thank you, sir. All those in favor say aye.

Board members – Aye.

Mr. Clark – Any opposed? And that motion carries. Mr. Clayton?

Mr. Clayton – Yes. Thank you. And I apologize for interrupting that process. I'm not that familiar with your procedure, so please bear with me if I ask a question that seems stupid. I know that Item R of your agenda is the actual application for the removal service by D&L Removal. Is that application still subject to a later consideration? I'm not sure if I should stay in the meeting until you reach that point or whether that's being addressed at this time.

Mr. Clark – Yes, Ms. Simon, go ahead.

Ms. Simon – Mr. Clark, may we call that item out of order?

Mr. Clark – Yes, we can.

Ms. Simon – Okay. And if I may call that now.

R. Application(s) for Removal Service

(1) Recommended for Approval with Conditions

(a) D & L Removal and Transport Inc (North Port)

Ms. Simon – An application for removal service licensure was received on June 14, 2022. The application was incomplete when submitted. A completed application was received on December 16, 2022. Fingerprints for all principals have been returned without reportable criminal history. The Division recommends approval subject to the condition that the removal service passed an onsite inspection by a member of Division staff.

Mr. Clark – Thank you, Ms. Simon.

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

Mr. Clark – Any questions or discussion? Yes, sir, Mr. Jensen? Go ahead.

Mr. Jensen – Yes. Should we not add to that that the \$500 gets paid subject to that as well and also subject to the one-year probation?

Mr. Clark – Ms. Simon, I feel like that's included in what we just passed. But maybe for Ms. Munson, what are your thoughts? I think it's included in what we just passed. But do you have any thoughts?

Ms. Munson – I mean, honestly, as long as you have that previously existing Order that says the fine would be paid. The motion did not include the one-year probation. It included the fine would be paid. That would be sufficient to cover any type of encumbrance on this license issuance without payment of fine and the one (1) year probation.

Mr. Clark – Okay. Mr. Jensen, do that answer your question?

Mr. Jensen – Yes, sir. Thank you.

Mr. Clark – Yes, Ms. Simon?

Ms. Simon – I'm sorry to cause so many complications in this meeting. Ms. Marshall, the recommendation for a penalty in the previous case was a \$500 fine and one (1) year of probation. Was that correct?

Ms. Marshall – Yes, that's correct.

Ms. Simon – Okay. And that was what the motion was for and that was voted upon. Thank you, Mr. Jensen for bringing this up. I would request that the one-year probation be on this new license, if approved by the Board.

Mr. Clark – Thank you, Ms. Simon. Rabbi Lyons and Ms. Liotta, do your motions include what Ms. Simon just said regarding the probation?

Rabbi Lyons – I believe I made the motion. Didn't we just say the original, the earlier motion that we passed was that this license be placed on probation. But there's nothing about that that becomes a condition of approval. So, this item is the approval of the new license. So, this is very simply to approve this license with the condition that they pass an onsite inspection. The payment of the fee we already took care of. And the probation is not a condition of licensure.

Ms. Munson – That's kind of how it was worded the first time, Rabbi Lyons. If there's any modification to that, I think Ms. Simon was trying to clarify that with her last statement.

Ms. Simon – Yes, thank you, Ms. Munson. Mr. Clark, that is what the Division is seeking. I apologize that it was not read correctly into the record. We are requesting that the license be granted subject to the conditions of paying the \$500 fine on the disciplinary case as well as one (1) year probation and the passing of an onsite inspection.

Rabbi Lyons – I don't understand. How do they complete a year of probation without a license being granted? Meaning the payment needs to happen, and then the license is granted. But they can't complete a year of probation on a license which is waiting for a year probation to be completed in order to be granted.

Ms. Simon – No, I'm not requesting that. I apologize for not making myself clear. I am not requesting that the license wait for a year of probation before it is issued. I am requesting that the new license be placed on one (1) year of probation when it is granted.

Rabbi Lyons – And that was the previous item that we put the license on one-year probation. We already did that.

Ms. Simon – Yes. But that was not the new license. With regards to this application, in order for the probation to be in effect, it has to be on this license. Ms. Munson, I need your help on this, please.

Ms. Munson – I mean, I understand what Rabbi Lyons concerns are, to be quite honest. I mean, I think it's the Department's contention that a one-year probation cannot be associated with the previous license.

Ms. Simon – Yes, ma'am.

Ms. Munson – Okay. If that's what, then it won't be associated with the previous license. It would just be the \$500 fine. And then on the new license, it would be a one-year probation due to the previous disciplinary matter that I guess is being assessed with this item that we just voted on under the disciplinary section of this agenda. The license that Ms. Marshall brought before us, there is no license by which a one-year probation can be associated. But it is the Department's intent to somehow have a one-year probation attached to this license, it being the new license, that would be a part of the mandate for the new license.

Mr. Clark – And Ms. Simon, can you restate the Division's recommendation for R (1) (a)?

Ms. Simon – Yes, sir. The Division recommends approval of the license subject to the following conditions: payment of the \$500 fine assessed in the disciplinary action before the license is issued, one (1) year of probation and passing of an onsite inspection.

Mr. Clark – Rabbi Lyons, we have a motion with the only condition being passing an onsite inspection. Would you like to modify your motion?

Rabbi Lyons – I don't want to get into a situation that we end up sticking the licensee with a \$1,000 fine and two (2) years of probation. And I'm a little bit worried about the way that this is being phrased. We had a previous passed motion, which was a \$500 fine and one (1) year probation on the new license. That was the way that I understood what I was voting for. So that was already done. So that's done. That's all set. Right? There's an order for that. Correct, Ms. Munson? The previous Order for the previous item is a \$500 fine and one (1) year probation on the new license.

Ms. Simon – Rabbi Lyons, if I may. We're not requesting that either. We're essentially asking that the one fine of \$500 be paid before the new license is issued. And we're essentially requesting that the one-year probation be transferred to this new license.

Rabbi Lyons – But it already is on this new license. That was the previous item. That was the previous order. Correct? Can I ask Ms. Munson to please read the previous Order?

Ms. Munson – There is no previous Order. It's based on this discussion. We don't have a written Order yet. But probably, the clarification is with this disciplinary case, is that license on that disciplinary case a different license number than this new application that we're discussing? Are they two (2) different license numbers? And I don't know whether that's to Ms. Simon or a Ms. Marshall question.

Ms. Simon – I would ask, and I apologize for bringing all of this up in this meeting. Ms. Richardson, are you there?

Ms. Jasmin Richardson – Yes. I'm here.

Ms. Simon – Can you help us with this?

Ms. Richardson – Yes, I was going to explain. Yes, Rabbi, that previous license is going to be null and void. So unfortunately, that one (1) year cannot be assessed to that old license. So that particular disciplinary is only for that, but that one-year probation has to go towards the new license. So what Ms. Simon is saying is correct that there are two (2) separate license numbers. And so, the \$500 fine is assessed to the license that already existed that moved without notifying us. And for us to

issue the new license number, the request was for the \$500 fine to be paid and then the one-year probation to be issued to the new license number, because that old license number will be null and void.

Mr. Clark – Thank you, Ms. Richardson. Rabbi Lyons, does that help clarify?

Rabbi Lyons – As long as there's nothing that can be interpreted as applying either the fine or the probation twice> If there's no discipline against the previous license and if a previous disciplinary item on the agenda is only being assessed to this license, so then my motion would be to approve on the condition of passing the onsite inspection and the application of the previous item on the agenda.

Mr. Clark – Ms. Munson, based on what Mr. Richardson shared with us, is that acceptable?

Ms. Munson – Yes, I will just advise the Board the Order will be written in a manner that identifies that this disciplinary matter involves penalties of a \$500 fine and a one-year probation. And the Order regarding the conditional approval of the new license will state as the condition that the \$500 fine from Case No. 300633-22-FC must be paid prior to licensure and the one-year probation that was assessed in that Order is transferred to this particular new license.

Rabbi Lyons – So moved.

Ms. Liotta – Second.

Mr. Clark – Thank you, Ms. Liotta. We have a motion, and we have a second. Any questions or discussion? Hearing none, all those in favor say aye.

Board members – Aye.

Mr. Clark – Any opposed? And that motion carries.

Ms. Simon – Thank you, Board.

Mr. Clayton – Thank you, ladies and gentlemen. I appreciate your time and consideration.

Mr. Clark – Thank you, Mr. Clayton.

(c) Reconsideration of the Request for a Section 120.57(1), F.S. Hearing or, in the Alternative, a Section 120.57(2), F.S., Hearing
1. Washington Memorial & More Funeral Service Industry LLC (Butler)

Ms. Simon – In March 2022, the Board was presented with an application for licensure as a funeral establishment submitted by the entity aforementioned. After review and discussion, the Board denied the application, and a Notice of Intent to Deny the application was filed on March 24, 2022. The Notice gave the applicant twenty-one (21) days to request a review of the Board's findings. In July 2022, the Board reviewed the request and found that the Respondent failed to cite material facts in dispute. This matter was again presented to the Board in September 2022. At that point, the matter was tabled until the October meeting to ensure proper notice. In October 2022, the Board found that there were no material facts in dispute and set the Hearing Not Involving Material Facts in Dispute (a section 120.57(2), Florida Statutes, hearing) for the November 2022 Board meeting. However, after the October Board meeting, Respondent sent the Division a request that this matter not be placed on the November Board agenda. Today the Division is requesting the Board to reconsider the finding that there are no material facts in dispute and refer this matter to the Division of Administrative Hearings. In the alternative, the Division is requesting that today the Board conduct a section 120.57(2), F.S., hearing. Ms. Womble, representing the applicant, is on the call today. And both the Office of the General Counsel and Board counsel may be able to provide further guidance on this matter if it is sought. Board members?

Mr. Clark – So, Ms. Simon, we need a motion to reconsider, correct?

Ms. Simon – You may want to hear from Ms. Womble first.

Ms. Munson – And if I may interject. I want to be clear. I think that the Department's comment was that it is the Department that requests reconsideration for the 120.57(2) Florida Statutes hearing.

Ms. Simon – Yes, ma'am.

Ms. Munson – Okay. Because the Board has already voted on it. And that was the issue with respect to what type of hearing we would have. So, it looks like the Department is requesting that we go back to revisit the previous vote, just to be clear as to where we are.

Ms. Simon – Again, Mr. Chairman, Mr. Vice Chair, excuse me, I think that it might be appropriate at this time to hear from Ms. Womble, if she is present.

Mr. Clark – Ms. Womble, are you here?

Ms. Nichelle Womble – Yes, I'm present. But now I'm a little bit confused about what's going on with the [inaudible].

Ms. Munson – It's probably good to clarify. This hearing was last said to be set for a s. 120.57(2) because there was a determination that there were no disputed issues of material fact. Is that what you came prepared to present today, ma'am?

Ms. Womble – Right. So, it's my understanding that there were a couple of issues with this situation in terms of material facts not being addressed in terms of location of the property where the visitation chapel would be, where the mortuary would be. And all of those items were sent to Ms. Simon's office, prior to that October meeting. Ms. Simon said that she received an empty envelope. But in the October minute meeting, she said she never received anything. And according to tracking from the post office, the items that were to be addressed as material facts were picked up by the Tallahassee office. So, I am at this point not sure what the office has or has not received, because according to postage, it was received. But in Ms. Simon's statements, nothing was ever received.

Ms. Simon – And if I may, Mr. Vice Chair? All of the information, all the documentation received by the Department is within the Board package. I did not leave anything out. If you can tell, I was very thorough, not only in providing the documentation that the Department received, but also the emails that took place between the applicant and myself, as well as the emails that took place between Ms. Womble and myself subsequent to the last Board meeting. So, it is up to the Board at this point to decide whether this matter should be reconsidered and set for a formal hearing in front of the Division of Administrative Hearings or today handle a 120.57(2) Florida Statutes hearing, which is an informal hearing in front of the Board, as the Board originally requested.

Mr. Williams – May I ask a question?

Ms. Munson – Before, let me just further clarify as the Board is considering what their next steps are. You cannot set this for a formal hearing unless disputed issues of material fact are determined. So, moving forward just keep that in mind as to however you vote what the basis will be for moving forward. And I'm sorry if I didn't recognize who wanted to ask a question.

Mr. Williams – Mr. Vice Chair?

Mr. Clark – Ms. Munson, we'll go to you because he's still recused. Can he ask a question?

Ms. Munson – Not as a recused member.

Mr. Williams – I thought this is the Washington case.

Ms. Munson – It is. So, I don't know if he's recused from this.

Mr. Clark – Okay. Go ahead, Mr. Williams. I just want to make sure.

Mr. Williams – Okay. Yes. So, I guess my question is, are we making a motion to determine disputed facts on materials?

Ms. Munson – I think you voted on that at a previous meeting. That matter was closed, but the Department is now asking you to look at it again. I believe that's where we are. And if you determine, again, that there are no disputed issues of material fact that would warrant a DOAH hearing, then it would be to look at the information that's provided and have the discussion based on the evidence that's provided during an informal hearing setup, which is where we sort of left off previously. I see Mr. Griffin has his hand up.

Mr. Clark – Mr. Williams, did that answer your question?

Mr. Williams – I believe so. Thank you, sir.

Mr. Clark – Thank you. Mr. Brandenburg, I saw you, and then I'll go to Mr. Griffin. Mr. Brandenburg?

Mr. Brandenburg – Thank you. A question for Ms. Womble. What is your issue of material facts in order for this Board to recommend forwarding to DOAH?

Ms. Womble – So the issues of material facts are there was a dispute as to whether or not there was an address or location for the visitation chapel as well as the mortuary. That information was provided. They are on the same location. For whatever reason, that was not addressed. That was blatantly disregarded. The other issue is there has always been a funeral director. That was also in question. Washington Memorial was approved with conditions. They submitted all of the information to address those conditions. And I believe the state inspection was then stopped. And so, the issue is the fact that we're in question in terms of location and the funeral director all have been addressed, which were the conditions and at this point should not have hindered them from getting their license.

Mr. Clark – Mr. Brandenburg, go ahead.

Mr. Brandenburg – So Ms. Womble, your preference is for this to go to DOAH or an informal hearing today?

Ms. Womble – We are okay with an informal hearing if facts can be adequately addressed today.

Mr. Clark – Mr. Brandenburg, any other questions at this time?

Mr. Brandenburg – None at this time.

Ms. Munson – I just want the record to be clear. I think what Ms. Womble has just indicated is that it is her contention that their party presented information that this Board did not recognize may have been previously submitted. And this is an effort for clarification. Whether this information was presented or not, it's this type of discussion that I guess will address that matter. But it looks like the Respondent is indicating they provided this, and the Department may be saying they have not received this. Ms. Simon has indicated that everything the Department received is in this packet. So going through those 700 pages, I guess it would be a determination of whether or not the information has, in fact, been received. And if the Respondent is requesting or the applicant was requesting additional consideration, of course it would be their argument to make. But please correct me. Is that what you saying, ma'am?

Ms. Womble – That's correct.

Ms. Munson – All right. I just want to know where we are. Thank you.

Mr. Clark – Thank you, Ms. Munson. Mr. Griffin?

Mr. Marshawn Griffin – I think any comments I would have had are kind of addressed by the attorney representing that she wants a 120.57(2) hearing.

Mr. Clark – Ms. Simon?

Ms. Simon – It may be appropriate at this time, based on the discussion with the Board members, that there'll be a motion not to reconsider the matter and to have a 120.57(2) hearing today.

Mr. Clark – Thank you, Ms. Simon. Ms. Clay, did you have a question? I may not be seeing correctly, but I thought you had your hand up.

Ms. Clay – I did have my hand up. My question was answered.

Mr. Clark – Thank you, Ms. Clay.

Ms. Simon – We need to have a motion from the Board in order to proceed forward.

Mr. Clark – Is there a motion?

Ms. Clay – Mr. Chair, do you need a motion to proceed with the informal hearing?

Mr. Clark – That's correct. Is that correct, Ms. Simon? That's what I understood.

Ms. Simon – Yes, sir.

Mr. Jensen – Ms. Simon, I'm looking at the Board recommendations, and it says that the Division is requesting that there be another finding of no material facts in dispute and refer this to DOAH. So, are you all changing your recommendation now?

Ms. Simon – Based upon the discussion by the Board, which was that, essentially, and the request of the applicant, was that there be a 120.57(2) hearing today. And we can do that as long as there is a motion. And I believe Ms. Clay made a motion to that effect.

Mr. Clark – I didn't hear her make a motion.

Ms. Simon – Okay. I apologize.

Ms. Clay – I did not. I just asked for clarification.

Mr. Clark – Yes. Go ahead, Mr. Jensen.

Mr. Jensen – Mr. Clark, a quick follow up. I'm sort of with Mr. Brandenburg on this. I would like to hear from the attorney. We're trying to give them a fair shake here. So, what does Attorney Womble prefer?

Ms. Munson – Let me just interject, because I know this is of record. I want to just clarify that it is not the request of this attorney to have a 120.57(1). That was the Division. So, the Board had voted. And the vote was for 120.57(2), which is an informal hearing. This particular proceeding today has been reset at the Division's request for 120.57(1). But there's been a statement on the record that since the attorney for the Respondent has indicated she was willing to move forward with a 120.752 as the Board previously voted, then we will be able to move forward with a 120.57(2). I think the confusion came in because with these materials that were set for this particular meeting, the Division has since requested a 120.57(1). So, it's not the burden of this attorney to explain why. It was the Division who wanted it. And the Division has now stated that because of the discussion today, if they can confirm the motion for 120.57(2) hearing, they'll proceed as such. And I think that's what Mr. Griffin was identifying when he made his comment.

Ms. Simon – And the discussion that we're having right now, I will withdraw the Division's request, and let's proceed for the 120.57(2) hearing today. So, we can do that now.

Mr. Brandenburg – To be more specific, rather than using the numbers, use the actual description.

Ms. Simon – Yes, sir. We had requested a reconsideration to go to the Division of Administrative Hearings. However, it appears that the Board desires to go forward today on an informal hearing, and I would suggest that that's what we move forward on.

Mr. Clark – Mr. Ferreira, did you have a question?

Mr. Ferreira – Yes. I haven't seen any evidence, anything different than what we've talked about in the past.

Ms. Simon – Which is why I'm suggesting we go forward. The applicant requested a 120.57(2) hearing, which is an informal hearing before the Board. And I suggest we go forward on that today.

Mr. Clark – Mr. Ferreira, any other questions at this time?

Mr. Ferreira – No, sir.

Mr. Clark – Mr. Williams, go ahead.

Mr. Williams – Yes, thank you, Mr. Vice Chair. So, I'm just very slow with this.

Ms. Munson – You are not, sir. You are not.

Mr. Williams – Are we asking, or is the Division asking us to move forward with our original vote that we were going to move forward with at that time, or are we trying to do something different?

Ms. Simon – I'm recommending to the Board right now to proceed forward on the 120.57(2) informal hearing, which the Board wanted to do beforehand, today.

Mr. Williams – Okay. Thank you. Mr. Vice Chair, may I have a follow up?

Mr. Clark – If everyone could please put their phone on mute that is not talking. We're hearing a little bit of feedback. Go ahead, Mr. Williams.

Mr. Williams – Yes, sir. So, Ms. Simon, in our vote in November, or December, I can't remember when, was this the same type of action we were trying to take that meeting, or was that something different? I'm just trying to make sure.

Ms. Simon – I'm suggesting you go forward the way that you had originally wanted to. Proceed forward with Section 120.57(2) hearing today.

Ms. Munson – If I may, just to help understand some of this history. At the last meeting when the Board voted for an informal hearing, the only reason why we delayed the proceeding at that particular time, was because I believe the applicant indicated he wasn't aware that we would be having the informal hearing at that time. And there were identifiable documents that the applicant said he submitted to the Division, and the Division said they didn't get, and there was a lot of back and forth about that. So, the Board agreed to table it. And now it's reset today, but for the Division's reconsideration issue, we were going to pick up where we left off.

Ms. Simon – And we can do so right now.

Mr. Williams – Mr. Vice Chair, may I make a motion to say what Ms. Munson just said, I can't repeat it, to pick up where we left off at? I want to make sure the legal jargon is there, but I'm not sure.

Ms. Munson – So, the motion would be to proceed with a 120.57(2) informal hearing today, as was indicated on the notice materials.

Mr. Clark – Thank you, Ms. Munson. Any other questions or discussions?

MOTION: Mr. Williams moved to proceed with a 120.57(2) informal hearing today. Ms. Clay seconded the motion, which passed unanimously.

Ms. Simon – Ms. Munson, what is our next step?

Ms. Munson – So, I'm going to be helpful. This applicant has an attorney. And this is actually the applicant's representative and the applicant's opportunity to present information as to why they feel this license should have been approved. So, I believe, ma'am, you started indicating the documentation required for licensure that you would have submitted. And this would be your opportunity to clarify that, explain that, provide evidence of that before the Board at this time.

Ms. Womble – So yes, I did mention that we actually tracked the mailing that was sent to Tallahassee. Ms. Simon had indicated that it was sent to Atlantic Beach, I believe, in the last meeting. However, upon tracking the information, the documentation was actually received, once again, which is in question, was actually received and picked up in Tallahassee on October 5, which would have been two weeks prior to that meeting, which would have been timely enough for that documentation to be added to the Board's packet. The license was denied for lack of clear identification of a funeral director as well as the location of the visitation chapel. But in all that documentation, the visitation chapel as well as the mortuary are at the same commercial property, which is located at 8593 South County Road 231, Lake Butler, Florida. That has never changed. So, my understanding was that was put into question, but that should never have been put into question because that was clearly outlined in all documentation that was received by the Division. Once again, there's question of whether or not who received it at the Division and who did not. There's documentation from the post office that it was picked up and signed for at that time prior to that October meeting. Also, there was a question of whether there was a funeral director involved in this operation. And up until a few weeks ago, there was a specific funeral director involved. However, after going through this process for a year, that funeral director stepped down. And Washington Memorial did bring on a new funeral director who is onboard at this time. So, the issue of the visitation chapel, which had been called as a question multiple times, which was addressed multiple times, and the documentation submitted, as well as the updated funeral director also, who is by the name of Elliot Graham, at this moment has also been addressed.

Mr. Clark – Thank you, Ms. Womble. Any questions from the Board?

Ms. Simon – Ms. Munson, if I may?

Mr. Clark – Go ahead, Ms. Simon.

Ms. Simon – What is the next step as there are no questions from the Board?

Ms. Munson – Well, the reconsideration is whether or not the Board will uphold their Notice of Intent to Deny or whether this information will cause the Board to approve licensure, free or under some conditions.

Rabbi Lyons – Mr. Vice Chair?

Mr. Clark – Go ahead, sir.

Rabbi Lyons – Can I ask Ms. Womble to repeat the address of the location of where you're requesting licensure?

Ms. Womble – Yes. It's 8593 South County Road 231 Lake Butler, Florida.

Mr. Clark – Rabbi Lyons, any other questions?

Rabbi Lyons – I'm sorry. I didn't read all 708 pages. I will admit that on public records. Okay. Was that in the original application?

Ms. Womble – Yes, it was. And if you go back on the cover sheet, it's actually listed as the physical address.

Rabbi Lyons – Okay. So, Ms. Simon, is there an issue with that location?

Ms. Simon – Sir, there is not an issue with that location. But as everybody on the Board is aware, you cannot have a visitation chapel at the same physical address as a funeral establishment. Everybody is aware of that, which is why there was an issue when the application was first heard. That was one of the issues, and it continues to be, sir.

Mr. Clark – Thank you, Ms. Simon. Rabbi Lyons, any other questions?

Rabbi Lyons – That'll be it for now.

Mr. Clark – Mr. Brandenburg, go ahead.

MOTION: Mr. Brandenburg moved to reaffirm the previous decision to deny. Mr. Ferreira seconded the motion.

Mr. Clark – Mr. Jensen, did you have a question?

Mr. Jensen – I was going to make the same motion. I do not see any new material facts that would change my decision. Thank you.

Mr. Clark – Thank you, Mr. Jensen. We have a motion and a second. Any other questions? All those in favor say aye.

Board members – Aye.

Mr. Clark – And any opposed?

Rabbi Lyons – Opposed.

Mr. Clark – And the motion carries.

Ms. Munson – I would ask the Board to identify for the record for the audit to reflect the reason for the denial, please, as I would need for any denial.

Mr. Brandenburg – Our previous decision for denial.

Ms. Munson – It will be titled upholding that decision. So, are we saying that whatever reason was stated in that Order, that's the information you want repeated in this one?

Mr. Brandenburg – Yes.

Ms. Munson – Okay.

Mr. Clark – Ms. Simon?

Ms. Simon – May I move on with the agenda, Mr. Vice Chair?

Mr. Clark – Yes, please. Thank you.

E. Disciplinary Proceedings

(1) Settlement Stipulation (Probable Cause Panel B)

(a) Lawrence J. Epps, Jr., d/b/a Epps Memorial Funeral Home: DFS Case No. 282706-21-FC; Division No. ATN-36430 (F300009)

Ms. Simon – Lawrence J. Epps, Jr. d/b/a Epps Memorial Funeral Home has been withdrawn from the agenda.

F. Application(s) for Preneed Sales Agent

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

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

- (2) *Recommended for Denial (Adverse License History)*
 - (a) *Chestnut, Christopher (Appointing Entity: Chestnut Funeral Home Inc)*

Ms. Simon – That item has been withdrawn from this agenda.

G. Application(s) for Continuing Education

- (1) *Course Approval - Recommended for Approval without Conditions – Addendum B*
 - (a) *APEX Continuing Education Solutions (4201)*
 - (b) *Colibri Healthcare (113)*
 - (c) *Cremation Association of North America (16008)*
 - (d) *Florida Cemetery, Cremation & Funeral Association (75)*
 - (e) *Graystone Associates, Inc. (41808)*
 - (f) *International Order of the Golden Rule (2201)*
 - (g) *McClendon Agency (45808)*
 - (h) *National Funeral Directors and Morticians Association, Inc (15608)*
 - (i) *National Funeral Directors Association (136)*
 - (j) *WebCE (43)*
 - (k) *Wilbert Funeral Services (39408)*

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

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

H. Consumer Protection Trust Fund Claims

- (1) *Recommended for Approval without Conditions – Addendum C*

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

Mr. Clark – Do we have a motion? Mr. Ferreira, go ahead. You may be on mute sir.

Mr. Ferreira – Yes, sir. My company is on this, so I want to recuse myself.

Mr. Clark – Thank you, Mr. Ferreira.

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

I. Application(s) for Embalmer Apprentice

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum D*
 - (a) *Alford Jr, Gregory F645676*
 - (b) *Dragon, Jennifer L F645687*
 - (c) *Hall, Andrew R F643469*
 - (d) *Mello, Maximilian L F646531*
 - (e) *Ritter, Christina L F643454*

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.

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

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum E*
 - (a) *Funeral Director (Internship and Exam)*
 - 1. *Fuller, Kasey*
 - 2. *Marsh, Tiffany A*
 - (b) *Funeral Director and Embalmer (Endorsement)*
 - 1. *Amato, David A*
 - 2. *Kinyon, Amanda J*
 - 3. *Martinez, Tawny*
 - (c) *Funeral Director and Embalmer (Internship and Exam)*
 - 1. *De La Rosa, Bianca*
 - 2. *Delice, Scheyla S*
 - 3. *Searls, Carolyn M*

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

- (2) *Recommended for Approval without Conditions (Criminal History)*
 - (a) *Funeral Director and Embalmer (Internship and Exam)*
 - 1. *Cooper, April M*

Ms. Simon – An application for funeral director and embalmer licensure was received by the Division on December 27, 2022. The application was complete when submitted. A background check revealed relevant criminal history to wit, on or about April 16, 2019, the applicant pled no contest to Driving Under the Influence. The Division is recommending approval without conditions. Is Ms. Cooper present today? Mr. Vice Chair?

Mr. Clark – Thank you, Ms. Simon. Board?

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

K. Application(s) for Internship

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum F*
 - (a) *Funeral Director*
 - 1. *Blumhagen, Earline E F354526*
 - 2. *Cabrera, Lincoln C F642944*
 - 3. *Campion, Susan F533422*
 - 4. *DeLeon, Jacob A F645665*
 - 5. *Pearson Sr, Larry E F533878*
 - (b) *Funeral Director and Embalmer*
 - 6. *Diaz, Gwyneth L F617823*

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

- (2) *Recommended for Approval with Conditions*
 - (a) *Request(s) for Waiver (Funeral Director and Embalmer Concurrent Intern)*
 - 1. *Jones, Ky M F547229*

Ms. Simon – This matter has been removed from the agenda. I’m sorry. Mr. Brandenburg?

Mr. Brandenburg – Ms. Simon, you stated it was removed. Is it withdrawn or removed?

Ms. Simon – It is removed from the agenda.

2. *Molina, Jesus D F092100*

Ms. Simon – An application for a concurrent internship license was received on December 15, 2022. This application was not considered viable as the applicant had previously been licensed as a concurrent intern and 69K-18.003, Florida Administrative Code, only permits one internship in a lifetime. On or about January 4, 2023, the Division received a Petition for Waiver of Rule 69K-18.003, Florida Administrative Code. Both the Petition and the application for internship are included within your Board package. The Division is recommending approval of the petition and application for internship subject to the conditions as follows:

- 1) Approval of petition for waiver of Rule 69K-18.003, F.A.C.; and
- 2) The Applicant is required to begin his internship anew without credit associated with previous licensure, i.e., in order to complete his internship, the Applicant will be required to work forty (40) hours per week for at least fifty (50) weeks following the approval of the instant licensure.

Mr. Clark – Thank you, Ms. Simon. Ms. Wiener, are you here to address the Board or simply answer questions?

Ms. Wendy Wiener – Just to answer questions, if there are any.

Mr. Clark – Thank you.

Ms. Wiener – Thank you.

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

Ms. Wiener – Thank you, Board.

(3) *Recommended for Denial*
(a) *Funeral Director and Embalmer*
1. *Hart Jr., J T*

Ms. Simon – Is Mr. Hart on the call today?

Mr. J T Hart, Jr – Yes.

Ms. Simon – Thank you Mr. Hart. An application for concurrent internship licensure was received by the Division on November 28, 2022. The application was incomplete when submitted. A completed application was received on January 23, 2023. The applicant answered “Yes” to the criminal history question. On or about January 14, 2016, the applicant pled nolo contendere to one (1) count of Grand Theft, one (1) count of Possession of Cocaine, and one (1) count of having contraband in a county detention facility, all third-degree felonies. The applicant also please guilty to Resisting a Merchant, a misdemeanor. Adjudication was withheld. The applicant was sentenced to one (1) year jail and one (1) year probation. The Division is recommending denial on this matter. Mr. Hart, would you like to be heard today? Mr. Hart?

Mr. Hart – Yes, please.

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

Mr. Hart – Yes.

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

Mr. Hart – My name is JT Hart, Jr., H-A-R-T.

Ms. Simon – Thank you, sir. Board members?

Mr. Clark – Board members, any questions for Mr. Hart?

Mr. Jones – Mr. Chair?

Mr. Clark – Go ahead, Mr. Jones.

Mr. Jones – Mr. Hart, I read your November 2nd letter, but could you go into a little detail on some other things as far as grand theft and others and what you're currently doing now, please.

Mr. Hart – Yes. Currently, at that time, I was young. Didn't have any guidance or any purpose. Currently, and after that, what I'm doing now, I have a fulltime job at a gas station. And also, I mentor at a funeral home now. Just recently graduated from mortuary school and been maintaining that and been good on the right track for the past seven (7) years.

Mr. Jones – Mr. Chair, if I may?

Mr. Clark – Yes, sir. Go ahead, Mr. Jones.

Mr. Jones – Mr. Hart, no legal issues in the last seven (7) years? I'm sorry, did you hear me? I was asking no legal issues in the last seven years.

Mr. Hart – No.

Mr. Jones – Okay. Thanks.

Mr. Clark – Thank you, Mr. Jones. Mr. Brandenburg, go ahead, sir.

MOTION: Mr. Brandenburg moved to deny the application based upon criminal history. Ferreira seconded the motion.

Mr. Clark – We have a motion to deny and a second. Any other questions or discussion? All those in favor say aye.

Board members – Aye.

Mr. Clark – And any opposed?

Ms. Liotta – Opposed.

Mr. Clark – Ms. Simon, will you please take a roll call vote?

Ms. Simon – Yes, sir. If I may have one moment. Please respond aye if you approve of the motion to deny and nay if you do not. Mr. Clark?

Mr. Clark – Aye.

Ms. Simon – Mr. Brandenburg?

Mr. Brandenburg – Aye.

Ms. Simon – Ms. Clay?

Ms. Clay – Aye.

Ms. Simon – Mr. Ferreira?

Mr. Ferreira – Aye.

Ms. Simon – Mr. Jensen?

Mr. Jensen – Aye.

Ms. Simon – Mr. Jones?

Mr. Jones – No.

Ms. Simon – Ms. Liotta?

Ms. Liotta – No.

Ms. Simon – Rabbi Lyons?

Rabbi Lyons – No.

Ms. Simon – Mr. Williams?

Mr. Williams – No.

Ms. Simon – And Chair Peebles?

Chair Peebles – Aye.

Ms. Simon – That motion passes. Thank you, Board Members. Mr. Vice Chair, if I may go back to one item on the agenda?

Ms. Munson – Before you do Ms. Simon, can I just clarify the reason for the denial? Is it the criminal history? I want the Order to properly reflect.

Mr. Brandenburg – That was my motion. Denial based upon the criminal history.

Ms. Munson – Thank you.

Ms. Simon – Mr. Vice Chair, may I go back?

Mr. Clark – Yes.

K. Application(s) for Internship

(2) Recommended for Approval with Conditions

(a) Request(s) for Waiver (Funeral Director and Embalmer Concurrent Intern)

1. Jones, Ky M F547229

Ms. Simon – Okay. Mr. Brandenburg asked about this. That application for internship and waiver has been withdrawn. It's not simply been removed from the agenda. Thank you for that.

Mr. Clark – Ms. Simon, before we proceed, can we take a quick break to give folks a little break? I have 11:23. Would it be okay if we resume at 11:30?

Ms. Simon – Yes, sir.

Mr. Clark – Okay.

Ms. Simon – Thank you.

Mr. Clark – Ms. Simon, I have 11:30. Proceed with the agenda. Thank you.

Ms. Simon – Yes, sir. Thank you, sir.

L. Application(s) for Preneed Branch License

- (1) *Recommended for Approval without Conditions – Addendum G*
 - (a) *CEJ South d/b/a Family – Funeral & Cremation (F071238) (Mary Esther)*

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

Mr. Clark – Thank you, Ms. Simon. Mr. Jensen, go ahead, sir.

Mr. Clark – Yes, thank you, Vice Chair. I am the owner of CEJ South, so I have to recuse myself from this.

Mr. Clark – Thank you, Mr. Jensen.

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

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

- (1) *Recommended for Approval without Conditions – Addendum H*
 - (a) *Carriage Funeral Holdings Inc d/b/a Funeraria San Juan (Kissimmee) (F607486)*
 - (b) *Joe Morris & Son Funeral Home Inc (Pensacola) (F088630)*

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

N. Notification(s) for Change of Location

- (1) *Informational Item (Licenses Issued without Conditions) – Addendum I*
 - (a) *Brandon Cremation and Funeral Services Inc (F061189) (Valrico)*
 - (b) *Osceola Crematory LLC (F077954) (Kissimmee)*
 - (c) *Pax-Villa USA Funeral Home Inc (F041720) (Fort Lauderdale)*

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

O. Application(s) for Funeral Establishment

- (1) *Recommended for Approval with Conditions*
 - (a) *Family-Owned Funeral Group LLC (Jacksonville)*

Ms. Simon – Is there a representative of this entity on the call today?

Mr. Ash Curtis – Yes.

Ms. Simon – Thank you, sir. Anybody who is speaking, please place your phones on mute, as you're causing interruptions to the meeting. An application for funeral establishment licensure, based on a change of ownership, was received November 22, 2022. The application was incomplete when submitted. A completed application was received on December 12, 2022. A background check of the principals revealed no relevant criminal history. The current establishment does have a qualifying

preneed license; however, an application for a preneed license has not been submitted. The applicant did submit a letter stating they will fulfill all unfulfilled preneed contracts. The Division recommends approval subject to the following conditions:

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

Mr. Brandenburg – Ms. Simon, I think there was a gentleman on the line affiliated with or representing this change of ownership.

Ms. Simon – Yes, sir. I did hear that.

Mr. Clark – Would the individual that's representing please state your name for the record, please?

Mr. Curtis – My name is Ash Curtis, owner of Family-Owned Funeral Group.

Mr. Clark – Mr. Curtis, are you here to address the Board or simply to answer any questions we may have?

Mr. Curtis – I'm just simply here to answer any questions you guys have.

Mr. Clark – Thank you, sir. Board?

MOTION: Rabbi Lyons moved to approve the application subject to the conditions recommended by the Division. Ms. Liotta seconded the motion.

Mr. Clark – Any questions or discussion? Mr. Ferreira, go ahead, sir. You're on mute, sir.

Mr. Ferreira – Sorry, again. I noticed on the application that the applicant checked NO to having at least 250 square feet on the application. Also, I noticed that the distance between the funeral home and the crematory is seventy-seven (77) miles, eighty-two (82) miles and eighty-six (86) between the funeral home and the crematory.

Mr. Curtis – Yes, sir. We came up with seventy-one (71) miles when we did the math, but at the same time --

Mr. Clark – Mr. Curtis, hold on one moment. Ms. Simon, would you swear in Mr. Curtis?

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

Mr. Curtis – Yes.

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

Mr. Curtis – My name is Steven A. Curtis. C-U-R-T-I-S.

Mr. Clark – Go ahead, Mr. Curtis, if you want to address Mr. Ferreira's comments.

Mr. Curtis – We originally had a hard time. Mr. Hill previously used Crevasse to do their cremations. And initially, I wasn't able to get them to supply me with a contract to put with my application. So, Forest Meadows in Gainesville has a crematory. And by my mileage, I came up with seventy-one (71) miles. But regardless, I will be using somebody here locally. Either continue to use Crevasse or Naugle Funeral Home.

Mr. Clark – Ms. Simon, go ahead.

Ms. Simon – Yes. May I request as an additional condition of licensure that before licensure is issued that Mr. Curtis provide an agreement from a cremation licensee clearly within seventy-five (75) miles?

Mr. Curtis – Absolutely.

Mr. Clark – Okay. Thank you, Ms. Simon. Mr. Ferreira also had a question regarding the square footage. Did you hear his question?

Mr. Curtis – I did. That was, obviously, just a mistake on my part.

Mr. Clark – Thank you, sir. Mr. Ferreira, any other questions?

Mr. Ferreira – No, sir.

Mr. Clark – Thank you.

Mr. Curtis – Good to meet Mr. Ferreira, and I look forward to meeting you and Ms. Peeples.

Ms. Munson – Ms. Simon, if I may. I apologize, Mr. Vice Chair. Could you please state that additional condition again? The owner provides an agreement...

Ms. Simon – May I, Mr. Vice Chair?

Mr. Clark – Yes, go ahead.

Ms. Simon – That the owner provided an agreement from a licensed cremation facility clearly located within seventy-five (75) miles of his facility, in addition to the other conditions.

Ms. Munson – Thank you.

Mr. Clark – Mr. Simon, I may need your help. Did we have a motion and a second? We had a lot going on there. I thought, we did not. Okay. Thank you. Board, are there any other questions?

Mr. Jones – Do we need a motion?

Mr. Clark – Yes, sir.

Chair Peeples – Mr. Clark, there is a motion, Rabbi Lyons and a second by Ms. Liotta. It needs to be modified.

Mr. Clark – Thank you, Ms. Peeples. Rabbi Lyons, would you modify your motion to include that the applicant provide information regarding the crematory within seventy-five (75) miles prior to licensure being issued?

Rabbi Lyons – Yes, so moved.

Ms. Liotta – And second. Liotta.

Mr. Clark – We have a motion and a second. Any other questions? Thank you. Ms. Peeples. All those in favor say aye.

Board members – Aye.

Mr. Clark – Any opposed? And the motion carries. Yes, Ms. Simon?

Ms. Simon – If I may? Mr. Curtis, if you can please forward that contract directly to Ms. Richardson, I'd appreciate it.

Mr. Curtis – Thank you.

(b) O Christopher McLemore Funeral Home Inc (Pompano Beach)

Ms. Simon – An application for funeral establishment licensure was received on October 17, 2022. The application was incomplete when submitted. A completed application was received on January 5, 2023. A background check of the principals revealed no criminal history. The Division recommends approval subject to the condition that the establishment pass an inspection by a member of Division Staff. Is there a representative of the applicant on the call today?

Mr. O Christopher McLemore – There is.

Ms. Simon – Please state your name, sir.

Mr. McLemore – Ozzie Christopher McLemore.

Mr. Clark – Mr. McLemore, are you here to answer questions or address the Board.

Mr. McLemore – I'm here to answer any questions that you may have.

Mr. Clark – Thank you, sir. Board? Mr. Brandenburg, go ahead, sir.

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

P. Application(s) for Monument Establishment
(1) Recommended for Approval with Conditions
(a) Coopers Funeral Home LLC (Chipley)

Ms. Simon – Is there a representative of this entity on the call today?

Ms. Reyne Cooks – Yes, there is.

Ms. Simon – Thank you, ma'am. Please state your name for the record.

Ms. Cooks – Reyne Cooks.

Ms. Simon – Thank you. The application for monument establishment retailer licensure was submitted on December 12, 2022. The application was incomplete when submitted. A completed application was received by the Division on January 4, 2023. A completed background check revealed no criminal history. The Division recommends approval subject to the condition that the establishment pass an onsite inspection by a member of Division staff.

Mr. Clark – Thank you, Ms. Simon. Ms. Cooks, are you here just to answer questions, or would you like to address the Board?

Ms. Cooks – Answer only.

Mr. Clark – Thank you, Ms. Cooks.

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

(b) Cornerstone Memorials Inc d/b/a Comerford Vault – Memorial (Sneads)

Ms. Simon – Is there a representative of this entity on the call today?

Mr. Darren Hill – Yes. Darren Hill.

Ms. Simon – I'm sorry. Can you please state your name again?

Mr. Hill – Darren Hill.

Ms. Simon – Thank you, sir. An application for monument establishment builder licensure was submitted on December 12, 2022. The application was incomplete when submitted. The application was completed on December 27, 2022. A completed background check revealed no criminal history for its listed principal. The Division recommends approval subject to the conditions as follows:

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

Mr. Clark – Thank you, Ms. Simon. Mr. Hill, are you here to address the Board or simply answer any questions we might have?

Mr. Hill – Answer any questions.

Mr. Clark – Thank you, sir.

MOTION: Ms. Liotta moved to approve the application subject to the conditions recommended by the Division. Rabbi Lyons seconded the motion, which passed unanimously.

(c) J E Rainford Services Corp d/b/a Annette's Burial Vault & Monument Svcs (Tampa)

Ms. Simon – An application for monument establishment retail licensure was submitted on November 23, 2022. The application was incomplete when submitted. The application was completed on December 27, 2022. A completed background check revealed no criminal history for its listed principal. The Division recommends approval subject to the conditions as follows:

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

Mr. Clark – Is there a representative from this entity on the call?

Mr. Sandy Matthews – Yes, good morning.

Mr. Clark – Good morning, Mr. Matthews. Thank you for being here with us. Are you here to address the Board or simply answer questions, sir?

Mr. Matthews – Answer any questions that the Board may have.

Mr. Clark – Thank you, sir.

Mr. Matthews – You're welcome.

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

Q. Application(s) for Preneed Main

(1) Recommended for Approval without Conditions

(a) Sean A Banks Mortuary & Cremation Center LLC (F355765) (Avon Park)

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

Mr. Sean Banks – Yes, there is.

Ms. Simon – Please state your name, sir.

Mr. Banks – Sean A. Banks.

Ms. Simon – Thank you. The Department received an application for preneed main licensure on October 24, 2022, which was incomplete at the time of submission. The application was deemed complete on January 13, 2023. A completed background check of all principals was returned without criminal history. If approved, will trust with FSI, and use approved contracts. The Division recommends approval.

Mr. Clark – Mr. Brandenburg?

Mr. Brandenburg – Thank you. Page 21 is only a profit and loss statement. Perhaps I missed it somewhere along the way, but I don't see a statement of net worth, which is required.

Mr. Clark – Is there someone from the Division that could respond?

Ms. Simon – Ms. Richardson? If I may have a moment.

Mr. Clark – Of course.

Ms. Simon – I see no other documentation submitted by this applicant. Oh, just one moment. Let me try one other item. I see no other information submitted by this applicant.

Mr. Clark – Mr. Brandenburg, go ahead.

Mr. Brandenburg – May I ask Mr. Banks a question after he's sworn in?

Mr. Clark – Of course. Ms. Simon, would you swear in Mr. Banks, please?

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

Mr. Banks – I do.

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

Mr. Banks – First name is Sean. Last name is Banks. B-A-N-K-S.

Ms. Simon – Thank you, sir.

Mr. Clark – Go ahead, Mr. Brandenburg.

Mr. Brandenburg – Thank you. Mr. Banks, were you aware that your application should contain a statement of net worth?

Mr. Banks – Mr. Brandenburg, I thought everything I had submitted was what the requirements were. So, if it's not in that package, then it may be an error on my side.

Mr. Brandenburg – Our information from the Division was a reported net worth of \$141, and that's merely a profit and loss statement. So, a net worth statement is required. So, the Board can approve, deny, table, or you can withdraw. There may be some other avenues.

Mr. Clark – Thank you, Mr. Brandenburg. Ms. Simon?

Ms. Simon – Would the Board entertain a condition of licensure being that the applicant submit the required statement before licensure is granted?

Mr. Clark – Go ahead, Mr. Brandenburg.

Mr. Brandenburg – I would rather see the net worth statement that is supposed to come before the Board.

Mr. Clark – Thank you, Mr. Brandenburg. Any other questions from the Board? Go ahead, sir. Yes.

MOTION: Mr. Brandenburg moved to table this application till the next meeting, pending receipt of a net worth statement. Mr. Ferreira seconded the motion.

Mr. Clark – Rabbi Lyons, you had a question?

Rabbi Lyons – Oh, yes. Maybe just a question for Ms. Munson. I know there's some issue if the Board doesn't take action on an application over a certain period of time. So, tabling it on account of insufficiency, I don't know if that's part of it. I just don't [inaudible].

Ms. Munson – I was just going to say the Division can tell you whether or not they are in jeopardy of expiration.

Ms. Simon – And I have looked at the application, and the application was deemed completed on January 13, 2023. So, we would not be in jeopardy if it was placed on the March Board meeting.

Rabbi Lyons – Thank you.

Mr. Clark – Thank you, Ms. Simon. We have a motion to table until the next meeting, and it's been seconded. Any other questions or discussion? All those in favor say aye.

Board members – Aye.

Mr. Clark – And any opposed? And that motion carries.

R. Application(s) for Removal Service
(1) Recommended for Approval with Conditions
(b) G&P Removal LLC (Miami)

Ms. Simon – Is there representative of this entity on the call today?

Mr. George Williams – Yes.

Ms. Simon – What is your name, sir?

Mr. G. Williams – George Williams.

Ms. Simon – Thank you, Mr. Williams. An application for a removal service was received on April 1, 2022. The application was incomplete when submitted. A completed application was received on December 28, 2022. A background check of the principals revealed criminal history for one (1) of its principals. On or around March 2005, George Williams was convicted of Reckless Driving with Serious Injury and was sentenced to six (6) months of probation. The Division recommends approval subject to the condition that the removal service passed an onsite inspection by a member of Division staff.

Mr. Clark – Thank you, Ms. Simon. Mr. Williams, are you here to address the Board or simply answer any questions they may have?

Mr. G. Williams – Simply answer any question they may ask.

Mr. Clark – Thank you, sir.

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

Mr. G. Williams – Hello. I'm sorry. I just want to say one thing. Someone came out and did an inspection already. Does that count, or are we looking for another inspection?

Mr. Clark – Ms. Simon?

Ms. Simon – Thank you. Mr. Williams. That matter will be handled after the meeting. If you passed the inspection, another inspection is not necessary.

Mr. G. Williams – Okay. Thank you. Thank you.

(c) LWNB Removal Services LLC (Ocoee)

Ms. Simon – An application for removal service licensure was received on October 24, 2022. The application was incomplete when submitted. A completed application was received on December 29, 2022. Fingerprints for all principals have been returned without reportable criminal history. The Division recommends approval subject to the conditions as follows:

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

Ms. Simon – There is another condition to be included in your list of conditions for licensure:

- 6) That the establishment(s) under the application(s) herein pass an onsite inspection by a member of Division Staff.

Mr. Clark – Thank you, Ms. Simon. Is there a representative from LWNB Removal Services on today's call? Hearing none.

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

(d) South Florida Mortuary Transport LLC (Opa-Locka)

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

Mr. Joseph Moncaleano – Yes, there is.

Ms. Simon – Please state your name sir.

Mr. Moncaleano – Joseph Moncaleano.

Ms. Simon – Thank you, Mr. Moncaleano. An application for removal service licensure was received on November 15, 2022. The application was incomplete when submitted. A completed application was received on December 8, 2022. A background check of the principals revealed criminal history to wit, on or around November 2019, Julian Rivera pled no contest to Reckless Driving. The Division recommends approval subject to the condition that the removal service passed an onsite inspection by a member of Division staff.

Mr. Clark – Thank you, Ms. Simon. Mr. Moncaleano, are you here to answer questions or address the Board, sir?

Mr. Moncaleano – To answer any questions you may have.

Mr. Clark – Thank you, sir. Mr. Brandenburg?

Mr. Brandenburg – I do have a question. Sir, do you have a current valid driver's license?

Ms. Simon – Before answering that question, sir, if you please raise your right hand and be sworn in. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Moncaleano – Yes, ma'am.

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

Mr. Moncaleano – Joseph Moncaleano. M-O-N-C-A-L-E-A-N-O.

Ms. Simon – Thank you, sir.

Mr. Clark – And your answer to Mr. Brandenburg on the driver's license, sir. Go ahead.

Mr. Moncaleano – Yes, sir. We all have valid driver's licenses.

Mr. Brandenburg – Thank you.

Mr. Moncaleano – You're welcome.

Mr. Clark – Go ahead, Mr. Jensen.

Mr. Jensen – Yes, just a quick follow up for the gentleman. Was there any probation associated with this since this was only 2019?

Mr. Moncaleano – Yes, sir. There was, I believe, four (4) months of probation, but it was early terminated after two (2) months.

Mr. Jensen – Thank you, sir.

Mr. Moncaleano – You're welcome.

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

S. Collective Applications

(1) Recommended for Approval with Conditions

(a) Capstone Funeral Holdings of FL LLC (Crestview)

1. Change of Ownership

- **Cinerator Facility**
- **Funeral Establishment**

2. New Application

- **Preneed Branch**

Ms. Simon – Is there a representative of this entity on the call today?

Ms. James Ford – Yes, there is.

Ms. Simon – Excuse me, sir. Please state your name for the record.

Ms. Ford – James Ford.

Ms. Simon – Thank you, Mr. Ford. Capstone Funeral Holdings of FL LLC seeks approval of the following applications for licensure based upon a change of ownership: one (1) funeral establishment, one (1) cinerator facility and one (1) new preneed branch license. More specifically, the entities that are being acquired are as follows:

- 1) Whitehurst – Powell Funeral Home, a licensed funeral establishment, license #F041750, physical address: 436 West James Lee Blvd, Crestview, FL 32536. FDIC: Anderson Powell, license #F043899
- 2) Southern Heritage Crematory LLC, a licensed cinerator facility, license #F039986, physical address: 395 First Avenue, Crestview, FL 32536. Anderson Powell, license #F043899

New Preneed Branch

- 1) Capstone Funeral Holdings of FL LLC, license pending, physical address: 436 W James Lee Blvd, Crestview, FL 32536

The applications are included within your Board package. The principals of the corporation have submitted fingerprints for the principals were returned without criminal history. Applicant confirms that if there are currently any unfulfilled preneed contracts sold at these locations, the obligation to fulfill those preneed contracts will be assumed by the new owners. The Division recommends approval subject to the conditions as follows:

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

Mr. Clark – Thank you, Ms. Simon. And I would just like to state for the record that I have an affiliation with Mr. Ford, but that affiliation will not prevent me from rendering a fair and impartial decision. Mr. Jensen, go ahead, sir.

Mr. Jensen – I have an affiliation with Whitehurst-Powell, and I know Andy Powell pretty well, but that will not prevent me from making a proper decision here.

Mr. Clark – Thank you, Mr. Jensen.

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

(b) Foundation Partners of Florida LLC (Largo)

1. New Application

- *Funeral Establishment*
- *Preneed Branch*

Ms. Simon – Is there a representative of this entity on the call today?

Ms. Morgan St. Maria – Yes.

Ms. Simon – Please state your name.

Ms. St. Maria – Morgan St. Maria.

Ms. Simon – Thank you, Ms. St. Maria. Foundation Partners of Florida LLC seeks approval of its applications for new licensure of one (1) funeral establishment and one (1) preneed branch. More specifically, both the funeral establishment and preneed branch licensure will be located at:

- 1) Foundation Partners of Florida LLC d/b/a A Life Tribute, 3405 East Bay Drive, Largo, FL 33771. FDIC: Michael Shorter, license #F063226

The separate applications regarding the licensure requested are included within your Board package. The principals of the corporation have submitted fingerprints which were returned without reportable criminal history. The Division recommends approval subject to the condition that the establishment(s) under the application(s) herein pass an inspection by a member of Division Staff.

Mr. Clark – Thank you, Ms. Simon. Mr. Brandenburg, go ahead, sir.

MOTION: Mr. Brandenburg moved to approve the applications subject to the condition that the establishment(s) under the application(s) herein pass an inspection by a member of Division Staff. Mr. Jones seconded the motion, which passed unanimously.

- T. Contract(s) or Other Related Form(s)**
- (1) Recommendation for Approval with Conditions**
 - (a) Monument Retail Sales Agreement**
 - 1. Coopers Funeral Home LLC (Chipley)**

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

Ms. Cooks – Yes.

Ms. Simon – Please state your name.

Ms. Cooks – Reyne Cooks.

Ms. Simon – Thank you, ma'am. The applicant, Cooper's Funeral Home LLC, seeks approval of a monument establishment sales agreement form, which is included within your Board package. The Division recommends approval subject to the condition that two (2) full-sized print-ready copies of the monument retail sales agreement are received by the Department within sixty (60) days of this Board meeting.

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

Ms. Simon – All those that are on this Board meeting, I request of you one more time, please mute your phones if you are not speaking. The ambient noise that is coming from one of the callers is causing disruption to the meeting.

- 2. Cornerstone Memorials LLC d/b/a Comerford Memorials (Sneads)**

Ms. Simon – Is there a representative of this entity on the call?

Mr. Hill – Yes.

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

Mr. Hill – Darren Hill.

Ms. Simon – Thank you, Mr. Hill. This entity seeks approval of a monument establishment sales agreement form, which is included within your Board package. The Division recommends approval subject to the condition that two (2) full-sized print-

ready copies of the monument retail sales agreement are received by the Department within sixty (60) days of this Board meeting.

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

(b) Preneed Sales Agreement

1. The Evergreen Cemetery Association (F039440) (Jacksonville)

Ms. Simon – Is there a representative of that entity on the call today? Hearing no response. Evergreen submits the revised preneed sales agreement included within your Board packages for approval: Cemetery and Burial Merchandise Agreement. If approved, this agreement will be used for the sale of preneed by the above-named preneed main establishment. The Division recommends approval subject to the condition that two (2) full-sized print-ready copies of the revised preneed sales agreement are received by the Department within sixty (60) days of this Board meeting.

Mr. Clark – Thank you, Ms. Simon. Board?

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

U. Executive Director’s Report

(1) Operational Report (Verbal)

Ms. Simon – This Operational Report is limited to notice of the next Board meeting, which will be March 2nd by videoconference.

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

Ms. Simon – This is informational only.

Monthly Report of Fines and Costs Assessed and Paid
 Division of Funeral, Cemetery and Consumer Services
 Date of Board meeting: February 2, 2023
 Date report was prepared: January 25, 2023

Licensee	Board Meeting	Case No.	Total Fine	Date Due	Paid in Full?	Comments
Rosalind Ann Pinder	Jan-23	294356-22-FC & 295162-22-FC	\$2,000			
Melinda Mezeline Jackson	Jan-23	287709-21-FC	\$1,250			
American Removal Service LLC	Jan-23	297735-22-FC	\$1,000			
Carl J. Carnegie db/a Carnegie's Monument Sales and Service	Jan-23	297725-22-FC	\$300			
Rzy Williams Funeral Home, Inc.	Jan-23	283180-21-FC	\$2,000			
Jeffrey Lynn Rhodes	Jan-23	283184-21-FC	\$1,250			
Richard L. Macon, Inc. db/a Freeman Funeral Home	22-Nov	280688-21-FC & 287726-21-FC	\$5,000	1/1/2023		Sent to the OGC for failure to pay
Richard L. Macon	22-Nov	282871-21-FC	\$1,500	1/1/2023	Paid in Full	
Ryan James Swann	22-Nov	298092-22-FC	\$1,000	12/16/2022	Paid in Full	Sent to the OGC for failure to pay

Swann's Mortuary	22-Nov	299091-22-FC	\$1,000	12/16/2022	Paid in Full	Sent to the OGC for failure to pay
Family Funeral Home & Cremation Services	22-Nov	280010-21-FC	\$1,000	1/4/2023	Paid in Full	
Mercedes Miranda	Oct-22	283186-21-FC	\$2,300	12/16/2022	Paid in Full	Sent to the OGC for failure to pay
Northstar Funeral Services of Florida, LLC db/a Homestead Crematory	Oct-22	283185-21-FC	\$3,000	11/28/2022		Sent to the OGC for failure to pay
Williams Funeral Home in Bartow, LLC	Oct-22	280750-21-FC	\$750	11/28/2022	Paid in Full	
Eric L. Wilson Funeral & Cremation Services PA	Oct-22	294352-22-FC & 295159-22-FC	\$2,750	11/28/2022	Paid in Full	Sent to the OGC for failure to pay
H.W. Oldham Funeral Home	Oct-22	282703-21-FC	\$3,000	11/28/2022	Paid in Full	
Angels of Paradise, LLC	Oct-22	293372-22-FC	\$500	11/28/2022	Paid in Full	
Taylor Family Funeral Home & Cremation Center	Oct-22	211354-21-FC	\$500	11/28/2022	Paid In Full	
A Mortuary Sedrvic, LLC	Oct-22	287787-21-FC	\$1,500	11/28/2022	Paid in Full	
Angels of Paradise, LLC	Oct-22	293372-22-FC	\$500	11/28/2022	Paid in Full	
Taylor Family Funeral Home & Cremation Center	Oct-22	211354-21-FC	\$500	11/28/2022	Paid In Full	
A Mortuary Sedrvic, LLC	Oct-22	287787-21-FC	\$1,500	11/28/2022	Paid in Full	
Keith Phillip Kroniah	Oct-22	292037-22	\$4,500	11/28/2022	Paid In Full	
Integrity Funeral Services of Tampa, FL, Inc.	Oct-22	280393-21-FC	\$1,500	11/28/2022	Paid in Full	
Gloria Castillo	Oct-22	280401-21-FC	\$1,500	11/28/2022	Paid in Full	
Northwood Funeral Home & Crematory	Sep-22		\$2,500	9/18/2022	Paid in Full	
Scott Thomas Hickey	Sep-22	287726-21-FC	\$1,000	10/21/2022		Sent to the OGC for failure to pay
Horace Barrett, Jr.	1-Sep	256152-19-FC	\$3,000	10/21/2022		Sent to the OGC for failure to pay
Gallaher American Family Funeral Home	Jun-22	278188-21-FC	\$250	8/15/2022		Sent to the OGC for failure to pay

ES1-25-2023

V. Chair's Report (Verbal)

Ms. Simon – Chairwoman Peeples?

Chair Peeples – Thank you, Ms. Simon. I'd like to thank Mr. Clark for stepping in for me today with my voice being very limited. And as always, I would just like to thank the Board members for all the work you do, Division staff, Board counsel Ms. Munson and Office of Attorney General representatives, Ms. Marshall, and Mr. Griffin. Thank you for all you do, folks. Appreciate it.

Ms. Simon – Thank you.

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

Ms. Simon – Ms. Munson?

Munson – This is provided for informational purposes. I will note that in the chat section, you may have noticed a response. I had one applicant ask me about appeal rights, and I responded to everyone that they will be available at the end of the Order that's issued. But I just wanted that clarification. So, no one reads it [inaudible]. So yes, thank you.

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

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
69K-5.007	Conversion Procedures	08/04/2022	08/19/2022	08/29/2022	09/15/2022	10/18/2022	11/07/2022

X. Public Comments (Verbal)

Ms. Simon – Are there any public comments to be made at this point?

Mr. Darrell Johnson – Yes, there is.

Ms. Simon – Please state your name, sir.

Mr. Johnson – My name is Mr. Darrell Johnson, licensed funeral director and embalmer for the State of Florida. If we can, can we go back to Item K (3) (a), if possible?

Ms. Simon – I would recommend to the Board Chair, that this is not an opportunity to relitigate any matter that was previously on the agenda and has already been heard.

Mr. Clark – I agree, Ms. Simon.

Ms. Simon – Thank you, sir.

Mr. Johnson – Okay, no problem.

Ms. Simon – Are there any other public comments to be made today? Hearing no response, Mr. Vice Chairman?

Y. Administrative Report

The information was provided on the agenda.

Z. Disciplinary Report

The information was provided on the agenda.

AA. Upcoming Meeting(s)

- (1) March 2nd (Videoconference)
- (2) April 4th (Tallahassee)
- (3) May 4th (Videoconference)
- (4) June 29th (Videoconference)

The information was provided on the agenda.

BB. Adjournment

Mr. Clark – I just want Ms. Peoples to feel better. But thank you all. It was a pleasure serving alongside you today. And we are adjourned at 12:09. Thank you so much, everyone.

Ms. Simon – Thank you.

Ms. Munson – Thank you.

The meeting was adjourned at 12:09.