

## 69K-30.001 DISCIPLINARY GUIDELINES AND PENALTIES

(1) The purpose of the disciplinary guidelines is to give notice to licensees and others of the range of penalties which may be imposed for violations of particular provisions of chapter 497, F.S., and rules promulgated thereto. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of chapter 497, F.S., or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., may include lesser penalties, i.e., fines, costs, or probation which may be included in the final penalty at the board's discretion. If the board finds that a person is subject to disciplinary action, the board shall issue a final order imposing appropriate penalties within the ranges recommended in these disciplinary guidelines, in the absence of aggravating or mitigating factors.

(2) As an alternative to the provisions of section 497.153, F.S., and pursuant to section 497.155, F.S., the department may provide a licensee with a notice of noncompliance for a minor violation. Minor violations are deemed to be those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall also have the authority to issue citations for the violations set forth herein if issued within six months after the completion of the inspection or examination or the filing of the complaint which is the basis of the citation. The licensee must confirm that the violation has been corrected or is in the process of being corrected, upon acceptance of the citation. For each violation, there is a range of penalties to be imposed depending upon whether the violation is the first or second violation of the particular provision within the previous six (6) year period. (Multiple occurrences of a specific violation within an examination report will be cited as one violation.)

(4) Definitions. As used in this rule:

(a) "Notice of noncompliance" means an instrument which meets the requirements set forth in section 497.155, F.S., and which is served upon a person for the purpose of notifying the subject of the violation(s)

(b) "Citation" means an instrument which meets the requirements set forth in section 497.155, F.S., and which is served upon a person for the purpose of assessing a penalty in an amount established by this rule;

(c) "Costs" includes costs of investigation and prosecution as set forth in 497.153(5)(B), F.S.

(d) "Reprimand" is a discipline that the board may impose in addition to or in lieu of any other disciplinary penalty. A reprimand is represented by a written document.

(5) Unless otherwise set out herein, a violation of any provision under Chapter 497, F.S., or violation of any lawful order of the board or department will be considered a violation of section 497.152(1)(a), F.S., and may result in disciplinary action as follows:

(a) Penalty Range 1st Offense: Reprimand, fine of \$250 to \$2500 plus costs. In addition, probation for 6 months to 1 year, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.

(b) Penalty Range Subsequent Offenses: Reprimand, fine of \$1000 to \$5000 plus costs. In addition, probation for up to 2 years, suspension up to 5 years, permanent revocation of license and/or restitution may be imposed.

(6) Based upon consideration of the following aggravating and mitigating factors, the board may impose disciplinary action other than the penalties recommended herein:(a) The danger to the public;(b) The length of time since date of violation;(c) The number of complaints filed against the licensee;(d) The length of time licensee has practiced;(e) The actual damage, physical or otherwise, caused by the violation;(f) The deterrent effect of the penalty imposed;(g) The effect of the penalty upon the licensee's livelihood;(h) Any efforts for rehabilitation;(i) The actual knowledge of the licensee pertaining to the violation;(j) Attempts by licensee to correct or stop violations or refusal by licensee to correct or stop violations;(k) Related violations against a license in another state including findings of guilt or innocence, penalties imposed and penalties served;(l) Penalties imposed for related offenses under these guidelines; and (m) Any other aggravating and mitigating circumstances.

(7) The board may also impose the following conditions in a disciplinary Order: (a) Fines and costs are to be paid by cashier's check or money order payable to the Board of Funeral, Cemetery, and Consumer Services and delivered to the board office at the Department of Financial Services, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399, within 30 days of the effective date of the Order; (b) Continuing Education, when imposed as a condition of probation, will be a minimum of two (2) hours and a maximum of six (6) hours per violation and shall be in addition to those hours required for license renewal. Unless otherwise indicated in the Order, all Continuing Education must be completed prior to the lifting of probation or suspension; (c) Licensee may be required to take and pass the Florida Laws and Rules Examination at his/her own expense, prior to the lifting of probation or suspension; and/or (d) Prior to the lifting of probation or suspension, the board may compel the licensee to attend an in-person meeting of the board and demonstrate compliance with the Order and demonstrate by testimony, presentation of letters of recommendation from friends and supervisors within the industry, and other indicia of rehabilitation, that he or she is able to resume practicing with reasonable care and safety and in compliance with the laws of the State of Florida and rules of this board.

(8) Upon motion and for good cause shown, the usual conditions may be altered by the board at the time discipline is imposed to reflect licensee's ability to comply. Changes include, but are not limited to, extension of time for payment of fines and costs, reduction of the interest rate imposed, altering the time for taking Continuing Education or the Florida Laws and Rules Examination, waiving appearance before the board altogether, or permitting appearance pursuant to paragraph (7)(d), by telephone due to incapacity.

(9) TRUST FUND RESTORATION: IN ADDITION TO ANY DISCIPLINE IMPOSED UNDER THESE GUIDELINES, THE BOARD MAY ORDER A LICENSEE TO REMIT THE FULL AMOUNTS REQUIRED BY CHAPTER 497 TO THE APPROPRIATE TRUST FUND AS PER 497.153(6), FLORIDA STATUTES.

(10) The provisions of these guidelines shall not be construed so as to prohibit civil action or criminal prosecution as provided for in section 497.153, 497.158 or 497.159, F.S., and shall not be construed so as to limit the ability of the board to enter into binding stipulations as per section 120.57(4), F.S.

(11) Violations and penalties are listed below. Descriptions of the violations are general in nature and may not identically match the language provided in statute.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
<b>DISCIPLINE UNDER SECTIONS 497.152(1)(A) AND (B), F.S., SHALL BE LIMITED TO VIOLATIONS NOT OTHERWISE ADDRESSED BY THESE GUIDELINES.</b>				
<b>GENERAL PROVISIONS</b>				
1	<a href="#">497.151(2)</a>	Failing to maintain procedures for handling complaints	Notice of non-compliance	Citation of \$200
2	<a href="#">497.152(1)(b)</a>	Committing fraud, deceit, negligence, incompetence, or misconduct	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 5 years, permanent revocation of license and/or restitution may be imposed.
3	<a href="#">497.152(1)(c)</a>	Failing to maintain one or more of the qualifications for holding a license under this chapter	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for up to 2 years with conditions or suspension up to 2 years may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
4	<a href="#">497.152(1)(d)</a>	Refusing to sell or issue a contract to any person because of race, color, creed, marital status, sex, or national origin	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for up to 2 years with conditions may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
5	<a href="#">497.152(2)</a>	Being convicted of, pleading nolo, regardless of adjudication to crime directly relates to practice or ability to do so	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, permanent revocation of license, and/or restitution may be imposed.
6	<a href="#">497.152(3)</a>	Having been disciplined by a regulatory agency in any jurisdiction for conduct that would violate Chapter 497 if committed in this state, or upon grounds that directly relate to the ability to practice under this chapter	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
7	<a href="#">497.152(4)(a)</a>	Improperly interfering with investigation or inspection	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
8	<a href="#">497.152(4)(b)</a>	Failure to comply with a lawfully issued subpoena of the department	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
9	<a href="#">497.152(4)(c)</a>	Refused to produce records to the department or board in connection with any activity regulated pursuant to this chapter	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
10	<a href="#">497.152(4)(d)</a>	Failing to report person licensee knows is in violation of this chapter if the violation is creating a serious and immediate danger to the public health, safety, or welfare	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
11	<a href="#">497.152(4)(e)</a>	Knowingly conceal information relative to violations of Ch.497	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
12	<a href="#">497.152(4)(f)</a>	Obtaining or attempting to get license by bribery, false or forged evidence, or misrepresentation	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
13	<a href="#">497.152(4)(g)</a>	Knowingly filing false report, failing to file required report or impeding filing report with any government entity	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
14	<a href="#">497.152(4)(h)</a>	Failing to perform any statutory or legal obligation placed upon a licensee	Reprimand, fine of \$250-\$2000 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
15	<a href="#">497.152(5)(a)</a>	Practicing or offering to practice beyond the scope permitted by this chapter and rules adopted under this chapter for the type of license held	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
16	<a href="#">497.152(5)(b)</a>	Attempt to or use a suspended, revoked, inactive or delinquent license	If delinquent, \$250 per month. If other, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years or permanent revocation of license may be imposed.	If delinquent, fine of \$1000-\$2500. If other, fine of \$2500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years or permanent revocation of license may be imposed.
17	<a href="#">497.152(5)(c)</a>	Represent as your own license of another	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years or permanent revocation of license may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years or permanent revocation of license may be imposed.
18	<a href="#">497.152(5)(d)</a>	Aiding, assisting, procuring, employing, or advising any person to practice a profession or occupation regulated by this Chapter without required licensure	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
19	<a href="#">497.152(5)(e)</a>	Aiding, assisting, procuring, employing, or advising any person to operate or to operate an establishment regulated by this chapter without the required licensure	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
20	<a href="#">497.152(5)(f)</a>	Delegating professional activities to a person when the licensee knows or has reason to know the person is not qualified to perform	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
21	<a href="#">497.152(5)(g)</a>	Using a title suggesting licensure that the person does not hold	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
22	<a href="#">497.152(5)(h)</a>	A direct disposer engaging in the practice of direct burial or offering the at-need or preneed service of direct burial	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
23	<a href="#">497.152(6)</a>	Failing to timely comply with continuing education course requirements	Notice of non-compliance	Citation of \$250
24	<a href="#">497.152(7)(a)</a>	Having been found liable in civil proceedings for knowingly filing a false report or complaint against another licensee with the department or the board	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
25	<a href="#">497.152(7)(b)</a>	Making misleading statements or misrepresentations as to the financial condition of any person to damage that person's business regulated under Chapter 497	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
26	<a href="#">497.152(8)(a)</a>	Violating any state or local law/rule affecting handling, custody, care, or transport of bodies	Reprimand, fine of \$500-\$2500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
27	<a href="#">497.152(8)(b)</a>	Refusing to promptly surrender custody of body on express order of a legally authorized person	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
28	<a href="#">497.152(8)(c)</a>	Taking possession of body w/out permission from a legally authorized person	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
29	<a href="#">497.152(8)(d)</a>	Embalming w/out prior permission of a legally authorized person	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
30	<a href="#">497.152(8)(e)</a>	Failing to obtain written authorization from a legally authorized person before entombment, interment, disinterment, disentombment, or disinurnment of human remains	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
31	<a href="#">497.152(9)(a)</a>	Solicitation by or on behalf of licensee by fraud, undue influence, or other vexatious conduct	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
32	<a href="#">497.152(9)(b)</a>	Exercising influence on client for financial gain	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
33	<a href="#">497.152(9)(c)</a>	Discouraging the purchase of any burial merchandise or burial service which is advertised or offered for sale, with the purpose of encouraging the purchase of any additional or more expensive burial merchandise or service as provided in section	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$1000-\$1500 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.
34	<a href="#">497.152(9)(d)</a>	Misrepresenting the benefits, advantages, conditions, or terms of any contract to provide any services or merchandise regulated under this chapter	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, permanent revocation of license, and/or restitution may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license, and/or restitution may be imposed.
35	<a href="#">497.152(9)(e)</a> <a href="#">69K-29.001(2)</a>	Fraudulent, false, deceptive, or misleading advertising	Reprimand, fine of \$500-\$2000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
36	<a href="#">497.152(9)(f)</a>	Directly or indirectly making any deceptive, misleading, or untrue representations, whether oral or written, or employing any trick, scheme, or artifice related to any license regulated under this chapter	Reprimand, fine of \$500-\$2000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
37	<a href="#">497.152(10)</a>	Making any false or misleading statements, or misrepresentations regarding the sale or necessity of burial or funeral merchandise or services	Reprimand, fine of \$500-\$2000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
38	<a href="#">497.152(10)(f)</a>	Making any false or misleading statement or claim that natural decomposition or decay of human remains can be prevented or substantially delayed by embalming, use of a gasketed or ungasketed casket, or use of an adhesive or nonadhesive closure on an outer burial container	Reprimand, fine of \$500-\$2000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
39	<a href="#">497.152(10)(g)</a>	Making any false or misleading statement, oral or written, directly or indirectly, regarding any law or rule pertaining to the preparation for disposition, transportation for disposition, or disposition of dead human bodies	Reprimand, fine of \$500-\$2000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
40	<a href="#">497.152(11)(a)</a>	Failing to furnish, for retention, to each purchaser of burial rights, burial or funeral merchandise, or burial or funeral services a written agreement, the form of which has been approved by the board	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for 1 year to 2 years with conditions may be imposed.
41	<a href="#">497.152(11)(b)</a>	Filling in any contract form for use with a particular customer using language that misrepresents the true nature of the contract	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
42	<a href="#">497.152(11)(c)</a>	Selling an irrevocable preneed contract to a person who is not an applicant for or recipient of supplemental security income, temporary cash assistance or Medicaid	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
43	<a href="#">497.152(11)(d)</a>	Except for preneed contracts, guaranteeing the price of goods and services at a future date	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
44	<a href="#">497.152(11)(e)</a>	Requiring casket purchase for cremation or claiming it is required	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
45	<a href="#">497.152(11)(f)</a>	If caskets are displayed for sale, failing to display the least expensive casket offered for sale in the same manner other caskets are displayed	Notice of non-compliance	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for up to 3 years with conditions or suspension up to 3 years may be imposed.
46	<a href="#">497.152(11)(g)</a>	Assessing fees and costs that have not been disclosed to the customer as provided in the section	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, and/or restitution may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license, and/or restitution may be imposed.
47	<a href="#">497.152(11)(h)</a>	Failure by a licensed cemetery to provide to any person upon request, a copy of the cemetery bylaws (ONLY if the cemetery has bylaws).	Notice of non-compliance	Reprimand, fine of \$200-\$500 plus costs. In addition, probation for up to 2 years with conditions may be imposed.
48	<a href="#">497.152(11)(i)</a>	Requiring lot owners or current customers to make unnecessary visits to the cemetery company office for the purpose of solicitation, as provided in section	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
49	<a href="#">497.152(12)(a)</a>	Failure to disclose, when requested, the components of the prices for alternatives offered by the licensee regarding graveside services, direct disposition and body donation	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions or suspension up to 1 year may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
50	<a href="#">497.152(1)(b)</a>	Fails to provide itemized price list as described before discussion of selection	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions or suspension up to 1 year may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
51	<a href="#">497.152(12)(c)</a>	Failing to reasonably provide by telephone, upon request, accurate information regarding the retail prices of funeral merchandise and services offered for sale by that licensee	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions or suspension up to 1 year may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
52	<a href="#">497.152(12)(d)</a>	Failing to make full disclosure regarding merchandise not to be disposed of with body or obtain permission	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions or suspension up to 1 year may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
53	<a href="#">497.152(12)(e)</a>	Failure by any funeral director to fully disclose all of her or his available services and merchandise prior to the selection of a casket offered by a licensee. The full disclosure required shall identify what is included in the funeral or direct disposition and the prices of all services and merchandise provided by the licensee or registrant	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions or suspension up to 1 year may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
54	<a href="#">497.152(12)(f)</a>	Failing to have the price of any casket offered for sale clearly marked on or in the casket, whether the casket is displayed at a funeral establishment or at any other location, regardless of whether the licensee is in control of such location. If a licensee uses books, catalogs, brochures, or other printed display aids, the price of each casket shall be clearly marked	Notice of non-compliance	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for up to 3 years with conditions or suspension up to 3 years may be imposed.
55	<a href="#">497.152(12)(g)</a>	Failing to disclose all fees and costs the customer may incur to use the burial rights or merchandise purchased	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions or suspension up to 1 year may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.



Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
56	<a href="#">497.152(13)(a)</a>	Failing without reasonable justification to timely honor contracts entered into by the licensee or under the licensee's license for funeral or burial merchandise or services	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$1500-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
57	<a href="#">497.152(13)(b)</a>	Failure to honor preneed contract cancellation requests and make refunds as required by the chapter	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for up to 1 year with conditions, suspension up to 1 year, and/or restitution may be imposed.	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.
58	<a href="#">497.152(14)(a)</a>	Failing to adopt and implement standards for the proper investigation and resolution of claims and complaints received by a licensee relating to the licensee's activities regulated by this chapter	Notice of non-compliance	Citation of \$200
59	<a href="#">497.152(14)(b)</a>	Committing or performing with such frequency as to indicate a general business practice any of the actions listed in the section, including those regarding complaints or claims relating to the licensee's activities	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
60	<a href="#">497.152(14)(c)</a>	Making a material misrepresentation to a contract purchaser or a legally authorized person for the purpose and with the intent of effecting settlement of a claim or complaint or loss under a prepaid contract on less favorable terms than those provided in, and contemplated by, the prepaid contract	Reprimand, fine of \$500-\$2000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$ 2000-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
61	<a href="#">497.152(14)(d)</a>	Failing to maintain a complete copy of every complaint received by the licensee since the date of the last examination of the licensee by the department	Notice of non-compliance	Citation of \$200
62	<a href="#">497.152(15)(a)</a>	Failing to timely pay any fee required by this chapter	Notice of non-compliance	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
63	<a href="#">497.152(15)(b)</a>	Remittance of less than 100% and more than 90% of the amounts required to be deposited to a trust fund shall be considered a MINOR violation of this section	Notice of non-compliance	Notice of non-compliance

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
64	<a href="#">497.152(15)(b)</a>	Remitting less than 90% of the amounts required to be deposited to a trust fund or remittance deficiencies not corrected within 30 days as required under section 497.152(15)(a) shall be considered a NON-MINOR violation of this section	Reprimand, fine of \$250-\$1500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
65	<a href="#">497.152(15)(c)</a>	Paying to or receiving from any organization, agency, or person, either directly or indirectly, any commission, bonus, kickback, or rebate in any form whatsoever for any business regulated under this chapter, except for the payment of commissions by a funeral director, funeral establishment, cemetery, or monument establishment to its preneed agents licensed pursuant to this chapter or to licensees under this chapter	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions may be imposed.
66	<a href="#">497.157(1)</a>	Practicing any regulated activity under Chapter 497 without a license in good standing	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
67	<a href="#">497.164</a> <a href="#">69K-9.002</a> <a href="#">69K-9.003</a>	Improper solicitation of goods or services as provided in cited statute/rules	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
68	<a href="#">497.171</a> <a href="#">69K-6.009</a>	Failing to properly affix an identification tag to a casket or other container in the manner required by this rule	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$500-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
69	<a href="#">69K-6.005</a>	Failing to make records available to the department for examination or inspection	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
70	<a href="#">69K-6.0051</a>	Failing to maintain account receivable records in the manner required by this rule	Notice of non-compliance	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
71	<a href="#">69K-6.0052</a>	Failure to prepare and provide accurate work papers to the department for examination in the manner required by this rule	Reprimand, fine of \$1000-\$2000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
72	<a href="#">69K-6.0054(2)</a>	Making additions or deletions on a preneed contract in violation of the rule	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1000-\$1500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
73	<a href="#">69K-6.0054(3)</a>	Only one preneed licensee and one seller shall be referenced in a contract, unless previously approved by the division	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1000-\$1500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
74	<a href="#">69K-9.001</a>	Failure of a licensee or registrant to maintain a file of all brochures and related documents delivered to prospective customers and copies of advertising actually printed, published, broadcast, or placed on any electronic media	Notice of non-compliance	Citation of \$250 or fine up to \$1000 plus costs.
75	<a href="#">69K-17.0041</a>	A continuing education provider committing any of the acts enumerated in paragraph 6(a), (b), (c), (d), (e), (f), (g), or (h) of this rule (if the continuing education provider is a chapter 497 licensee)	Suspension of approval	Revocation of approval
76	<a href="#">69K-17.0043</a>	Failure of a continuing education provider to maintain the records required by this rule (if the continuing education provider is a chapter 497 licensee)	Suspension of approval	Revocation of approval
77	<a href="#">69K-17.0044</a>	Advertising continuing education courses in violation of this rule (if the continuing education provider is a chapter 497 licensee)	Suspension of approval	Revocation of approval
<b>CEMETERY REGULATION</b>				
78	<a href="#">497.264(1)</a>	Operating cemetery at a location other than licensed	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
79	<a href="#">497.266(3)</a>	A person may not withdraw or transfer any portion of assets within the care and maintenance trust fund, except as authorized by s. 497.2675, without first obtaining written consent from the licensing authority	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
80	<a href="#">497.267</a>	Using withdrawals from the care and maintenance trust fund for purposes other than allowed by this section	Notice of non-compliance	Reprimand, fine of \$500-\$1500 plus costs.
81	<a href="#">497.268 (1)(a)(b)(c)</a>	Failing to set aside the required monies to the care and maintenance trust fund - remittance of less than 100% and more than 90% of the amounts required to be deposited to a trust fund shall be considered a MINOR violation of this section	Notice of non-compliance	Notice of non-compliance
82	<a href="#">497.268 (1)(a)(b)(c)</a>	Failing to set aside the required monies to the care and maintenance trust fund - remitting less than 90% of the amounts required to be deposited to a trust fund or remittance deficiencies not corrected within 30 days as required under section 497.152(15)(a) shall be considered a NON-MINOR violation of this section	Reprimand, fine of \$250-\$1500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
83	<a href="#">497.268(2)</a>	Failure of cemetery to consistently make timely deposits to any trust fund - remittance of less than 100% and more than 90% of the amounts required to be deposited to a trust fund shall be considered a MINOR violation of this section	Notice of non-compliance	Notice of non-compliance
84	<a href="#">497.268(2)</a>	Failure of cemetery to consistently make timely deposits to any trust fund - remitting less than 90% of the amounts required to be deposited to a trust fund or remittance deficiencies not corrected within 30 days as required under section 497.152(15)(a) shall be considered a NON-MINOR violation of this section	Reprimand, fine of \$250-\$1500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
85	<a href="#">497.270(1)</a>	Selling, mortgaging, leasing, or encumbering land in a licensed cemetery without prior approval of the licensing authority.	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
86	<a href="#">497.270(2)</a>	Selling or conveying 30 or more contiguous acres of a licensed cemetery without obtaining prior written approval, if the new use of the property is not a cemetery.	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
87	<a href="#">497.270(3)(a)</a>	Selling or conveying property described in 497.270(2) without complying with the notice requirements set forth in 497.270(3).	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
88	<a href="#">497.270(4)</a>	Conveying real and personal property to a municipality or county without prior written approval of the department.	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
89	<a href="#">497.271</a>	Failing to comply with standards for construction and significant alteration or renovation of mausoleums and columbaria as set out in section	Reprimand, fine of \$500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
90	<a href="#">497.272(1)</a>	Failing to meet the construction timeframes, as provided in section	Notice of non-compliance	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
91	<a href="#">497.272(2)</a>	Failure of a cemetery company to establish a preconstruction trust fund prior to offering space in a mausoleum, columbarium or below ground crypts before construction	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
92	<a href="#">497.272(3)</a>	Failing to deposit the proper amounts into the preconstruction trust fund, if one is required (if greater than referenced in 497.152(15)(b))	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
93	<a href="#">497.273(2)</a>	Failure of a cemetery company to fully disclose all fees for interment, entombment, or inurnment of human remains	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
94	<a href="#">497.273(3)</a>	Failing to comply with bylaws as set out in section (if the cemetery has adopted bylaws)	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
95	<a href="#">497.274(2)(a)</a>	Failing to prepare and maintain a map documenting the establishment of recoverable internal survey reference markers and establish the markers as outlined in section	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
96	<a href="#">497.276</a>	Failure to maintain accurate burial records and have all financial records available for examination by department in the manner required by the section	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
97	<a href="#">497.277</a>	Assessing other charges in violation of section	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions, discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5, and/or restitution may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5, and/or restitution may be imposed.
98	<a href="#">497.278(1)</a>	Charging a fee for the installation of a monument obtained from and installed by a person other than the cemetery company or its agents	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions, discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5, and/or restitution may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5, and/or restitution may be imposed.
99	<a href="#">497.278(2)</a>	Failing to mark the place on a grave where a monument is to be installed as described in section	Notice of non-compliance	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
100	<a href="#">497.278(3)</a>	Establishing a condition for entry on or access to cemetery property as specified in section	Notice of non-compliance	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
101	<a href="#">497.280(1)</a>	Attempting to sell grave space tied to the purchase of a monument from or through the seller or any other designated person or corporation	Notice of non-compliance	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
102	<a href="#">497.280(2)(a)</a>	Failure to have reasonable rules, if adopted, conspicuously posted	Notice of non-compliance	Citation of \$200
103	<a href="#">497.280(2)(b)</a>	Requiring the payment of a setting or service charge from third party installers for placing a monument	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
104	<a href="#">497.280(2)(b)1</a>	Requiring the payment of a setting or service charge, by whatever name known, from third party installers for the placement of a monument, as provided in section	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
105	<a href="#">497.280(2)(b)2</a>	Refusing to provide care or maintenance for any portion of a gravesite on which a monument has been placed	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
106	<a href="#">497.280(2)(b)3</a>	Requiring a person to waive liability with respect to damage to a monument after installation, where the monument or installation service is not purchased from the person, cemetery company or other entity authorized to sell or to provide grave space	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
107	<a href="#">497.280(3)</a>	Conditioning any program offering free burial rights by any requirement to purchase additional burial rights, services, or funeral merchandise	Citation of \$500	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
108	<a href="#">497.281(1) and (2)</a>	Failing to comply with licensure requirements of brokers of burial rights as set out in section	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
109	<a href="#">497.282(1)</a>	Providing inaccurate information by telephone upon request, regarding retail prices of burial merchandise and services	Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
110	<a href="#">497.282(2)</a>	Failing to fully disclose services or merchandise prior to selection	Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
111	<a href="#">497.282(3)</a>	Making false or misleading statements as to casket/outer burial container	Reprimand, fine of \$500-\$2000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
112	<a href="#">497.282(4)</a>	Failing to provide a good faith estimate of all fees and costs the consumer will incur to use any burial right, merchandise, or services purchased	Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
113	<a href="#">497.282(5)</a>	Failing to provide to the customer upon request a current copy of the bylaws of the licensee	Notice of non-compliance	Reprimand, fine of \$200-\$500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
114	<a href="#">497.282(6)</a> <a href="#">69K-6.0054(1)</a> <a href="#">69K-6.0054(4)</a>	Failing to provide to the customer a written contract containing required information which has previously been approved	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 1 to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
115	<a href="#">497.282(6)(c)</a> <a href="#">69K-8.006</a> <a href="#">69K-6.0054(1)</a> <a href="#">69K-6.0054(4)</a>	Failing to state the type, size and design of merchandise and the description of the service to be delivered or performed as required in these provisions	Citation of \$200	Citation of \$400
116	<a href="#">497.282(7)</a> <a href="#">69K-6.0054(1)</a> <a href="#">69K-6.0054(4)</a>	Failing to provide the licensee's policy on cancellations and refunds to each customer	Notice of non-compliance	Reprimand
117	<a href="#">497.282(8)</a> <a href="#">69K-6.0054(1)</a> <a href="#">69K-6.0054(4)</a>	Failing to provide certain information on a signature page, and/or failing to provide that information in a correct type size	Notice of non-compliance	Reprimand
118	<a href="#">497.282(9)</a> <a href="#">69K-9.004</a>	Failure to display the cemetery and preneed brochure required by this rule	Notice of non-compliance	Citation of \$200
119	<a href="#">497.282(10)</a> <a href="#">69K-6.0054(1)</a>	Failing to provide each customer a complete description of any monument or marker	Citation of \$200	Citation of \$400
120	<a href="#">497.283</a>	Cemetery is prohibited from entering into contracts where delivery is made more than 120 days after receipt of final payment	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
121	<a href="#">497.285</a>	Prohibited conduct of surrendered licenses; inactive cemeteries	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.
122	<a href="#">497.286</a>	Improper activity by cemeteries regarding abandoned cemetery rights	Notice of non-compliance	Citation of \$200
123	<a href="#">69K-6.002</a>	Failing to maintain cemetery grounds in reasonable condition	Notice of non-compliance	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.



Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
124	<b>69K-6.004</b>	Failing to keep burial records and contracts in a secure manner as set out in rule	Notice of non-compliance	Citation of \$500
<b>FUNERAL DIRECTING, EMBALMING AND RELATED SERVICES</b>				
125	<b>497.365</b>	Practicing a profession or occupation regulated by Chapter 497, without an active status license	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
126	<b>497.372(2)</b>	Practicing as a funeral director without affiliation with a licensed funeral establishment	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
127	<b>497.375(1)(d)</b>	Operating as a funeral director intern without direct supervision of a licensed funeral director	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
128	<b>497.380(3)</b>	Managing or operating an unlicensed funeral establishment	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
129	<b>497.380(6) and (7)</b>	Failing to have appropriately licensed personnel at a funeral establishment	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
130	<b>497.380(12)(a)</b> <b>69K-21.002(4)(b)</b>	Failing to promptly report the following changes to a funeral establishment: change of ownership	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
131	<b>497.380(12)(b)</b> <b>69K-21.002(4)(a)</b>	Failing to promptly report the following changes to a funeral establishment: change of location	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
132	<b>497.380(12)(c)</b>	Failing to promptly report the following changes to a funeral establishment: change of funeral director in charge	Notice of non-compliance	Citation of \$500
133	<b>497.380(14)</b>	Failure of a funeral establishment to display at the public entrance the name of the establishment and the name of the full-time funeral director in charge	Notice of non-compliance	Citation of \$500
134	<b>497.380(14)</b>	Failure of a funeral establishment to conduct business under its licensed name	Notice of non-compliance	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
135	<a href="#">497.380(15)</a>	Failure of a funeral establishment to display the following: name of the establishment, name of the funeral director in charge, and recent photograph of each licensee within 6 years	Notice of non-compliance	Citation of \$200
136	<a href="#">497.380(15)</a> <a href="#">497.604(10)</a> <a href="#">69K-21.005</a>	Failure to properly display current license and other documents, or make them readily available, as set out in the rule	Notice of non-compliance	Citation of \$200
137	<a href="#">497.381(4)</a>	Conducting at-need solicitation	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
138	<a href="#">497.382</a> <a href="#">69K-20.001(2) and (3)</a>	Failure to properly complete, retain, and make available for review the monthly reports of cases embalmed or bodies handled	Notice of non-compliance	Citation of \$200
139	<a href="#">497.384(1)</a>	Failure to require the physical presence of a licensed funeral director at the disinterment and reinterment of human remains (unless the reinterment is to be made in the same cemetery)	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
140	<a href="#">497.384(3)</a>	Failure of a funeral director to obtain written authorization from a legally authorized person or a court of competent jurisdiction prior to the disinterment and reinterment of a dead human body	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
141	<a href="#">497.385(1)(g)</a>	Failure of a removal service, or refrigeration facility to notify the Division of a change of ownership of location	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
142	<a href="#">497.385(1)(h)</a>	Having a person who was identified on the application for licensure of a removal service or refrigeration facility, convicted, found guilty, or who has entered a plea of nolo contendere to a crime related to their field of practice	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
143	<b>497.385(1)(i)</b>	Failure of removal service or a refrigeration facility to properly display the required information; or, failure of these entities to transact business under the name to which they were licensed	Notice of non-compliance	Citation of \$500
144	<b>497.385(2)(a)</b> <b>69K-24.042</b>	Failure of a centralized embalming facility to have all necessary equipment in the preparation room	Notice of non-compliance	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
145	<b>497.385(2)(b)</b>	Failure of a centralized embalming facility to have a full-time embalmer in charge	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
146	<b>497.385(2)(d)</b>	Failure of a centralized embalming facility to restrict its services to funeral establishments	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
147	<b>497.385(2)(e)</b>	Failure of a centralized embalming facility to have a licensed embalmer doing the embalmings	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
148	<b>497.385(2)(g), (i)</b>	Failure of a centralized embalming facility to notify the Division of a change in ownership or location	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
149	<b>497.386(1)</b>	Licensee stored human remains at an improper location	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
150	<b>497.386(2)</b>	Failing to properly refrigerate human remains	Reprimand, fine of \$500-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
151	<b>497.386(3)</b>	Failing to comply with section requiring that transported human remains must be placed in a container adequate to prevent seepage of fluids and offensive odors, and must be accompanied by a burial transit permit	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
152	<b>497.386(4)</b> <b>69K-33.001(2)(c)</b>	Failing to comply with section requiring that dead human bodies must be transported or stored completely covered and at all times treated with dignity and respect	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
153	<b>497.387</b>	Removing or embalming human remains in cases indicating crime or violence without the permission of a medical examiner or other lawfully authorized official	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
154	<b>69K-6.007</b>	Failing to receive proper authorization before performing a burial, interment, entombment, or inurnment	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
155	<b>69K-6.008</b>	Failure of the cemetery company to ensure that all interments, except cremated remains, shall be covered by at least 12 inches of soil where physically possible, unless prior approval is obtained from the family or next of kin	Notice of non-compliance	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions may be imposed.
156	<b>69K-7.001</b>	Remittance of less than 100% and more than 90% of the amounts required to be deposited to the Care and Maintenance Trust Fund shall be considered a MINOR violation of this section	Notice of non-compliance	Notice of non-compliance
157	<b>69K-7.001</b>	Remitting less than 90% of the amounts required to be deposited to the Care and Maintenance Trust Fund shall be considered a NON-MINOR violation of this section	Reprimand, fine of \$250-\$1500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
158	<b>69K-7.005</b>	Where a performance bond is given to the department in lieu of the payments provided by section 497.272(3), F.S., and the cemetery company sells spaces in a mausoleum or below-ground crypt prior to the delivery of the bond to the department and receipt of acceptance by the cemetery or its agent	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
159	<b>69K-21.002(4)(c)</b>	Failure to notify the department, at least 10 days prior to the event, that major alterations or modifications are made in the physical structure of a funeral establishment	Notice of non-compliance	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for up to 2 years with conditions or suspension up to 2 years may be imposed.
160	<b>69K-21.003(1)</b>	Failure of a funeral establishment to comply with the provisions of this rule	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
161	<a href="#">69K-21.003(5)</a>	Failure to meet the requirements of chapter 64E-16, F.A.C., and to maintain prep room in a clean and sanitary manner	Notice of non-compliance	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
162	<a href="#">69K-21.003(7)</a>	Failure of a funeral establishment to display casket prices where caskets are located	Notice of non-compliance	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for up to 3 years with conditions or suspension up to 3 years may be imposed.
163	<a href="#">69K-21.006</a>	Failure of a funeral establishment to retain all copies of signed at need and preneed contracts and written agreements used in making final arrangements for at least 2 years after such final disposition	Notice of non-compliance	Citation of \$200
164	<a href="#">69K-21.007</a>	Failure of a full-time funeral director in charge of a funeral establishment to make sure that a licensed funeral director is reasonably available to the public during normal business hours for that establishment	Notice of non-compliance	Reprimand, fine of \$250-\$500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
165	<a href="#">69K-21.008</a>	Failure to notify the board office within 20 days of any change in the funeral director in charge (FDIC)	Notice of non-compliance	Citation of \$500
166	<a href="#">69K-29.001</a>	Engaging in false, fraudulent, deceptive, or misleading advertising	Reprimand, fine of \$500-\$2000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
167	<a href="#">69K-33.001</a>	Failure of a funeral establishment to follow requirements for handling and storing human remains	Reprimand, fine of \$500-\$2500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
<b>PRENEED SALES</b>				
168	<a href="#">497.452(1)(a)</a>	Selling or offering to sell a preneed contract without a preneed license	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, permanent revocation of license, and/or restitution may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license, and/or restitution may be imposed.
170	<a href="#">497.452(1)(b)</a>	Selling, advertising to sell, or making an arrangement for services, merchandise, or burial rights on a preneed basis without the licensure required to sell at-need	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, permanent revocation of license, and/or restitution may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license, and/or restitution may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
171	<a href="#">497.452(2)</a>	Accepting funds for payment of a preneed contract without holding a preneed license	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, permanent revocation of license, and/or restitution may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license, and/or restitution may be imposed.
172	<a href="#">497.453(6)</a> <a href="#">497.456(2)</a>	Failing to comply with the filing and remittance requirements - Remittance of less than 100% and more than 90% of the amounts required to be deposited to a trust fund shall be considered a MINOR violation of this section	Notice of non-compliance	Notice of non-compliance
173	<a href="#">497.453(6)</a> <a href="#">497.456(2)</a>	Failing to comply with the filing and remittance requirements - Remitting less than 90% of the amounts required to be deposited to a trust fund or remittance deficiencies not corrected within 30 days as required under section 497.152(15)(a) shall be considered a NON-MINOR violation of this section	Reprimand, fine of \$250-\$1500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
174	<a href="#">497.453(7)</a>	Failure of cemetery, preneed sales, or monument establishment to register a branch name for common business enterprise	Notice of non-compliance	Citation of \$200
175	<a href="#">497.453(8)</a>	Failure of a preneed licensee to file a full and true statement of a trust's activities on or before April of each year	Citation of \$200, if corrected	Reprimand, fine of up to \$1000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
176	<a href="#">497.454</a> <a href="#">69K-6.0054(1)</a> <a href="#">69K-6.0054(5)</a>	Failing to have preneed contracts and related forms filed with and approved by the board, as required by section	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for 1 year to 2 years with conditions may be imposed.
177	<a href="#">497.4555</a>	Failure of a preneed licensee to disclose charges for processing, filing, and archiving the contract on its standard printed price list and other disclosure information provided to a purchaser	Notice of non-compliance	Citation of \$400
178	<a href="#">497.456(11)</a>	Using the consumer protection trust fund as an inducement for purchasing a preneed contract	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
179	<a href="#">497.458(1)(a)</a>	Remittance of less than 100% and more than 90% of the proper amounts required to be deposited to a trust fund by a preneed licensee shall be considered a MINOR violation of this section	Notice of non-compliance	Notice of non-compliance
180	<a href="#">497.458(1)(a)</a>	Remitting less than 90% of the amounts required to be deposited to a trust fund or remittance deficiencies not corrected within 30 days as required under section 497.152(15)(a) shall be considered a NON-MINOR violation of this section	Reprimand, fine of \$250-\$1500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
181	<a href="#">497.458(1)(c)</a>	Failure of a preneed licensee to make the proper deposit within 30 days after the end of the month in which payment is received	Reprimand, fine of \$250-\$1500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
182	<a href="#">497.458(1)(f)</a>	Failure to keep the deposited funds in trust, except for authorized costs for operating the trust or trust account	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
183	<a href="#">497.459</a>	Failing, without reasonable justification, to honor cancellations and to issue refunds as provided in sections	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for up to 1 year with conditions, suspension up to 1 year, and/or restitution may be imposed.	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.
184	<a href="#">497.459(3)</a> <a href="#">69K-6.0054(4)</a>	Use a preneed contract which does not contain the required disclosures (unless the contract is approved by the board)	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for 1 year to 2 years with conditions may be imposed.
185	<a href="#">497.459(5)</a>	Failure of a preneed licensee to return specified funds after default by purchaser and after notice by licensee	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for up to 1 year with conditions, suspension up to 1 year, permanent revocation of license and/or restitution may be imposed.	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.
186	<a href="#">497.459(6)(d)</a>	Failure of a preneed licensee to make timely refunds after cancellation of contract	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for up to 1 year with conditions, suspension up to 1 year, permanent revocation of license and/or restitution may be imposed.	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.
187	<a href="#">497.460</a>	Failing to honor the preneed contract cancellation request by the heirs of a contract purchaser as provided in section	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for up to 1 year with conditions, suspension up to 1 year, and/or restitution may be imposed.	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license and/or restitution may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
188	<a href="#">497.462(1)(c)</a>	Failure of a preneed licensee to properly and timely file the report used to determine the amount of a surety bond if that is used in place of trust fund deposits	Notice of non-compliance	Citation of \$500
189	<a href="#">497.465(2)</a>	Failure of a preneed license, upon becoming inactive, to cease all preneed sales to the public or failure to deposit into the trust all funds received on or after the date on which it becomes inactive	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, permanent revocation of license, and/or restitution may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license, and/or restitution may be imposed.
190	<a href="#">497.466(1)</a>	Failure of a person to secure a preneed license who offers or who executes preneed contracts, unless exempt from licensure	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, permanent revocation of license, and/or restitution may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, permanent revocation of license, and/or restitution may be imposed.
191	<a href="#">497.466(7)(g)</a>	Failure of a preneed licensee or a preneed sales agent licensee to terminate an appointment in the manner prescribed herein	Notice of non-compliance	Citation of \$200
192	<a href="#">497.467</a>	Failure of a person engaged in preneed sales of funeral or burial merchandise to notify a purchaser in writing that the merchandise will be accepted in the cemetery of the purchaser's choice	Notice of non-compliance	Citation of \$200
193	<a href="#">497.468(1)</a>	A preneed licensee providing inaccurate information by telephone upon request, regarding retail prices of burial merchandise and services	Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
194	<a href="#">497.468(2)</a>	A preneed licensee failing to fully disclose all services or merchandise prior to selection	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions or suspension up to 1 year may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
195	<a href="#">497.468(3)</a>	A preneed licensee making false or misleading statements as to the necessity of casket or outer burial container	Reprimand, fine of \$250-\$500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
196	<a href="#">497.468(4)</a>	A preneed licensee failing to provide a good faith estimate of all fees and costs the customer will incur	Reprimand, fine of \$250-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions and/or discipline as contemplated in sections 497.153(5)(a)4 and 497.153(5)(a)5 may be imposed.



Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
197	<a href="#">497.468(5)</a> <a href="#">69K-6.0054(1)</a> <a href="#">69K-6.0054(4)</a>	A preneed licensee failing to provide to the customer a written contract containing required information which has previously been approved	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for 1 year to 2 years with conditions may be imposed.
198	<a href="#">497.468(6)</a> <a href="#">69K-6.0054(1)</a> <a href="#">69K-6.0054(4)</a>	A preneed licensee failing to provide the licensee's policy on cancellations and refunds to each customer (unless the contract is approved by the board)	Citation of \$200	Citation of \$400
199	<a href="#">497.468(7)</a> <a href="#">69K-6.0054(1)</a> <a href="#">69K-6.0054(4)</a>	A preneed licensee failing to provide certain information on a signature page, and/or failing to provide that information in a correct type size (unless the contract is approved by the board)	Citation of \$200	Citation of \$400
200	<a href="#">497.468(8)</a> <a href="#">69K-6.0054(1)</a> <a href="#">69K-6.0054(4)</a>	A preneed licensee failing to display the Division's brochure	Notice of non-compliance	Citation of \$200
201	<a href="#">497.468(9)</a> <a href="#">69K-6.0054(1)</a> <a href="#">69K-6.0054(4)</a>	A preneed licensee failing to provide each customer a complete description of any monument or marker	Citation of \$200	Citation of \$400
202	<a href="#">69K-7.006</a>	Failure of a preneed licensee to compile prior to July 1 of each year, a list including the wholesale purchase price for each item of merchandise the licensee will offer for the next 12 months	Notice of non-compliance	Citation of \$500
203	<a href="#">69K-7.007</a>	Failure to account for and maintain merchandise trust funds in accordance with this rule	Notice of non-compliance	Citation of \$500
204	<a href="#">69K-7.008</a>	Failure of a preneed licensee to take reasonable steps to evaluate the income derived from a contract	Notice of non-compliance	Citation of \$200
205	<a href="#">69K-7.022</a>	Failure of a preneed licensee to maintain documentation supporting fulfillment of a contract until such records are examined by the department	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
206	<a href="#">69K-10.003</a>	Failure to timely deposit the required amounts to the Preneed Funeral Contract Consumer Protection Trust Fund	Notice of non-compliance	Citation of \$500

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
<b>MONUMENT ESTABLISHMENT</b>				
207	<a href="#">497.550(1)</a>	Conducting, maintaining, managing, or operating a monument establishment unless the monument establishment is licensed	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
208	<a href="#">497.552</a>	Failure of a monument establishment to maintain a full-service place of business at a specific street address or location and comply with the requirement set out in section	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
209	<a href="#">497.553(3)</a>	Failure of monument establishment to have written procedures for the receipt, investigation and disposition of customer complaints or failure of staff to follow such procedures	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
210	<a href="#">497.553(4)</a>	Failure of monument establishment to maintain records of written complaints, in the manner described, for inspection by the department	Notice of non-compliance	Citation of \$200
211	<a href="#">497.553(5)</a>	Failure of monument establishment to deliver and install a purchased monument or marker by the date agreed in the sales agreement, unless the agreed date has been extended in writing by the customer	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 2 years with conditions or suspension up to 2 years may be imposed.	Reprimand, fine of \$1000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
212	<a href="#">497.554(1)</a>	Selling monuments, markers, or related products for a monument establishment without being licensed as a monument establishment sales agent	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
213	<a href="#">497.554(6)</a>	Selling monuments, markers, and related products on a preneed basis for a monument establishment without obtaining authorization as a preneed sales agent	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
<b>CREMATION, CREMATORIES, AND DIRECT DISPOSITION</b>				

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
214	<a href="#">497.601(1)</a>	Direct disposers or funeral directors functioning as direct disposers shall not sell, conduct, or arrange for burials, funeral services, memorial services, visitations, or viewings and hold themselves out to the public as funeral directors, or represent themselves or advertise in a manner that connotes that they are funeral directors	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
215	<a href="#">497.602(1)</a>	Any person, other than a licensed funeral director, who engages in direct disposition without being licensed as a direct disposer	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
216	<a href="#">497.604(1)</a>	Opening or maintaining an establishment to engage in direct disposition without such establishment being licensed pursuant to this section	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
217	<a href="#">497.604(7)</a>	Failure of a direct disposer to provide notice prior to any change in location	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
218	<a href="#">497.604(7)</a>	Failure of a direct disposer to provide notice prior to any change in control of the licensee	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
219	<a href="#">497.604(7)</a>	Failure of a direct disposer to provide notice prior to any change in the licensed person in charge of the licensee's operation	Notice of non-compliance	Citation of \$500
220	<a href="#">497.604(8)(a)</a>	Failure of a direct disposal establishment to have one full time licensed funeral director acting as the direct disposer in charge, unless the direct disposer meets the listed requirements as of September 30, 2010	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
221	<a href="#">497.604(8)(b)</a>	Failure of a licensed funeral director or licensed direct disposer in charge of a direct disposal establishment to be reasonably available to the public during its normal business hours; or failure to be in charge of only one disposal establishment	Notice of non-compliance	Citation of \$200

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
222	<a href="#">497.604(9)(b)</a>	Practicing direct disposition at a fixed location of less than 625 interior contiguous square feet or failure to properly refrigerate and store dead human bodies handled and stored	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
223	<a href="#">497.604(9)(d)</a>	Failure of a direct disposal establishment to display at the public entrance the name of the establishment and the name of the licensed direct disposer or licensed funeral director in charge of the establishment	Notice of non-compliance	Citation of \$500
224	<a href="#">497.604(9)(d)</a>	Failure of a direct disposal establishment to transact business under its licensed name	Notice of non-compliance	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
225	<a href="#">497.604(9)(f)</a>	Failure of a direct disposal establishment to retain all signed contracts for at least 2 years	Notice of non-compliance	Citation of \$200
226	<a href="#">497.604(10)</a>	Failure of a direct disposer, direct disposer establishment, or funeral director acting as a direct disposer, to properly display required information; or, failure of a licensee to affix a photograph of the licensee taken within the previous six years to each displayed license	Notice of non-compliance	Citation of \$200
227	<a href="#">497.606(1)</a>	A person conducting, maintaining, managing, or operating a cinerator facility which is not licensed and in good standing	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
228	<a href="#">497.606(7)</a>	Failure of a cinerator facility to obtain prior approval before commencing operation at a new location	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
229	<a href="#">497.606(8)</a>	Failure of a cinerator facility to have one full-time licensed direct disposer or licensed funeral director in charge of the facility	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
230	<a href="#">497.606(9)(b)</a>	Placing more than one dead human body in a retort at one time, unless written permission has been received from a legally authorized person for each body	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
231	<a href="#">497.606(9)(d)</a>	Receiving other than dead human bodies for cremation; not medical, hazardous or biohazardous waste for disposal in a retort	Reprimand, fine of \$500-\$1500 plus costs.	Reprimand, fine of \$1500-\$2500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
232	<a href="#">497.606(9)(e)</a>	Failing to display at its public entrance the name of the facility and the name of the person responsible for the facility	Notice of non-compliance	Citation of \$500
233	<a href="#">497.606(9)(e)</a>	Failing to transact business under its licensed name	Notice of non-compliance	Reprimand, fine of \$1000-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
234	<a href="#">497.606(9)(f)</a>	Having a direct disposer in charge of a cinerator facility when it is located at the same address as a funeral establishment	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
235	<a href="#">497.606(9)(g)</a>	Placing human remains or body parts in a retort or cremation chamber, unless the human remains are in an alternative container, cremation container, or casket	Reprimand, fine up to \$1500 plus costs.	Reprimand, fine up to \$2500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
236	<a href="#">497.606(9)(h)</a>	Using alternative containers, cremation containers or caskets for cremation that do not comply with all requirements of this subsection	Reprimand, fine up to \$1500 plus costs.	Reprimand, fine up to \$2500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
237	<a href="#">497.607(1)</a>	Performing a cremation without written authorization from a legally authorized person	Reprimand, fine of \$2000-\$3500 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.	Reprimand, fine of \$3500-\$5000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
238	<a href="#">497.607(1)</a>	Failing to perform a cremation within 48 hours after a specified time which has been agreed to in writing by the person authorizing the cremation	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
239	<a href="#">497.607(3)(b)</a>	Disposing of cremated remains without making a reasonable effort to determine whether the cremated remains are those of a veteran of the United States Armed Forces, United States Reserve Forces, or National Guard eligible for burial in a national cemetery or a spouse or dependent child of a veteran eligible for same	Reprimand, fine of \$200-\$500 plus costs. In addition, probation for up to 1 year with conditions.	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.

Violation #	Statute/Rule Violated	Nature of Violation	PROPOSED PENALTIES FOR EACH VIOLATION Proposed Penalty based upon Rule Committee Meetings	
			Penalty Range 1 <sup>st</sup> Offense	Penalty Range Subsequent Offenses
240	<a href="#">497.607(3)(c)</a>	If unclaimed cremated remains are those of an eligible veteran or the spouse or dependent child of an eligible veteran, failing to arrange for the interment of the cremated remains in a national cemetery	Reprimand, fine of \$200-\$500 plus costs. In addition, probation for up to 1 year with conditions.	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for up to 3 years with conditions, suspension up to 3 years, or permanent revocation of license may be imposed.
241	<a href="#">497.608(2)</a>	Failing to establish written procedures for the removal of cremated remains resulting from the cremation of a human body and the post cremation processing, shipping, packing, or identifying of those remains	Notice of non-compliance	Citation of \$200
242	<a href="#">497.608(4)</a>	Failing to provide a copy of the procedures used by the cinerator facility, upon request, to customers and their representatives, the department, and other legally authorized persons	Notice of non-compliance	Citation of \$250
243	<a href="#">69K-12.003</a>	Failure of a monument establishment to receive approval by the board of its retail sales agreement prior to use	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for 1 year to 2 years with conditions may be imposed.
244	<a href="#">69K-12.004</a>	Failure of a monument establishment to use a sales agreement that contains all of the requirements of this rule (unless the contract is approved by the board)	Reprimand, fine of \$500-\$1000 plus costs. In addition, probation for 6 months to 1 year with conditions may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for 1 year to 2 years with conditions may be imposed.
245	<a href="#">69K-20.001(3)</a>	Failure to complete monthly reports of cases embalmed or bodies handled	Notice of non-compliance	Citation of \$200
246	<a href="#">69K-22.001</a>	Failure of a cinerator facility to obtain a cinerator facility license prior to being operated or opening for business	Reprimand, fine of \$1000-\$2500 plus costs. In addition, probation for 6 months to 1 year with conditions, suspension up to 1 year, or permanent revocation of license may be imposed.	Reprimand, fine of \$2500-\$5000 plus costs. In addition, probation for up to 2 years with conditions, suspension up to 2 years, or permanent revocation of license may be imposed.
247	<a href="#">69K-22.003(5)</a>	Failure of a cinerator facility to notify the board office of a name change within 30 days	Notice of non-compliance	Citation of \$500
248	<a href="#">69K-23.004(9)</a>	Failure of a direct disposer to notify the board office of a name change within 30 days	Notice of non-compliance	Citation of \$500