

FILED

Bd of Funeral, Cemetery & Consumer Svcs

Date: March 20, 2023

Initials of DFCCS Staffer: CAG



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

DEPARTMENT OF FINANCIAL SERVICES,
DIVISION OF FUNERAL, CEMETERY,
AND CONSUMER SERVICES,

Petitioner,

Case Nos.: 300769-22-FC

TEKEAVIAS BYRD,
Respondent.

FINAL ORDER TO CEASE AND DESIST

THIS PROCEEDING came on for final agency action and the Chief Financial Officer or his designee, having considered the record in this case and the Administrative Complaint and being fully advised in the premises, finds that:

1. Tekeavias Byrd ("Respondent") is the president of Celebrations of Life Mortuary & Cremation Services, Inc. ("Celebrations"), a licensed funeral establishment holding license number F487762 and doing business in Orlando, Florida.
2. Respondent is not currently licensed and never has been personally licensed in the State of Florida with any license within the purview of chapter 497, Florida Statutes.
3. On December 5, 2022, the Department of Financial Services ("Department") issued an Administrative Complaint ("Complaint") which is attached to this Final Order labeled "Exhibit A" against Respondent.

4. The Complaint alleged that Respondent engaged in the unlicensed practice of activities requiring licensure pursuant to chapter 497.

5. On December 7, 2022, Respondent was served with the Complaint at his last known address, 623 Sanlanta Circle, Sanford, Florida 32771, via certified U.S. mail, return receipt requested. A copy of the certified mail receipt is attached hereto as "Exhibit B."

6. Respondent has failed to timely submit a petition for a hearing pursuant to sections 120.569, Florida Statutes, and Rule 28-106.2015(5), *Florida Administrative Code*.

7. Based upon Respondent's failure to respond to the Complaint or to request a hearing, the Chief Financial Officer finds that Respondent has waived its right to a hearing and that this Final Order should be entered in this case.

FINDINGS OF FACT

8. The factual allegations in the Complaint are deemed admitted, fully incorporated by reference in this Final Order, and adopted as the Department's Findings of Fact in this case.

CONCLUSIONS OF LAW

9. Based upon the Findings of Fact adopted in this Final Order, the Department concludes that Respondent violated the specific statutes and rules charged in each count of the attached Complaint and the Department adopts the violations charged in each count of the Complaint as the Conclusions of Law in this case.

10. The failure of Respondent to answer the Complaint or to request a proceeding, taken together with the Findings of Fact and Conclusions of Law adopted in this Final Order, constitutes grounds for the Chief Financial Officer to enter this Final Order ordering the Respondent from engaging in the practice of funeral directing.

IT IS THEREFORE ORDERED that:

(a) Respondent is prohibited from and shall cease and desist immediately from selling or offering to sell funeral services on an at-need basis in this state.

(b) Respondent is prohibited from and shall cease and desist immediately from planning or arranging the details of any funeral service, including direct disposition, with the family or any friends of the decedent or any other person responsible for the service in this state.

(c) Respondent is prohibited from and shall cease and desist immediately from making, negotiating, or completing the funeral arrangements for a funeral service on an at-need basis in this state.

(d) Respondent is prohibited from and shall cease and desist immediately from any use of any word, term, title, or picture that would imply that Respondent is engaged in the practice of funeral directing.

(e) Respondent is prohibited and shall cease and desist immediately from engaging in any financial dealings with funeral home customers that involve the collection of monies or the determination of funeral expenses.

DONE AND ORDERED this 20th day of MARCH, 2023.



**DIVISION OF FUNERAL, CEMETERY,
AND CONSUMER SERVICES**



**Mary Schwantes
Division Director**

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review within **thirty (30) days** of the rendition of this Order, pursuant to section 120.68, Florida Statutes, and Rule 9.190, *Florida Rules of Appellate Procedure*. Review proceedings must be instituted by filing a petition or notice of appeal with the DFS Agency Clerk. Filing with the Agency Clerk may be accomplished via U.S. Mail, express overnight delivery, hand delivery, facsimile transmission, or electronic mail. The address for overnight delivery or hand delivery is DFS Agency Clerk, Department of Financial Services, 612 Larson Bldg., 200 E. Gaines St., Tallahassee, Florida 32399-0390. The fax number is (850) 488-0697. The email address is DFSAgencyClerk@myfloridacfo.com. The petition or notice of appeal must also be filed with the appropriate district court of appeal within thirty (30) days of the rendition of this Order.

A true and correct copy of the foregoing order has been furnished to the parties below by electronic mail and certified U.S. Mail to the respondent and interoffice mail to the department staff on this 20th day of March, 2023:

TEKEAVIAS BYRD

Respondent

623 Sanlanta Circle

Sanford, Florida 32771

91 7108 2133 3937 1956 8927

ELLEN SIMON, ASSISTANT DIRECTOR

Division of Funeral, Cemetery, and Consumer Services

200 East Gaines St.

Tallahassee, Florida 32399-0361

KIMBERLY MARSHALL, ESQUIRE

Florida Department of Financial Services

Office of the General Counsel

200 East Gaines Street

Tallahassee, Florida 32399-0333

FILED

DEC 05 2022

Docketed By: 



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA



DEPARTMENT OF FINANCIAL SERVICES,
DIVISION OF FUNERAL, CEMETERY,
AND CONSUMER SERVICES,
Petitioner,

Case Nos.: 300769-22-FC

TEKEAVIAS BYRD,
Respondent.

NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER AND
ADMINISTRATIVE COMPLAINT

TO: Tekeavias Byrd
623 Sanlanta Circle
Sanford, Florida 32771

Tekeavias Byrd ("Respondent") is hereby notified that pursuant to provisions of section 497.157, Florida Statutes, the Chief Financial Officer of the State of Florida has caused to be made an investigation of its activities that require licensure under chapter 497, Florida Statutes. As a result, the Chief Financial Officer intends to issue an Order directing Respondent to Cease and Desist from conducting activities requiring licensure under chapter 497 based upon the following allegations:

1. At all times relevant to the allegations in this Notice of Intent to Issue a Cease and Desist Order and Administrative Complaint (hereinafter "Notice of Intent"), Respondent owned Celebrations of Life Mortuary & Cremation Services, Inc. ("Celebrations of Life"), a licensed funeral establishment holding license number F487762.
2. At all times relevant to the allegations in this Notice of Intent, Respondent did not personally hold any license issued pursuant to chapter 497, Florida Statutes.

FACTUAL BASIS

3. On or about February 19, 2022, A.G. visited Celebrations of Life in order to inquire about funeral arrangements for her mother, M.R., who had recently died.
4. Respondent discussed funeral arrangements with A.G.
5. On or about February 21, 2022, A.G. returned to Celebrations of Life with her sister.
6. Respondent assisted A.G. and her sister with selecting a casket and other funeral goods and services.
7. On or about February 26, 2022, A.G. again returned to Celebrations of Life with her sister and her brother, E.H.
8. Respondent assisted E.H. in entering into a contract for funeral goods and services with Celebrations of Life totaling \$11,287.50.
9. Respondent provided M.R.'s family with a statement of funeral goods and services which bore the name of Tracy Jenkins as the licensed funeral director.
10. The sales agreement entered into on February 26, 2022 did not bear the signature of a licensed funeral director.
11. At no time was Tracy Jenkins or any other licensed funeral director involved in the funeral arrangements for M.R.
12. M.R.'s funeral was held on or about March 5, 2022. Respondent was in charge or appeared to be in charge at M.R.'s funeral.

STATUTORY BASIS FOR VIOLATIONS

13. Section 497.157(1), Florida Statutes (2021), provides that no person or entity shall engage in any activity for which a license is required under this chapter, without holding such

licensure in good standing.

14. Section 497.157(2), Florida Statutes (2021), provides that a person may not be, act as, or advertise or hold himself or herself out to be a funeral director, an embalmer, or a direct disposer unless she is currently licensed by the Department.

15. Section 497.372, Florida Statutes (2021), provides, in pertinent part, that the practice of funeral directing shall be construed to consist of the following functions which may only be performed by a licensed funeral director:

(1)(a) Selling or offering to sell funeral services on an at-need basis.

(1)(b) Planning or arranging, on an at-need basis, the details of a funeral service with the family or friends of the decedent or any other person responsible for the service.

(1)(c) Making, negotiating, or completing the financial arrangements for a funeral services on an at- need-basis.

(1)(e) Directing, being in charge or apparent charge of, or supervising, directly or indirectly, any funeral service held in a funeral establishment, cemetery, or elsewhere.

CEASE AND DESIST

16. The Department, pursuant to section 497.157(2)(a), Florida Statutes, intends to order Respondent to cease and desist from engaging activities which require licensure under chapter 497, Florida Statutes.

SANCTION

17. The Department, pursuant to section 497.157(4)(a), Florida Statutes, intends to order Respondent to cease and desist from violations of chapter 497, Florida Statutes, and seek fines in the amount of up to \$10,000 for each violation of chapter 497, Florida Statutes.

DATED AND SIGNED this 5th day of December, 2022.



A handwritten signature in black ink, appearing to read "K. Marshall". The signature is written in a cursive, flowing style.

Kimberly Marshall
Senior Attorney

NOTICE OF RIGHTS

You have the right to request a proceeding to contest this action by the Department pursuant to sections 120.569 and 120.57, Florida Statutes, and chapter 28-106, *Florida Administrative Code*. The proceeding request must be in writing, signed by you, and must be filed with the Department within twenty-one (21) days of your receipt of this notice. Completion of the attached Election of Proceeding form and a petition for administrative hearing are required. The request must be filed with DFS Agency Clerk, at the Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390. The request can be submitted electronically at DFSAgencyClerk@myfloridacfo.com. Your written response must be received by the Department no later than 5:00 p.m. on the twenty-first day after your receipt of this notice. Mailing the response on the twenty-first day will not preserve your right to a hearing.

FAILURE TO ENSURE THAT YOUR WRITTEN RESPONSE IS RECEIVED BY THE DEPARTMENT WITHIN TWENTY-ONE (21) DAYS OF YOUR RECEIPT OF THIS NOTICE WILL CONSTITUTE A WAIVER OF YOUR RIGHT TO REQUEST A PROCEEDING ON THE MATTERS ALLEGED HEREIN AND A FINAL ORDER OF SUSPENSION OR REVOCATION WILL BE ENTERED AGAINST YOU.

If you request a proceeding, you must provide information that complies with the requirements of Rule 28-106.2015, *Florida Administrative Code*. Specifically, your response must contain:

- (a) The name, address, telephone number, and facsimile number (if any) of the respondent (for the purpose of requesting a hearing in this matter, you are the "respondent").
- (b) The name, address, telephone number, and facsimile number of the attorney or qualified representative of the respondent (if any) upon whom service of pleadings and other papers shall be made.

(c) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate.

(d) A statement of when the respondent received notice of the administrative complaint.

(e) A statement including the file number of the administrative complaint.

If a hearing of any type is requested, you have the right to be represented by counsel or other qualified representative at your expense, to present evidence and argument, to call and cross-examine witnesses, and to compel the attendance of witnesses and the production of documents by subpoena.

If a proceeding is requested and there is no dispute of material fact, the provisions of section 120.57(2), Florida Statutes, apply. In this regard, you may submit oral or written evidence in opposition to the action taken by the Department or a written statement challenging the grounds upon which the Department has relied. While a hearing is normally not required in the absence of a dispute of fact, if you feel that a hearing is necessary, one will be conducted in Tallahassee, Florida, or by telephonic conference call upon your request.

However, if you dispute material facts which are the basis for the Department's action, you must request an adversarial proceeding pursuant to sections 120.569 and 120.57(1), Florida Statutes. These proceedings are held before an administrative law judge of the State of Florida Division of Administrative Hearings. Unless the majority of witnesses are located elsewhere, the Department will request that the hearing be conducted in Tallahassee, Florida.

Failure to follow the procedure outlined with regard to your response to this notice may result in the request being denied. All prior oral communication or correspondence in this matter shall be considered free form agency action, and no such oral communication or correspondence

shall operate as a valid request for an administrative proceeding. Any request for an administrative proceeding received before the date of this notice shall be deemed abandoned unless timely renewed in compliance with the guidelines as set out above.

Mediation of this matter pursuant to section 120.573, Florida Statutes, is not available. No Department attorney will discuss this matter with you during the time frame in which you have to request a hearing.

STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
OFFICE OF THE GENERAL COUNSEL

DEPARTMENT OF FINANCIAL SERVICES,
DIVISION OF FUNERAL, CEMETERY, AND
CONSUMER SERVICES,
Petitioner,

v.

Case No.: 302087-22-FC

TEKEAVIAS BYRD,
Respondent.

ELECTION OF PROCEEDING

I have received and have read the Administrative Complaint filed by the Florida Department of Financial Services ("Department") against me, including the Notice of Rights contained therein, and I understand my options. I am requesting disposition of this matter as indicated below. (CHOOSE ONE)

1. I do not dispute any of the Department's factual allegations and I do not desire a hearing. I understand that by waiving my right to a hearing, the Department may enter a final order that adopts the Administrative Complaint and imposes the sanctions sought, including suspending or revoking my licenses and appointments as may be appropriate.
2. I do not dispute any of the Department's factual allegations and I hereby elect a proceeding to be conducted in accordance with section 120.57(2), Florida Statutes. In this regard, I desire to (CHOOSE ONE):
 - Submit a written statement and documentary evidence in lieu of a hearing; or
 - Personally attend a hearing conducted by a department hearing officer in Tallahassee; or
 - Attend that same hearing by way of a telephone conference call.
3. I do dispute one or more of the Department's factual allegations. I hereby request a hearing pursuant to section 120.57(1), Florida Statutes, to be held before the Division of Administrative Hearings. I have attached to this election form the information required by Rule 28-106.2015, Florida Administrative Code, as specified in subparagraph (c) of the Notice of Rights. Specifically, I have identified the disputed issues of material fact.

TO PRESERVE YOUR RIGHT TO A HEARING, YOU MUST FILE YOUR RESPONSE WITH THE DEPARTMENT OF FINANCIAL SERVICES WITHIN TWENTY-ONE (21) DAYS OF YOUR RECEIPT OF THE ADMINISTRATIVE COMPLAINT. THE RESPONSE MUST BE RECEIVED BY THE DEPARTMENT NO LATER THAN 5:00 P.M. ON THE TWENTY-FIRST DAY AFTER YOUR RECEIPT OF THE ADMINISTRATIVE COMPLAINT.

The address for filing is: DFS Agency Clerk, Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390. The request can be submitted electronically at DFSAgencyClerk@myfloridacfo.com.

Signature _____

Print Name _____

Date: _____

Address: _____

Date Administrative
Complaint Received: _____

If you are represented by an attorney or qualified
representative, please attach to this election form his
or her name, address, telephone and fax numbers

Phone No.: _____

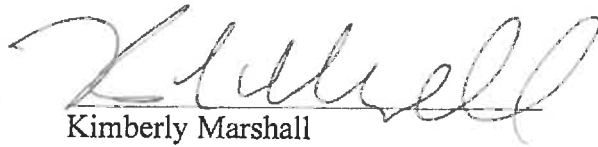
Fax No.: _____

E-mail _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER AND ADMINISTRATIVE COMPLAINT and ELECTION OF PROCEEDING FORM has been furnished by U.S. Certified Mail, return receipt requested, to Respondent at 623 Sanlanta Circle, Sanford, Florida 32771 this 5th day of December, 2022.

91 7199 9991 7039 5679 0192


Kimberly Marshall



January 12, 2023

Dear k t:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9999 9170 3956 7901 92.

Item Details

Status: Delivered, Left with Individual
Status Date / Time: December 7, 2022, 12:14 pm
Location: SANFORD, FL 32771
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic

Shipment Details

Weight: 3lb, 15.2oz

Recipient Signature

Signature of Recipient:	<i>BY M Ddard</i>
Address of Recipient:	<i>623 CRA 1A1:1A</i>

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004