

**STATE OF FLORIDA  
BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES**

**FILED**  
JAN 10 A 11:31

**DEPARTMENT OF FINANCIAL SERVICES, )  
BOARD OF FUNERAL, CEMETERY, AND )  
CONSUMER SERVICES, )  
Petitioner, )  
vs. )  
LANDMARK FUNERAL HOME, INC., )  
License No.: F0 55287 )  
Respondent. )**

**FILED**  
Bd of Funeral, Cemetery & Consumer Svcs  
DATE: 1-9-2012  
Initials of DFCCS staffer: DAS

DOAH Case No. 11-3693  
DFS Case No. 108626-10-FC

**FINAL ORDER**

THIS CAUSE came before the BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES (hereinafter referred to as the "Board") pursuant to Sections 120.569 and 120.57(1), Florida Statutes, at a duly-noticed public meeting on December 1, 2011, in Tallahassee, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (a copy of which is attached hereto and incorporated herein by reference) in the above-styled cause. Board members present were **Joseph "Jody" Brandenburg, Gail Thomas-DeWitt, Jean Anderson, Lewis "Lew" Hall, Powell Helm, Nancy Hubbell, Ken Jones, Richard "Dick" Mueller, and Col. Don Stiegman.** Legal advisor to the Board was **Clark R. Jennings**, Assistant Attorney General.

**APPEARANCES**

For Petitioner: Thomas A. David, Esq.  
Assistant General Counsel  
Department of Financial Services  
200 East Gaines Street  
Suite 612, Larson Building  
Tallahassee, Florida 32399-0333

For Respondent: Edward Holodak, Esq.  
Edward Holodak, P.A.  
2500 Hollywood Boulevard, Suite 212  
Hollywood, Florida 33020

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

#### **FINDINGS OF FACT**

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the findings of fact.

#### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 497, Florida Statutes.
2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

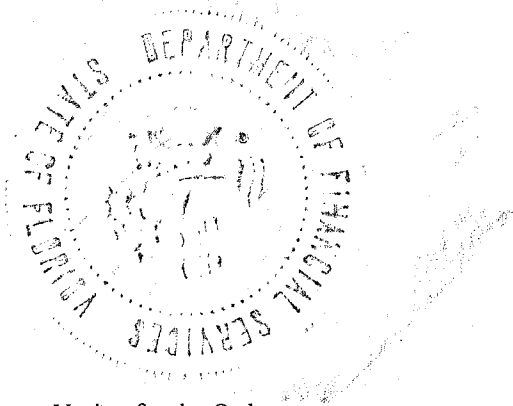
#### **DISPOSITION**

1. The recommended disposition of this matter as set forth in the Recommended Order is approved and adopted and incorporated herein by reference.

#### **THEREFORE IT IS ORDERED AND ADJUDGED:**

Respondent shall pay an administrative fine in the amount of **one thousand dollars (\$1,000.00)** within **thirty (30) days** of the filing of this Final Order to the address specified and in the manner described and in accord with all other terms and conditions detailed in the Invoice for payment which is attached hereto and incorporated herein by reference.

DONE AND ORDERED this 9 day of Jan., 2012.



BOARD OF FUNERAL, CEMETERY  
AND CONSUMER SERVICES

Douglas Shropshire  
DOUGLAS SHROPSHIRE  
EXECUTIVE DIRECTOR

Voting for the Order  
Unanimous

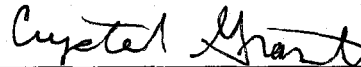
Voting against the Order

**NOTICE OF APPEAL RIGHTS**

PURSUANT TO SECTION 120.68 FLORIDA STATUTES, A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW UNLESS WAIVED. PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF THE NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF FINANCIAL SERVICES AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEALS, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Edward Holodak, Esq., 2500 Hollywood Boulevard, Suite 212, Hollywood, Florida 33020; to Robert E. Meale, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; to Thomas A. David, Assistant General Counsel, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333; Clark R. Jennings, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050 this 9<sup>th</sup> day of January, 2012.



CRYSTAL GRANT