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Bd of Funeral, Cemetery & Consumer Svcs

Date: 9/20/22

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

ADMINISTRATIVE HEARINGS

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

Petitioner,

v.

DFS CASE NO.: 285311-21-FC

DOAH CASE NO.: 22-000066PL

LICENSE NO.: F045309

ADRIENNE DISHONNE LEGER

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the **BOARD OF FUNERAL, CEMETERY, AND CONSUMER SERVICES** (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on July 12, 2022, and September 1, 2022, by video and telephone conference, for the purpose of considering the Administrative Law Judge's Recommended Order, Petitioner's Exceptions to the Recommended Order, and Respondent's Notice of Waiver of Objection to Recommended Order (copies of which are attached hereto as Exhibits A, B, and C respectively) in the above-styled cause. Petitioner was represented during both meetings by James Bossart, Senior Attorney. Respondent was neither present nor represented by counsel during either meeting. During the proceeding on September 1, 2022, the Board addressed the exceptions individually.

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

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RULING ON EXCEPTIONS

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ADMINISTRATIVE HEARINGS
1. Petitioner filed exceptions to paragraphs 41 through 52. The Board reviewed and considered the Petitioner's Exceptions to the Recommended Order and ruled as follows:

2. Petitioner's Exception to Paragraph 41 is accepted based on support of the standard that "negligent embalming constitutes a failure to treat a body with dignity and respect."

3. Petitioner's Exception to Paragraph 42 is accepted based on support of the standard that "negligent embalming constitutes a failure to treat a body with dignity and respect."

4. Petitioner's Exception to Paragraph 43 is accepted based on support of the standard that "negligent embalming constitutes a failure to treat a body with dignity and respect."

5. Petitioner's Exception to Paragraph 44 is accepted based on support of the standard that "negligent embalming constitutes a failure to treat a body with dignity and respect."

6. Petitioner's Exception to Paragraph 45 is accepted based on support of the standard that "negligent embalming constitutes a failure to treat a body with dignity and respect."

7. Petitioner's Exception to Paragraph 46 is accepted based on support of the standard that "negligent embalming constitutes a failure to treat a body with dignity and respect," which is included in the offense charged in the Administrative Complaint.

8. Petitioner's Exception to Paragraph 47 is accepted based on support of the standard that "negligent embalming constitutes a failure to treat a body with dignity and respect."

9. Petitioner's Exception to Paragraph 48 is accepted based on support of the standard that "negligent embalming constitutes a failure to treat a body with dignity and respect."

10. Petitioner's Exception to Paragraph 49 is accepted based on support of the standard that "negligent embalming constitutes a failure to treat a body with dignity and respect."

11. Petitioner's Exception to Paragraph 50 is accepted based on support of the standard that "negligent embalming constitutes a failure to treat a body with dignity and respect."

12. Petitioner's Exception to Paragraph 51 is accepted based on support of the standard that "negligent embalming constitutes a failure to treat a body with dignity and respect."

13. Petitioner's Exception to Paragraph 52 is accepted based on support of the standard that "negligent embalming constitutes a failure to treat a body with dignity and respect."

FINDINGS OF FACT

14. There is competent substantial evidence to support the Findings of Fact.

15. The Findings of Fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

CONCLUSIONS OF LAW

16. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 497, Florida Statutes.

17. The Conclusions of Law set forth in the Recommended Order are approved and adopted and incorporated herein by reference. There is competent, substantial evidence to support the conclusions of law.

DISPOSITION


Upon a complete review of the record in this case, and notwithstanding the Board's perspective regarding the Exceptions, the Board approves and adopts the recommendation set forth in the Recommended Order, and in accordance therewith, exonerates Respondent of all charges brought against her in this matter.

This Final Order shall take effect upon being filed with the Clerk of the Department of Financial Services.

DONE AND ORDERED this 20th day of September, 2022.



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



MARY SCHWANTES
Executive Director

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to **Section 120.68, Florida Statutes**. Review Proceedings are governed by Rules 9.110 and 9.190, Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Financial Services, 200 East Gaines Street, Larson Building, Tallahassee, Florida 32399-0361, and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida Appellate District where Respondent resides. The Notice of Appeal must be filed **within thirty (30) days** of the filing of the Order to be reviewed

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to **ADRIENNE DISHONNE LEGER**, c/o **Alterraon Phillips, Esq.**, APLaw, LLC., P. O. Box 210866, Royal Palm Beach, FL 33421; **Hon. John G. Van Laningham**, Administrative Law Judge, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, and **Julie Hunsaker, Clerk**, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; by electronic delivery to **James Bossart** at James.Bossart@myfloridacfo.com; and Marshwawn.Griffin@myfloridacfo.com; and by electronic delivery to **Rachelle Munson**, Senior Assistant Attorney General, Rachelle.Munson@myfloridalegal.com this 20th day of September, 2022.



Melissa Montgomery
Administrative Assistant II