



Alabama Board of Funeral Service

Meeting Minutes

January 25, 2012

Attendance

The following members were present: Thomas Maye, Noah Turner, Samuel Seroyer, Michael Morrison, Bart Kirtland, Calvin Meadows and Jason Wyatt. Staff present was Warren Higgins, Executive Secretary, and Charles M. Perine, Associate Executive Secretary, recording.

The following member(s) were absent: NONE.

Call to order

With all members and a quorum present Mr. Warren Higgins, Executive Secretary, called to order the second regular meeting of fiscal year 2012 of the Alabama Board of Funeral Service at 11:00 a.m. on January 25, 2012 in the auditorium of the Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama. (Note: The meeting was scheduled and advertised to be in Room-P103; due to over booking the Gordon Persons Building management moved the Board's meeting @ 10:45 a.m. on 1/25/12 to the auditorium.)

Election of Officers

Mr. Higgins declared all previous offices of the Board vacant due to the new terms which began on January 1, 2012 for districts three, four, six and seven. Mr. Higgins opened the floor for nominations for the office of chair. Mr. Turner nominated Mr. Michael Morrison, seconded by Mr. Kirtland. With no other nominations Mr. Higgins closed the nominations for position of chair and called for a vote:

Yea vote: Mr. Turner, Mr. Kirtland, Mr. Seroyer, Mr. Wyatt, Mr. Maye and Mr. Meadows

Nay vote:

Abstain:

The motion passed unanimously.

Mr. Higgins then yielded the chair to Mr. Morrison, who then opened the nominations for vice-chair. Mr. Turner nominated Mr. Sammy Seroyer, seconded by Mr. Wyatt. With no other nominations, a vote was taking:

Yea vote: Mr. Turner, Mr. Kirtland, Mr. Morrison, Mr. Wyatt, Mr. Maye and Mr. Meadows

Nay vote:

Abstain:

The motion passed unanimously.

Mr. Morrison then opened the nominations for secretary. Mr. Meadows nominated Mr. Noah Turner, seconded by Mr. Maye. With no other nominations Mr. Morrison closed the nominations for position of secretary. A vote was taking:



Alabama Board of Funeral Service

Meeting Minutes

January 25, 2012

Yea vote: Mr. Maye, Mr. Kirtland, Mr. Seroyer, Mr. Morrison, Mr. Meadows and Mr. Wyatt

Nay vote:

Abstain:

The motion passed unanimously.

Mr. Morrison then opened the nominations for treasurer. Mr. Turner nominated Mr. Jason Wyatt, seconded by Mr. Kirtland. With no other nominations, Mr. Morrison closed the nominations and a vote was taking:

Yea vote: Mr. Maye, Mr. Turner, Mr. Seroyer, Mr. Morrison, Mr. Kirtland and Mr. Meadows

Nay vote:

Abstain:

The motion passed unanimously.

Approval of minutes from last meeting

Mr. Turner moved to approve the minutes of the October 26, 2011 meeting, seconded by Mr. Seroyer. The motion passed unanimously.

Old Business

- 1) Robert Clayton – Applying for an apprenticeship funeral director and embalmer’s license after committing acts that are grounds for revocation, suspension or refusal to issue or renew licenses. Mr. Perine advised that the paper work the Board requested from the applicant had not been received after two requests and therefore recommends that the Board table the item until the paperwork is received by the Board’s office. Mr. Turner moved to table Mr. Clayton’s requested for apprentice license until the requested paperwork is received, seconded by Mr. Seroyer. The motion passed unanimously.
- 2) Tameka M. Harris - Applying for an apprenticeship funeral director and embalmer’s license after committing acts that are grounds for revocation, suspension or refusal to issue or renew licenses. Mr. Perine advised the Board that at the October 2011 meeting the issue of Ms. Harris was tabled until her probation officer could be reached. Mr. Perine advised that he had spoken with Ms. Harris probation officer on 1/17/2012 and he advised that Ms. Harris is currently on probation until 2014 and has been in complete compliance with her probation and he has not had any problems with her. Mr. Seroyer asked was drug testing being done and Mr. Perine replied that drug testing was not required as a part of her probation. Mr. Turner moved to approved Ms. Harris application, seconded by Mr. Seroyer. The motion passed unanimously.
- 3) Schooling required for Funeral Directors – Mr. Perine advised that at the October 2011 meeting the Board tabled the decision on whether or not to accept the certificate program given by Jefferson State Community College for Funeral Directing as meeting the requirements of the statutory law for graduation from an accredited mortuary college. Mr.



Alabama Board of Funeral Service

Meeting Minutes

January 25, 2012

Perine continued to say that he had spoken with the group that wrote the new law and it was not their intention to require individuals who only want to be funeral directors to take embalming. Therefore they have pre-filed a bill to correct the language and remove the word "graduation" to say, "The board may not examine or issue a funeral director's license to any person who has not completed a course of instruction in funeral arts at an accredited mortuary or funeral service school or college meeting the criteria or standards defined in this section." Mr. Perine stated it will appear as House Bill 65 and therefore no other action is required by the Board unless the bill does not pass the legislation.

- 4) Room to Accommodate 100 People (New Establishments) – Mr. Perine advised that this item was tabled at the October 2011 meeting for further consideration by the Board after hearing the fire departments standard of measurement for determining a room's capacity. Mr. Higgins presented a demonstration. Mr. Perine stated that the Board needs a standard of measurement in which the inspectors could use so in case an inspector's decision is challenged it could be shown that the Board has a standard of measurement that should be used on every inspection. Mr. Turner moved to accept the statutory law as written with no further explanation in the administrative rules and allow the inspectors to make the decision, seconded by Mr. Maye. The entire Board agreed. Mr. Higgins stated that there was no need for a vote if no action was going to be taken. No Vote Taken.

New Business

Approval of Licenses:

1) Applicants who passed law exam given earlier:

Mr. Seroyer moved to approve funeral director and/or embalmer license(s) for all applicants who passed the state law exam given earlier that day upon the passing certification from the Conference under the new testing format, or those who had otherwise qualified for licensing, seconded by Mr. Turner.

The motion passed unanimously.

2) Apprentice Funeral Director with Previous Time Credited:

Mr. Higgins asked the board to consider for approval the re-registration of apprentice funeral director applications with previous time served as an apprentice credited to current registration for Sheffton M. Goodson, Henry J. Bogus, Franklin D. Nettles, Linda Hicks, Carl Crittenden, Lorenzo Bennett, Celestine Jones, Stacy L. Ball, and Robert L. Callines. Mr. Turner moved to approve the re-registration of apprentice funeral director's applications with previous time served credited to the current registration, seconded by Mr. Seroyer. The motion passed unanimously.

3) Apprentice Funeral Director and Embalmer with Previous Time Credited:



Alabama Board of Funeral Service

Meeting Minutes

January 25, 2012

Mr. Higgins asked the Board to consider for approval the re-registration of apprentice funeral director and apprentice embalmer applications with previous time credited to current registration for Bree E. Puckett. Mr. Turner moved to approve the re-registration of apprentice embalmer applications **with** previous time credited to current registration for Bree E. Puckett, seconded by Mr. Wyatt. The motion passed unanimously.

4) Permanent License Re-registration:

Mr. Higgins asked the Board to consider Andrew May for re-registration of permanent licenses as a funeral director and embalmer. Mr. Seroyer moved to approve the re-registration of permanent funeral director and embalmer's licenses for Andrew May, seconded by Mr. Maye. The motion passed unanimously.

5) Establishment Applications:

Mr. Higgins asked the Board to consider the following establishments for licensure: Sumbry Memorial Funeral Home of Phenix City and Kilgore- Green Funeral Home of Jasper. Mr. Seroyer moved to approve the license request of the fore stated funeral homes, seconded by Mr. Meadows. The motion passed unanimously.

Executive Secretary Financial Report

Mr. Higgins reported the following to the Board for the 1st quarter of operation:

Receipts: \$203,005.04 Budget: \$272,590.00

Expenditures: \$60,867.58

Clerical Assistant Position

- 1) Mr. Higgins explained that in January the Board approved a pay increase for Mrs. Sherrye Dawson, administrative assistant, and it was denied by the finance director because the merit system raises were currently frozen even though the funeral service law clearly states that the Board could employ clerical assistants and the terms and conditions shall be determine by the Board. In order to get Mrs. Dawson a pay increase the Board has to create and approve a new position with a new salary and promote Mrs. Dawson to the position. Mr. Turner asked, "Was there something that the Board did not do? Did this position already exist? Could this have been done before now?" Mr. Higgins replied, "There was nothing the Board did not do. This position did not exist; it is a totally new position. We just learn we could do this since the last meeting." Mr. Turner asked Mr. Perine, what did the Board voted to increase the pay to last time? Mr. Perine replied, "In January 2011 the Board voted to increase Mrs. Dawson pay to \$23,000." Mr. Turner asked what her current pay is. Mr. Perine replied \$20,600. Mr. Turner asked how did this position compare to the merit system position and which pay bracket did it line up with. Mr. Perine stated the 3 Administrative Support position in the merit system, there pay and



Alabama Board of Funeral Service

Meeting Minutes

January 25, 2012

it compared what the Administrative Support III position. Mr. Morrison asked, "What is the difference in the new job and the old position?" Mr. Perine explained that the new position requires managing all administrative clerical duties, supervising other support staff, inputting information into the ALFS system, experience in Microsoft Word, Excel, Access, and Publisher, and three experience in advance clerical duties.

Mr. Turner moved to accept the new position and set the salary range at \$26,500.00 to \$27,000.00. Motion died due to lack of second. Mr. Higgins stated that the gap between the minimum and maximum should not be too narrow. Mr. Seroyer asked Mr. Perine and Mr. Higgins what is a salary that they feel the personnel board would approve. Mr. Higgins suggested \$24,500.00 to \$31,000.00. Mr. Perine stated that this was a new position and the personnel board should approve whatever salary that our board decides to set for the position. Mr. Meadows suggested starting the position at \$23,000.00. Mr. Turner moved to accept the new position and set the salary range at \$25,000.00 to \$31,000.00, seconded by Mr. Seroyer. The motion passed unanimously.

- 2) Mr. Higgins stated that the same problem was encounter last year with Mr. Perine's pay increase and that Mr. Perine did not receive the full increase that the Board approved. Therefore, Mr. Higgins recommended that the Board approve a 5% pay increase for Mr. Perine given he has another year's experience, the good job he is doing and to make up the difference of what he did not get from last year. Mr. Turner moved to increase Mr. Perine's pay by 5%, seconded by Mr. Meadows. The motion passed unanimously.

Notice of Intended Action and Public Hearing

Mr. Perine advised the Board that the Notice of Intended Action concerning the proposed changes to the administrative rule had been filed with Legislative Reference Service, published in the November 2011 edition of the Administrative Monthly, and letter stating the notice of intended action and the public hearing sent to all licensees in December 2011. The last day for comments was January 4, 2012. Mr. Perine stated that he had received only two written comments concerning the fee increase as proposed by the Board. Comment #1 came from Mr. Louis Presley, license funeral director and embalmer, and he felt that the increase in license fees was an "exhuberant amount of money for someone not employed in a funeral establishment!" Comment #2 came from Mr. James L. Hall, Sr., license embalmer, and he felt the increase in fee was too much for an individual who is currently living off of Social Security, a small retirement from the Boy Scout, and has not embalmed a body since 1954. His question to the Board, "Why not give consideration to people like me of my age and retirement a reduced fee?"

Mr. Morrison asked for comments from the floor.

Question #1: "How are the increase justified and what would be done with the extra revenue?"



Alabama Board of Funeral Service

Meeting Minutes

January 25, 2012

Answer: Mr. Higgins explained that the cost to operate has increase just in the services provided by other agency, and some of the fees had not been increased since 1976. In the 1st quarter of this fiscal year it cost the Board 22.32% of its budget to operate. Mr. Higgins goes on to explain that it would also allow for a cushion for unexpected expense.

Question #2: After this increase of fees take place, when do you predict that there will be another increase?

Answer: Mr. Higgins responded 8- 10 years unless something unforeseen happens and there is no other choice.

Mr. Morrison stated that the cost to operate must be recovered, because some of the areas that the inspector's go it cost them way more than the \$35 that they charge the establishment. Plus the Board wants to see more regulating happening.

Question #3: Can someone highlight the other changes that are being made.

Answer: Mr. Perine explained all the changes being proposed in the administrative rules.

Considering all comments and being no other questions or objections, Mr. Turner moved to accept and approve the amendments, new rules and repeals to the Alabama Board of Funeral Service Administrative Rules as proposed. Seconded by Mr. Meadows.

Yea vote: Mr. Maye, Mr. Kirtland, Mr. Seroyer, Mr. Morrison, Mr. Meadows, Mr. Turner and Mr. Wyatt

Nay vote:

Abstain:

The motion passed unanimously.

Other Business

- 1) **Ethic Commission** - Mr. Perine advised Mr. Morrison, Mr. Seroyer, Mr. Turner and Mr. Maye that they would need to complete and file with the Ethic Commission a Statement of Economic Interest Forms for 2011 by April 30, 2012.
- 2) **2012 Test and Meeting Dates** – Mr. Perine recommended that the 2012 test and meeting dates be as follows: April 25, 2012, July 18, 2012 and October 24, 2012 with the test time at 10:00 a.m. and meeting time at 11:00 a.m. in Room P-103 of the Gordon Persons Building. Mr. Turner moved to accept the fore mention dates and times, seconded by Mr. Kirtland. The motion passed unanimously.
- 3) **Other Business** - None



Alabama Board of Funeral Service

Meeting Minutes

January 25, 2012

Adjournment

Being no other business, Mr. Morrison asked for a motion to adjourn. Mr. Turner moved to adjourn the meeting at 12:27 p.m., seconded by Mr. Wyatt. The motion passed unanimously.

Minutes submitted by: Charles M. Perine

X

Michael Morrison
Chair

X

Warren Higgins
Executive Secretary