



Alabama Board of Funeral Service

Meeting Minutes

July 18, 2012

Attendance

The following members were present: 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: Thomas Maye (deceased May 15, 2012).

Call to order

With six members and a quorum present Mr. Michael Morrison, Chair, called to order the fourth regular meeting of fiscal year 2012 of the Alabama Board of Funeral Service at 11:00 a.m. on July 18, 2012 in room P-103 of the Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama.

Remembrance

Mr. Higgins asked for a point of personal privilege and asked everyone to observe a moment of silence in memory of Mr. Thomas Maye, district one board member, who passed away on May 15, 2012.

Approval of minutes from last meeting

Mr. Wyatt moved to approve the minutes of the April 25, 2012 meeting, seconded by Mr. Turner. The motion passed unanimously.

Old Business

- 1) House Bill 65 – Mr. Higgins reported that HB65, that was introduced to correct the language in section 34-13-50 of the Alabama Funeral Law requiring a funeral director to attend mortuary school, has passed legislation and been enacted. Mr. Higgins also stated that there would need to be legislation to correct language in section 34-13-74 of the law to make the sections agree.
- 2) Jefferson County Coroner/Medical Examiner Commission
Mr. Higgins advised the board that Dr. Robert Brissie, M.D. had called stated that waiting until the July meeting would place a hardship on the commission to operate given the many problems that Jefferson County was experiencing and the pending closure of Cooper Green Hospital where the commission operates. Mr. Higgins stated that he made the decision to appoint Rachel Arrington and William Counce, pursuant to the Code of Alabama, 1975, Section 34-13-26 and Alabama Administrative Code 395-X-1-.04, but still needed the board's ratification of the decision. Mr. Wyatt moved to accept the appointments as stated, seconded by Mr. Kirtland. The motion passed unanimously.



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3) Stewart Enterprises, Inc. Records

Mr. Perine stated to the board that the issue of Stewart Enterprises, Inc. request for permission to eliminate paper file being kept in its establishments in Alabama and move them to an electronic file keeping method was tabled at the last meeting in order to request the present of a member from Stewart Enterprise. Ms. Amy Battagler and Mr. Brian Pellegrin were present from Stewart Enterprise. Mr. Pellegrin explained that during hurricane Katrina files were destroyed and cost millions of dollars to have restored. After Katrina, Stewart Enterprises started storing files digitally in a data center as part of the company's disaster preparedness. He continued to say that digital file storage is currently being done in several states and have been denied by West Virginia and Maryland. Mr. Turner moved to table consideration of STEI request until Mr. Perine could talk with the states that have approved STEI request and those that have not, seconded by Mr. Seroyer. Mr. Turner, Mr. Wyatt, Mr. Seroyer voted yea. Mr. Meadows voted nay. The motion passed.

New Business

Approval of Licenses:

1) Applicants who passed law exam given earlier:

Mr. Wyatt 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. Kirtland. 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 Johnny Lee Turvin. Mr. Wyatt 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 Embalmer with Previous Time Credited:

Mr. Higgins asked the Board to consider for approval the re-registration of apprentice embalmer applications with previous time credited to current registration for Carl D. Wilson and William T. Wilson. Mr. Turner moved to approve the re-registration of apprentice embalmer applications with previous time credited to current registration, seconded by Mr. Meadows. The motion passed unanimously.

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

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



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registration for Jason Ray Miles. Mr. Wyatt moved to approve the re-registration of apprentice funeral director and apprentice embalmer applications **with** previous time credited to current registration, seconded by Mr. Meadows. The motion passed unanimously.

5) Permanent License Re-registration:

Mr. Higgins asked the Board to consider Jessica S. Thorpe, Joel Snell and Michael T. Letlow for re-registration of permanent licenses as a funeral director. Mr. Seroyer moved to approve the re-registrations, seconded by Mr. Meadows. The motion passed unanimously.

6) Permanent License Re-registration:

Mr. Higgins asked the Board to consider Sarah C. Spivey and Floyd W. Anderson, III for re-registration of permanent licenses as a funeral director and embalmer. Mr. Meadows moved to approve the re-registrations, seconded by Mr. Kirtland. The motion passed unanimously.

7) Permanent License Re-registration:

Mr. Higgins asked the Board to consider Janet Jolly for re-registration of permanent licenses as a funeral director and embalmer pending payment of back fees and penalties in the amount of \$1550.00. Mr. Wyatt moved to approve the re-registration pending payment of back fees and penalties, seconded by Mr. Turner. The motion passed unanimously.

8) Establishment Applications:

Mr. Higgins asked the Board to consider the following establishments for licensure: JMW Funeral Home, Tarrant and Dansby Heritage Chapel, Piedmont. Mr. Seroyer moved to approve the license request of the fore stated funeral homes, seconded by Mr. Meadows. The motion passed unanimously.

9) Approval of Licenses that Need Board Approval:

- a. **David Hobbs** - Applying for permanent license as a funeral director and embalmer through reciprocity after committing acts that are grounds for revocation, suspension or refusal to issue or renew licenses. Mr. Turner moved to approve, seconded by Mr. Meadows. The motion passed unanimously.
- b. **Perry J. Hicks** - Applying for apprentice licenses as a funeral director and embalmer after committing acts that are grounds for revocation, suspension or refusal to issue or renew licenses. Mr. Turner moved to approve, seconded by Mr. Meadows. The motion passed unanimously.

Executive Secretary Financial Report

Mr. Higgins reported the following to the Board for the 2nd quarter of operation:

Receipts: \$238,245.04

Budget: \$272,590.00



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Expenditures: \$170,645.41

Settlement Agreement

A. Mr. Perine reported that in the course of investigating a complaint it was found that an operator violated Alabama Funeral Service Law and Regulation, specifically §34-13-56 (2c). Mr. Perine recommended that the following settlement agreement be offered:

- 1) Fine of \$500.00
- 2) Individual funeral director license suspended for thirty (30) days.
- 3) Establishment license suspended for thirty (30) days with said suspension stayed for two years.

Mr. Turner moved to offer the following settlement agreement:

- 1) Fine of \$2500.00
- 2) Individual Funeral director license suspended for sixty (60) days.
- 3) Establishment license suspended for sixty (60) days with said suspension stayed for two years.

Seconded by Mr. Meadows. The motion passed unanimously.

B. Mr. Perine reported that in the course of an annual inspection of an establishment, it was found that an operator violated Alabama Funeral Service Law and Regulation, specifically §34-13-70(a) on two counts. Mr. Perine recommended that the following settlement agreement be offered:

- 1) Fine \$1250 for each count, for a total of \$2500
- 2) Establishment license suspended for thirty (30) days with said suspension stayed for two years.

(Mr. Higgins recording)

Mr. Seroyer moved to approve the settlement agreement as stated, seconded by Mr. Wyatt. The motion passed unanimously.

Board Members and Board's Staff

(Mr. Perine recording)

Proposed Legislation

Mr. Perine explained that there is a need to propose the following pieces of legislation in the 2013 session:

1. Amend section 34-13-9, by adding requirement for price cards.
2. Amend section 34-13-111, by adding the fines for inspection violations. An establishment that has violations during an inspection can plead guilty and pay the fine established for that violation in this amendment.



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The board agreed to support this legislation.

Other Business

Mr. Meadows stated that the board should discuss the letter sent to the board members regarding the Alabama Funeral Directors Association (AFDA) vote of no confidence in Mr. Higgins. Mr. Meadows stated that at the April board meeting, he had not received a letter but since then he has. He stated it concerns him that an entire association has no confidence in the individual who represents "our profession", and after speaking with some of the members in the Alabama Funeral Director and Mortician Association (AFDMA) they have the same issue. Mr. Meadow stated he is concerned as to where AFDA is going with the letter.

Mr. Higgins stated he "totally agree" with Mr. Meadows. He believes that he has tried to be fair over the years and hoped the same would be extended to him, but he needs some directive. He wants to restore confidence, but needs to know what he has done wrong in order to resolve the matter. Mr. Higgins stated as of August 2, he will have been with the board for 30 years. He believes that there is time for new blood, but he must look out for his family and the well-being of his daughter who is in college.

Mr. Seroyer stated that no one has brought any complaints before the board no more than the letter.

Mr. Meadows stated no one came to him. He received the letter and went to some of the members of the AFDMA.

Mr. Turner stated that he wanted each board member to state their views on the matter:

1. Mr. Turner - "Until someone addresses me I am not going to address the letter. They had their opportunity to speak on the matter when they all were present in January. It's dead until someone addresses the board."
2. Mr. Meadows - "I respect Mr. Turner and feels someone needs to come. If no one comes, it still concerns me, because if no one is willing to follow our leader then we have a problem."
3. Mr. Seroyer - "They are saying they have no confidence in the board."
4. Mr. Wyatt - "I think if we implement the changes discussed earlier then everything will be corrected."
5. Mr. Higgins - "I am confused and need clarity. I was never lead to believe I was to be a football coach. I was hired to direct the board, inspections and enforce the laws. I was hired to do a job as executive secretary."



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Mr. Gerald Singleton stated that he has never attended a board meeting, but plans to become more active. He stated that the board is dis-connected with the districts that they represent. Board members should hold district meetings and find out their concerns and bring them into the meeting to be discussed.

Mr. Turner agreed the board needs to be more connected.

Mr. Perine stated that the board has to be more active in the business of the office. Board members should not come to serve on the board solely for the purpose of a title, but come with an agenda of how to make the funeral profession in the state of Alabama better for everyone. It's going to take the board members getting more involved.

Mr. Seroyer stated he cannot deal with it until someone addresses him. He stated he spoke with people in his district and no one has a problem with the job Mr. Higgins is doing.

Bart Kirtland stated he has nothing to say on the matter.

Mr. Howard G. Johnson asked if the board could require an establishment to remove signage when they have gone out of business. Mr. Higgins stated once the establishment closes, and then the board does not have jurisdiction over that establishment any more.

Adjournment

Being no other business, Mr. Morrison asked for a motion to adjourn. Mr. Seroyer moved to adjourn the meeting at 1:52 p.m., seconded by Mr. Turner. The motion passed unanimously.

Minutes submitted by: Charles M. Perine

X

Michael Morrison
Chair

X

Warren Higgins
Executive Secretary