



# Alabama Board of Funeral Service

## Meeting Minutes

October 24, 2012

### Call to order

**Warren Higgins** called to order the first regular meeting of fiscal year 2012-2013 of the **Alabama Board of Funeral Service** at **11:01 a.m.** on **October 24, 2012** in **Room P-103** of the **Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama.**

### 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).

### Nominations

Prior to the regular business meeting, Mr. Higgins accepted nominations from funeral directors and embalmers of the state pursuant to Alabama Funeral Service Laws for membership positions of districts which terms will expire December 31, 2012. The following nominations were made:

District 1	District 2	District 5
<b>Mark Craddock - Citronelle</b>	<b>Noah Turner - Prattville</b>	<b>John C. Rudder - Scottsboro</b>
<b>Carole Banks - Monroeville</b>	<b>Don Daniels - Greenville</b>	<b>John Purdy - Huntsville</b>
<b>Martin Powers – Mobile</b>	<b>Carrel Wyatt - Opp</b>	<b>Karen Smith - Huntsville</b>
<b>Allen Rice – Eight Mile</b>	<b>Joe Lewis – Ozark</b>	
<b>C.J. Small - Mobile</b>		

Because there were five (5) individuals nominated in District 1 and four(4) in District 2, and only three (3) names can be submitted to the Governor for consideration ( §34-13-20, Code of Alabama, 1975) a ballot vote was taken and counted by Charles M. Perine and witnessed by: Bart Kirtland, Calvin Meadows, Michael Morrison, Jason Wyatt and Warren Higgins. The following table shows the results of the vote:

District 1		District 2	
<b>Mark Craddock - Citronelle</b>	16	<b>Noah Turner - Prattville</b>	7
<b>Carole Banks - Monroeville</b>	6	<b>Don Daniels - Greenville</b>	15
<b>Martin Powers – Mobile</b>	17	<b>Carrel Wyatt - Opp</b>	16
<b>Allen Rice – Eight Mile</b>	18	<b>Joe Lewis – Ozark</b>	19
<b>C.J. Small</b>	3		

District 1 nominees that will be submitted to the governor are: Mark Craddock, Martin Powers and Allen Rice.



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District 2 nominees that will be submitted to the governor are: Don Daniels, Carrel Wyatt and Joe Lewis.

### **Call to order**

Following the nominations, Mr. Morrison called the regular business meeting to order at 11:22 a.m.

### **Certification of Nominations**

Mr. Morrison asked for a motion to certify the nominations taken prior to the start of the regular business meeting. Mr. Kirtland moved to certify said nominations and forward them to governor for appointment. The motion seconded by Mr. Wyatt. The motion passed unanimously.

### **Approval of Minutes**

Mr. Wyatt moved to approve the minutes of the July 18, 2012 meeting, seconded by Mr. Meadows. The motion passed unanimously.

### **Old Business**

Stewart Enterprises, Inc. – Conversion of documents from paper format to electronic format. Mr. Meadows moved to approve SEI request for conversion of records, seconded by Mr. Turner. The motion passed unanimously.

### **New Business**

#### **Approval of Licenses:**

##### **1) Applicants who passed law exam given earlier:**

Mr. Higgins asked the Board to consider for approval 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. Moved to approve by Mr. Wyatt, seconded by Mr. Meadows. 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 Kenneth D. Smith, Casey Jones, Jodi L. Robison, Jimmy L. Odum, Raoul A. Gray, Marilyn F. Bibbins, and Stanley Savage. Moved to approve by Mr. Seroyer, seconded by Mr. Turner. The motion passed unanimously.



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### 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 served as an apprentice credited to current registration for Chris H. Parker and Daedra C. Dunigan. Moved to approve by Mr. Wyatt, seconded by Mr. Meadows. The motion passed unanimously.

### 4) **Apprentice Funeral Director and Apprentice 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 registration for Tanya R. Jones and Lance Millette. Moved to approve by Mr. Meadows, seconded by Mr. Wyatt. The motion passed unanimously.

### 5) **Permanent License Re-registration:**

Mr. Higgins asked the Board to consider the following for re-registration of permanent licenses as **Funeral Director and Embalmer**: Charlotte A. Clark-Frieson. Moved to approve by Mr. Seroyer, seconded by Mr. Wyatt. The motion passed unanimously.

Mr. Higgins asked the Board to consider the following for re-registration of permanent licenses as **Funeral Director**: Grady Buze, Donald E. Reed, and Mary Findley. Moved to approve by Mr. Wyatt, seconded by Mr. Kirtland. The motion passed unanimously.

### 6) **Applicants Needing Board Approval**

A) Tim Street. Applying for an apprenticeship embalmer's license after committing acts that are grounds for revocation, suspension or refusal to issue or renew licenses. Mr. Street asked that this matter be discussed in executive session at the end of the agenda.

#### B) Operation Under Special Operating Permit

Mr. Perine asked the Board to consider for approval the following establishment for continued licensure to operate by a special operating permit pursuant to Code of Alabama, 1975, Section 34-13-74 to: Peoples Funeral Home of Athens by Olye M. Ward. Mr. Perine stated that Mrs. Ward had attempted the state law exam and was unsuccessful and she not attempted the funeral director exam. Mr. Seroyer moved to approve the continuation of the special operating permit for one year, seconded by Mr. Turner. Mr. Seroyer and Mr. Turner voted "Yea". Mr. Wyatt, Mr. Kirtland and Mr. Meadows voted "Nay". The motion failed by a 2-3 vote. Mr. Wyatt moved to approve the continuation of the special operating permit for six months, seconded by Mr. Meadows. Mr. Wyatt, Mr. Kirtland, and



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Mr. Meadows voted “yea” and Mr. Turner and Mr. Seroyer voted “nay”. The motion passed by a 3-2 vote.

### 7) Establishment Applications

Mr. Higgins asked the Board to consider for approval the following establishments for licensure: Haven of Rest Funeral Residence in Mobile and Jackson Memorial Funeral Home in Jackson. Mr. Wilson moved to approve the above establishments, seconded by Mr. Maye. The motion passed unanimously.

### Report of Executive Secretary

Mr. Higgins reported the following to the Board for fiscal year 2012:

Receipts: \$263,000.00                      Budget: \$272,590.00

Expenditures: \$227,222.00

### 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). At the July 18, 2012 meeting the board offered 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.

Mr. Perine advised that the settlement agreement had been declined by the violator. The violator’s attorney made a counter-offer with the following agreement:

1. Fine of \$1000.00
2. Individual Funeral director license suspended for sixty (30) days.
3. Establishment license suspended for sixty (30) days with said suspension stayed for two years.

Mr. Meadows moved to offer the following:

1. Fine of \$1500.00
2. Individual Funeral director license suspended for sixty (30) days.
3. Establishment license suspended for sixty (30) days with said suspension stayed for two years.

Seconded by Mr. Turner. 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 §34-13-56(2h) on two counts. Mr. Perine recommended that the following settlement agreement be offered:

1. Fine \$1250 for each count, for a total of \$2500



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2. Establishment license suspended for thirty (30) days with said suspension stayed for two years.

Mr. Turner moved to decline the recommended settlement agreement as stated and required the establishment to appear before the board, seconded by Mr. Meadows. The motion passed unanimously.

- C. 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 Administrative Code 395-X-3-.03(2). Mr. Perine recommended that the following settlement agreement be offered:

1. Fine \$800
2. Establishment license suspended for thirty (30) days with said suspension stayed for two years.

Mr. Turner moved to decline the recommended settlement agreement as stated and required the establishment to appear before the board, seconded by Mr. Seroyer. The motion passed unanimously.

### **Proposed Legislation**

Mr. Perine explained the proposed changes to the Alabama Funeral Service Laws and Regulations concerning inspection violations and casket price cards. Casket price cards were omitted from the new law in 2011 and needed to be put back to better inform the public when they enter a funeral home. Also, Mr. Perine explained that the new legislation would allow the inspector to charge a set fine for a violation during inspection in order to keep the board's administrative hearing expenses at a minimum. The establishment could waive it right to an administrative hearing and plead guilty to the violation and submit the fine to the board's office within thirty days of the violation or the establishment could choose to have a hearing. Rep. Koven Brown would sponsor the bill for the board.

Mr. Seroyer moved that the board support the legislation and that Mr. Perine should set the fines and submit the proposed legislation to LRS to become a bill, seconded by Mr. Meadows. The motion passed unanimously.

### **Other Business**

- A. **Professional Development** – Crematory Operators Certification

Mr. Higgins asked the board to approve and pay the expenses for Mr. Perine to take the Crematory Operators Certification Course offered at Jefferson State Community College in January. Mr. Higgins explained that cremations statistics are on the rise in the state and it would benefit the agency for the inspectors to be trained as a crematory operator to better understand the machines and process. He explained the cost of the class would be \$595.00. Mr. Turner moved to approve for the board to cover all the registration expenses



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and travel expenses for Mr. Perine and any future employee of the board to attend the crematory certification class.

- B. **January 2011 Meetings** - Mr. Perine recommended that the next state law exams be administer on Monday, January 28, 2013 at 10:00 a.m. followed by the quarterly Board meeting at 11:00 a.m. that same day. Mr. Wyatt moved to approve the date of January 28, 2013 for the next exam and meeting dates, seconded by Mr. Kirtland. The motion passed unanimously.

### Other

- A. Mr. Turner stated that any time there is a complaint a board member should be included in the investigation to ensure that complaints are being handle.
- B. Mr. Morrison stated that at least the chair should be allowed to be a part of high profile cases. The media will seek out the chair or a board member and someone needs to know what's going on.
- C. Mr. Turner stated that employee evaluation should be implemented immediately.
- D. Mr. Higgins thanked Mr. Turner and Mr. Morrison for their time and service on the board the last two years.
- E. Mr. Howard Johnson asked if the board would consider web casting the board meeting for individuals who are unable to attend the meetings. Mr. Perine stated that he would speak with ISD about what it would take to make that happen.

### Executive Session

Mr. Meadows moved that the Board go into executive session for 15 minutes beginning at 12:40 until 12:55 to discuss the good name and character of an applicant, seconded by Mr. Turner.

Yea votes: Mr. Meadows, Mr. Turner, Mr. Kirtland, Mr. Wyatt, Mr. Seroyer, Mr. Morrison

Nay votes:

Abstain:

The motion passed unanimously.

At 12:40 Mr. Morrison advised the audience that the Board would now go into executive session for 15 minutes to discuss the good name and character of an applicant and would reconvene at 12:55.

The regular business meeting was called back to order at 12:54 p.m.

Mr. Turner moved to approve the reactivation of Tim Street's application for Apprentice Embalmer with pervious time credited, seconded by Mr. Meadows. The motion passed unanimously.



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### **Adjournment**

Being no other business, Mr. Wyatt moved to adjourn the meeting at 12:55 p.m., seconded by Mr. Turner. The motion passed unanimously.

Minutes submitted by: Charles M. Perine

**X**

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Chairman

**X**

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Warren Higgins  
Executive Secretary