



Alabama Board of Funeral Service

Administrative Hearing Minutes

July 16, 2013

Attendance

The following members were present: Mark Craddock, Joe E. Lewis, Samuel Seroyer, Bart Kirtland, John C. Rudder, Calvin Meadows and Jason Wyatt. Staff present was Charles M. Perine, Executive Secretary, E. Denise Grogan, Associate Executive Secretary, recording and Cameron McEwen, Legal Counsel from the Attorney General's Office.

The following member(s) were absent: None

Call to order

With all members and a quorum present Mr. Mark Craddock, Chair, called to order the special called Administrative Hearing of the Alabama Board of Funeral Service at 8:30 a.m. on July 16, 2013 in room 123 of the Alabama State House, 11 South Union Street, Montgomery, Alabama.

Settlement Agreements

ABFS 13-013 Mr. Perine reported that in the course of an investigation the Alabama Funeral Service Law and Code of Alabama, 1975 were violated in each count below:

- 1) §34-13-56(a)(2)(h) of the Code of Alabama, 1975.
- 2) §34-13-56(a)(2)(s)(xi) of the Code of Alabama, 1975.
- 3) §34-13-110 of the Code of Alabama, 1975.
- 4) §34-13-121(g) of the Code of Alabama, 1975.
- 5) §34-13-9 of the Code of Alabama, 1975.

The following settlement agreement was offered and accepted:

Six (6) months suspended license for the establishment with 3 months already served; 5 (five) year probation; (\$1,000.00) for each violation. Having a total of nine (9) violations a total of (\$9,000.00) due the Board of Alabama Funeral Service. 2 Inspection fees with late penalties (\$300.00) for each violation; a total of (\$600.00) due the Board of Alabama Funeral Service.

ABFS 13-014 Mr. Perine reported that in the course of an investigation the Alabama Funeral Service Law and Code of Alabama, 1975 were violated in each count below:

- 1) §34-13-90(a) of the Code of Alabama, 1975
- 2) §34-13-112 of the Code of Alabama, 1975
- 3) §34-13-56-(a)(2)(a), and §34-13-56(a)(2)(k) of the Code of Alabama, 1975
- 4) §34-13-56-(a)(2)(l), and §34-13-56(a)(2)(r) of the Code of Alabama, 1975
- 5) §34-13-70, of the Code of Alabama, 1975
- 6) §34-13-56-(a)(2)(s)(x) and 34-13-56-(a)(2)(s)(xi) of the Code of Alabama, 1975
- 7) §34-13-121(g), and 34-13-121-(b) of the Code of Alabama, 1975
- 8) 395-X-3-.03 of the Alabama Funeral Service Administrative Code.

The following settlement agreement was offered and accepted:



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Owner/operator surrendered personal funeral director and embalmer license as well as the establishment license. Establishment could take no new cases after July 15, 2013 and had to complete all arrangements, cremations, death certificates, monthly reports for any pending cases within 30 days. All business will conclude on August 14, 2013 and the establishment will close.

ABFS 13-019 Mr. Perine reported that in the course of an investigation the Alabama Funeral Service Law and Code of Alabama, 1975 were violated in each count below:

- 1) §34-13-110 of the Code of Alabama, 1975
- 2) §34-13-112 of the Code of Alabama, 1975
- 3) §34-13-56-(a)(2)(a) of the Code of Alabama, 1975
- 4) §34-13-56-(a)(2)(s)(vi), and §34-13-56(a)(2)(s)(xi) of the Code of Alabama, 1975

The following settlement agreement was offered and accepted:

5 year probation; (\$1500.00) for each violation. Having four (4) violations a total of (\$6,000.00) due the Board of Alabama Funeral Service.

ABFS 13-015 Mr. McEwen requested a continuance on the grounds that the settlement agreement was still being negotiated. Administrative Judge Randy Salle' confirmed the continuance.

ABFS 13-018 Mr. McEwen requested a continuance on the grounds that the settlement agreement was still being negotiated. Administrative Judge Randy Salle' confirmed the continuance.

Administrative Hearings

At the conclusion of the Settlement portion of the Administrative Hearing Mr. Craddock yielded the floor to Mr. Salle', Administrative Hearing Judge from the Alabama State Personnel Department, to begin the Administrative hearings. Mr. Salle' following his instructions asked Mr. McEwen to call his first case.

AFBS 13-010 Lorene McGee vs Randy Jackson and Hamilton Funeral Home of Hamilton. Mr. Salle' noted that Mr. Jackson was present and asked Mr. Jackson to come forward. Violations disclosed in the administrative complaint are as follows:

§34-13-9, §34-13-56(a)(2)(a), (h),(k),(l),(q),(s)(ix),(s)(xi), and (s)(x) of the Code of Alabama, 1975 and Alabama Funeral Service

Following questions and discussion by the board, Mr. McEwen and Mr. Jackson's closing statements, the Board prepared to go into executive session.

Executive Session

At the conclusion of the Administrative Hearings at 12:20 p.m. Mr. Meadows made a motion to go into Executive Session for 60 minutes to discuss legal matters before the board, and would reconvene at 1:20 p.m. The motion received a second by Mr. Rudder.



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Mrs. Grogan called the roll

Yea votes: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Wyatt, Mr. Craddock

Nay votes: none

Motion passed unanimously

The board notes that Mr. Craddock will not be present during the executive session due to prior knowledge of the case, Mr. Meadows will preside in his absence.

The audience was cleared from the room to allow the board to discuss legal matters before them.

After the audience was called back in the room, Mr. Craddock called the special meeting back to order at 12:45 am.

AFBS 13-005 Mr. Rudder made a motion to assess Randy Jackson and Hamilton Funeral Home (\$1,500.00) for each of the 28 violations for a total due the Alabama Funeral Service Board of (\$42000.00); suspend his personal license for 90 days; 3 year probation during which at any time during that probation period if any other violation occurs Mr. Jackson's license will be revoked for life. The motion was seconded by Mr. Lewis. With no discussion Mr. Craddock asked for a roll call vote. Mrs. Grogan called the roll stated as follows:

Yea votes: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Wyatt

Nay votes: none

Abstain: Mr. Craddock

Motion passed 6 yea and 1 abstain

Adjournment

Being no other business, Mr. Craddock asked for a motion to adjourn. Mr. Meadows moved to adjourn the meeting at 1:00 p.m., seconded by Mr. Rudder. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan

X

Mark Craddock
Chair

X

Charles Perine
Executive Secretary