



Alabama Board of Funeral Service

Meeting Minutes

July 1, 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 fourth regular meeting of fiscal year 2013 of the Alabama Board of Funeral Service at 10:00 a.m. on July 1, 2013 in room 123 of the Alabama State House, 11 South Union Street, Montgomery, Alabama.

Approval of minutes from last meeting

Mr. Craddock stated that all board members had received a copy of the minutes to be approved. Mr. Wyatt moved to approve the minutes of the April 1, 2013 board meeting. The motion received a second by Mr. Kirtland. Mr. Craddock called for any discussion, there being none the motion was passed unanimously.

Old Business

- 1) House Bill 273 – Mr. Craddock reported that HB273, the bill regarding Alabama Funeral Service was defeated in the Senate. The bill will be reintroduced in the next session of legislation.
- 2) Online State law testing – Mr. Perine stated that the 20 question law test which was approved in the April board meeting had been contracted with the International Conference and had been approved by the Governor to begin online testing. The wording in HB273 contained the language that allowed the current language to be changed stating that the board had to meet in order to administer the exam. Because HB273 died the language was not removed so the exam cannot be outsourced. The board will continue to administer the exam. Mr. Craddock called for questions, being none the board moved to new business.

New Business

Approval of Licenses:



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1) Applicants who passed law exam given earlier:

Mr. Lewis 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. Meadows. There was no discussion and the motion passed unanimously.

2) Apprentice Funeral Director with Previous Time Credited:

Mr. Perine 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 Mr. Robert Lee Davis, and Mr. Robert Anthony Mendel, Dedra Faye Cole, Vanessa Davis, Willie Bailey, Cetera Church, Sabrina Johnson, Reginald Abernathy, Alisa Sims, and Lisa McBrayer. Mr. Craddock asked questions concerning how far back the board goes back on apprentices. Mr. Perine responded that the board holds records for 15 years and with no activity during they record is then destroyed through the records disposition act. Mr. Meadows moved to approve the re-registration of apprentice funeral director's applications with previous time served credited to the current registration, seconded by Mr. Kirtland. The motion passed unanimously.

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

Mr. Perine 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 Brittany Chancey, Nathan McCradic, and Yanesha Mitchell. Mr. Wyatt moved to approve the re-registration of apprentice Funeral Director/Embalmer applications with previous time credited to current registration, seconded by Mr. Meadows. The motion passed unanimously.

4) Apprentice Embalmer with Previous Time Credited:

Mr. Perine asked the Board to consider Oliver Sealey for reactivation of his embalmer apprentice application for the purpose of sitting for the state embalmers exam Mr. Wyatt moved to approve the re-registration seconded by Mr. Meadows. The motion passed unanimously following questions from Mr. Craddock and answers from Mr. Perine.

5) Permanent License Funeral Director and Embalmer Re-registration:

Mr. Perine asked the Board to consider Glennis Mitchell and Vanessa Carter for re-registration of permanent licenses as a funeral director / embalmer. With fees and penalties paid Mr. Seroyer moved to approve the re-registration of permanent funeral director and embalmer's licenses, seconded by Mr. Wyatt. The motion passed unanimously.



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6) Permanent License as Funeral Director only Re-registration:

Mr. Perine asked the Board to consider Jeffrey Wayne Jones for re-registration of permanent license as funeral director only. With fees and penalties paid Mr. Meadows moved to approve the license request seconded by Mr. Lewis. The motion passed unanimously.

7) Permanent License as Embalmer only Re-registration:

Mr. Perine asked the Board to consider Ronald Kiker for re-registration of permanent license as embalmer only. Mr. Perine answered questions from Mr. Wyatt, Mr. Seroyer, and Mr. Lewis. Following discussion, with fees and penalties paid Mr. Wyatt moved to approve the license request, seconded by Mr. Kirtland. The motion passed unanimously.

8) Establishment Applications:

Mr. Perine asked the Board to consider the following establishments for licensure separately: Auburn Memorial Funeral Home; Mr. Perine gave details concerning the establishment and asked the Board to table this establishment's application for license until the October Board meeting, allowing him to operate under the provisional period following the initial inspection. Mr. Wyatt moved to table Auburn Memorial's application until the October Board meeting, seconded by Mr. Meadows. The motion passed unanimously.

Mr. Perine asked the Board to consider the following establishment for licensure; Funeral Directors' by Dante' L. Jelks. Mr. Lewis moved to approve the establishment license request, seconded by Mr. Rudder. The motion passed unanimously.

9) Operation Under Special Operating Permit by Operator:

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: Mosley Funeral Home, Thomasville. Mr. Edward Mosley, Jr. has asked for special operating permit due to the death of his father and owner of the establishment Mr. Edward Mosley, Sr. Following discussion and statement by Ms. Robbyn Penn, Mr. Meadows moved to deny the special operating permit for the establishment, but certify Mr. Mosley to sit for the state funeral directors exam with apprentice time waved in which time he must pass the funeral directors test, Mr. Mosley must hire a managing funeral director or cease and desist, seconded by Mr. Rudder. Mr. Craddock called for a roll call vote.

Mrs. Grogan called the roll with the following responses;

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

The motion passed with a vote of 6/1

10) Need Board Approval: Mr. Perine stated that the Boards approval was needed concerning Mr. Terry David Babb. Mr. Babb on his application for apprentice funeral



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director and embalmer license answered “yes” to having been convicted of a felony, misdemeanor or traffic violation. Mr. Perine explained the court documents concerning Mr. Babb’s conviction. Following discussion and Mr. Perine’s recommendation for approval, Mr. Meadows moved to approve the apprentice application, seconded by Mr. Seroyer. The motion passed unanimously.

Other Business

Executive Secretary Financial Report

Mr. Perine reported the following to the Board for the 3rd quarter fiscal year 2013: March 30, 2013 –June 26, 2013.

Receipts: \$55,513.00 Budget: \$272,590.00

Expenditures: \$160,119.57

Mr. Wyatt moved to accept the financial report, with a second by Mr. Meadows.

The motion passed unanimously.

Settlement Agreements

Mr. Perine stated that there were no settlements that had been accepted as of the board meeting, but that there were five (5) pending settlements which have until next week to respond with their decisions concerning settlements. Mr. Perine also stated that the next Administrative Hearing is scheduled for July 16, 2013 at 8:30 am in Room 123 of the State House

Board Staff

Mr. Perine advised the board of the staffs compensation time accrued as of the July board meeting, and asked board to clarify their position concerning the approval of comp time and how the staff should dispense that accrued time. Mr. Perine recommended that the staff be allowed to accrue comp time and that it should be used before the end of the calendar year. Mr. Perine stated that as of 1 July he had accrued 50 hours, and that Mrs. Grogan had accrued 69 hours of comp time. Following discussion by the board Mr. Wyatt moved to approve the accrual of compensation time, seconded by Mr. Kirtland. The motion was approved unanimously. Mr. Meadows moved to allow the staff to use hour for hour of comp time accrued before the end of the calendar year, seconded by Mr. Rudder. The motion was approved unanimously.

Inspections/Investigations

Mr. Perine informed the board that as of July 1, 2013 165 inspections had been completed with 294 inspections remaining. He also stated the number of complaints have risen drastically. Mr. Craddock and Mr. Meadows have agreed to assist the staff in performing inspections. Following



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discussion Mr. Rudder moved to allow Mr. Craddock and Mr. Meadows to assist with inspections, the motion was seconded by Mr. Kirtland. The motion was approved unanimously.

FTC regulations

Mr. Perine explained that all funeral home pricing must conform to FTC regulations in accordance with Chapter 34-13-9. The staff is actively assisting establishments to insure their compliance with these rules. There is some resistance by funeral homes in complying with the recommendations by the staff. The staff is using the FTC funeral rule (blue book) in advising establishments in how to adjust their GPL so that they are in compliance with FTC. Mr. Perine asked the board for a vote of confidence in using this publication in enforcement of Alabama Chapter 34-13-9. Following discussion, Mr. Meadows moved that the FTC (Funeral Rule) be used to make recommendations to establishments for GPL compliance, Mr. Wyatt seconded the motion. Mr. Craddock asked for the roll to be called.

Mrs. Grogan called the roll with the following responses;

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

Nay Votes: none

The motion passed unanimously with a vote of 7/0.

Executive Review

Mr. Craddock opened the floor for comments from the board concerning Mr. Perine's six month review.

Mr. Wyatt: "I think you are doing a great job".

Mr. Meadows: "You raised the bar, you are enforcing the laws, you are doing an excellent job, I think you are the right man for the job"

Mr. Craddock: " You are doing and excellent job, there are people who are not going to be happy if Jesus came and sat on the earth and did it, so you are not going to make everyone happy, I haven't had a single board member fuss to me about you so I guess you are doing pretty good, I've heard a few funeral directors being nitpicky about spots in the ceiling and such as that but that's why our law says you're supposed to have a nice neat funeral home and the thing is we can't enforce part of the law and not enforce the other part, we are going to enforce it all or we are going to abolish this board and go to the house, plain and simple, so I think you are doing a great job enforcing the law and running the office."

Mr. Wyatt: "You treat everyone fairly and I think that is very commendable"

Mr. Seroyer: "I think you are doing a great good job, you trained good, you got a good following"

Mr. Kirtland: "I agree with everybody else"



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Proposed Legislation

Mr. Perine explained that following the recent conventions there have been items that have been brought to the boards attention that need to be addressed in new legislation; cremation law; HB273; centralized embalming standards; consolidated funeral homes (explained by Mr. Craddock); law language relating to testing; renewal notice other than by mail; apprentice registration (comments by Mr. Ennis and Ms. Smith, representatives of Jefferson State Community College's Funeral Service Education Program).

Legal Counsel Certification

Mr. Perine stated that Cameron McEwen – legal counsel for the Board would like to attend a seminar to become certified in regulatory board law. Mr. Perine asks the Board to approve funding for Mr. McEwen to attend the seminar with the approximate cost being \$1800-\$1900 but asks the Board to approve \$2500 for costs incurred by Mr. McEwen. Mr. Meadow moved to approve \$2500 for Mr. McEwen to attend the Certification conference, seconded by Mr. Rudder. The motion passed unanimously.

Other Business

Review Questions

Mr. Perine requested a motion from the board to approve a study guide for the State Law Exam administered by the board. The study guide would not reflect the current test. The guide will be a fill in the blank format which will require testers to read the law. A motion was made by Mr. Seroyer and seconded by Mr. Rudder. The motion passed unanimously.

Administrative Hearings

Mr. Perine informed the board that the next administrative hearing is scheduled for July 16 and 17 at 8:30 am in room 123 of Alabama State House at 11 South Union Street, Montgomery, Alabama. There are six (6) hearings scheduled with two (2) very large cases. If time does not permit all cases to be heard on the 16th then board members will be asked to return on the 17th to complete proceedings.

Alabama Board of Public Health Comment and Rule Making Hearing

The department is considering a change in their administrative rule concerning electronic death certificate filing. They have asked for the Boards' standing on the issue. After discussion by the board there was no motion for a formal opinion



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Mr. Monty Maddox (requesting permission to address the board)

Mr. Perine stated that Mr. Maddox asked to appear before the board concerning the regulation of the law. Mr. Maddox requested that the board allow him to gain a license under the old law. After much discussion by the board and recommendation from legal counsel Mr. Rudder made a motion to deny Mr. Maddox's request based on the fact that the law would be violated to grant his request, seconded by Mr. Lewis. Mr. Craddock asked for a roll call.

Mrs. Grogan called the roll with the following results:

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

Nay votes: None

The motion passed unanimously with a vote of 7/0

Office Closed

Mr. Perine asked the Board to allow the staff to use comp time on the 5th of July in accordance with the policy implemented by the board during this session.

Adjournment

Being no other business, Mr. Craddock asked for a motion to adjourn. Mr. Meadows moved to adjourn the meeting at 11:42 a.m., seconded by Mr. Kirtland. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan

X

Mark Craddock
Chair

X

Charles Perine
Executive Secretary