



September 5, 2013

QUARTERLY NEWSLETTER

Quarterly Examination

The Alabama Board of Funeral Service will administer its quarterly state law examination on **Monday, October 7, 2013, at 9:00 a.m.**, in **Room 123 of the Alabama State House, 11 South Union Street, Montgomery, Alabama, 36104**. Those who applied by the deadline and will be admitted to the exam are the following:

Ayriel S. Knight	Edward M. Mosley, Jr.	Martha J. Roberts	Gary M. Wakefield
Billy J. Martin	Bree E. Puckett	Jason W. Meadows	Theresa J. Bowden
Denise W. Ogle	Misty Y. Price	Cecil A. Lawrence	Heather M. Lawrence
Donna S. Hughes	Albert G. Stinson, Jr.	John D. Mohn, Jr.	Mia M. Eubanks
Eric Brown	Ronald M. Gibson	Crystal White	Christopher S. Hargett
Gary M. Day	Jennifer D. Wilson	Joseph West	Alegga G. Penn
Henry A. Davis	Thaddeus J.Z. Douglas	Tyler W. Harris	Terrence E. Windham
James E. Davis Jr.	Ernest M. Johnson	Taylor A. Stein	Patrick D. Bezny
Marvin A. Chandler, Jr.	Ynetta V. Anderson	Lawrence E. Jackson, Jr.	James A. Peck
Megan D. Marshall	Laura A. Brown	Teresa A. Sharpley	Daniel J. Price
Michael E. Cox	Alex D. Shockley	Natasha A. Braddy	Dixon G. Smith
Nathan E. Sahlin	Michael S. Lewis, II	Tammie R. Rice	Janie R. Daugherty
Ollie Wadsworth	Willie O. Bailey	Reginal H. Abernathy, Jr.	Tessler L. Williams
Paula K. Johnson	Robert L. Jones, Jr.	Robert L. Jones, III	Vincent T. Owens, II
Tyler D. Coots			

STUDY GUIDE NOW AVAILABLE: A study guide for the twenty question state law exam given quarterly in Montgomery is now available on the Board's website at www.fsb.alabama.gov under the "LAW" tab.

The Conference

As stated in previous notices, the funeral director and embalmer exams will be given by The Conference through Pearson VUE testing centers at five locations statewide. All applications may be obtained from our office. The exam fees and applications are to be submitted by the applicant to The Conference. The state license fees, applications, and affidavits shall be submitted to the Board office. Each applicant still must pass the state law exam given by the Board quarterly in Montgomery before being approved for licensing.

The Conference: www.theconferenceonline.org

Phone: 479-442-7076

Pearson VUE:	Birmingham	Decatur	Dothan	Mobile	Montgomery
	205-982-2063	256-552-0667	334-671-7007	251-343-2601	334-271-8995

The Board

The Board will hold its first regular meeting of calendar year 2014 at 10a.m. on October 7, 2013 in Room 123 of the Alabama State House, 11 South Union Street, Montgomery, Alabama, 36104. Anyone who would like to appear before the Board or have matters discussed should notify the Board office by September 18, 2013, in order to be placed on the agenda. Matters or subjects not on agenda are not guaranteed for discussion at the meeting.

“Show me the manner in which a nation cares for its dead and I will measure with mathematical exactness the tender mercies of its people, their respect for the laws of the land and their loyalty to high ideals.”
- Sir William Gladstone

License Renewals

License renewal applications for fiscal year 2013-14 were mailed in July to the last known address of the licensee. The deadline to renew without penalty was October 1, 2013. Failure to receive a notice does not excuse anyone from renewing by the deadline. If you failed to submit your paperwork for renewal by the October 1st deadline, an additional \$50 late penalty has been applied.

Board Appointments

On October 7, 2013, at 10:00 a.m., in Room 123 of the Alabama State House, 11 South Union Street, Montgomery, AL 36104, the Board will take annual nominations for the Board districts with terms that expire December 31, 2013. Those districts are: Three, Four, Six and Seven. To check your exact district, you may go to www.house.gov and type in your zip code under “Find Your Representative”. To be eligible to serve on the Board:

1) A person must either be a licensed funeral director and embalmer who has been licensed as an embalmer for at least ten consecutive years or a funeral director.

2) Who is currently a funeral home operator who has been actively practicing funeral directing for at least ten consecutive years.

Those in attendance must select three nominees from each district and those nominees will be submitted to the governor for appointment. You do not have to be present to be nominated, but you must be present to place a nomination. Also, only one funeral director from each establishment may vote. Should a company own multiple establishments, they may have one funeral director for each establishment to cast a vote. If anyone has questions about the nomination process or districts, please contact the Board office.



Outstanding Inspection Fees

The Following establishments have past due inspection fees

- Johnson-Allen Mortuary, Mobile
- Kirk Funeral Home, Greensboro
- J.H. Williams & Sons Funeral Home, Selma
- Pine Crest Funeral Home, Mobile
- Hillside Mortuary, Clanton
- Hodge's Chapel, Mobile
- Robinson Christian Memorial, Atmore
- Mayberry Funeral Home, Atmore
- Cremation Center of Birmingham, Woodstock



Inspection fees are due in the Board office 45 days after an inspection has been done (Administrative Code 395-X-4-.02). Establishments that have failed to submit past due inspection fees will be charged with failure to comply with Alabama Funeral Service Law and may be subject to their establishment license being suspended or revoked in accordance with Code of Alabama, 1975, Section 34-13-111 and Sections 34-13-56(2k).

Congratulations!

At its last meeting, the Board approved the following for licensure:

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|--------------------|------------------------------|
| Funeral Director: | Embalmer: |
| Keith A. Ellis | William T. Wilson |
| Valeria J. Small | |
| Carina B. Keller | Funeral Director & Embalmer: |
| Willie T. Mayberry | David M. Fowler |
| Nathaniel Holloway | James L. Moffatt |
| Kenneth R. Martin | |
| Tommie L. Smith | |

Establishment:
Funeral Directors' by Dante' L. Jelks
Birmingham

*"It is the duty of the government to make it difficult for people to do wrong, easy to do right."
~ Sir William Gladstone*

Violations & Administrative Hearing

Charge	Section of Law Violated <i>Code of Alabama, 1975</i>	Penalty
1. Individual misrepresented himself as a licensed funeral director. 2. Engaged in unprofessional conduct and failed to cooperate with a designee of the Board. 3. Operated a funeral establishment through the services of an individual not licensed as a funeral director. 4. Practiced funeral directing while only licensed as an operator.	§ 34-13-56(a)(2)(a);(k);(s)(vi); (s)(xi) § 34-13-110 § 34-13-112	Fined \$6,000.00 5 year probation
1. Engaged in unprofessional conduct by aiding an unlicensed person to practice funeral directing (2x) 2. Operated a funeral establishment through the services of an individual not licensed as a funeral director. (2x) 3. Pricing did not conform to the rules established by the Federal Trade Commission. 4. Engaged in unprofessional conduct by demonstrating incompetent, fraudulent, and improper dealings, by not completing a Statement of Goods and Services. 5. Engaged in unprofessional conduct by demonstrating bad faith, untrustworthiness, dishonest, and improper dealings in the profession of funeral directing. 6. Failed to use the cremation identification form issued by the Board on two (2) occurrences.	§ 34-13-9 § 34-13-56(a)(2)(h);(k);(s)(xi) § 34-13-110 § 34-13-121(g)	Fined \$9,000.00 180 days suspension of establishment license. 5 year probation.
1. Unlicensed individual held themselves out as a licensed funeral director. 2. Individual misrepresented themselves as a licensed funeral director.	§ 34-13-110 § 34-13-56(a)(2)(a)	Fined \$1,000.00
1. 1,512 charges involving unlicensed practice (embalming & funeral directing)		Licenses surrendered

Complainant VS. Randy Jackson & Hamilton Funeral Home	28 Charges 1. Pricing did not conform to FTC. 2. Fraud 3. Unlicensed practice	§ 34-13-56(a)(2)(a); (h);(k);(l);(q);(s)(ix);(s)(x);(s)(xi) § 34-13-9 § 34-13-112 § 34-13-90 § 34-13-70	90 days suspension of funeral director and embalmer license. 3 year probation Fined \$42,000.00
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FTC Conducts Undercover Inspections of Funeral Homes in Eight States to Press Funeral Homes to Comply with Consumer Protection Law

FTC's Funeral Rule Requires Funeral Homes to Provide Price Lists to Consumers

Investigators working undercover in eight states detected significant violations of Federal Trade Commission consumer protection requirements in 23 of 127 funeral homes they visited during 2012.

The FTC conducts undercover inspections every year to make sure that [funeral homes are complying with the agency's Funeral Rule](#). The Rule, issued in 1984, gives consumers important rights when making funeral arrangements. Key provisions of the Rule require funeral homes to provide consumers with an itemized price list at the start of an in-person discussion of funeral arrangements, as well as a casket price list before consumers view any caskets. The Rule also prohibits funeral homes from requiring consumers to buy any item, such as a casket, as a condition of obtaining any other funeral good or service. By requiring itemized prices, the [Funeral Rule enables consumers to compare prices and buy only the goods and services they want](#).

Funeral homes with significant violations can enter a training program designed to increase compliance with the Funeral Rule. The three-year program is known as the Funeral Rule Offenders Program (FROP), and is an alternative to an FTC lawsuit that could lead to a federal court order and civil penalties of up to \$16,000 per violation. It is run by the National Funeral Directors Association and provides participants with a legal review of the price disclosures required by the Funeral Rule, and on-going training, testing and monitoring for compliance with the Rule. In addition, funeral homes that participate in the program make a voluntary payment to the U.S. Treasury in place of a civil penalty, and pay annual administrative fees to the Association.

FTC inspections during 2012 encountered varying levels of compliance:

- In Everett, Washington, 4 of the 11 funeral homes inspected had significant violations;
- In Baltimore, Maryland, 1 of the 9 funeral homes inspected had significant violations;
- In Kansas City, Kansas/Missouri, 1 of 21 funeral homes inspected had significant violations.
- In Bayonne and Jersey City, New Jersey, 3 of 26 funeral homes inspected had significant violations.
- In Montgomery and Opelika, Alabama, 2 of 10 funeral homes inspected had significant violations.
- In the McAllen, Texas area, 4 of 18 funeral homes inspected had significant violations.
- In Brownsville and Harlingen, Texas, 8 of 21 funeral homes inspected had significant violations.
- In Denver, Colorado, 1 of 11 funeral homes inspected had significant violations.

All but one of the funeral homes with significant violations have entered the NFDA's FROP program, and the one that has not remains under investigation. The names of homes that have entered FROP are not released under the terms of the FROP program, and the FTC does not identify businesses under investigation. In addition, the FTC identified 43 funeral homes, within the eight states, with only minor compliance deficiencies. In such cases, the FTC contacts the funeral home and requires it to provide evidence that it has corrected the problems.

(copied from the Federal Trade Commission website at:
<http://www.ftc.gov/opa/2013/07/funeralrule.shtm>)

Alabama Fiscal Year 2013 Inspections

Est. Inspected	Passed	Failed	Voluntarily Closed Due to Inspection Violations
473	117	356	4

Common violations: **FTC regulations not met**, no hot water, no current embalming log, licenses not posted

BOARD OF DIRECTORS

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CITRONELLE

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OZARK

SAMUEL SEROYER
LAFAYETTE

BART KIRTLAND
BOAZ

JOHN C. RUDDER
SCOTTSBORO

CALVIN MEADOWS
MONTEVALLO

JASON WYATT
TUSCALOOSA



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We're on the Web!

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