



Alabama Board of Funeral Service

Meeting Minutes

April 07, 2014

Attendance

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

The following member was absent: Samuel Seroyer.

Call to order

Mr. Mark Craddock, Chairman of the Board called to order the second regular meeting of calendar year 2014 of the Alabama Board of Funeral Service at 10:30 a.m. on April 07, 2014 in Room-123 of the State House, 11 South Union Street, Montgomery, Alabama.

Mr. Craddock asked the Board to recognize that Mr. Samuel Seroyer of District 3 was absent. Mr. Craddock excused Mr. Seroyer and it is noted for the minutes that a quorum was present with six members in attendance.

Approval of minutes

Mr. Wyatt moved to approve the minutes of the January 06, 2014 meeting, seconded by Mr. Meadows. The motion passed unanimously.

Old Business

- 1) McGee vs Hamilton Funeral Home– Mr. McEwen informed the Board that the appeal of Randy Jackson and Hamilton Funeral Home was pending in Winston County on Administrative hold in front of Judge Michael Bennett. Mr. McEwen will file a brief or motion on the law addressing whether any of Mr. Jackson's rights were violated in relation to the fact that Mr. Jackson had no counsel present during his hearing. Mr. McEwen stated that in all administrative cases an individual is not entitled to an attorney. Mr. McEwen will keep the Board informed to any developments concerning the appeal.
- 2) Mr. Craddock informed the Board that current legislation (HB100 and HB101) passed and that the HB100 had been signed by the governor and HB101 was waiting signature and will become law in 90 days if the governor does not sign it.
- 3) Mr. Perine informed the Board that the merit raises that were voted on during the January 6, 2014 board meeting had been presented to the finance director and the personnel board were approved.



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- 4) Mr. Perine asked the Board to consider the questions relating to the independent contractor contract. With the passage of HB100 the law now gives the Board authority to hire an independent contractor. The questions for the Boards consideration are:

1) Qualifications: Mr. Perine asked for the Board's recommendations and Mr. Craddock responded with the requirement of a retired county or state law enforcement individual. Mr. Lewis, Mr. Meadows, Mr. Wyatt, and Mr. Rudder responded that the individual have a working knowledge of the funeral industry and not necessarily be licensed as a funeral director. Mr. Perine informed the Board of how other states utilize contractors.

2) Consideration: Mr. Perine asked the Board if it was their opinion that the contractor be paid monthly as stated in the contract and would receive no benefits from the Board. The contractor would provide their own insurance, vehicle, and any other necessities to fulfill the contract. The Board responded with the salary of \$15,000.00 annually per contractor.

3) Availability: Mr. Perine asked if the contractor should be available to inspect/spot check a set number of funeral homes during the month or be available on an as needed basis with the \$15,000.00 paid on a monthly basis regardless of what they do or do not do. Mr. Craddock stated that the contractor should have a set number of funeral homes to inspect/spot check during the month.

4) Scope of service: Mr. Perine asked the Board for the duties the contractor would be responsible for, and the board responded with the following; inspections, spot check funerals, undercover arrangements, investigate complaints. Mr. Craddock stated that Mr. Perine would hire the contractor and the Board would not know who the individual was and their name should be redacted from all documents to conceal their identity.

Mr. Perine stated that the Board had requested an individual with law enforcement background with a working knowledge of the funeral industry; the individual would be paid \$15,000.00 a year on a monthly basis with assigned duties that they must make contact with funeral homes during the month; and they will be performing the scope of service including inspections, spot check funerals, undercover arrangements and investigate complaints

The motion was made by Mr. Meadows to accept the personal service contract with the stated changes and was seconded by Mr. Wyatt. Mr. Craddock asked for a roll call vote.

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

Nay votes: None

Absent: Mr. Seroyer

The motion passed unanimously

- 5) Mr. Perine informed the Board of the contract time frame for taking the state law test online with the Conference. The Board was reminded that the matter was brought before them and approved last year but the legislation failed to pass and the contract could not be fulfilled



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with the Conference because of the lack of authority to outsource the exam. With the passage of current legislation and approval by legislative contract review, the board could move forward with the online state law exam. Mr. Perine stated that the July exam would possibly be the first exam that would be available online. Candidates would not come to Montgomery for the exam but would do it in one of the five testing centers located in the state. There would be a cost involved and they would be able to take it every thirty days if unsuccessful. Mr. Craddock stated to the members that if the Board wanted to conduct a personal interview of a candidate, they could request the candidate come to Montgomery before their license was issued.

New Business

Approval of Licenses:

1) Applicants who passed law exam given earlier:

Mr. Perine 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 passing certification from the Conference under the new testing format, or those who had otherwise qualified for licensing. The motion was made by Mr. Rudder and seconded by Mr. Lewis.

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 Nicholas Wayne Wilson, Tracey Denise Collins, Tomika Harris Rainey, Mary P. Joiner, Celeste Dion Gilmore, Donnie Lee Powell, Jr., Brian DeShawn Goodloe; 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. Meadows.

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 for Travis Spencer Taylor. Mr. Meadows moved to approve the re-registration of apprentice funeral director and embalmer applications with previous time credited to current registration, seconded by Mr. Wyatt. The motion passed unanimously. Mr. Perine reminded the board under the current legislation reactivation for apprentice funeral director or embalmers will have one year from their last active apprentice license to take and pass the exam.



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

Mr. Perine asked the Board to consider Joe Nathan Lampley for re-registration of permanent licenses as a funeral director and embalmer. Mr. Meadows moved to approve the re-registration of permanent funeral director and embalmer license, seconded by Mr. Kirtland. The motion passed unanimously.

5) Establishment Applications:

Mr. Perine asked the Board to consider the following establishments which were tabled during the January meeting for licensure: Faith Memorial Chapel Funeral Services and Faith Memorial Chapel West, both in Birmingham. Mr. Rudder moved to approve the license request of the fore stated funeral homes, seconded by Mr. Kirtland. The motion passed unanimously.

Mr. Perine asked the Board to consider the following establishments for licensure: Mason Funeral Home, Athens and Coleman Funeral Home, Elba. Mr. Meadows moved to approve the license request of the fore stated funeral homes seconded by Mr. Lewis. The motion passed unanimously.

6) Board Resolution 14-01:

Mr. Meadows moved to adopt Board Resolution 14-01 naming James Douglas Williams, Jr. an Honorary Funeral Director on behalf of Mr. Mark Craddock, Mr. Joe Lewis, Mr. Sammy Seroyer, Mr. Bart Kirtland, Mr. John C. Rudder, Mr. Calvin Meadows, Mr. Jason Wyatt, Mr. Charles M. Perine, Mrs. E. Denise Grogan, Mrs. Sherrye Dawson, and Mr. Cameron McEwen. The motion was seconded by Mr. Rudder and passed unanimously.

Executive Secretary Financial Report

Mr. Perine reported that there was a re-appropriation of unused funds from fiscal year 2013 in the amount of \$64,000.00 for the 2014 budget instead of allowing it to go into the State Treasury. Mr. Perine reported the following to the Board for the 1st and 2nd quarter fiscal year 2014: January 1-March 31, 2014.

Budget: \$374,455.00

Expenditures: \$142,510.92

Receipts: \$31,205.75

Available cash on hand: \$741,268.68

Out of state travel report: \$1887.12

Following discussion on the report, Mr. Rudder moved to accept the financial Report submitted by the executive secretary, seconded by Mr. Meadows. The motion passed unanimously.



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International Conference of Funeral Service Examining Board

Mr. Perine informed the Board about the attendance of Mr. Perine and Mrs. Grogan at the annual conference in Orlando. Mr. Perine shared that Alabama should participate annually in the conference meeting along with members of the board to be informed and discuss matters involving the funeral profession nationwide. Mr. Perine informed the board that the Conference asked him to participate in the Model Practice Act Committee. This committee would develop a model practice act for states when readdressing their current laws.

Kent Funeral Home

Mr. Perine stated that Kent Funeral Home in Clayton had requested special permission to continue the use of a sign that was in use prior to their ownership "Godwin Funeral Home". Kent Funeral Home had the sign restored for historic display and lights the sign when a death has occurred as it did when known as "Godwin Funeral Home". The establishment has two signs displayed, Kent Funeral Home and Godwin Funeral Home. Godwin Funeral Home is not a licensed establishment. Mr. Craddock stated the sign was contrary to current Alabama Law advertising an establishment not licensed by the board, Mr. Perine concurred. Mr. Wyatt stated we could not make exceptions. Mr. Rudder appreciated the historic value, but suggested she rename the chapel Godwin Funeral Home Chapel to be in compliance. Mr. Meadows moved to deny special permission to display the two signs, seconded by Mr. Wyatt. Mr. Craddock asked for a roll call vote.

Yea votes: Mr. Craddock, Mr. Lewis, Mr. Kirtland, Mr. Rudder (with reservation), Mr. Meadows, Mr. Wyatt

Nay votes: None

Absent: Mr. Seroyer

The motion passed unanimously.

Mr. Perine addressed Mr. Rudder's reservation stating that the denial was for the request as written, but an effort would be made to assist Kent Funeral Home in finding a resolution.

Economic Interest

Mr. Perine reminded the board that their statement of Economic Interest would be due before April 30, 2014. All board members must complete the statement. Mr. Craddock asked Mrs. Grogan to call all board members on the 23rd to insure their completion with the state requirement.



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Compensatory Time

Mr. Perine reminded the board of their approval regarding the accumulation of compensatory time for the staff. After further research Mr. Perine requested that the Board amend the previous decision to come in line with the state policy which allows individuals to roll unused compensatory time over to the following year, not to exceed 240 hours. Mr. Rudder made a motion to amend the board policy concerning compensatory time to allow the staff to roll over unused time to the following year not to exceed 240 hours. The motion received a second by Mr. Meadows. The motion passed unanimously.

Immigration Compliance

Mr. Perine informed the board that current state legislation requires anyone who is issued a professional license in the State of Alabama to provide documentation proving their US citizenship. The board mailed out a compliance form to all licensees and establishments. Before a license would be issued the board's office must have the form and documentation on file. The board is not forcing licensees to comply with this but the Board cannot issue a license without the form and supporting documents required by the state.

Legal Compliance Audit

Mr. Perine provided the board with information concerning an upcoming legal compliance audit. October 2010-October 2013 would be the time audited. A copy of the report would be emailed to all board members.

Administrative Code

With the passage of HB101 and SB210, Mr. Perine informed the Board that the Administrative Code must agree with the Statutory Code, and parameters must be set for changes in the statute.
395-X-1-.02 395-X-1-.03 395-X-2-.02 395-X-2-.03 395-X-2-.07 395-X-4-.01
395-X-6-.01 395-X-6-.02 395-X-6-.08

Mr. Meadows made a motion to accept the amended changes, and seconded by Mr. Wyatt. Mr. Craddock called for a roll call vote.

Yea votes: Mr. Craddock, Mr. Lewis, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Wyatt
Nay votes: None



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Absent: Mr. Seroyer

The motion passed unanimously.

Online Renewal

Mr. Perine informed the board that online renewals will be available through Alabama Interactive for the upcoming renewal season. The board members and their establishments would be used during the test period. Licensees will be able to pay all fees online. Licensees will still be able to renew by paper for the upcoming year.

Consent Agreements

Mr. Perine informed the board that consent agreements entered into between January 7, 2014 and October 1, 2014:

ABFS13-030 ABFS13-039 ABFS13-040 ABFS14-004 ABFS14-010 ABFS14-012
ABFS14-013 ABFS14-025 ABFS14-026

Mr. Meadows made a motion to accept the consent agreements as stated with the exception of ABFS14-025 which is still pending, and seconded by Mr. Wyatt. Mr. Craddock called for a roll call vote.

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

Nay votes: None

Absent: Mr. Seroyer

The motion passed unanimously.

Executive Session

Mr. Meadows made a motion to go into Executive Session at 12:00 p.m. for 30 minutes to discuss the good name and character of potential licensees Dale Ulmer and Derick Parnell. The motion received a second by Mr. Rudder. The motion was approved unanimously.

The audience was informed that the board would reconvene in 30 minutes, and then they were then cleared from the room to allow the Board to discuss the good name and character of the potential licensees.

After all parties were called back into the room, Mr. Craddock called the Board meeting back to order at 12:20 p.m. with the board having a decision.



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Mr. Rudder made a motion to table the apprenticeship application of Dale Ulmer until the July meeting pending the results of his Missouri license appeal. The motion was seconded by Mr. Meadows. Mr. Craddock asked for a roll call vote.

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

Nay votes: None

Absent: Mr. Seroyer

The motion passed unanimously.

Mr. Meadows made a motion to deny the apprenticeship application of Derick Parnell for failing to personally presenting himself at the request of the board. The motion was seconded by Mr. Wyatt. Mr. Craddock asked for a roll call vote.

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

Nay votes: None

Absent: Mr. Seroyer

The motion passed unanimously.

Other Business

None

Recess

Being no other regular business, Mr. Craddock asked for a motion to recess for lunch and reconvene in an hour for administrative hearings. Mr. Meadows moved to recess the meeting at 12:25 p.m., seconded by Mr. Rudder. The motion passed unanimously.

Administrative Hearing

Call to order

With all a quorum present Mr. Mark Craddock, Chair, called the meeting back to order for the Administrative Hearing of the Alabama Board of Funeral Service at 1:30 p.m. on April 07, 2013 in room 123 of the Alabama State House, 11 South Union Street, Montgomery, Alabama.

Administrative Hearings

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 for opening statements.



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AFBS 14-017: Alabama Funeral Board v Peaceful Rest Memorial Funeral Home and Dana George. Mr. Salle' noted that Mr. George was present and chose not to be represented by counsel. Mr. McEwen and Mr. George waived their opening statements. Mr. Salle' directed Mr. McEwen to call his first witnesses. Mr. McEwen called Anna Culp; Monique Clayton, Charles Parrish, Denise Grogan. Mr. George was allowed to present his case. After being sworn in by the court reporter each witness disclosed their knowledge of AFBS 14-017 to Mr. Salle' and the Board as questioned. Exhibits were entered into evidence and board members were allowed to question each witness. The owner of the establishment requested the opportunity to speak, Mr. Salle' asked the board for their approval. After being sworn in by the court reporter Mr. Clark addressed the board. Ms. Clark also requested to address the board. Mr. Salle' with the board's approval allowed Ms. Clark to address the board concerning the charges in the complaint after being sworn in by the court reporter. Violations disclosed in the administrative complaint were as follows:

§34-13-70(a); §34-13-56(a) (2)(h); §34-13-56(a)(2)(a) of the Code of Alabama, 1975.

Following questions from the board, Mr. McEwen gave his closing statement. Mr. George waived his closing statement and Mr. Clark was allowed to speak as to what he felt the board's decision should reflect based on the facts presented. Mr. Salle' gave the Board instructions for rendering a decision on the case.

Executive Session

At the conclusion of the Administrative Hearing Mr. Craddock asked the will of the Board in rendering their decision. At 2:30 p.m. Mr. Meadows made a motion to go into Executive Session for 1 (one) hour to discuss the good name and character of Dana George and Peaceful Rest Memorial Funeral Home, and would reconvene at 3:30 p.m. The motion received a second by Mr. Rudder. Mr. Craddock called for a roll call vote

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

Nay votes: None

Absent: Mr. Seroyer

The motion passed unanimously.

The audience was cleared from the room to allow the board to discuss the good name and character of Dana George and Peaceful Rest Memorial Funeral Home.

Mr. Craddock recused himself from the executive session for prior knowledge of the case, and Mr. Seroyer was absent. It was noted that there was a quorum of five members present. The chair was yielded to Mr. Meadows during the executive session.

After all parties were called back into the room, Mr. Meadows yielded the chair back to Mr. Craddock who called the Administrative hearing to order at 2:45 p.m. with the Board having a decision. Mr. Meadows made a motion that Peaceful Rest Memorial Funeral Home be charged



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\$2500.00 per count, (90) ninety day suspension and three year probation. The motion was seconded by Mr. Kirtland, there being no discussion the roll was called by Mrs. Grogan
Yea votes: Mr. Lewis, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Wyatt

Nay votes: none

Abstain: Mr. Craddock

Absent: Mr. Seroyer

The motion was approved unanimously.

Mr. Meadows made a motion that Dana George be charged \$2500.00, (90) ninety day suspension stayed with one year probation. The motion was seconded by Mr. Kirtland, there being no discussion the roll was called by Mrs. Grogan

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

Nay votes: none

Abstain: Mr. Craddock

Absent: Mr. Seroyer

The motion was approved unanimously.

Adjournment

Being no other regular business, Mr. Craddock asked for a motion to adjourn. Mr. Meadows moved to adjourn the meeting at 2:50 p.m., seconded by Mr. Kirtland. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan

X

Mark N. Craddock
Chair

X

Charles M. Perine
Executive Secretary