



Alabama Board of Funeral Service

Special Called Meeting Minutes

August 18, 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 members were absent: Sammy Seroyer.

Call to order

Mr. Mark Craddock, Chair, called the Special Called Meeting to order for the Administrative Hearing of the Alabama Board of Funeral Service at 11:00 a.m. on August 18, 2014 in room 123 of the Alabama State House, 11 South Union Street, Montgomery, Alabama. Mr. Craddock noted that Mr. Seroyer was absent but a quorum was still present.

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. It was noted for the record that Mr. Seroyer arrived at 11:05 a.m.

AFBS 14-034: Alabama Funeral Board v Catrina Hardy Kennedy and Eastside Funeral Home. Mr. Salle' asked counsel to state their names. Mr. Cameron McEwen stated he would be representing The Alabama Board of Funeral Service and Mr. Barry Walker stated he would be representing Catrina Kennedy and Eastside Funeral Home. Mr. Salle' noted Mrs. Kennedy was present and asked if she received a copy of the complaint and understood the charges. Mrs. Kennedy stated she had received a copy of the complaint and she understood the charges. Mr. Salle' asked for opening statements, Mr. McEwen waived his opening statement, while Mr. Walker addressed the Board. Mr. Salle' directed Mr. McEwen to call his first witness. Mr. McEwen asked to invoke a rule requiring that all witnesses for either side, leave the room until called to testify, excluding the Executive Secretary, the Board member on the investigative committee, and Mr. and Mrs. Kennedy. The list of witnesses for ABFS14-034 included Ms. Lee, Mr. Robusky, Mr. Meadows, Mr. Perine, Mr. Kennedy, and Mr. Piquett. Mr. Salle' asked the witnesses to leave the room until called to testify. After being sworn in by the court reporter the following witnesses; Mr. Perine, Mr. Meadows, Mr. Piquett, and Mr. Kennedy disclosed their knowledge of AFBS 14-034 to Mr. Salle' and the Board as questioned by Mr. McEwen and Mr. Walker. Exhibits were entered into evidence. At 11:20 a five minute break was taken to allow



Alabama Board of Funeral Service

Special Called Meeting Minutes

August 18, 2014

for copies to be made of new exhibits that would be entered into evidence. Violations disclosed in the administrative complaint were as follows: §34-13-70(a); and §34-13-56(a)(2)(h) of the Code of Alabama, 1975. Following questions from the Board and at the direction of Mr. Salle', Mr. McEwen and Mr. Walker gave their closing statements. 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 12:45 p.m. Mr. Kirtland made a motion to go into Executive Session for 45 (forty-five) minutes to discuss the good name and character of Catrina Hardy Kennedy and Eastside Funeral Home, and would reconvene at 1:30 p.m. Mr. Meadows recused himself from the executive session for prior knowledge of the case. It was noted that there was a quorum of six members present. The motion received a second by Mr. Rudder and passed unanimously.

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

Nay votes: None

Abstain: Mr. Meadows

Absent: None

The audience was cleared from the room to allow the board to discuss the good name and character of Catrina Hardy Kennedy and Eastside Funeral Home.

After all parties were called back into the room, Mr. Craddock called the Administrative hearing to order at 1:04 p.m. with the Board having a decision. Mr. Rudder made a motion that Catrina Hardy Kennedy and Eastside Funeral Home be charged \$1500.00 per count, with one year probation. The motion was seconded by Mr. Wyatt, there being no discussion the roll was called by Mrs. Grogan.

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

Nay votes: none

Abstain: Mr. Meadows

Absent: None

The motion was approved unanimously.

Other Business



Alabama Board of Funeral Service

Special Called Meeting Minutes

August 18, 2014

Consent Agreements

Mr. Perine informed the board of the consent agreements entered into between July 8, 2014 and August 18, 2014:

ABFS14-029
ABFS14-031
ABFS14-032
ABFS14-033
ABFS14-035

Mr. Wyatt made a motion to accept the consent agreements as stated, seconded by Mr. Seroyer. Mr. Craddock called for a roll call vote.

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

Nay votes: None

Absent: None

The motion passed unanimously.

Johnson-Allen

Mr. Perine informed the Board that Johnson-Allen Funeral Home, Mobile, was requesting to utilize a temporary facility until December 2014 while repairs are being completed on the 600 Chestnut Street, Mobile, location. Johnson-Allen stated they have made arrangements to use the former location of Smith Mortuary at 1146 Michigan Avenue, Mobile, owned by Ronald Ali and asked the Board's permission to use this facility. The Board asked if the establishment met the requirements set forth in funeral service law. Mr. Perine stated that it did not have a room to accommodate 100 people. The Board discussed requiring Johnson-Allen to hold services at other suitable locations during this time. Mr. Perine also informed the Board of the condition of 600 Chestnut Street and stated that no services or business should be performed at this location due to the unsafe conditions. After much discussion Mr. Seroyer made a motion to allow Johnson-Allen Funeral Home to operate its funeral business at 1146 Michigan Avenue under the following conditions:

The City of Mobile must approve and issue Johnson-Allen Mortuary a city business license to operate a funeral home at 1146 Michigan Ave., Mobile, AL.



Alabama Board of Funeral Service

Special Called Meeting Minutes

August 18, 2014

The establishment is inspected and approved as meeting all the requirements for an establishment as set forth in the Alabama Administrative Code Chapter 395-X-6 and the Alabama Code § 34-13-113 with the exception of the Room that is able to accommodate a minimum of 100 people for viewing or a service.

Johnson- Allen Mortuary may utilize 1146 Michigan Ave., Mobile, AL for a period of not more than twelve (12) months from the date of the issuance of their city business license at this location. After the 12 months period, Johnson-Allen must have completed renovation to its 600 Chestnut Street location or have secured an establishment that meets all requires for an establishment as set forth in the Alabama Administrative Code Chapter 395-X-6 and the Alabama Code § 34-13-113.

Due to lack of the room to accommodate a minimum of 100 people at the Michigan Avenue location, Johnson-Allen may not conduct any funeral ceremonies at this location. All funeral ceremonies must be conducted at a church, graveside, or another location that has been deemed safe for the public.

At NO time can the chapel or any other part of the building located at 600 Chestnut Street, Mobile, AL be used for conducting funeral business or funeral ceremonies until the establishment has been inspected by the Board and approved as meeting the standards set forth in the Alabama Administrative Code Chapter 395-X-6 and the Alabama Code § 34-13-113.

The motioned was seconded by Mr. Wyatt, and Mr. Craddock asked for a roll call vote.

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

Nay votes: None

Absent: None

The motion passed unanimously.

Other Business

Mr. Perine reminded the Board that he would be traveling to New Port Beach, California to meet with the members of The Conference to assist in drafting a model practice act.



Alabama Board of Funeral Service

Special Called Meeting Minutes

August 18, 2014

Mr. Perine informed the Board all inspections were complete with the exception of 4 in the Birmingham area that would be completed the following week.

Mr. Craddock informed the Board that an investigator had been hired and that no Board member knew who the individual was.

Mr. Craddock stated that Mr. Lewis asked for clarification on apprentice supervision. Mr. Craddock asked Mr. Perine to poll the Board members for their interpretation of the Administrative Code.

Adjournment

Being no other regular business, Mr. Craddock asked for a motion to adjourn. Mr. Rudder moved to adjourn the meeting at 1:35 p.m., seconded by Mr. Meadows. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan

X

Mark N. Craddock
Chair

X

Charles M. Perine
Executive Secretary