



# **Alabama Board of Funeral Service**

## **Meeting Minutes**

July 08, 2014

### **Attendance**

The following members were present: Mark Craddock, Joe Lewis, Sammy Seroyer, 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.

The following member was absent: none. Cameron McEwen, legal counsel for the Board was absent.

### **Call to order**

Mr. Mark Craddock, Chairman of the Board called to order the third regular meeting of calendar year 2014 of the Alabama Board of Funeral Service at 10:10 a.m. on July 08, 2014 in Room-123 of the State House, 11 South Union Street, Montgomery, Alabama.

Mr. Craddock asked the Board to recognize that Cameron McEwen, legal counsel for the Board from the Attorney General's Office was absent. Mr. Craddock excused Mr. McEwen and it is noted for the minutes that a quorum was present with all members in attendance.

### **Approval of minutes**

Mr. Rudder moved to approve the minutes of the April 07, 2014 and June 5, 2014 meetings, seconded by Mr. Meadows. The motion passed unanimously.

### **Old Business**

- 1) ABFS14-017 Culp vs Dana W. George and Peaceful Rest Memorial Funeral Home– Mr. Perine informed the Board that Peaceful Rest Memorial Funeral Home had filed a judicial review concerning the judgment of the Board, instead of an appeal. Mr. Perine stated that a transcript had been submitted and Mr. McEwen had been in contact with the court. Mr. Perine stated that the funeral home had served their ninety (90) day suspension and would be open as of the 10<sup>th</sup> of July, so the only portion to appeal would be the fine. The Board would wait on the ruling of the judge.
- 2) Mr. Perine noted that the Administrative Rule effective July 12, 2014 was as a result of the public hearing on June 5, 2014 when the Board voted to make changes to the Administrative Code to coincide with the changes in Statutory Code.
- 3) Mr. Perine informed the Board that the State Law exam given prior to the meeting was the last time the exam would be administered by the Board in Montgomery. As of July 1, 2014 eligible candidates will contact The Conference and follow the same protocol in registering for the State Law exam as The International Conference requires for National Boards. Mr. Perine informed the Board that they will approve candidates for licensure after they pass the



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State Law exam. With online exams the names of candidates will not be before the Board prior to licensing as they are now, and would the Board require personal interviews of candidates in order to issue their license? Mr. Perine stated that the Statutory Law does give the Board the authority to require interviews to obtain a license. Candidates will be certified to take the exam once all requirements are met and the candidate will be informed they must submit for a personal interview. Other States require interviews and this will be the only way the Board will see who they are issuing a license to. Mr. Craddock, Mr. Meadows and Mr. Rudder stated that they would like to require interviews. Mr. Craddock stated that the license could be signed during the interview and given to the licensee saving on mailing costs. Mr. Seroyer moved that the Board require candidates to submit to a personal interview before the Board prior to receiving their license. The motion received a second by Mr. Kirtland. 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

- 4) Mr. Perine informed the Board that online renewals and credit card information had been emailed to Board members to go online and renew. Establishment renewals had some errors which have been corrected by Alabama Interactive. Personal renewals were active and ready for licensees. Renewal notices would be mailed out the following week. Mr. Rudder asked about the ability to bundle the convenience fee for an establishment instead of paying a fee for each license. Mr. Perine stated that Alabama Interactive is the only company holding the State contract for credit card transactions relating to e-gov business and that is how it is stated in their contract. Alabama Interactive does not charge the Board for the service they provide. Payment comes from the licensees who choose to use the convenience of an online renewal service. Mr. Perine reminded the Board that there is no requirement that licensees renew online. The Board will still accept renewals by mail.

### **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. Wyatt.

The motion passed unanimously.



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### **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 Jaddy L. McDaniel, Joseph K. Jones, Jasmine L. Odum, Tessler L. Williams, Cassandra D. Bock-Smith, Hezekiah T. Young, Kena M. Osley; LaShari A. Woods Scott, Olangia R. Pearson; Mr. Rudder moved to approve the re-registration of apprentice funeral director's applications with previous time served credited to the current registration, seconded by Mr. Wyatt. 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 Jennifer C. Fails. Mr. Wyatt moved to approve the re-registration of apprentice funeral director and embalmer applications with previous time credited to current registration, seconded by Mr. Lewis. The motion passed unanimously.

### **4) Permanent Funeral Director License Re-registration:**

Mr. Perine asked the Board to consider Carl J. Able, Kerry L. Sorrells, Carina B. Keller; for re-registration of permanent licenses as a funeral director. Mr. Wyatt moved to approve the re-registration of permanent funeral director, seconded by Mr. Meadows. The motion passed unanimously.

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

Mr. Perine asked the Board to consider Michael L. Hudgins, Tawanya V. Moss; 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. Seroyer. The motion passed unanimously.

### **6) Establishment Applications:**

Mr. Perine asked the Board to consider the following establishments for licensure: Valley Funeral Home, Scottsboro, Keahy Funeral Home, Lockhart, and Hammond-Sconiers Funeral Home, Enterprise. Mr. Seroyer moved to approve the license request of the fore stated funeral homes seconded by Mr. Wyatt. The motion passed unanimously.

### **Executive Secretary Financial Report**

Mr. Perine reported the following to the Board for the 3<sup>rd</sup> quarter fiscal year 2014, April 1, 2014 through June 30, 2014.



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Budget: \$374,455.00

Expenditures: \$212,601.96

Available cash on hand: \$791,494.39

Mr. Perine provided the Board members with a copy of the GF appropriation bill. The Board approved the FY2015 budget in October of 2013. The Legislators approved the FY2015 budget of \$398,864.00. Mr. Perine stated a change in the 2015 operational plan which showed a higher personnel cost due to the fact that the Board intended to hire additional staff. With the Board deciding to hire an independent contract the additional funds were moved from personnel cost to professional services. Mr. Perine informed the Board that the out of state travel budget had been increased to allow staff and Board members to attend future conferences. Mr. Meadows moved to accept the Financial Report and Operational Plan submitted by the executive secretary, seconded by Mr. Rudder. 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

### **Legal Compliance Audit**

Mr. Meadows informed the Board about the findings of the recent legal compliance audit conducted by the examiners of the Office of Public Accountants covering the Boards operational period from 2010 to 2013. The examiners stated they found two minor findings which were as follows; 1) two meetings in 2010 that were not reported and posted on the Secretary of State web site as required by the Alabama Open Meetings Act. This finding was corrected by posting Board approved meetings for the year to the Secretary of State web site in January on each year. 2) The leave record for Mr. Perine and Mrs. Dawson were understated due to a clerical error. This finding was corrected to reflect the correct leave time.

The examiners stated that the findings were minor and that the Board was moving in the right direction, finally functioning as a board and this was reflected in the best audit the Board has had. The examiners rated the Board high compared to other Boards. Mr. Meadows stated that each Board member would receive a copy of the audit.

### **Mobile Inspections**

Mr. Perine stated that in an effort to go paperless the inspectors would be using iPads to conduct inspections. At the conclusion of the inspection the funeral home representative would sign the



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IPad and a copy of the report would be emailed to the establishment. iPads will allow photographs to be taken of violations at establishments. Mobile inspections will start on October 1, 2014. Mr. Perine presented the estimate for the iPads and accessories showing a one time purchase totaling \$1,698.57. Mr. Meadows moved to approve the funds for the iPads, and it was seconded by Mr. Wyatt. The motion passed unanimously.

### **FARB Regulatory Conference**

Mr. Perine reminded the Board that they paid for Mr. McEwen to attend the FARB conference last year. Mr. McEwen asked another board which he represents to pay for his attendance this year, but they are unable to do so. Mr. Perine recommended that the Board provide funds to cover Mr. McEwen's attendance this year by approving a budget of \$3,000.00 which will come out of FY2015. A motion was made by Mr. Meadows and seconded by Mr. Lewis to approve the budgeted amount for the FARB conference. The motion passed unanimously. Mr. Craddock stated the outstanding job Mr. McEwen has done representing the Board during the previous year.

### **Resolution 1402**

Mr. Perine informed the Board that a licensee had requested that the Board ask for an Attorney General's opinion regarding the "Authorizing Agent Affidavit" that was entered into the law in 2011. The question being:

- 1) Does the individual who is completing this affidavit form before their death have to attach specific directions concerning the disposition of their remains?
- 2) If there are no specific directions attached and the true next of kin is in opposition to the choice of the authorizing agent, then who has the right to control disposition?

Mr. Wyatt moved to request the Attorney General for an opinion concerning the Authorizing Agent, a second was received by Mr. Kirtland. The motion passed unanimously.

### **Jzyk Ennis**

Mr. Perine informed the Board of a request made by Jzyk Ennis, licensee and instructor at a mortuary college in the state. Mr. Ennis who is working on his PHD at Auburn University in Adult Education requests that the Board approve the notification of licensees in the state by email to complete a survey through an independent company that will gather information for his dissertation on Funeral Service Education in the State of Alabama. No personal information will be released to Mr. Ennis by the Board office. Licensees will be notified through the quarterly newsletter. Mr. Rudder made a motion to include this information in the newsletter and it was seconded by Mr. Meadows. The motion passed unanimously.



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### **Ruby Anderson**

Mr. Perine presented the Board with a letter from Ruby Anderson requesting special consideration allowing her to take the funeral directors exam. Mr. Perine recommended to the Board that they deny Ms. Anderson's request based on the fact that the statute does not allow for more than two re-activations and that she be required to do a new apprenticeship under the new law. The motion was made by Mr. Seroyer and seconded by Mr. Meadows to deny Ms. Anderson's request. Mr. Craddock requested a roll call.

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.

### **Consent Agreements**

Mr. Perine informed the board of consent agreement that had been settled.

**ABFS14-025** \$5,000.00 fine and 1 year probation for a violation involving moral turpitude

Mr. Meadows made a motion to accept the consent agreement as stated and seconded by Mr. Rudder. The motion passed unanimously.

**ABFS14-009** Mr. Perine informed the Board that the Final Order had been served to Joseph Bonner-Bey and Tri-State Mortuary. Mr. Bonner-Bey had made payment to the Board as stated in the Final Order.

### **Continuing Education**

Mrs. Grogan presented the Board with information concerning continuing education, including instructions, guidelines, applications and letters for licensees and providers. Mr. Perine asked the Boards approval of the continuing education packet presented by Mrs. Grogan. Mr. Meadows made a motion, seconded by Mr. Wyatt to approve the continuing education packet and provider list. The motion passed unanimously.

Mr. Perine asked the Board to approve the list of Providers for 2014-2016. Mr. Rudder made the motion, seconded by Mr. Meadows. The motion passed unanimously.

Mr. Perine recommended that the Board give continuing education credit to the full- time instructors at the two mortuary colleges in the state. Mr. Rudder made the motion, seconded by



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Mr. Kirtland to allow mortuary college full-time educators instructional hours to count as continuing education hours. The motion passed unanimously.

Mr. Perine informed the Board of a request by Mr. Randy Anderson asking the Board to grant continuing education credit for a cremation certification course hosted at his establishment in Alexander City during August 2014 facilitated by the NFDA. Mr. Rudder made a motion to deny the request by Mr. Randy Anderson to allow the credit hours for NFDA cremation certification towards continuing education due to the fact that the event was prior to the beginning of the reporting period of October 1, 2014. Mr. Wyatt seconded the motion and it passed unanimously.

Mr. Wyatt recommended that the Board give credit for attendance at quarterly Board meetings in Montgomery. After discussion and input from those in attendance, Mr. Meadows made a motion, seconded by Mr. Wyatt to allow quarterly board meetings to count toward continuing education. The motion passed unanimously.

### **Other Business**

Mr. Perine informed the Board that Mr. Rudder would not be able to attend the October 6, 2014 board meeting and asked that the Board consider moving the date of that meeting to October 2, 2014. Mr. Perine also recommended that the Board consider changing the time of the meetings to 9:00 a.m. since the Board no longer would be administering the state law exam. Mr. Rudder moved to change the Board meeting to October 2, 2014 and to change future meetings to 9:00 a.m. The motion was seconded by Mr. Meadows and passed unanimously.

Being no other regular business Mr. Craddock asked for a motion to recess for 10 minutes and reconvene at 11:35 a.m. The motion passed unanimously.

### **Executive Session**

With all members present, Mr. Craddock called the meeting back to order and Mr. Lewis made a motion to go into Executive Session at 11:45 p.m. for 45 minutes to discuss the good name and character of an individual. The motion received a second by Mr. Wyatt. The motion passed unanimously.

The audience was informed that the board would reconvene in 45 minutes, and then they were then cleared from the room to allow the Board to discuss the good name and character of an individual.

After all parties were called back into the room, Mr. Craddock called the Board meeting back to order at 12:15 p.m. with the board having a decision.



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Mr. Meadows made a motion to accept the passing criteria of The Conference with the exception of requiring individuals to pass both parts. The Board will accept passing scores for each part individually. The motion was seconded by Mr. Rudder. Being no discussion, 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.

Mr. Meadows made a motion to approve the license of Funeral Director of Wesley Adam Downs. The motion was seconded by Mr. Wyatt. Being no discussion, 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**

None

### **Adjournment**

Being no other regular business, Mr. Craddock asked for a motion to adjourn. Mr. Rudder moved to adjourn the meeting at 12:17 p.m., seconded by Mr. Meadows. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan

X

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Mark N. Craddock  
Chair

X

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Charles M. Perine  
Executive Secretary