



# Alabama Board of Funeral Service

## Meeting Minutes

October 7, 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. The following member(s) were absent: None

### Nominations

Prior to the regular business meeting, Mr. Perine accepted nominations from funeral directors and embalmers of the state pursuant to Alabama Funeral Service Laws for membership positions of districts which terms will expire December 31, 2013. The following nominations were made:

District 3	District 4	District 6
Sammy Seroyer - LaFayette	Bart Kirtland - Boaz	Calvin Meadows - Montevallo
Jeff Harris – Opelika	Mark Bement - Hanceville	Jeff Estes - Gardendale
Randy Gibbs - Roanoke	Jennie Buggs - Attalla	Terry Wilson – Pell City

  

District 7
Jason Wyatt - Tuscaloosa
Howard G Johnson - Birmingham
Eddie Hardaway - Livingston

**District 3** nominees that will be submitted to the governor are: Sammy Seroyer, Jeff Harris, and Randy Gibbs

**District 4** nominees that will be submitted to the governor are: Bart Kirtland, Mark Bement and Jennie Buggs

**District 6** nominees that will be submitted to the governor are: Calvin Meadows, Jeff Estes and Terry Wilson

**District 7** nominees that will be submitted to the governor are: Jason Wyatt, Howard G. Johnson and Eddie Hardaway

### Call to order

With all members and a quorum present Mr. Mark Craddock, Chair, called to order the first regular meeting of fiscal year 2014 of the Alabama Board of Funeral Service at 10:05 a.m. on October 7, 2013 in room 123 of the Alabama State House, 11 South Union Street, Montgomery,



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Alabama. Mr. Craddock noted that legal counsel was not present and any legal matters would be postponed until the October 30<sup>th</sup> meeting when counsel would be present.

### **Approval of minutes from last meeting**

Mr. Craddock stated that all board members had received a copy of the minutes to be approved via email. Mr. Perine stated that there were two sets of minutes to approve; July 1, 2013 and July 16, 2013. Mr. Rudder moved to approve the minutes of the July 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.

Mr. Meadows moved to approve the minutes of the July 16, 2013 board meeting. The motion received a second by Mr. Seroyer. Mr. Craddock called for any discussion, there being none the motion was passed unanimously.

### **Old Business**

- 1) ABFS13-010 – Mr. Perine stated that the case Lorene McGee v Randy Jackson and Hamilton Funeral Home was heard on July 16<sup>th</sup> and that an appeal had been filled with the district court in Hamilton, Alabama. Mr. Perine stated that the board would be notified 60 days prior to the hearing date set by the court.
- 2) Online State law review questions – Mr. Perine stated that the online study guide was complete and had been uploaded to the web site as of August. The study guide is fill in the blank and taken verbatim from the Law. Mr. Craddock moved to new business.

### **New Business**

#### **Approval of Licenses:**

##### **1) Applicants who passed law exam given earlier:**

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

##### **2) 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 Mary Thomas Adams, Jeremy Terrell Scruggs, William Henry Sims, and Terrence Edward Windham. Mr. Wyatt moved to approve the re-registration of apprentice



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Funeral Director/Embalmer applications with previous time credited to current registration, seconded by Mr. Meadows. The motion passed unanimously.

### **3) 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 FaLayshia Danyelle McCarroll. Mr. Meadows asked why Ms. McCarroll did not complete her original apprenticeship. Mr. Perine responded that Ms. McCarroll had gone out on maternity leave, Mr. Rudder asked if Ms. McCarroll was under the old or new law. Mr. Perine explained she fell under the old law and would not be required to attend school. Mr. Seroyer 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.

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

Mr. Perine asked the Board to consider Ladricka Foster Weatherspoon for re-registration of permanent licenses as a funeral director. With fees and penalties paid Mr. Meadows moved to approve the re-registration of permanent funeral director and embalmer's licenses, seconded by Mr. Kirtland. The motion passed unanimously.

### **5) Establishment Applications:**

Mr. Perine asked the Board to consider the following establishments for licensure: Auburn Memorial Funeral Home; Azalea City Funeral Home and Crematory; Thomasville Memorial Funeral Directors and Cremation Services LLC; Kerby Funeral Home (Buy out by Rainsville Funeral Home, Inc.); Langley Funeral Home (Buy out by Radney Funeral Home). Mr. Seroyer moved to approve the establishment license request, seconded by Mr. Wyatt. The motion passed unanimously.

### **4) 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: Gandy Funeral Home, Eutaw. Mrs. Doris Jones has asked for special operating permit due to the death of her husband and owner of the establishment Mr. Glen Jones. Following discussion, Mr. Seroyer moved to deny the special operating permit for the establishment but to certify Mrs. Jones to sit for the state funeral directors exam with apprentice time waved in which time she must pass the funeral directors test, Mrs. Jones must hire a managing funeral director or cease and desist, seconded by Mr. Meadows. The motion passed unanimously.

**5) Need Board Approval:** Mr. Perine stated that the Board's approval was needed concerning Mr. Jim Martin. Mr. Martin is asking for a six month extension on his apprentice



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funeral director license to continue working at the funeral home until he passes the state funeral directors exam. Mr. Martin states that the material that he requested from The Conference was not the most current material and may have been a disadvantage in not making a passing score. Mr. Martin has passed the state law test. Following discussion, and Mr. Perine's recommendation for approval, Mr. Meadows moved to approve the six month extension of the apprentice license, seconded by Mr. Kirtland. The motion passed unanimously.

### **Other Business**

#### **Executive Secretary Financial Report**

Mr. Perine reported the following to the Board for the 4<sup>th</sup> quarter fiscal year 2013: June 27, 2013 – September 30, 2013.

Receipts: \$327,275.00                      Budget: \$317,958.00

Expenditures: \$251,334.64

2014 proposed Budget

\$ 314,087.00

Mr. Perine stated that the Governor may reinstate Merit raises in 2014. Mr. Meadows moved to accept the financial report and proposed 2014 budget, with a second by Mr. Wyatt.

The motion passed unanimously.

#### **Associate Executive Secretary Report**

Mrs. Grogan advised the Board of the 2013 inspection totals and made the board aware of the violations most common during this inspection season. Common violations included; FTC, caskets below minimum, license not on public display, expired tags, no hot water in establishment, nonfunctioning embalming equipment; and no ID tags. Mrs. Grogan made the board aware of the invitation to all establishments to have their GPL, OBC, CPL reviewed by the office for general FTC compliance. Mr. Perine explained that the Board hopes to gain exemption from the FTC, but must show that the board is regulating and enforcing the funeral rule before an exemption is applied for.

#### **Administrative Hearings**

The next Administrative Hearing is set for October 30, 2013 at 8:30 a.m. Mr. Meadows made a motion to accept this date and was seconded by Mr. Rudder. The motion passed unanimously.

#### **Associate Executive Review**



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**Mr. Craddock** opened the floor for comments from the board concerning Mrs. Grogan's six month review. "The only complaint that I have had is that you're sort of blunt, me personally I would rather somebody be blunt, I would rather have somebody tell me like it is and not put flowers there or icing on it to make it taste better, just tell me what's wrong. I think sometimes when you are inspecting I would just go in if they are arguing with you about this is right this right, just keep writing, put it on your paper, then let them sign it. I think you are doing a great job. I've had people call me complaining there are spots in the ceiling; you know the law says there are not supposed to be spots in the ceiling. Our law is not that hard, if everybody would follow it there would be no problem. We don't hear fussing from people who follow the law. It's the ones that are not following the law that we hear from. You can't enforce part of it and not the other part. Do it all or do it none."

**Mr. Meadows:** "Well I think Mrs. Grogan that you are doing an excellent job. I think we did the right thing in hiring you to this position. You did come to The Good Shepherd Funeral Home to inspect us and you didn't show any favoritism to me. You have a good mind and warm spirit because I passed. I was ready for you, I had my GPL ready. I've heard other people say good thing about you, I have also heard that bluntness. That is one thing that impressed me about you, that you could disarm people that come at you rude and sometimes try you because you are a female. Keep up the good work."

**Mr. Seroyer:** "I personally think you are doing a great job you just need to keep it up. Don't change, you doing ok with what ya doing. If they don't complain then you aint doing a good job. So just keep doing a good job. And Keep following in Mr. Perine's steps, you may be alright. I know you have made a lot of changes at places along with him. You have made a change around my place. They don't know when or where you are coming. I like that, so keep it up."

**Mr. Wyatt:** "I think you are doing a great job, you have brought a lot of class and dignity to the board."

**Mr. Kirtland:** "I think you are doing a very good job Mrs. Grogan. You've done real well."

**Mr. Meadows:** "I have to agree with Mr. Craddock on what he was saying when inspecting places or dealing with funeral directors I wouldn't argue with them, you know just smile and do your job and get on out the door. Let the board deal with them and follow Mr. Perine's lead. Let him be the bulldog."

**Mr. Craddock:** "that's his nickname"

**Mr. Lewis:** "of course changes sometimes cause resistance. The calls I've received are from people who are not in compliance, and I tell them call the board cause you can help them step by step. I don't know why they have this barrier, I think they will come around and do a better job. I think you are doing fine."

**Mr. Rudder:** "I'm good with it. You just need to speak up a little bit, even with hearing aids I have a hard time."

**Mr. Craddock:** "Do we need any type of motion?"

**Mr. Perine:** Yes, but before we get to that, let me say that Mrs. Grogan has been a real asset to the board. I think we did a very good job in choosing her. She has stepped in, she has been proactive. You give her something to do and lickety-split it's done, and I really do appreciate



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that. And with that being said, Mrs. Grogan was on six month probation as every state employee is when they are hired on, and after that probation period that is the time to give them an increase in their pay. The board set that increase when we chose to hire Mrs. Grogan, therefore I need a motion from the board, and I recommend that the board takes Mrs. Grogan's annual salary from \$52,000.00 a year to \$55,000.00." A motion was made by Mr. Rudder and received a second by Mr. Meadows. Following discussion Mr. Craddock called for a roll call vote:

Mr. Craddock - yes

Mr. Lewis - yes

Mr. Seroyer -yes

Mr. Kirtland - yes

Mr. Rudder - yes

Mr. Meadows - yes

Mr. Wyatt – yes

Motion passed unanimously

**Mr. Meadows:** "Mr. Chairman if I can say before we move forward that I'm proud to be part of a board, of the board rather in the history of the State of Alabama that has hired the first African American Executive Secretary and the first female Associate Executive Secretary and neither one of them was hired Mr. Perine was not hired because of the color of his skin, or Mrs. Grogan because she was a female, but because they were the best for the job."

### **Online Renewals and Payments by Credit Cards**

Mr. Perine explained that the board's office is at the point of offering online renewals and credit card payments. The government contract holder will handle on line payments and renewals and will be set up for 2014 renewal season. The seven board members will be test case to make sure everything runs smoothly and will be active in July 2104.

### **Mobile Inspections**

Mr. Perine explained this will allow staff to move towards becoming paperless in direction with the Governor's recommendation. The staff will have access to office system to verify information for each establishment. Inspections will be done on tablets and will allow better access for licensees, apprentices and establishments information.

### **Conference/ Convention**

Mr. Perine stated that in previous years the Board attended the International Conference had stopped attending. The Board has received calls from The Conference requesting that we consider attending because Alabama is never represented at the conference. Mr. Perine asked the Board for permission to become active with the Conference to provide input from the State of



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Alabama. Meetings scheduled at the conference will be attended by either Mr. Perine or Mrs. Grogan. Mr. Perine asked the Board to approve Mr. Perine and Mrs. Grogan to attend the International Conference Annual Convention February 26-27, 2014, and also to approve a budget of \$4500.00 for expenses. A motion was made by Mr. Meadows and seconded by Mr. Lewis. Mr. Craddock asked for a roll call vote:

Mr. Craddock – yes

Mr. Lewis – yes

Mr. Seroyer – yes

Mr. Kirtland – yes

Mr. Rudder – yes

Mr. Meadows – yes

Mr. Wyatt – yes

The motion passed unanimously

### **Other Business**

#### **Reciprocity**

Mr. Perine asked for a position from the Board on the matter of licensees trying to do reciprocity with other states specifically Mississippi. Mississippi has increased their requirements for reciprocity to exceed what Alabama requires for individuals seeking reciprocity from Mississippi. After discussion, The Board states their position as being; if there are additional requirements imposed by other states for Alabama licensees to apply for reciprocity, the Board will impose the same requirements of those licensees applying for reciprocity in Alabama. A motion was made by Mr. Rudder and seconded by Mr. Wyatt. The motion passed unanimously.

#### **Funerals Crossing State Lines**

Mr. Perine asked for Board's position on enforcing that any individual coming from outside the State into Alabama must have a licensed Alabama director on the funeral. After discussion the Board's opinion is that funeral homes entering the State of Alabama must have an Alabama licensed funeral director on every funeral crossing the state line. The Board will issue a cease and desist order to the establishment and will work with the State agency regulating the funeral home to issue a disciplinary action. Enforce law as written.

#### **Video Taping Board Meetings**



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Mr. Perine asked for the Board for permission to discontinue the uploading of the board meetings due to the additional expense of file conversion to the ISD format. Mr. Perine stated that live feed through ISD is in the near future and would be very inexpensive once implemented. Mr. Meadows made a motion that was seconded by Mr. Wyatt. There being no discussion, the motion passed unanimously.

### **Continuing Education**

Mr. Craddock asked those in attendance to show by raise of hand, those that were in favor of continuing education, and those opposed. There was one opposition to continuing education with all others in favor. Mr. Craddock stated that continuing education would be addressed in the upcoming legislation.

### **Adjournment**

Being no other business, Mr. Craddock asked for a motion to adjourn. Mr. Meadows moved to adjourn the meeting at 11:10 a.m., seconded by Mr. Rudder. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan

X

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Mark Craddock  
Chair

X

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Charles Perine  
Executive Secretary