



Alabama Board of Funeral Service

Meeting Minutes

October 02, 2014

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, 2014. The following nominations were made:

District 1	District 2	District 5
Mark N. Craddock-Citronelle	Joe E. Lewis-Ozark	John C. Rudder-Scottsboro
Robert Malone-Monroeville	Howell Skeen-Troy	Michael Morrison-Muscle Shoals
Allen Rice-Prichard	Lorenzo Wright-Prattville	Karen Smith-Huntsville
Carole Banks-Frisco City		
Agnes Hunter-Mobile		
Bernard Jenkins-Mobile		

Mr. Perine informed the licensees present that six (6) individuals had been nominated in District 1, only three (3) names could be submitted to the Governor for consideration §34-13-20, Code of Alabama, 1975, a ballot vote was taken and counted by Cameron McEwen, legal counsel for the Board from the Attorney General’s Office and witnessed by: Sherrye Dawson, Administrative Assistant for the Board. The following table shows the results of the vote:

District 1	
Mark Craddock - Citronelle	70
Allen Rice – Prichard	47
Robert Malone-Monroeville	44
Carole Banks – Frisco City	12
Bernard Jenkins - Mobile	7
Agnes Hunter - Mobile	6

District 1 nominees that will be submitted to the governor are: Mark N. Craddock, Robert Malone, and Allen Rice.

District 2 nominees that will be submitted to the governor are: Joe E. Lewis, Howell Skeen, and Lorenzo Wright.

District 5 nominees that will be submitted to the governor are: John C. Rudder, Michael Morrison, and Karen Smith.



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Attendance

The following members were present: Mark N. Craddock, Joe E. 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 Cameron McEwen, Legal Counsel for the Board from the Attorney General's Office.

The following member was absent: none.

Call to order

With a quorum being present Mr. Mark Craddock, Chairman of the Board called to order the first regular meeting of calendar year 2015 of the Alabama Board of Funeral Service at 10:00 a.m. on October 2, 2014 in Room-123 of the State House, 11 South Union Street, Montgomery, Alabama.

Approval of minutes

Mr. Lewis moved to approve the minutes of the July 8, 2014 meeting, seconded by Mr. Meadows. The motion passed unanimously.

Old Business

- 1) Apprentice Supervision – Mr. Perine reminded the Board that at the August 18, 2014 meeting he was asked to do research on apprentice supervision. Mr. Perine stated that research found joining states required direct supervision of apprentices and most all board members agreed that Alabama Funeral Service Law should remain unchanged requiring that a licensed individual be on the premises when the duties of funeral director or embalmer are being performed by an apprentice.
- 2) Mobile Inspections – Mr. Perine informed the board that mobile inspections went live on October 1. Inspections will now be done on mobile devices with copies of the inspection report sent to the email of record for the establishment. If the establishment does not have an email address Mr. Perine stated that a copy would be mailed to the address of record. This will reduce printing costs incurred by the board.
- 3) Attorney General's Opinion – Mr. Perine stated that the Office of the Attorney General had issued an opinion concerning the Authorizing Agent Affidavit. This request was submitted by a licensee and Resolution ABFS-1402 was approved by the Board at the July 8, 2014 meeting. The Board requested clarification of Section 34-13-11(a)(2) of the Code of



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Alabama in regards to whether specific directions concerning the disposition of the decedent's remain have to be attached to the affidavit, and who ultimately has the right to control the disposition of the decedent's remains if directions are not attached to the affidavit. The Office of the Attorney General concluded *Funeral Service, Board of -Funeral- Agents- Affidavits*;

“When completing the affidavit prescribed in section 34-13-11(a)(2) of the Code, specific directions are not required to be attached to the affidavit. If specific instructions are not attached to the affidavit, the authorized agent designated in the affidavit still maintains control of the disposition of the descent's remains over the next of kin.”

New Business

Approval of Licenses:

1) 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 Whitley Windham, Charles Scott, Edith Gann, Roy Peterson, Carolyn Rollins, and November Wren. 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.

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 for Antonio Lawson. Mr. Rudder moved to approve the re-registration of apprentice funeral director and apprentice embalmer applications with previous time credited to current registration, seconded by Mr. Wyatt. The motion passed unanimously.

3) Permanent Funeral Director License Re-registration:

Mr. Perine asked the Board to consider Deanna Williams and Lee Gray; for re-registration of permanent licenses as a funeral director. Mr. Meadows moved to approve the re-registration of permanent funeral director, seconded by Mr. Kirtland. The motion passed unanimously.



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4) Permanent Embalmer License Re-registration:

Mr. Perine asked the Board to consider John Graham; for re-registration of permanent license as an embalmer. Mr. Meadows moved to approve the re-registration of permanent embalmer license, seconded by Mr. Kirtland. The motion passed unanimously.

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

Mr. Perine asked the Board to consider David Deaton II, Faye McCorkle-Mills, James Pierson III and David Kelly; for re-registration of permanent licenses as funeral director and embalmer. Mr. Seroyer moved to approve the re-registration of permanent funeral director and embalmer license, seconded by Mr. Lewis. The motion passed unanimously.

6) Establishment Applications:

Mr. Perine asked the Board to consider the following establishments for licensure: Mobile Memorial Gardens (due to a buy-out by Legacy Funeral Holdings of Alabama), Mr. Wyatt moved to approve the license request of the fore stated funeral home seconded by Mr. Seroyer. The motion passed unanimously.

7) Interviews

Mr. Perine stated that the Board approved interviewing candidates for licensure prior to issuing their license since the Board no longer administers the State Law exam in Montgomery. Ms. Whitney Waddell was presented to the Board for consideration by interview. Following her interview, Mr. Meadows moved to approve Ms. Waddell's permanent funeral director and embalmer licenses, seconded by Mr. Rudder. The motion passed unanimously.

Executive Secretary Financial Report

Mr. Perine reported the following to the Board for the 4th quarter fiscal year 2014, July 1, 2014 through August 30, 2014.

Budget: \$374,455.00

Expenditures: \$269,807.80

Unobligated Balance: \$104, 647.20



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Mr. Perine informed the Board that 709 licensees had renewed online through Alabama Interactive. Mr. Wyatt moved to accept the Financial Report submitted by the executive secretary, seconded by Mr. Kirtland. The motion passed unanimously.

The Conference

Mr. Perine presented an expense request for The International Conference of Funeral Service Examining Board in February 2015. Mr. Perine reminded the Board members that they were invited and encouraged to attend. Mr. Perine stated that the request included two Board members expenses. Mr. Meadows moved to approve the expense request for the International Conference of Funeral Service Examining Board, seconded by Mr. Kirtland. The motion passed unanimously.

Mr. Perine informed the Board and Mr. McEwen would not be attending the FARB convention for which the Board had approved an expense request. Mr. Perine stated that the funds allocated for the FARB convention would remain in the budget.

Jefferson State/Bishop State – passing criteria of The Conference

Mr. Perine introduced Ms. Venus Smith, Jefferson State Community College representative to address concerns with the Board's decision to accept part of the passing criteria of the International Conference for funeral directors and embalmers. Ms. Smith asked the Board to reconsider their decision and require a passing score on both portions of the exam to receive a license. Ms. Smith conveyed that the Board's decision could affect the accreditation of the Mortuary Science Programs in Alabama. Ms. Smith stated this would only affect the National exam and not the State exam. Mr. Perine stated that the Board could accept part of the passing criteria or all the passing criteria of the International Conference. Mr. Craddock stated he did not want to hurt the schools, and opened the floor for discussion. Following discussion, Mr. Meadows made a motion to accept the passing criteria of the International Conference in full and not in part, seconded by Mr. Kirtland. Being no further discussion Mr. Craddock called for a roll call vote.

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



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Nay votes: None

Absent: None

The motion passed unanimously.

Korey Hameen

Mr. Perine informed the Board that Korey Hameen had requested to address the Board concerning apprentice applications and forms. Mr. Hameen stated his concern that the application and forms require a supervisor to attest to the personal knowledge of the good character and reputation of the apprentice as well as certification recommending the continued licensing of the apprentice; when the supervisor may not have this knowledge or agree with the continued licensing. Following much discussion no action was needed and no amendments were adopted. Mr. Perine stated that via the newsletter licensees would be made aware that no licensee was required to supervise an apprentice and if a supervisor felt that an apprentice's license should not continue the supervisor should not sign the apprentice annual report.

Consent Agreements

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

ABFS14-039 \$2,500.00 fine and 3 year probation for a violation involving failure to provide reasonable access to the establishment. 34-14-56(a)(2)(x). Mr. Meadows made a motion to accept the consent agreement as stated and seconded by Mr. Kirtland. The motion passed unanimously.

Continuing Education

Mrs. Grogan presented the Board with providers/sponsors and instructors seeking approval to provide or facilitate continuing education to licensees. Mrs. Grogan also presented the Board with a list of courses for approval totaling 450 hours of instructional time available to licensees. Mr. Perine asked the Boards approval of the continuing education providers/sponsors, instructors and courses presented by Mrs. Grogan. Mr. Kirtland made a motion, seconded by Mr. Wyatt to approve the continuing education providers/sponsors, instructors, and courses. The motion passed unanimously.



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Executive Session

Mr. Meadows made a motion to go into Executive Session at 10:45 p.m. for 30 minutes to discuss the good name and character of potential licensees. The motion received a second by Mr. Kirtland.

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.

The audience was informed that the board would reconvene at 11:15 a.m., the audience was then cleared from the room to allow the Board to discuss the good name and character of the potential licensees.

After all parties and audience were called back into the room, Mr. Craddock called the Board meeting back to order with all members present at 11:05 p.m., with the board having a decision.

Mr. Rudder made a motion to table the apprenticeship application of Joseph Betts until the January meeting when he would be asked to appear before the Board for a personal interview. The motion was seconded by Mr. Meadows. 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 extend the apprenticeship of Aleta Stone for not more than 6 months from the 2nd of October, 2014, seconded by Mr. Kirtland. 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



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Absent: None

The motion passed unanimously.

Other Business

Mr. Perine asked the Board for permission to register with alacourt to allow the Board to review files of individuals who had been convicted of a felony. Mr. Perine stated this would provide the Board with additional information to determine if an individual should be licensed. Legal counsel for the Board agreed this information would be useful. Mr. Seroyer made a motion to allow the Board to register with alacourt, it was seconded by Mr. Lewis. The motion passed unanimously.

Howard Johnson addressed the Board stating his appreciation for the Board during the loss of his father. Mr. Johnson also stated that he was grateful for the job that the Board and staff had been doing. Mr. Craddock also expressed his appreciation for the staff and agreed that they were doing a great job.

Being no other regular business Mr. Craddock asked for a recess 11:10 a.m. and stated that the Board would reconvene at 12:30 p.m. for administrative hearings.

Administrative Hearing

Call to order

With all members present Mr. Mark Craddock, called the meeting back to order for the Administrative Hearing of the Alabama Board of Funeral Service at 12:30 p.m. on October 2, 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.

AFBS 14-038: Alabama Funeral Board v Dana George. Mr. Salle´ noted that Mr. George was not present. Mr. George asked Demetrius Clark to represent him. Mr. Salle´ noted that Mr.



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George was not present and therefore waved his right to appear based on his failure to appear and noted the administrative hearing would proceed without his presence. Mr. McEwen and Mr. Clark made their opening statements. Mr. Salle´ directed Mr. McEwen to call his first witnesses. Mr. McEwen called Charles Perine. Mr. Salle´ requested a five (5) minute break to allow the Board to copy additional exhibits. Following the break and after being sworn in by the court reporter Mr. Clark disclosed his knowledge of AFBS 14-038 to Mr. Salle´ and the Board as questioned. Exhibits were entered into evidence. Violations disclosed in the administrative complaint were as follows: §34-13-56(a)(2)(s) of the Code of Alabama, 1975. Following questions from Mr. Salle´, Mr. McEwen and Mr. Clark 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 1:00 p.m. Mr. Rudder made a motion to go into Executive Session for 30 (thirty) minutes to discuss the good name and character of Dana George, and would reconvene at 1:30 p.m. The motion received a second by Mr. Wyatt. 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.

The audience was informed that the board would reconvene at 1:30 p.m., the audience was then cleared from the room to allow the Board to discuss the good name and character of Mr. George.

After all parties and audience were called back into the room, Mr. Craddock called the Administrative Hearing back to order at 1:06 p.m. with the Board having a decision. Mr. Kirtland made a motion to extend the final order issued by the Board for 30 (thirty) days to allow Mr. George to pay the fine imposed by the Board. 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. Meadows, Mr. Wyatt

Nay votes: None



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Absent: None

The motion was approved unanimously.

Mr. Craddock again yielded the floor to Mr. Salle' Administrative Hearing Judge from the Alabama State Personnel Department to begin the second Administrative hearing. Mr. Salle' following his instructions asked for opening statements.

AFBS 14-040: Alabama Funeral Board v Arthur L. Sumbry, Jr. and Sumbry Memorial Funeral Home. Mr. Salle' noted that Mr. Sumbry, Jr., was present and represented by counsel, William H. Turner. Mr. McEwen and Mr. Turner waved their opening statements. Mr. Salle' directed Mr. McEwen to call his witnesses. Mr. McEwen called Charles Perine. Mr. Turner called Arthur L. Sumbry, Jr. and Sabrina Sumbry. Mr. McEwen and Mr. Turner were allowed to question each witness. After being sworn in by the court reporter each witness disclosed their knowledge of AFBS 14-040 to Mr. Salle' and the Board as questioned. Exhibits were entered into evidence. Violations disclosed in the administrative complaint were as follows:

§34-13-26(a)(2)(u); §34-13-52(d)(1);(2); §34-13-56(a)(2)(a); §34-13-56(a)(2)(p); §34-13-111(a); §34-13-116; of the Code of Alabama, 1975. Following 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 2:15 p.m. Mr. Meadows made a motion to go into Executive Session for 30 (thirty) minutes to discuss the good name and character of Arthur Sumbry, Jr., and Sumbry Memorial Funeral Home, and would reconvene at 2:45 p.m. The motion received a second 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.

The audience was informed that the board would reconvene at 2:45 p.m., the audience was then cleared from the room to allow the Board to discuss the good name and character of Mr. Sumbry. Mr. Craddock recused himself from the executive session for prior knowledge of the case. It was



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noted that there was a quorum of six members present. The chair was yielded to Mr. Meadows during the executive session.

After all parties and the audience were called back into the room, Mr. Meadows yielded the chair back to Mr. Craddock who called the Administrative hearing to order at 2:30 p.m. with the Board having a decision. Mr. Craddock noted Mr. Lewis requested to be excused and it was granted. A quorum of five members still being present, Mr. Meadows made a motion that Arthur Sumbry, Jr., be charged \$500.00 per count totaling fifty-eight (58) counts, and his embalmer and funeral director license be on probation for 3 (three) years. If and when the establishment makes application for license, upon approval the establishment would serve three (3) years probation. The motion was seconded by Mr. Kirtland, there being no discussion the roll was called by Mrs. Grogan

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

Nay votes: none

Abstain: Mr. Craddock

Absent: Mr. Lewis

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 2:35 p.m., seconded by Mr. Rudder. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan

X

Mark N. Craddock
Chair

X

Charles M. Perine
Executive Secretary