



Alabama Board of Funeral Service

Special Called Meeting Minutes

November 19, 2013

Attendance

The following members were present: Mark Craddock, Joe E. Lewis, Samuel Seroyer, John C. Rudder, Calvin Meadows and Jason Wyatt. Staff present was Charles M. Perine, Executive Secretary, E. Denise Grogan, Associate Executive Secretary, recording and Cameron McEwen, Legal Counsel from the Attorney General's Office.

The following member(s) were absent and excused by the Board: Bart Kirtland

Call to order

With a quorum present Mr. Mark Craddock, Chair, called to order the Administrative Hearing of the Alabama Board of Funeral Service at 8:32 a.m. on November 19, 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 Mr. McEwen to call his first case.

AFBS 13-018: Alabama Funeral Board v Harrison Funeral Home and Douglas C Harrison. Mr. Salle' noted that Mr. Harrison present and represented by counsel (Lewis Hamilton). Exhibits were introduced into evidence. Mr. Salle' took motion(s) from counsels. Opening statements were given by both attorneys. Mr. Salle' directed Mr. McEwen to call his witnesses. Mr. McEwen called Mac Stagner; Michael Cole; Magdalene Grant; Carolyn Bowden; Sonya Moore; Don Daniels; and Charles Perine. After being sworn in by the court reporter each witness disclosed their knowledge of AFBS 13-018 to Mr. Salle' and the Board as questioned by Mr. McEwen. Mr. Hamilton exercised his opportunity to question each witness. Violations disclosed in the administrative complaint were as follows:

§34-13-56(a)(2)(a),(k),(l),(s)(ii),(s)(v),(s)(xi), and (s)(x) of the Code of Alabama, 1975. At 9:37 a.m. the board took a ten minute recess and reconvened at 9:47 a.m. The Board rested its case at 11:00 a.m., the board took a ten minute break at 11:10 a.m. and reconvened at 11:20 a.m. at which time Mr. Salle' allowed Mr. Hamilton to call his witness; Douglas C. Harrison. After being sworn in by the court reporter Mr. Harrison disclosed his knowledge of AFBS 13-018 to Mr. Salle' and the Board as questioned by Mr. Hamilton. Mr. McEwen exercised his opportunity to question the witness.

Following questions and discussion by the board, Mr. Hamilton and Mr. McEwen gave their closing statements. Mr. Salle' gave the Board instructions for rendering a decision on the case.



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Executive Session

At the conclusion of the Administrative Hearing Mr. Craddock asked the will of the Board in rendering their decision. Mr. Rudder made a motion to go into Executive Session for 2 (two) hours to discuss the good name and character of Douglas C. Harrison, and would reconvene at 2:00 p.m. The motion received a second by Mr. Wyatt. Mrs. Grogan called the roll with the following votes:

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

Nay votes: none

Abstain: Mr. Craddock

Absent: Mr. Kirtland

The motion was approved.

The audience was cleared from the room to allow the board to discuss the good name and character of Douglas C. Harrison.

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

After all parties were called back into the room, Mr. Meadows yielded the chair back to Mr. Craddock who then called the Administrative hearing back to order at 12:41 p.m. with the Board having a decision. Mr. Meadows made a motion to revoke the establishment license of Harrison Funeral Home, and the personal funeral director and embalmer's license of Douglas C. Harrison. The motion was seconded by Mr. Wyatt, there being no discussion the roll was called by Mrs. Grogan

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

Nay votes: none

Abstain: Mr. Craddock

Absent: Mr. Kirtland

Settlement Agreements

ABFS 13-025 Mr. Perine reported that in the course of an investigation the Alabama Funeral Service Law and Code of Alabama, 1975 were violated in each count below:

- 1) §34-13-56(a)(2)(s)(i) and § 34-13-56(a)(2) (s)(xi) of the Code of Alabama, 1975, and Alabama Funeral Service Administrative Code 395-x-6-.06.
- 2) §34-13-56(a)(2)(b).

The following settlement agreement was offered and accepted:

(\$1,000.00) for each violation. Having a total of four (4) violations a total of (\$4,000.00) due the Board of Alabama Funeral Service. Two (2) year probation.



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ABFS 13-032 Mr. Perine reported that in the course of an investigation the Alabama Funeral Service Law and Code of Alabama, 1975 were violated in each count below:

- 1) §34-13-56(a)(2)(h) and §34-13-70 of the Code of Alabama, 1975, and Alabama Funeral Service Administrative Code 395-x-3-.03.

The following settlement agreement was offered and accepted:

(\$750.00) for each violation. Having a total of three (3) violations a total of (\$2,250.00) due the Board of Alabama Funeral Service. Two (2) year probation.

ABFS 13-036 Mr. Perine reported that in the course of an investigation the Alabama Funeral Service Law and Code of Alabama, 1975 were violated in each count below:

- 1) §34-13-111(a) of the Code of Alabama, 1975
- 2) §34-13-56(a)(2)(o) of the Code of Alabama, 1975

The following settlement agreement was offered and accepted:

(\$2,500.00) for each violation. Having six (6) violations a total of (\$15,000.00) due the Alabama Board Funeral Service. Two (2) year probation.

ABFS 13-037 Mr. Perine reported that in the course of an investigation the Alabama Funeral Service Law and Code of Alabama, 1975 were violated in each count below:

- 1) §34-13-56(a)(2)(a) of the Code of Alabama, 1975

The following settlement agreement was offered and accepted:

(\$2,500.00) for each violation. Having one (1) violation a total of (\$2,500.00) due the Alabama Board of Funeral Service. Two (2) year probation.

AFBS 13-038 Mr. Perine reported that in the course of an investigation the Alabama Funeral Service Law and Code of Alabama, 1975 were violated in each count below:

- 1) §34-13-56(a)(2)(s)(i) of the Code of Alabama, 1975 and Alabama Funeral Service Administrative Code 395-x-6-.06.
- 2) §34-13-56(a), (b), and (c) of the Code of Alabama, 1975 and Alabama Funeral Service Administrative Code 395-x-2-.04.

The following settlement agreement was offered and accepted:

(\$1,000.00) for each violation. Having three (3) violations a total of (\$3,000.00) due the Alabama Board of Funeral Service.

AFBS 13-034 Mr. Perine reported that in the course of an investigation the Alabama Funeral Service Law and Code of Alabama, 1975 were violated in each count below:

- 1) §34-13-90, §34-13-112 of the Code of Alabama, 1975
- 2) §34-13-56(a)(2)(a), of the Code of Alabama, 1975



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3) §34-13-56(a)(2)(b), of the Code of Alabama, 1975

The following settlement agreement was offered and accepted:

(\$500.00) for each violation. Having seventeen (17) violations a total of (\$8,500.00) due the Alabama Board of Funeral Service. One (1) year probation.

AFBS 13-044 Mr. Perine reported that in the course of an investigation the Alabama Funeral Service Law and Code of Alabama, 1975 were violated in each count below:

- 1) §34-13-90, §34-13-112 of the Code of Alabama, 1975
- 2) §34-13-56(a)(2)(a), of the Code of Alabama, 1975
- 3) §34-13-56(a)(2)(b), of the Code of Alabama, 1975

The following settlement agreement was offered and accepted:

(\$500.00) for each violation. Having twenty (20) violations a total of (\$10,000.00) due the Alabama Board of Funeral Service. One (1) year probation.

Proposed Funeral Bill

Mr. Perine informed the board of the proposed changes to the funeral service law via email for review. Mr. Perine stated that the bill was to clean up legal language, add definitions provided by Mr. McEwen, and organized sections of the law for consistency. The second bill that will be introduced Mr. Perine described as a continuing education bill.

State Law Exam

Mr. Perine asked the board to approve the new format for the State Law Test which is 50 (fifty) multiple choice questions with no short answers. Mr. Perine informed the board this is the format required when the test goes on line with a national testing center. Following discussion the board moved to accept the new testing format of 50 multiple choice questions, and that there will be no cell phones allowed during testing, and no one would be permitted to leave the room once they had begun the test. The motion was made by Mr. Wyatt and received a second by Mr. Seroyer. Mr. Craddock asked for a roll call vote:

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

No votes: none

Absent: Mr. Kirtland

Contract, Inspector and Investigators

Mr. Perine supplied the board information used by other states to contract inspectors and investigators. Mr. Perine asked for the board to delay ruling on this matter until all the legalities and state requirements had been investigated.



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Licenses Board Approval

Ms. Randi N. Harris
Mr. Derrick Parnell

Following discussion, a motion was made by Mr. Meadows to table the license approval of Ms. Harris until the January 6, 2014 board meeting at which time Ms. Harris will be asked to appear before the board. The motion was seconded by Mr. Wyatt. The motion passed unanimously.

Following discussion, a motion was made by Mr. Wyatt to table the license approval of Mr. Parnell until the January 6, 2014 board meeting at which time Mr. Parnell will be asked to appear before the board. The motion was seconded by Mr. Meadows. The motion passed unanimously.

Other Business

Board Moving Offices

Mr. Perine informed the board that the office was moving to suite 106 in the State House.

Oaths

Mr. Craddock asked that the board members to have their oaths signed by a local official. Mr. Perine stated if they did not have it done locally he would arrange for a local official to administer them.

Adjournment

Being no other business, Mr. Craddock asked for a motion to adjourn. Mr. Lewis moved to adjourn the meeting at 1:45 p.m., seconded by Mr. Seroyer. The motion passed unanimously. Minutes submitted by: E. Denise Grogan

X

Mark Craddock
Chair

X

Charles Perine
Executive Secretary