



# **Alabama Board of Funeral Service**

## **Meeting Minutes**

January 06, 2015

### **Attendance**

The following members were present: Mark N. Craddock, Lorenzo Wright, Samuel Seroyer, Bart Kirtland, John C. Rudder, Calvin Meadows and Jason Wyatt. Staff present; Charles M. Perine, Executive Secretary, and E. Denise Grogan, Associate Executive Secretary, recording. Also present legal counsel for the Board Cameron McEwen from the Attorney General's Office.

The following member was absent: none.

### **Election of Officers**

Mr. Charles M. Perine, Executive Secretary, welcomed all in attendance the second quarterly meeting of fiscal year 2015 of the Alabama Board of Funeral Service at 8:50 a.m. on January 6, 2015 in Room 106 of the State House, 11 South Union Street, Montgomery, Alabama.

Mr. Perine stated that Mr. Mark N. Craddock and Mr. John C. Rudder had been reappointed by the governor to represent districts one and five and that Mr. Lorenzo Wright had been appointed to represent district two. Mr. Perine thanked Mr. Joe Lewis for his service to the Alabama Board of Funeral Service and also welcomed Mr. Lorenzo Wright as the new representative for district two. Mr. Perine declared all previous offices of the Board vacant due to the new terms which began on January 1, 2015 for chair, vice-chair, treasurer and secretary. Mr. Perine opened the floor for nominations for the office of chair. Mr. Meadows nominated Mr. Mark N. Craddock, seconded by Mr. Rudder. With no other nominations or discussion, Mr. Perine asked the Question: Mr. Mark Craddock for the position of chair?

Vote:

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

Nay votes: None

Abstain: None

The motion passed unanimously.

Mr. Perine yielded the chair to Mr. Craddock, who requested that a resolution be drawn up for Mr. Lewis' many years of service on the Board. Mr. Craddock then opened the floor for nominations for vice-chair. Mr. Rudder nominated Mr. Calvin Meadows, seconded by Mr. Wyatt. Mr. Seroyer nominated Mr. Lorenzo Wright. With no second for Mr. Wright, and no



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other nominations or discussion, Mr. Craddock asked the Question: Mr. Calvin Meadows for the position of vice-chair?

Vote:

Yea votes: Mr. Craddock, Mr. Wright, Mr. Seroyer, Mr. Kirtland, Mr. Rudder and Mr. Wyatt

Nay votes: None

Abstain: None

The motion passed unanimously.

Mr. Craddock then opened the nominations for treasurer. Mr. Wyatt nominated Mr. Bart Kirtland, seconded by Mr. Meadows. With no other nominations or discussion, Mr. Craddock asked the Question: Mr. Bart Kirtland for the position of treasurer?

Vote:

Yea votes: Mr. Craddock, Mr. Wright, Mr. Seroyer, Mr. Rudder, Mr. Meadows and Mr. Wyatt

Nay votes: None

Abstain: None

The motion passed unanimously.

Mr. Craddock then opened the nominations for secretary. Mr. Meadows nominated Mr. Jason Wyatt, seconded by Mr. Kirtland. With no other nominations or discussion, Mr. Craddock asked the Question: Mr. Jason Wyatt for position of secretary?

Vote:

Yea votes: Mr. Craddock, Mr. Wright, Mr. Seroyer, Mr. Kirtland, Mr. Meadows and Mr. Rudder

Nay votes: None

Abstain: None

The motion passed unanimously.

### **Call to Order**

Mr. Craddock called to order the second quarterly business meeting of fiscal year 2015 of the Alabama Board of Funeral Service at 9:00 a.m. on January 6, 2015 in Room106 of the State House, 11 South Union Street, Montgomery, Alabama.

### **Approval of minutes**

Mr. Rudder moved to approve the minutes of the October 02, 2014 Board meeting, seconded by Mr. Wright. The motion passed unanimously.



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### **Old Business**

- 1) ABFS14-038 vs Dana George– Mr. Perine informed the Board that Dana George paid all fines and penalties and had met all the terms set forth in the Final Order issued by the Board.
- 2) ABFS14-040 vs Arthur Sumbry, Jr. and Sumbry Memorial Funeral Home–Mr. Perine informed the Board that Mr. Sumbry, Jr. filed an appeal with the Circuit Court following the ruling made by the Board at the October 2, 2014 Administrative Hearing. On behalf of the Board, Cameron McEwen, legal counsel for the Board requested and was granted a motion for a cost bond in the case. Mr. Perine stated as of this date Mr. Sumbry, Jr. had failed to pay the cost bond and that Mr. McEwen filed a motion to dismiss the appeal. The Board is currently waiting on the judge's decision concerning the motion to dismiss.
- 3) ABFS14-017 vs Peaceful Rest Funeral–Mr. Perine informed the Board that the owner of Peaceful Rest filed an appeal after the July 8, 2014 Administrative Hearing. The Court hearing the appeal had scheduled a status conference concerning the case on January 14, 2015. Mr. Perine stated he would inform the Board of the results of that conference at the April 13<sup>th</sup> Board meeting.

### **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 Frank Poston, Anthony Skeen, Andrea Gladden, Zabralara McGhee, Oul Harrison, and Clifford Toney, Sr. 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. Kirtland. The motion passed unanimously.

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

Having paid all fees and penalties, Mr. Perine asked the Board to consider Brandon Trawick and John Taylor for re-registration of permanent licenses as a funeral director and embalmer.



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Mr. Meadows moved to approve the re-registration of permanent funeral director and embalmer license, seconded by Mr. Wright. The motion passed unanimously.

### **3) Establishment Applications:**

Mr. Perine asked the Board to consider the following establishments for licensure: Morgan Funeral Chapel & Crematory, Attalla; Southern Memorial Funeral Home, Dothan; Colonial Funeral Home, Phenix City; Rainey Mortuary Service, LLC, Tuscaloosa. Mr. Wyatt moved to approve the license request of the fore stated funeral homes seconded by Mr. Meadows. The motion passed unanimously.

### **4) Applicants for Interview:**

Mr. Perine stated that the following individuals had passed the state law exam, and had met the passing criteria of the International Conference under the new testing format; Joel Davis, Desi Corley, Jacquetta Jones, Jeremy Scruggs. Mr. Perine certified that these individuals have met the qualifications for licensure in the State of Alabama in accordance with Title 34 Chapter 13 of the Code of Alabama 1975 and Administrative Code 395 as a funeral director and or embalmer and recommended to the Board that they be approved for licensing. Mr. Wright moved to approve each for licensure, seconded by Mr. Meadows. The motion passed unanimously.

Mr. Perine apologized for the cramped quarters in the Board's conference room, but expressed gratitude to all in attendance. Mr. Perine stated if the Board had known that continuing education would have such a great turn out, the meeting would have been scheduled for a larger room. Mr. Perine informed everyone that future meetings would be held in a larger room to insure all would be comfortable.

### **Executive Secretary Financial Report**

Mr. Perine reported the following to the Board for the 1st quarter fiscal year 2015: October 1-November 30, 2013.

Receipts: \$131,675.00 (September-November)

Budget: \$301,449.00

Expenditures: \$93,873.07

Licensed Establishments: 449



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Licensed Funeral Directors: 1654

Licensed Embalmers: 934

Apprentice Funeral Directors: 230

Apprentice Embalmers: 179

Following discussion on the report, Mr. Craddock commended Mr. Perine on coming in under budget by \$73,006.00. Mr. Seroyer moved to accept the financial Report submitted by the executive secretary, seconded by Mr. Meadows. The motion passed unanimously.

### **2016 Requested Budget**

Mr. Perine presented the Board members with copies of the 2016 Requested Budget that was submitted to the Executive Budget Office for approval by the Legislature this session which stated the following.

Projected Total Receipts: \$395,400

Requested Expenditures: \$395,213

Mr. Perine stated that the employee classifications totals reflected 5% employee merit raise for the staff based on evaluation and if so approved by the Board. Mr. Perine informed the Board that the 2016 merit raises may be frozen by the Governor. Mr. Perine provided the Board with an explanation of the requested increases and decreases shown in the 2016 requested budget. The majority of changes as stated by Mr. Perine are to cover the agency's required participation in the STARS program, which is the Governors initiative requiring all state agencies to go paperless.

Mr. Meadows moved to accept the 2016 Requested Budget submitted by the Executive Secretary, seconded by Mr. Kirtland. The motion passed unanimously.

### **Annual Evaluation**

Mr. Perine informed the Board that it was once again time for the annual evaluation of the Executive Secretary and the Associate Executive Secretary. Mr. Craddock opened the floor for comments from the Board members.

### **Mr. Perine**



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Mr. Meadows-“Continued success, I like what you are doing in the State being fair and impartial to everybody and treating everybody the same regards to race. I think you are doing an excellent job, \$73,000.00 under the budget is to be commended and I say keep up the good work.”

Mr. Kirtland-“I second that.”

Mr. Craddock-“I think you are doing a wonderful job, just keep it up. The few that do call and whine and complain you are the reason they are doing it. You and the rest of the folks in this office by making folks go by the law and they don't like to do it but they are going to have to as long as this Board is around. I think you are doing a great job.”

Mr. Seroyer-“I agree we are going to continue to support you. Without this Board's support you are in trouble, but I think that with the Board supporting you, you will be alright as long as you continue to do your job.”

Mr. Wyatt-“I would also like to commend you on your job performance and the fairness.”

Mr. Meadows- “I think the Board has got your back, but I think God has got your back too.”

### **Mrs. Grogan**

Mr. Craddock-“I think you are doing fine. The new investigators have taken all the heat off you. I think you are doing a good job. I think over seeing all this continuing education stuff you look over, you are doing a good job with that. I know I would hate to have that headache. I think you are doing a great job with it and a good job overall.”

Mr. Wyatt-“I would like to commend you on your professionalism and I think you have brought a lot of class to this office”.

Mr. Meadows-“Denise, I think you are doing a great job. Here I go again, I believe that God, I know I'm saying that God thing, but that is who I am. I believe that God sent you and Mr. Perine to the Board for such a time as this. I think you are doing a great job.”

Mr. Kirtland-“I think you are doing a good job too.”

Mr. Rudder-“I think you are doing a great job, just keep it up.”

Mr. Wright-“Mrs. Denise I think you are doing good although you get a lot of criticism. As long as you are doing what is right you are going to get that, so continue on with it.”

Mr. Seroyer-“Just continue to do a good job. Don't worry about them when they say that Lady, because that Lady is rough. That Lady has got some respect in this state. Continue the good work. We are going to support you too.”



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### **Merit Raises**

Mr. Perine explained to the Board that the merit raise is performance based and not mandatory. A one-step raise would be a 2.5% increase and a two-step raise would be a 5% increase. After discussion by the Board, Mr. Meadows made a motion to give Mr. Perine, Mrs. Grogan and Mrs. Dawson a two-step, 5% merit raise, seconded by Mr. Wright. Following discussion Mr. Craddock asked for a roll call vote:

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

Nay votes: None

The motion was approved

### **Joseph Bonner**

Mr. Perine informed the Board That Mr. Bonner-Bey had requested to address to the Board regarding a letter he had submitted to the Board's office. Mr. Bonner-Bey requested a statement of position on future legislation or Agency rule changes that will allow only funeral directors and embalmers in the district which the nominee is being elected for the Alabama Board of Funeral Service shall be allowed to vote for the nominee for that District. Mr. Bonner-Bey spoke as Interim President of the National Funeral Professionals Association.

After much discussion Mr. Perine asked the Board what response was to be given on the request from the National Funeral Professionals Association when contacted by the Governor's office? Mr. Craddock stated that when contacted by the Governor's office and knowing what kind of legislation was being proposed Mr. Perine was to call or email each Board member for their response.

### **Consent Agreements**

Mr. Perine informed the board that consent agreements entered into between October 3, 2014 and January 4, 2015:

ABFS14-041 – Fined \$11,250.00 and a 3 year probation

ABFS14-046 – Fined \$6,000.00 and a 2 year probation



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ABFS14-048 – Fined \$16,000.00 and a 3 year probation for Establishment and a 2 year probation for the managing funeral director and embalmer.

Mr. Meadows made a motion to accept the consent agreement as stated and seconded by Mr. Rudder. 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 including:

Community Grief Support Services  
A Center for Continuing Education  
National Funeral Professionals Association  
Dignity University  
Atlantic Coast Life Insurance Company  
Epsilon Nu Delta Mortuary Fraternity, Inc.  
Jzyk Ennis  
Dr. William H. Thompson  
Steven R. Matthews

Mrs. Grogan also presented the Board with a list of courses for approval totaling 333.50 hours of instructional time available to licensees. Following discussion concerning two classes (Forklift Safety and Hearing Conservation offered by Dignity University). Mr. Perine asked the Boards approval of the continuing education providers/sponsors, instructors and courses that were presented by Mrs. Grogan. Mr. Wyatt made a motion, seconded by Mr. Rudder to approve the continuing education providers/sponsors, instructors, and courses excluding Forklift Safety and Hearing Conservation. The motion passed unanimously.

### **Academy of Professional Funeral Service Practitioners**

Mr. Perine informed the Board of a question that had been posed concerning The Academy of Professional Funeral Service Practitioners blanket approval and why providers approved by the Academy must still register with the Board. Mr. Perine stated that the individuals or courses approved by the Academy must still register and be approved by the Board because when audited the Board's office must show compliance with the Alabama Funeral Service Laws and Statutes. The Board does not have access to the Academy's paperwork and therefore must





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require the providers and or instructors to supply the Board's office with documents required by statute which are similar to those required by the Academy.

### **The International Conference**

Mr. Perine reminded the Board that the International Conference administers the State Funeral Director and State Embalmer exam as well as the State Law exam. Mr. Perine asked the Board members if they were aware of any issues that individuals were experiencing in relation to the exams. Mr. Perine also asked the Board's position on a proposal that the Board give the State Law exam as in the past, in addition to it being administered by the International Conference. After much discussion the Board took no action on the proposal that the Board administer the State Law exam in addition to the International Conference. Board members stated that they preferred it being administered by the International Conference and would readdress the proposal if complaints were received by the Board.

### **2015-2016 Board Meetings**

Mr. Perine presented the proposed calendar for 2015-2016 board meetings. All meetings set to begin at 9:00 a.m.

Monday, April 13, 2015

Monday, July 13, 2015

Monday, October 5, 2015

Monday, January 11, 2016

Mr. Wyatt moved to approve the 2015-2016 calendars as presented, seconded by Mr. Seroyer. The motion passed unanimously.

### **Executive Session**

Mr. Seroyer made a motion to go into Executive Session for 30 minutes following a ten minute break to discuss the good name and character of potential licensees, Joseph L. Betts, Loretta Holliday, Timothy R. Ellison. The motion received a second by Mr. Meadows. The motion was approved unanimously.



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The audience was cleared from the room at 10:20 a.m. to allow the Board to discuss the good name and character of potential licensees. The audience was also informed that the regular business meeting would resume at the conclusion of executive session.

After all parties were called back into the room, Mr. Craddock called the Board meeting back to order at 11:00 a.m. Mr. Meadows made a motion to accept the apprenticeship application of Mr. Joseph Betts stipulating that there be a probationary period of the full apprenticeship and that Mr. Betts come before the Board once a year for a status report, seconded by Mr. Rudder. Being no discussion Mr. Craddock asked for a roll call vote:

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

Nay votes: None

Absent: None

The motion passed unanimously.

Mr. Perine informed the Board of Ms. Loretta Holliday's failure to appear and requested that her application be tabled until the April meeting at which time she would be requested to appear again. Mr. Wyatt made a motion to table the application of Loretta Holliday until the April Board meeting, seconded by Mr. Kirtland. The motion passed unanimously.

Mr. Meadows made a motion to deny the re-licensing of Mr. Timothy Ellison at this time, seconded by Mr. Rudder. Being no discussion Mr. Craddock asked for a roll call vote:

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

Nay votes: None

Absent: None

The motion passed unanimously.

### **Adjournment**

Being no other business, Mr. Craddock asked for a motion to adjourn. Mr. Wright moved to adjourn the meeting at 11:07 a.m., seconded by Mr. Rudder. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan



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**X**

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Mark N. Craddock  
Chair

**X**

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Charles M. Perine  
Executive Secretary