



# **Alabama Board of Funeral Service**

## **Meeting Minutes**

April 13, 2015

### **Prior Notice**

Prior notice of the Board meeting was given through the April newsletter that was distributed to licensees on March 13, 2015 and was posted on the Secretary of State website in January 2015.

### **Attendance**

Mr. Craddock asked Mrs. Grogan for a roll call to establish a quorum prior to the meeting being called to order. The following members were present: Mark N. Craddock, Lorenzo Wright, 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: Samuel Seroyer.

Following a roll call with 6 members present a quorum was established.

### **Call to Order**

Mr. Craddock called to order the third quarterly meeting of fiscal year 2015 of the Alabama Board of Funeral Service at 9:05 a.m. on January 6, 2015 in Room 304 of the State House, 11 South Union Street, Montgomery, Alabama.

### **Approval of Minutes**

Mr. Wright moved to approve the minutes of the January 06, 2015 Board meeting, seconded by Mr. Meadows. The motion passed unanimously.

### **Old Business**

- 1) ABFS14-017 vs Peaceful Rest– Mr. Perine informed the Board that during a status conference on January 14, 2015 in the circuit court in Jasper, AL the appellate asked that the case be dismissed and it was granted. Peaceful Rest paid all fines, cost bond, penalties and has 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



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for a cost bond in the case. Mr. Perine stated Mr. Sumbry, Jr. failed to pay the cost bond and the case had been dismissed. Mr. Perine stated that new charges had been filed against Mr. Sumbry, Jr. but he allowed his personal license to expire and the Board therefore has no jurisdiction over him at this time. The matter will be held over until Mr. Sumbry, Jr attempts to reapply for a license.

### **New Business**

#### **Board Resolution 15-01:**

Mr. Meadows presented Board Resolution 15-01 commendation of service to Mr. Joe E. Lewis for his dedicated service to the Alabama Board of Funeral Service on behalf of Mr. Mark N. Craddock, Mr. Lorenzo Wright, Mr. Sammy Seroyer, Mr. Bart Kirtland, Mr. John C. Rudder, Dr. Calvin Meadows, and Mr. Jason Wyatt.

### **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 Earnest Green, Charlie D. Nelson, Bridget D. Moye, Tyrone Moye, Natasha S. Reynolds, Juanita C. Rogers, Antonia T. Perryman, Robert Taylor III, Thomas. D. Robinson, Ramona C. Russell, and Melesa F. Mayes. 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 License Re-registration:**

Having paid all fees and penalties, Mr. Perine asked the Board to consider George Martin and Stan Clemons for re-registration of permanent licenses as a funeral director. Mr. Wright moved to approve the re-registration of permanent funeral director license, seconded by Mr. Rudder. The motion passed unanimously.

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

Having paid all fees and penalties, Mr. Perine asked the Board to consider Tiffany Pettis, William Grayson, Jr., Samuel Modder and George Ogletree for re-registration of permanent licenses as a funeral director and embalmer. Mr. Meadows moved to approve the re-



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registration of permanent funeral director and embalmer license, seconded by Mr. Wright. The motion passed unanimously.

#### **4) Practical Embalmer License Re-registration: (Earnest E. Smith)**

Mr. Perine stated that Mr. Earnest E. Smith wished to address the Board concerning the reactivation of his practical embalmers license. Mr. Smith had not renewed his practical embalmers license since 1987. On the advice of legal counsel no action taken on Mr. Smith's request for the reactivation of his practical embalmers license.

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

Mr. Perine asked the Board to consider the following establishments for licensure: Cope-Keahey Funeral Home LLC, Evergreen; Searcy Funeral Home & Crematory, Dothan; Grace Memorial Funeral Home LLC, Sheffield; Heritage Funeral Home, Hartford; Carter Rice & West Funeral Home, LLC, Greenville; Grace Memorial Funeral Home, LLC, Florence. Mr. Wyatt moved to approve the license request of the fore stated funeral homes seconded by Mr. Kirtland. The motion passed unanimously.

#### **6) Special Operating Permit: (Charles Woods)**

Mr. Perine stated that Mr. Charles Woods of Community Funeral Home, Sylacauga had requested a special operating permit due to the death of Mr. Wilmer Dock who served as the qualifying funeral director for the establishment. Mr. Perine stated that Mr. Woods had received a special operating permit in 1988 which allowed him to forgo the 2 year apprenticeship and take the state funeral directors exam. For the record, Mr. Woods never took the state exam to receive a funeral directors license. Mr. Perine informed the Board that Mr. Woods had funeral directors available to qualify the establishment, and he recommended that the Board deny Mr. Woods request for a special operating permit. Mr. Meadows made a motion, seconded by Mr. Wyatt to deny Mr. Woods request for a special operating permit. Being no discussion, the motion passed unanimously.

#### **7) 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; Brandi Elder, Robynne Gray, Danae Magee, Charles Sherman, Terry Cleckler, Carlos Black, Brian Goodloe, Joey Norris. 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*



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*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.

### **Executive Secretary Financial Report**

Mr. Perine reported the following to the Board for the 2nd quarter fiscal year 2015: January 1-March 30, 2015.

Receipts: \$62,091.25 (January-March)

Budget: \$471,870.00

Expenditures: \$185,724.64

Unobligated Balance \$286,145.36

Licensed Establishments: 451

Licensed Funeral Directors: 1599

Licensed Embalmers: 895

Apprentice Funeral Directors: 265

Apprentice Embalmers: 200

Mr. Perine informed the Board that there were 115 licenses that expired on April 1, 2015. Cease and Desist letters were sent to each of those licensees stating they must cease practice until their licenses have been reinstated.

### **International Conference of Funeral Service Examining Board Expense Report**

Mr. Perine informed the Board of the expense report for the 111<sup>th</sup> Annual Meeting. The expense report included total expenses for Mr. Perine, Mrs. Grogan, Mr. Rudder and Mr. Meadows. The amount budgeted was \$9,500.00, requested \$6,325.00, and actual \$5,946.72. Following discussion on the report, Mr. Meadows moved to accept the financial report submitted by the executive secretary, seconded by Mr. Wright. The motion passed unanimously.

### **International Conference of Funeral Service Examining Board Annual Conference Report**

Mr. Perine turned the floor over to Mr. Rudder and Mr. Meadows to inform the Board about their experience at the conference in Dallas, Texas. Mr. Meadows stated he was glad he went and was



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impressed with the standing that Alabama had with the Conference. He stated that Alabama had a strong board thanks to the Executive and Associate Executive Secretary making sure that rules get enforced. Mr. Meadows was impressed that people are looking to Alabama and that we are setting the bar for other states to model.

Mr. Rudder commented that other states wanted to know how to improve their laws and Boards based on the things they hear coming out of Alabama.

Mr. Meadows informed the Board that Mr. Perine received an award for his service as a member of the Model Practice Act committee.

Mr. Perine stated that it had been quite some time since Alabama had been represented at the International Conference of Funeral Service Examining Board Conference. He stated that these are the individuals who administer the exam to our licensees. Mr. Perine stated it was important for Alabama to be represented. Mr. Perine stated that some said that “we went on a nice vacation, we were in meetings from the time we landed till the time we took off.” Mr. Perine said that it was an opportunity to learn and for others to learn from Alabama.

Mrs. Grogan informed the Board members that other states have asked about our mobile application for inspections. Other states were curious about how it worked and how to get it started in their state to reduce costs for their agencies.

### **Consent Agreements**

Mr. Perine informed the board of consent agreements that had been entered into between January 5, 2015 and April 10, 2015:

- ABFS14-036 - Fined \$5,500.00 and 1 year probation for Managing Funeral Director; 1 year probation for employee Funeral Director; 1 year probation for Establishment
- ABFS15-003 – Fined \$5,000.00 and 2 year probation for Managing Funeral Director; 2 year probation for the establishment

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

### **Continuing Education**



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Mrs. Grogan presented the Board with providers/sponsors and instructors seeking approval to provide or facilitate continuing education to licensees including:

International Order of the Golden Rule  
The Independent Funeral Group  
Tennessee Funeral Directors Association

Mrs. Grogan also presented the Board with a list of courses for approval totaling 182 hours of instructional time available to licensees. Pursuant to Alabama Funeral Service Administrative Code 395-X-1-.04, Mr. Perine gave interim approval to 14 courses. 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. Meadows to approve the continuing education providers/sponsors, instructors, and courses. The motion passed unanimously.

### **Statement of Economic Interest**

Mr. Perine reminded the Board members that they must complete the Statement of Economic Interest by April 30, 2015. This form is required to be completed annually by all Board members and other individuals that are state employees in order to comply with the Ethics Commission. Mr. Wright is excluded this year because he was not a board member during the 2014 calendar year.

### **Other Business**

Mr. Perine informed the Board of current legislation.

HB135 – Representative Clouse introduced a bill containing the proposed budget for the Board of Funeral Service.

HB32 – Representative Faust introduced a bill requiring funeral homes to submit Social Security numbers of deceased persons to the IRS. As of today the bill remains on first reading.

HB313 – Representative Greer introduced a bill allowing an individual to create a written directive for the disposition of his or her remains upon death. Mr. Perine stated there was some concern with this bill because it would conflict with the current cremation law in Alabama. As of today the bill remains on first reading.



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SB302 – Senator Ward introduced a bill exempting any licensee over the age of 70 years old with 10 years of experience, who has never committed a violation of the rules and regulations of the Board from annual renewal fees. Mr. Perine stated there were 381 licensees of the age of 70 and over. This bill would cause an automatic 10% decrease in the Board's revenue, Mr. Perine reminded the Board that all revenue comes from license renewals and inspections. In 5 years that number would grow to 613 individuals who would fall under the new code. The fiscal note on this bill showed a decrease to the revenue of the Board. The bill was laid on the table in committee meeting.

### **Executive Session**

Mr. Meadows made a motion to go into Executive Session for 45 minutes following a ten minute break to discuss the good name and character of potential licensees, Keary Chandler and Loretta Holliday. The motion received a second by Mr. Kirtland. The motion was approved unanimously.

The audience was informed that the regular business meeting would resume at 11:00 a.m. The audience was cleared from the room at 10:05 a.m. to allow the Board to discuss the good name and character of potential licensees following a ten minute break.

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 indefinitely table the application of Ms. Loretta Holliday, seconded by Mr. Wright. The motion passed unanimously.

Mr. Meadows made a motion to deny re-issuing the license of Mr. Keary Chandler at this time, seconded by Mr. Wright. Being no further discussion Mr. Craddock asked for a roll call vote:

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

Nay votes: None

Absent: Mr. Seroyer

The motion passed unanimously.

### **Adjournment**



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Being no other business, Mr. Craddock asked for a motion to adjourn and reconvene at 9:00 a.m. on July 13, 2015, Mr. Meadows moved to adjourn the meeting at 11:05 a.m., and seconded by Mr. Kirtland. 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