



Alabama Board of Funeral Service Meeting Minutes

April 4, 2016

Prior Notice

Prior notice of the Board meeting was given through the January newsletter that was distributed to licensees on March 3, 2016 and was posted on the Secretary of State website in January 2016.

Call to Order

Mr. Perine called to order the third quarterly meeting of fiscal year 2016 of the Alabama Board of Funeral Service at 9:05 a.m. on April 4, 2016 in Room 304 of the State House, 11 South Union Street, Montgomery, Alabama.

Oath of Office

Mr. Perine reminded all in attendance that Districts Three, Four, Six and Seven seats were vacated due to the expiration of their terms. In January the Governor reappointed to those seats; District Three Samuel Seroyer, District Four Bart Kirtland, District Six Calvin Meadows, and District Seven Jason Wyatt.

Mr. Perine being a notary public administered the oath of office to District Three Samuel Seroyer, District Four Bart Kirtland, District Six Calvin Meadows, and District Seven Jason Wyatt.

Election of Officers

Mr. Perine declared all previous offices of the Board vacant due to the beginning of new board member terms 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; Absent: None; The motion passed unanimously.

Mr. Perine yielded the chair to Mr. Craddock, who opened the floor for nominations for vice-chair. Mr. Rudder nominated Mr. Calvin Meadows, seconded by Mr. Kirtland. With no other nominations or discussion, Mr. Craddock asked the Question: Mr. Calvin Meadows for the position of vice-chair?

Vote:



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

Nay votes: None; Abstain: None; Absent: None; The motion passed unanimously.

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

Vote:

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

Nay votes: None; Abstain: None; Absent: None; The motion passed unanimously.

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

Vote:

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

Nay votes: None; Abstain: None; Absent: None; The motion passed unanimously.

Attendance

Mr. Craddock asked Mrs. Grogan for a roll call to establish a quorum. 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 general counsel for the Board T. Cameron McEwen.

The following members were absent: None

Following a roll call with 7 members present a quorum was established.

Approval of Minutes

Mr. Wright moved to approve the minutes of the January 11, 2016 Board meeting, seconded by Mr. Wyatt. Being no discussion the motion passed unanimously.



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Old Business

International Conference of Funeral Service Examining Board Annual Conference Report

Mr. Craddock turned the floor over to Mr. Wyatt and Mr. Kirtland to inform the Board about their experience at the conference in New Port Beach, California. Mr. Wyatt stated he appreciated the opportunity to attend and was impressed with the standing that Alabama had with the Conference. He stated that the Board Member training was very informative and beneficial.

Mr. Kirtland commented that the meetings were very informative and how much he enjoyed Craig Tregillus' presentation on the FTC Funeral Rule. Mr. Kirtland also stated that he enjoyed speaking with representatives about the industry in their areas.

International Conference of Funeral Service Examining Board Expense Report

Mr. Perine informed the Board of the expense report for the 112th Annual Meeting. The expense report included total expenses for Mr. Perine, Mrs. Grogan, Mr. Wyatt and Mr. Kirtland. The amount budgeted was \$8,000.00, requested \$7,295.00, and actual \$6,418.18.

New Business

Approval of Licenses:

1) Applicants having met all qualifications for licensure:

Having passed the state law exam, and having met the passing criteria of the International Conference under the new testing format, Mr. Perine stated that the following individuals had 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 and asked the Board to consider for approval the funeral director and/or embalmer licenses for; James D. Glenn, Michelle Beasley, Pamela F. Butler, Brandon J. Goulding, Irvin W. Clifton, Zachary D. Bolton, Kyle E. Mayes, Dennis J. House, Michael K. Kiser, and Christy A. Ling. The motion was made by Mr. Wright and seconded by Mr. Meadows. The motion passed unanimously.

2) 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; Deondra J. Nix, Andre' C. Russell, Michael B. Patton, Awlahjaday Agee, Anthony Agee, and Ryan D. Pasley. Mr. Meadows moved to approve the re-registration of apprentice funeral director applications with previous time served credited to the current registration, seconded by Mr. Wyatt. The motion passed unanimously.



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3) 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 embalmer applications with previous time served as an apprentice credited to current registration for Rashad T. Pressley. Mr. Meadows moved to approve the re-registration of apprentice funeral director and embalmer applications with previous time served credited to the current registration, seconded by Mr. Wright. The motion passed unanimously.

4) Establishment Applications:

Mr. Perine asked the Board to consider the following establishments for licensure: Legacy Chapel, Madison and Newman Mortuary, Ozark. Mr. Rudder moved to approve the license request of the fore stated funeral homes seconded by Mr. Kirtland. The motion passed unanimously.

Executive Secretary Financial Report

Mr. Perine reported the following to the Board for the 2nd quarter fiscal year 2016: January 1-March 31, 2016.

Annual Appropriation: \$534,043.00

Unobligated Expenses: \$303,132.15

Total Obligations: \$230,910.85

Licensed Establishments: 459 active

Licensed Funeral Directors: 1583 active

Licensed Embalmers: 895 active

Apprentice Funeral Directors: 239 active

Apprentice Embalmers: 172 active

Mr. Wright made a motion to accept the financial report as presented by Mr. Perine, seconded by Mr. Meadows. The motion passed unanimously.

Legal Compliance Audit

Mr. Meadows informed the Board about the recent legal compliance audit conducted by the examiners of the Office of Public Accountants covering the Boards operational period from 2013 to 2015. The examiners stated that the Board was in compliance with all rules and laws. Mr. Meadows also stated that all finances related to the Board were in order and all accounted for.



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Consent Agreements

Mr. Perine informed all present about a consent agreement approved during the last board meeting which involved an establishment's change of status. Mr. Perine stressed to all in attendance that any change of status for an establishment must be registered with the Board in order to insure that the establishment is in accordance with all laws. Examples given were; addition of a crematory, change of managers, and changes to preparatory room or establishment.

Mr. Perine informed the board of proposed settlements that were agreed on between January 11, 2016 and April 1, 2016:

Case Number	Penalty
ABFS16-001	Fined \$18,000.00 30 day suspension for the Managing Funeral Director 3 year probation for the Managing Funeral Director 3 year probation for the Establishment
ABFS16-010	6 month probation for the Funeral Director
ABFS16-011	Fined \$3,000.00 2 year probation for Funeral Director

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

Mr. Perine explained to all in attendance that when a violation has occurred an administrative complaint is issued. If a consent agreement is offered, the offender admits guilt and works with the Board on a penalty. If no agreement can be reached, then the case proceeds to an Administrative Hearing. Consent agreements presented at Board meetings are the agreed upon penalties reach by both parties.

Continuing Education

Mrs. Grogan presented the Board with a list of courses for approval totaling 132 hours of instructional time available to licensees. Pursuant to Alabama Funeral Service Administrative Code 395-X-1-.04, Mr. Perine gave interim approval to 5 courses. Mr. Rudder made a motion, seconded by Mr. Wyatt to approve the continuing education providers and instructors. The



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motion passed unanimously. Mr. Meadows made a motion, seconded by Mr. Rudder to approve the continuing education courses presented. The motion passed unanimously.

Mr. Perine informed the Board that Mr. Bonner-Bey had requested to appear before the Board to on behalf of the National Funeral Professionals Association, Inc. Mr. Bonner-Bey was not present and the matter was tabled.

iGov Solutions

Mr. Perine presented the Board with a cost proposal from iGov Solutions which is a comprehensive licensing system that has a contract with the state. Mr. Perine stated that several state boards use iGov Solutions and it would replace the current limited system developed by ISD. iGov Solutions would take over the credit card payment for online renewals eliminating the three companies now used to perform this service. Mr. Perine states savings to the Board would be considerable compared to options presented by the other companies being used.

Mr. Rudder made a motion, seconded by Mr. Wright to contract with iGov Solutions for the licensing system proposed. The motion passed unanimously.

Statement of Economic Interest

Mr. Perine reminded the Board members that they must complete the Statement of Economic Interest by May 2, 2016. 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.

Executive Session

Mr. Meadows made a motion seconded by Mr. Seroyer to go into Executive Session for 30 minutes to discuss the good name and character of potential licensees and discussion with the agency's attorney concerning litigation, mediation, or arbitration of ABFS13-010.

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

Nay votes: None

Abstain: None

Absent: None

The motion passed unanimously.

The Board members moved to an adjoining conference room at 10:00 a.m. to allow the Board to discuss the good name and character of potential licensees and the discussion of ABFS13-010. 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 10:20 a.m.



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Mr. Meadows made a motion to return to executive session for 30 additional minutes to continue discussing the good name and character of potential licenses and the discussion of ABFS13-010.

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

Nay votes: None

Abstain: None

Absent: None

The motion passed unanimously.

The Board members moved to an adjoining conference room at 10:25 a.m. to allow the Board to continue discussing the good name and character of potential licensees and the discussion of ABFS13-010. 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 10:45 a.m.

Mr. Meadows made a motion to vacate the Final Order of ABFS13-010, seconded by Mr. Wright. Mr. Craddock requested a roll call vote with the following responses:

Yea votes: Mr. Wright, Mr. Seroyer, Mr. Kirtland, Mr. Meadows.

Nay votes: Mr. Rudder, Mr. Wyatt

Abstain: Mr. Craddock

Absent: None

The motion passed with a four yes votes.

Mr. Meadows made a motion, seconded by Mr. Wright to accept the following settlement agreement.

Case Number	Penalty
ABFS13-010	Fined \$20,000.00 45 day suspension for the Funeral Director 18 month probation for the Funeral Director 18 month probation for the Establishment

Mr. Craddock requested a roll call vote with the following response.

Yea votes: Mr. Wright, Mr. Seroyer, Mr. Kirtland, Mr. Meadows.

Nay votes: Mr. Rudder, Mr. Wyatt

Abstain: Mr. Craddock

Absent: None

The motion passed with four yes votes.



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Mr. Meadows made a motion to accept the funeral director apprenticeship renewal application of Ms. Ticole Chester, seconded by Mr. Rudder. Mr. Craddock requested a roll call vote with the following responses:

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

Nay votes: None

Abstain: None

Absent: None

The motion passed unanimously.

Other Business

Mr. Wright asked for consideration in adding a requirement of written permission for embalming. Mr. Perine stated that it could be accomplished by an Administrative Rule requiring a signed authorization or documented verbal authorization. Mr. Craddock asked Mr. Perine to research other states in to see how the wording could be accomplished.

Mr. Craddock inquired about being self-regulated in regards to the FTC Funeral Rule. Mr. Perine informed all present that this was the third year that Mr. Perine and Mrs. Grogan have inspected General Price lists, Casket, and Outer burial price lists for compliance with the Funeral Rule. Mr. Perine stated that this year if any establishment's price lists were not in compliance the establishment would receive an automatic Board Notice with an Administrative Complaint sighting failure to comply with the FTC Funeral Rule. Mr. Perine stated to all in attendance that the samples were available on the website.

Adjournment

Being no other business, Mr. Craddock asked for a motion to adjourn and reconvene at 9:00 a.m. on July 11, 2016, Mr. Wright moved to adjourn the meeting at 10:50 a.m., and seconded by Mr. Meadows. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan

X

Mark N. Craddock
Chair

X

Charles M. Perine
Executive Secretary