



Alabama Board of Funeral Service

Meeting Minutes

January 11, 2016

Prior Notice

Prior notice of the Board meeting was given through the January newsletter that was distributed to licensees on December 4, 2015 and was posted on the Secretary of State website in January 2015.

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 district four which term expired December 31, 2015. Nominations were made due to the nominees for District Four from the October board meeting statutory requirements. The following nominations were made:

District 4		
Bart Kirtland-Boaz	Jennie Adams Buggs-Attalla	Don Diamond III-Double Springs

District 4 nominees that will be submitted to the governor are: Bart Kirtland, Jennie Adams Buggs, and Don Diamond III.

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, 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.

Call to Order



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Mr. Craddock called to order the second quarterly meeting of fiscal year 2016 of the Alabama Board of Funeral Service at 9:05 a.m. on January 11, 2016 in Room 304 of the State House, 11 South Union Street, Montgomery, Alabama. Following the call to order, Mr. Craddock announced that Election of officers would take place following the Governor's appointments.

Approval of Minutes

Mr. Wright moved to approve the minutes of the October 5, 2015 Board meeting, seconded by Mr. Kirtland. The motion passed unanimously.

Old Business

None

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 Molly D. Gaines, Lonnie Morgan III, Eddie L. Sheffield, Ana M. Young, Frank J. Poston, Jamie R. Hall, Amber B. Champion, Danetta T. Cottrell, Erika M. Jelks, Ryan F. Yates, Kenneth J. Aud, John T. Scott, Cassidy S. Barker, and Charles G. Cannon. The motion was made by Mr. Wyatt and seconded by Mr. Wright. 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 Dennis R. Garner, Charlene E. Boykin, Adam T. Seal, Patrena McNeal, Renee K. Wales, Lonnie D. Mitchell, and Adrion L. Rice. Mr. Rudder 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.



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

Having paid all fees and penalties, Mr. Perine asked the Board to consider Edward M. Bass and Vincent P. D'Amilo for re-registration of permanent licenses as a funeral director and embalmer. Mr. Meadows moved to approve the re-registration of permanent funeral director and embalmer license, seconded by Mr. Wyatt. The motion passed unanimously.

Rachel Dinehart

Mr. Perine informed the Board that Ms. Rachel Dinehart requested to appear before the Board concerning the two year apprenticeship requirements prior to licensing. Ms. Dinehart requested that the Board commute the length of her apprenticeship and issue her funeral director and embalmers license. Following discussion by the Board, Mr. Meadows moved to deny Ms. Dinehart's request to wave her apprenticeship. Being no second the motion died. Mr. Wright requested that Mr. Meadows amend his motion to reflect that Ms. Dinehart's request would violate Alabama Law. Mr. Meadows made a motion to deny Ms. Dinehart's request to wave her apprenticeship due to the statutory requirements of a two year apprenticeship, seconded by Mr. Rudder. Mr. Craddock requested a roll call vote with the following responses:

Yes: Mr. Craddock, Mr. Wright, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows

Nay: None

Abstain: Mr. Wyatt

Absent: None

The motion passed.

Mr. Perine reminded Ms. Dinehart that the correspondence mailed to her dated February 23, 2015 indicated that The *Code of Alabama*, 1975 34-13-72(a)(5)(b) and 34-13-92(a)(6)(b) state that the Board may not issue a funeral director or embalmer license to any applicant who has not completed a two year apprenticeship, and therefore the Board could not violate its own statute.

Executive Secretary Financial Report

Mr. Perine reported the following to the Board for the 1st quarter fiscal year 2016: October 1-December 31, 2015.

Receipts: \$99,207.00

Budget: \$534,043.00

Expenditures: \$125,111.88



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Licensed Establishments: 430 active
Lapsed Establishments: 25
Expired Establishments: 6
Licensed Funeral Directors: 1521 active
Licensed Embalmers: 854 active
Lapsed Funeral Directors and Embalmers: 199
Expired Funeral Directors and Embalmers: 1103

Mr. Perine stated that 199 funeral director/embalmer licenses were in the lapsed status for failure to renew. Licensees have until March 30th to renew with penalty and if not renewed the license will go into the expired status. Licensees in the expired status will be sent a letter requiring them to cease and desist from all practice in the funeral service industry.

Apprentice Funeral Directors: 214 active
Apprentice Embalmers: 157 active

2017 Requested Budget

Mr. Perine presented the Board members with copies of the 2017 Requested Budget that was submitted to the Executive Budget Office for approval by the Legislature this session which stated the following.

Projected Total Receipts: \$467,750.00
Requested Expenditures: \$466,563.00

Mr. Perine stated that ACT 2015 – 478 Exempt employee addition shown for 2017 is the General Counsel position approved by the Board. Mr. Perine stated that there would be additional revenue not included in the proposed budget that would come from Interagency Agreements to cover some of the salary for the Board's General Counsel. The Interagency Agreements were not included in the 2017 Requested Budget due to the fact that the agreements are on an annual basis. Mr. Wright made a motion to accept the Executive Secretary Financial Report and the 2017 requested budget, seconded by Mr. Kirtland. The motion passed unanimously.

Merit Raises



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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. Mr. Meadows made a motion to give Mrs. Dawson a two-step, 5% merit raise, seconded by Mr. Seroyer. The motion passed unanimously.

Consent Agreements

Mr. Perine informed the board of proposed settlements that were agreed on between October 5, 2015 and January 11, 2016:

Case Number	Penalty
ABFS15-015	Fined \$3,000.00 1 year probation for the Establishment
ABFS15-023	Fined \$7,500.00 2 year probation for the Establishment 1 year probation for the managing funeral director
ABFS15-024	Fined \$4,000.00 2 year probation for Establishment 2 year probation for the managing funeral director and embalmer
ABFS15-025	Fined \$3,000.00 1 year probation for Establishment 1 year probation for managing funeral director
ABFS16-005	Fined \$2,500.00 2 year probation for Establishment 2 year probation for managing funeral director

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

Mr. Perine informed all in attendance that if there is a change in the status of any records kept by the Board's office the Board must be notified, to include changes to the establishment, personnel, and licensees.

Continuing Education

Mrs. Grogan presented the Board with a list of courses for approval totaling 172.5 hours of instructional time available to licensees. Pursuant to Alabama Funeral Service Administrative



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Code 395-X-1-.04, Mr. Perine gave interim approval to 2 courses. Mr. Wyatt made a motion, seconded by Meadows to approve the continuing education providers and instructors. Mr. Perine reminded all in attendance that licensees who are audited during the 2017 renewal period will not have their licenses renewed until their continuing education is verified by the Board's office. The motion passed unanimously.

The International Conference

Mr. Perine reminded the Board that the International Conference who administers the State Funeral Director and State Embalmer exam as well as the State Law exam will be hosting their 112th annual conference February 23-25, 2016 in Newport Beach, California. Mr. Perine stated that the conference was previously approved by the Board and an invitation was opened to Board members to attend. Mr. Kirtland and Mr. Wyatt accepted the invitation and will be accompanying Mr. Perine and Mrs. Grogan. Mr. Perine offered all in attendance the opportunity to voice any concerns that would be taken to the International Conference for their attention.

2015-2016 Board Meetings

Mr. Perine presented the proposed calendar for 2016-2017 board meetings. All meetings set to begin at 9:00 a.m.

Monday, April 4, 2016

Monday, July 11, 2016

Monday, October 3, 2016

Monday, January 9, 2017

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

Executive Session

Mr. Meadows made a motion seconded by Mr. Rudder to go into Executive Session for 90 minutes to discuss the good name and character of potential licensees and the discussion of a controversy that is not currently being litigated, but likely to be if the agency takes a proposed course of action. Mr. McEwen the Board's General Counsel stated that he "recommended that the Board go into Executive Session to discuss an issue of controversy before the Board that is not currently being litigated but likely will be litigated depending on what the Board's action is".



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Mr. Craddock requested a roll call vote with the following responses:

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

Nay votes: None

Absent: None

The motion passed unanimously.

The Board members moved to an adjoining conference room at 9:50 a.m. to allow the Board to discuss the good name and character of potential licensees and the discussion of a controversy that is not currently being litigated, but likely to be if the agency takes a proposed course of action. 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 11:05 a.m. Mr. Craddock called for a five minute recess. Mr. Craddock called the meeting back to order at 11:10.

Mr. Meadows made a motion to accept the embalmer apprenticeship application of Mr. Eldon J. Brunton, seconded by Mr. Kirtland. Mr. Craddock requested a roll call vote with the following responses:

Yes votes: Mr. Craddock, Mr. Wright, 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 accept the funeral director and embalmer apprenticeship applications of Mr. Desi A. Morgan, seconded by Mr. Wright. Mr. Craddock requested a roll call vote with the following responses:

Yes votes: Mr. Craddock, Mr. Wright, 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 accept the funeral director and embalmer apprenticeship applications of Mr. Christopher L. Jakes, seconded by Mr. Wright. Mr. Craddock requested a roll call vote with the following responses:



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Yes votes: Mr. Craddock, Mr. Wright, 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 accept the proposed declaratory ruling regarding the petition of Shelia Champion for a declaratory ruling, seconded by Mr. Wright. Mr. Craddock requested a roll call vote with the following responses:

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

Nay votes: None

Absent: None

The motion passed unanimously.

Other Business

The Board extend the opportunity to all in attendance the opportunity to ask questions or make comments so Mr. Craddock asked if anyone would like to address the Board or make any public comment. General comments were made by those in attendance.

Adjournment

Being no other business, Mr. Craddock asked for a motion to adjourn and reconvene at 9:00 a.m. on April 4, 2016, Mr. Wyatt moved to adjourn the meeting at 11:15 a.m., and 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