



# **Alabama Board of Funeral Service**

## **Meeting Minutes**

April 01, 2013

### **Attendance**

The following members were present: Mark Craddock, Joe E. Lewis, Samuel Seroyer, Bart Kirtland, 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: None

### **Call to order**

With all members and a quorum present Mr. Mark Craddock, Chair, called to order the second regular meeting of fiscal year 2013 of the Alabama Board of Funeral Service at 10:00 a.m. on April 04, 2013 in room 123 of the Alabama State House, 11 South Union Street, Montgomery, Alabama.

### **Approval of minutes from last meeting**

Mr. Perine advised the board that there were two sets of minutes to approve; January 28, 2013 and March 08, 2013. Mr. Wyatt moved to approve the minutes of the January 28, 2013 and the special called meeting of March 08, 2013, seconded by Mr. Lewis. Mr. Craddock called for any discussion, there being none the motion was passed unanimously.

### **Old Business**

- 1) House Bill 273 – Mr. Perine reported that HB273, the bill regarding Alabama Funeral Service which added fines for minor inspection violation, and required price cards be placed in the caskets in the selection room. This bill has a favorable pass from committee, has been read the second time in the House and is awaiting the third reading and will then be sent the Senate. It is slated to pass, and has a favorable report from committee.
- 2) Reinstatement of Permanent Funeral Director and Embalmer License of Mr. David Meadows. Mr. Perine reported the facts concerning the case and recommended to the board that they deny the reinstatement of Mr. Meadows License. Mr. Calvin Meadows made a motion that the board denies the reinstatement of Mr. David Meadows' licenses and it was seconded by Mr. John C. Rudder. Mr. Craddock called for discussion, and at the conclusion of the discussion Mr. Craddock called for a roll call vote. Mrs. Grogan called the roll with the following results:

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

Nay Votes: None



# **Alabama Board of Funeral Service**

## **Meeting Minutes**

April 01, 2013

The motion passed unanimously.

### **New Business**

#### **Approval of Licenses:**

**1) Applicants who passed law exam given earlier:**

Mr. Seroyer moved to approve funeral director and/or embalmer license(s) for all applicants who passed the state law exam given earlier that day upon the passing certification from the Conference under the new testing format, or those who had otherwise qualified for licensing, 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 Mr. Alex Daniel Shockley and Mr. Rodney M. Walker. Mr. Seroyer moved to approve the re-registration of apprentice funeral director's applications with previous time served credited to the current registration, seconded by Mr. Wyatt. The motion passed unanimously.

**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 apprentice embalmer applications with previous time credited to current registration Constance Janice Price and Nathaniel Holloway. Mr. Meadows moved to approve the re-registration of apprentice embalmer applications with previous time credited to current registration, seconded by Mr. Wyatt. The motion passed unanimously.

**4) Permanent License Re-registration:**

Mr. Perine asked the Board to consider Adam Roper and Jennifer Floyd registration of permanent licenses as a funeral director and embalmer. With fees and penalties paid Mr. Seroyer moved to approve the re-registration of permanent funeral director and embalmer's licenses seconded by Mr. Meadows. The motion passed unanimously.

**5) Permanent License Re-registration:**

Mr. Perine asked the Board to consider John Michael Graham and Charles Lee Creel for re-registration of permanent licenses as a funeral director only. With fees and penalties paid Mr. Wyatt moved to approve the re-registration of permanent funeral director and embalmer's licenses, seconded by Mr. Kirtland. The motion passed unanimously.

**6) Establishment Applications:**



# **Alabama Board of Funeral Service**

## **Meeting Minutes**

April 01, 2013

Mr. Perine asked the Board to consider the following establishments for licensure: Cremation Centers of Birmingham, Woodstock; Hazel Green Funeral Home, Hazel Green; Rock of Ages Funeral Home, Birmingham. Mr. Wyatt moved to approve the license request of the fore stated funeral homes, seconded by Mr. Rudder. The motion passed unanimously.

### **7) Operation Under Special Operating Permit**

Mr. Perine asked the Board to consider for re-approval the following establishment for continued licensure to operate by a special operating permit pursuant to Code of Alabama, 1975, Section 34-13-74 to: Peoples Funeral Home, Athens. Mrs. Olly M. Ward has not taken the funeral directors exam during the extension granted her by the board. Following discussion Mr. Rudder moved to approve the continuation of the special operating permit for thirty days in which time she must pass the funeral directors test, if unsuccessful Mrs. Ward must hire a licensed funeral director or cease and desist, seconded by Mr. Lewis. Mr. Craddock called for a roll call vote.

Mrs. Grogan called the roll with the following responses;

Yea Votes: Mr. Lewis, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Wyatt

Nay Votes: Mr. Craddock, Mr. Seroyer

The motion passed with a vote of 5/2

### **Other Business**

#### **Executive Secretary Financial Report**

Mr. Perine reported the following to the Board for the 2nd quarter fiscal year 2013: January 1-March 29, 2013.

Receipts: \$40,620.00                      Budget: \$272,590.00

Expenditures: \$102,345.68

Mr. Wyatt moved to accept the financial report with a second by Mr. Meadows.

The motion passed unanimously.

Mr. Perine informed the board that the application to the Attorney General's office to not incur any fees for the services of Mr. McEwen had been had been approved for Twelve months.

### **Conference Information**

Mr. Perine informed the board that the Conference had increased their fees for testing at the last convention. The National Board fees for the arts and sciences will increase as of January 1<sup>st</sup>, 2014 from 200.00 to 250.00, the state boards test increasing from 150.00 to 200.00 and the state law test increasing from 120.00 to 140.00.



# **Alabama Board of Funeral Service**

## **Meeting Minutes**

April 01, 2013

Mr. Craddock asked about the state law going on line and Mr. Perine informed the board that the contract was to go before the contract review committee Thursday. Upon approval, the process would move forward since it had already been approved by the board.

### **Settlement Agreements**

**ABFS 13-002** 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)(k) and § 34-13-56(a)(2 (s)(ix) of the Code of Alabama, 1975, and Alabama Funeral Service Administrative Code 395-x-3-.03(2).
- 2) §34-13-56(a)(2)(h) and §34-13-56(a)(2)(k) of the Code of Alabama, 1975.

The following settlement agreement was offered and accepted:

(\$2,500.00) for each violation. Having a total of two (2) violations a total of (\$5,000.00) due the Board of Alabama Funeral Service.

**ABFS 13-003** 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) §34-1-56(a)(2)(h) and §34-13-56(a)(2)(k) of the Code of Alabama, 1975
- 2) §34-1-56(a)(2)(h) and §34-13-56(a)(2)(k) of the Code of Alabama, 1975
- 3) §34-13-56(a)(2)(k), §34-13-56(a)(2 (s)(ix), and §34-13-112 of the code of Alabama, 1975
- 4) §34-13-56(a)(2)(k) ), §34-13-56(a)(2 (s)(ix), and §34-13-112 of the code of Alabama, 1975

The following settlement agreement was offered and accepted:

(\$1,250.00) for each violation. Having a total of four (4) violations a total of (\$5,000.00) due the Board of Alabama Funeral Service.

**ABFS 13-004** 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(a) of the Code of Alabama, 1975
- 2) §34-13-90(a) of the Code of Alabama, 1975
- 3) §34-13-56-(a)(2)(a) and 34-13-56-(a)(2)(k) of the Code of Alabama, 1975
- 4) §34-13-56-(a)(2)(a) and 34-13-56-(a)(2)(k) of the Code of Alabama, 1975

The following settlement agreement was offered and accepted:

(\$500.00) for each violation. Having four (4) violations a total of (\$2,000.00) due the Board of Alabama Funeral Service.

**ABFS 13-009** 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)(1) of the Code of Alabama, 1975
- 2) §34-13-56(a)(20)(g) of the Code of Alabama, 1975

The following settlement agreement was offered and accepted:



# **Alabama Board of Funeral Service**

## **Meeting Minutes**

April 01, 2013

- 1) (\$2,500.00) for each violation. Having two (2) violations a total of (\$5,000.00) due the Alabama Board of Funeral Service.
- 2) Surrender of both Funeral Director and Embalmer Licenses for a period of two (2) years. Cease of all practice of the profession for two (2) years. After such time reapplication may be made of the Board for reinstatement of said licenses.
- 3) Any violations of the Alabama funeral Service laws and Regulation during the two (2) years suspension , or it the fines imposed are not submitted within the prescribed time , the Board will move to impose all applicable fines and remedies as may be allowed under Alabama law.

A ten minutes recess was granted at 10:40 a.m. to allow for persons involved in the administrative hearings to be made present.

### **Administrative Hearings**

Mr. Craddock called the meeting to order at 11:00 am and yielded the floor to Mr. Randy Salle´ Administrative Hearing Judge from the Alabama State Personnel Department to begin the Administrative Hearings. Mr. Salle´ following his instructions proceeded to hear the following cases:

**AFBS 13-005** Alabama Funeral Board vs. Madden Funeral Home and Jackie Brown. Mr. Salle´ noted that Ms. Brown failed to appear. Violations disclosed in the administrative complaint are as follows:

§34-13-111, §34-13-56(a)(2)(k), and §34-13-56(a)(2)(s)(xi) of the Code of Alabama, 1975 and Alabama Funeral Service Administrative Code 395-X-4.02.

**AFBS 13-006** Alabama Funeral Board vs. Brenda Varner Walker and Varner Memorial Funeral Home of Dothan. Mr. Salle´ noted that Brenda Varner Walker was present and asked her to come forward. Violations disclosed in the administrative complaint are as follows:

§34-13-111, §34-13-56(a)(2)(k), and §34-13-56(a)(2)(s)(xi) of the Code of Alabama, 1975 and Alabama Funeral Service Administrative Code 395-X-4.02.

**AFBS 13-007 and AFBS 13-008** (these cases were combined at the request of Mr. Salle´ and with no objection of Mr. McEwen)

Alabama Funeral Board vs. Marvin Dillard, Dillard Funeral Home of Brundidge and Dillard Funeral Home of Troy. Mr. Salle´ noted that Marvin Dillard was not present and no representative from either establishment was present either. Violations disclosed in the administrative complaint are as follows:

For the Brundidge establishment: §34-13-111, §34-13-56(a)(2)(k), and §34-13-56(a)(2)(s)(xi) of the Code of Alabama, 1975 and Alabama Funeral Service Administrative Code 395-X-4.02.



# **Alabama Board of Funeral Service**

## **Meeting Minutes**

April 01, 2013

For the Troy establishment: §34-13-111, §34-13-56(a)(2)(k), and §34-13-56(a)(2)(s)(xi) of the Code of Alabama, 1975 and Alabama Funeral Service Administrative Code 395-X-4.02.

### **Executive Session**

At the conclusion of the Administrative Hearings Mr. Meadows made a motion to go into Executive Session for 20 minutes to discuss legal matters before the board, and would reconvene at 11:45 a.m. The motion received a second by Mr. Rudder. The vote was taken and the Yea votes: Mr. Craddock, Mr. Lewis, Mr. Seroyer, Mr. Kirtland Mr. Rudder, Mr. Meadows, Mr. Wyatt.

Nay votes: none

Abstain: none

The motion was approved unanimously.

The audience was cleared from the room to allow the board to discuss legal matters before them.

After the audience was called back in the room, Mr. Craddock called the regular meeting back to order at 11:37 am.

Mr. Perine stated that each case would need to be addressed as a motion as to the board's decision:

**AFBS 13-005** Mr. Meadows made a motion to assess Jackie C. Brown and Madden Funeral Home (\$1,000.00) in addition to inspection fee (\$75.00) and late fee (\$150.00) for a total due Alabama Funeral Service Board (\$1225.00). The motion was seconded by Mr. Rudder. With no discussion Mr. Craddock asked for a roll call vote. Mrs. Grogan called the roll stated as follows: Yea votes: Mr. Craddock, Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Wyatt

Nay votes: none

Abstain: none

Motion passed unanimously

**AFBS 13-006** Mr. Wyatt made a motion to assess Brenda Varner Walker and Varner Memorial Funeral Home (\$500.00) in addition to inspection fee (\$75.00) and late fee (\$150.00) for a total due Alabama Funeral Service Board (\$725.00). The motion was seconded by Mr. Seroyer. Mr. Craddock asked for a roll call vote. Mrs. Grogan called the roll stated as follows:

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

Nay votes: none

Motion passed unanimously



# **Alabama Board of Funeral Service**

## **Meeting Minutes**

April 01, 2013

**AFBS 13-007 ABFS 13-008** Mr. Meadows made a motion to assess Marvin Dillard and Dillard Funeral Home of Brundidge and of Troy(\$2500.00) each establishment in addition to inspection fees (\$75.00) each establishment and late fees (\$150.00) each establishment for a total due Alabama Funeral Service Board (\$5,450.00). The motion was seconded by Mr. Rudder. Mr. Craddock asked for a roll call vote. Mrs. Grogan called the roll stated as follows:  
Yea votes: Mr. Craddock, Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Wyatt  
Nay votes: none  
Motion passed unanimously

### **Adjournment**

Being no other business, Mr. Craddock asked for a motion to adjourn. Mr. Meadows moved to adjourn the meeting at 11:45 a.m., seconded by Mr. Rudder. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan

**X**

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Mark Craddock  
Chair

**X**

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Charles M. Perine  
Executive Secretary