



Alabama Board of Funeral Service

Meeting Minutes

April 11, 2016

Prior Notice

Prior notice of the Board meeting was posted on the Secretary of State website on April 5, 2016.

Call to Order

Mr. Craddock called to order an emergency meeting of the Alabama Board of Funeral Service at 10:00 a.m. on April 11, 2016 in Room 106 of the State House, 11 South Union Street, Montgomery, Alabama.

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.

It was noted that representatives from the Alabama Funeral Directors and Alabama Funeral Directors and Morticians Associations were present.

New Business

Shelia Champion

T. Cameron McEwen, general counsel reported to the Board that Shelia Champion, owner of The Good Earth, LLC, had brought a lawsuit against the Board naming each of the members in their official capacity as Board members. Mr. McEwen stated that Shelia Champion had requested a Declaratory Ruling in October of 2015. Mr. McEwen stated that the Board had made every attempt to engage Ms. Champion in discussion to address her concerns with the current Alabama Funeral Service Law and Regulations. Mr. McEwen stated that Ms. Champion would not enter into any discussion with him or disclose the name of her attorney.

Mr. Perine stated that there had been no previous complaints or action taken concerning the statues Ms. Champion listed in her lawsuit. Mr. Perine stated that the Board was reviewing its



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current Statutes and Administrative Code as a result of recent court rulings in the case of the North Carolina Dental Board prior to Ms. Champion's suit.

Following much discussion, Mr. Wright made a motion seconded by Mr. Meadows to amend the current Alabama Board of Funeral Service definition of Funeral Director and Funeral Directing. Mr. Craddock requested a roll call vote with the following results.

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. Perine asked the Board to allow the formation of a committee to work on a comprehensive law review that would draft a bill for the 2017-2018 legislative session. This committee would work to update the law that was written in 1975, and remove any anticompetitive language.

Mr. Rudder made a motion seconded by Mr. Wyatt to form a Statue and Rules Committee to discuss, review and possibly change statues and rules. With the make up to be determined by the Executive Secretary.

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

Nay votes: None

Abstain: None

Absent: None

Mr. Perine informed the Board that he had been appointed as a member of the Board of Directors for the International Conference of Funeral Service Examiners Board, to represent the Southeast division.

At 11:20 Mr. Craddock requested a five-minute break. Following the break, the Board reconvened at 11:25.

Executive Session



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Mr. McEwen stated that risk management would not cover any attorney's fees in conjunction with the current lawsuit. Mr. McEwen informed the Board of potential attorneys that could be hired to defend the Board.

At 11:40 a.m. Mr. Meadows made a motion, seconded by Mr. Rudder to go into Executive Session for 2 hours to discuss the potential use of outside legal counsel to defend the Board in the current lawsuit. The audience was informed that the regular business meeting would resume at the conclusion of executive session. Mr. Craddock asked for a roll call vote with the following results.

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.

With the audience cleared from the room the Board went into Executive Session.

After all parties were called back into the room, Mr. Craddock called the Board meeting back to order at 12:10 p.m.

Mr. Meadows made a motion seconded by Mr. Wyatt to allow the Executive Secretary to select an outside attorney to represent the Board in the pending legal issue. Being no discussion, Mr. Craddock requested a roll call vote with the following response.

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

Nay votes: None

Abstain: None

Absent: None

The motion passed unanimously.

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. Meadows moved to adjourn the meeting at 12:20 p.m., and seconded by Mr. Wyatt. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan



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X

Mark N. Craddock
Chair

X

Charles M. Perine
Executive Secretary