



ALABAMA BOARD OF FUNERAL SERVICE

Meeting Minutes

January 7, 2021

Prior Notice

Prior notice of the January 7, 2021 quarterly board meeting was posted on the Secretary of State website in January 2020. Due to COVID-19, the public was not allowed to attend the meeting in person, but participation was made available via Zoom. The January 7, 2021 meeting notice was revised on the Secretary of State website, December 12, 2020 to include the Zoom meeting information. This information was distributed to licensees via the quarterly newsletter on December 10, 2020.

Mr. Perine welcomed all in attendance to the Alabama Board of Funeral Service second quarterly meeting of fiscal year 2021, at 9:00 a.m. on January 7, 2021 in Room 304 of the State House, 11 South Union Street, Montgomery, Alabama.

Mr. Perine declared all previous offices of the Board vacant.

Call to Order/Election of Officers

Mr. Perine called to order the meeting of the Alabama Board of Funeral Service and opened the floor for nominations for the office of Chair. Mr. Meadows nominated Mr. Mark N. Craddock, seconded by Mr. Wright. Mr. Rudder made a motion to close nominations, seconded by Mr. Brooks. Mr. Perine asked the Question: Mr. Mark N. Craddock for the position of Chair?

Vote:

Yea votes: Mr. Wright, Mr. Brooks, Mr. Kirtland, Mr. Rudder, Mr. Meadows and Ms. Bushelon-Holt

Nay votes: None

Abstain: None

Absent: Mr. Burt; Mr. Hines

The motion passed unanimously.

Mr. Perine yielded the chair to Mr. Craddock, who opened the floor for nominations for Vice-Chair. Mrs. Bushelon-Holt nominated Mr. Calvin Meadows, seconded by Mr. Wright. Mr. Rudder made a motion to close nominations, seconded by Mr. Kirtland. Mr. Craddock asked the Question: Mr. Calvin Meadows for the position of Vice-Chair?

Vote:

Yea votes: Mr. Craddock, Mr. Wright, Mr. Brooks, Mr. Kirtland, Mr. Rudder, and Ms. Bushelon-Holt

Nay votes: None

Abstain: None

Absent: Mr. Burt; Mr. Hines

The motion passed unanimously.

Mr. Craddock opened the nominations for Secretary. Mr. Meadows nominated Mr. John C. Rudder, seconded by Mr. Brooks. Mr. Kirtland made a motion to close nominations, seconded by Mr. Wright. Mr. Craddock asked the Question: Mr. John C. Rudder for position of Secretary?

Vote:

Yea votes: Mr. Craddock, Mr. Wright, Mr. Brooks, Mr. Kirtland, Mr. Meadows and Ms. Bushelon-Holt

Nay votes: None

Abstain: None

Absent: Mr. Burt; Mr. Hines

The motion passed unanimously.

Mr. Craddock opened the nominations for Treasurer. Mr. Meadows nominated Mr. Lorenzo Wright, seconded by Mr. Kirtland. Mr. Rudder made a motion to close nominations, seconded by Mr. Brooks. Mr. Craddock asked the Question: Mr. Lorenzo Wright for the position of Treasurer?

Vote:

Yea votes: Mr. Craddock, Mr. Brooks, Mr. Kirtland, Mr. Rudder, Mr. Meadows and Ms. Bushelon-Holt

Nay votes: None

Abstain: None

Absent: Mr. Burt; Mr. Hines

The motion passed unanimously.

Attendance

Mr. Craddock, Chair, asked Mrs. Grogan for a roll call to establish a quorum. The following members were present: Mark N. Craddock, Lorenzo Wright, Bart Kirtland, John C. Rudder, Calvin Meadows, Annie Bushelon-Holt, and Lance Brooks. Staff present; Charles Perine, Executive Director, and E. Denise Grogan, Associate Executive Director, recording and the Board's general counsel, T. Cameron McEwen.

The following members were absent: Mr. Ed Hines and Mr. Bobby Burt.

Mr. Craddock welcomed the Zoom participants and excused the absences of Mr. Hines and Mr. Burt.

Zoom participants = 16

Old Business

Jason Shepard

Mr. Perine informed the Board correspondence had been received from Jason Shepard requesting reconsideration of the Board's decision to deny the reactivation of his funeral director and embalmer licenses. Mr. Perine reminded the Board they had denied Jason Shepard's reactivation application at the October 5, 2020 Board meeting. Following discussion, Mr. Rudder made a motion affirming the Board's October 5, 2020 decision to deny the funeral director and embalmer reactivation applications of Jason Shepard. The motion was seconded by Mr. Meadows. Being no more discussion, the motion passed unanimously.

Approval of Minutes

Mr. Wright moved to approve the minutes of the October 5, 2020 Board meeting, seconded by Mr. Kirtland. Being no discussion, the motion passed unanimously.

New Business

Approval of Licenses

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 requested to dispense with the reading of each applicant's name and that the individuals listed be considered for approval based on having 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 be approved for a funeral director, and/or embalmer, and/or cremationist license. Applicants for licensure: Crystal Stantley, Jason Crum, Nicholas Sherman, Micah McCulloch, Carl Wilson, Charles Fricks, Shannon Lott, Benjamin Curtis, Marcus Collins, Joseph Hughes, Hayes Wright, Jon Davidson, Maurice Ward, Gabriel Maxwell, Stanley Coopridner, Lisa Currier, John Grubbs, Andrew Wackerle, Amy Tadlock, Robert Morgan, Joseph Klootwyk, Marques Weary, William Fleming, David Smith, Tiffany Sims, Duana Shears, Baraka Truss, Karen Smith, Courtney Tinsley, Louie B. Hughes III. The motion was made by Mr. Wright and seconded by Mr. Kirtland. Being no discussion, the motion passed unanimously.

Permanent Funeral Director License Reinstatement:

Having met the current requirements of the law for original issue, paid all back fees and penalties, Mr. Perine asked the Board to consider Janice Bradford and Dorothy Padgett for reinstatement of permanent license as funeral director. Mr. Perine informed the Board that Ms. Padgett's federal background check had been rejected because the fingerprint cards were not accepted. Mr. Perine stated Ms. Padgett's local background check had already been completed. Mr. Meadows moved to approve the reinstatement of the permanent funeral director license of Janice Bradford and Dorothy Padgett, pending receipt of Ms. Padgett's background check, seconded by Mr. Wright. The motion passed unanimously.

Establishment Applications:

Mr. Perine asked the Board to consider the following establishments for licensure: Gardendale Funeral Home (Gardendale) (Buy Out), which had been tabled at the October 5, 2020 board meeting, Dunklin Funeral Home (Greenville) (Buy Out), Dunklin Funeral Home (Camden) (Buy Out), Eternal Rest Funeral Home Services (Irvington), Kenmar Family Funeral Home (Bayou La Batre'), Wolfe Gulf Shores (Gulf Shores), Elysian Memorial Park & Funeral Home (Mobile), Jefferson Memorial Funeral Home (Birmingham) (Buy Out), Currie-Jefferson Funeral Home (Hoover) (Buy Out). Mr. Wright moved to approve the establishment applications, seconded by Mr. Meadows. The motion passed unanimously.

Special Operating Permit

Mr. Perine informed the Board that the office had received a request for a special operating permit from Mary J. Woods. Mr. Perine reminded the Board that Mary J. Woods made the same request in 2019 and the Board voted to deny the request, but waive the apprenticeship requirements for Ms. Woods, allowing her to sit for the funeral director's exam. Mr. Perine stated as of this date Ms. Woods had not attempted to take the exam. At that time the Board also required Mary J. Woods to hire a funeral director to manage Memorial Funeral Home. Following discussion, Mr. Wright made a motion, seconded by Mr. Meadows to deny Mary J. Woods request for a special operating permit. The motion passed unanimously.

Executive Secretary Financial Report

Mr. Perine reported the following for the 1st quarter of fiscal year 2021 as of January 1, 2021.

Total Budget: \$1,088,469.00

Revenue: \$427,296.00

Expenses: \$162,653.99

Deferred Revenue (October 2020-December 2020): \$53,796.50

Total Deferred Revenue: \$370,713.50

Total Cash on Hand: \$1,982,973.65

Active Apprentice Funeral Directors: 183

Active Apprentice Embalmers: 108

Active Licensed Funeral Directors: 1459

Active Licensed Embalmers: 804

Active Licensed Cremationists: 226

Active Licensed Practical Embalmers: 49

Active Special Work Permit Funeral Director: 1

Active Special Work Permit Embalmer: 1

Active Licensed Mortuary Service: 1

Active Licensed Establishments: 473

Active Continuing Education Providers: 29

Total Active License: 3334

Mr. Wright made a motion, seconded by Mr. Kirtland to accept the Executive Secretary Financial Report. Being no discussion, the motion passed unanimously.

Board Office

Mr. Perine reminded the Board that the lease for current office space expires in July and a request had been submitted to the state to begin searching for property to relocate the Board's office. Mr. Perine stated if the pending legislation passed the Board would require additional space for added personnel.

Legislation

Release of Remains

Mr. Perine stated that there had been discussion favoring the permanent addition of Emergency Rule 395-X-4-.01ER which was approved on August 7, 2020, to the Alabama Funeral Services Statutes. Following discussion, Mr. Wright made a motion, seconded by Mr. Kirtland to approve the addition of 395-X-4-.01 to the Alabama Funeral Services Statutes. The motion passed unanimously.

Room to Accommodate 100 people

Mr. Perine stated the staff had previously requested a unit of measurement concerning the establishment requirement of a room to accommodate 100 people. Mr. Perine stated a specific unit of measurement for that room was necessary to ensure the safety of the public. Mr. Perine stated there currently appeared to be a conflict between the Board's statute and the state fire marshal. After much discussion, Mr. Rudder made a motion, seconded by Mr. Brooks to amend the statutory requirements for a new establishment in 34-13-1(a)(25)(e); 113(a)(4), to say, "a room suitable for public viewing or other funeral services that is

no less than 1000 sq. ft". The motion passed unanimously.

Embalming Room Rule

Mr. Perine stated he had received a request to review Administrative Code 395-X-6-.01, the requirement for a Branch location to be within a 25-mile radius of the centralized embalming facility, and located in this state. Mr. Perine stated the request was to increase the mileage between the Branch and the centralized embalming facility, allowing an establishment to offer services to smaller communities as a branch while using the centralized embalming facility for preparation. After much discussion, Mr. Rudder made a motion, seconded by Mr. Brooks to table the request. The motion passed unanimously.

Preneed & Cemetery

Mr. Perine informed the Board of pending legislation to move Preneed from the Department of Insurance to the Board of Funeral Service. Mr. Perine also stated with the number of complaints regarding cemeteries, there is a consensus that cemeteries should be regulated. Mr. Perine stated with the pending legislation there would be considerable changes to the Board of Funeral Service with the addition of Preneed and Cemetery divisions. Mr. Perine stated the legislation had been sent to Legislative References Services for review and would be introduced in the 2021 session. Following much discussion, Mr. Meadows made a motion, seconded by Mr. Rudder to fully support the pending legislation. The motion passed unanimously.

Consent Agreements

Mr. Perine informed the Board of the following consent agreements that were entered between April 1, 2020 and October 1, 2020.

Case Number	Penalty
ABFS20-0008	Establishment and Funeral Director license surrendered
ABFS20-0011	Fined \$1,000.00 1-year probation for establishment, managing funeral director 1-year probation apprentice funeral director
ABFS20-0016	Fined \$5,000.00 1-year probation for managing funeral director 60-day suspension stayed for two years for establishment
ABFS20-0020	Fined \$2,500.00
ABFS21-0001	Fined \$2,500.00 2-year probation for managing funeral director
ABFS20-0005 correct(ABFS21-0005)	Fined \$3,000.00 1-year probation for establishment, managing funeral director
ABFS20-0006 correct(ABFS21-0006)	Fined \$5,000.00 6-month probation for managing funeral director

Mr. Meadows made a motion, seconded by Mr. Wright to accept the consent agreements as entered. The motion passed unanimously.

Continuing Education

Mrs. Grogan presented the Board with a list of 11 courses requesting approval for courses available to licensees. Pursuant to Alabama Funeral Service Administrative Code 395-X-1-.04, Mr. Perine gave interim

approval to 3 courses.

Mr. Meadows made a motion, seconded by Mr. Wright to approve the continuing education courses that were presented. Being no discussion, the motion passed unanimously.

2021-2022 Meeting Dates

Mr. Perine requested that the Board members review the proposed meeting dates for approval.

Date	Time
April 5, 2021	9:00 AM
July 12, 2021	9:00 AM
October 4, 2021	9:00 AM
January 5, 2022	9:00 AM

Mr. Rudder made a motion, seconded by Mr. Kirtland to approve the 2021-2022 Board meeting dates as presented. Being no discussion, the motion passed unanimously.

Other Business

Johnny Lawler

Mr. Perine reminded the Board that Johnny Lawler sued the Board and Mr. Perine for allegedly stealing \$430.00 from him in the form of an establishment application fee. Mr. Perine reminded the Board, that the application was still pending, and the office was never notified that the establishment was ready for original inspection. Mr. Perine stated Mr. Lawler was given instructions on how to request a refund for the establishment application from the state if he did not intend on opening the establishment. Mr. Perine stated Mr. Lawler's suit has been dismissed but Mr. Lawler had appealed the judge's decision. Mr. Perine stated the Board's office resent Mr. Lawler instructions on how to request a refund for the establishment application from the state. As of this date, Mr. Lawler had not complied with the instructions for a refund.

Conference

Mr. Perine informed the Board that the 117th Annual Meeting of the International Conference of Funeral Service Examining Boards would be conducted virtually February 24-25. Mr. Perine stated all Board members had received a complimentary registration, and encouraged the members to attend if possible. Mr. Perine stated this was a good opportunity for those who had not attended previously to participate.

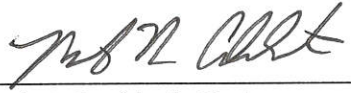
T. Cameron McEwen

Mr. Perine informed the Board that Cameron McEwen, legal counsel for the Board had submitted his resignation to accept a position as an Assistant United States District Attorney. Mr. Perine, Board members and staff expressed their gratitude to Mr. McEwen for his service to the Board since 2013.

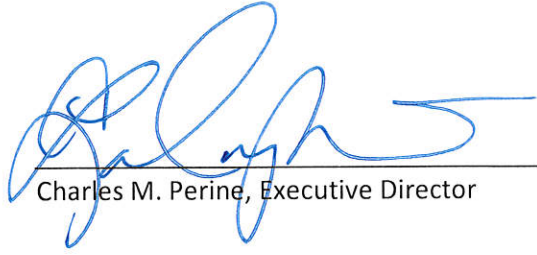
Adjournment

Mr. Craddock ask if there were any questions from the Zoom participants, being no questions or other business, Mr. Craddock asked for a motion to adjourn. Mr. Rudder made a motion, seconded by Mr. Brooks to adjourn the meeting at 11:01 a.m., and reconvene on April 5, 2021 at 9:00 a.m. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan.



Mark N. Craddock, Chair



Charles M. Perine, Executive Director

Purpose of Meeting

Quarterly Board Meeting
ZOOM MEETINGID 82463518598
PASSCODE 36104

Select the type of meeting by checking one of the following

Regular

Special/Called

Emergency

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Alabama Board of Funeral Service

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Governmental Body Name Alabama Board of Funeral Service

Date of Meeting *
(mm/dd/yyyy)

Original Submission Date & Time:
1/27/2020 4:50:57 PM

Time of Meeting *
(hh:mm PM/AM)

Notice History:
Submitted on 1/27/2020 4:50:57 PM Revised on 12/10/2020 9:24:11 AM Revised on 12/10/2020 9:25:55 AM

Location of Meeting

Address Line 1 *

Address Line 2

City *

State * ▼

Zip Code *

Preliminary Agenda

Check if preliminary agenda is not available