



# ALABAMA BOARD OF FUNERAL SERVICE

## Meeting Minutes

July 12, 2021

### Prior Notice

Prior notice of the July 12, 2021 quarterly board meeting was posted on the Secretary of State website in January 2021. The July 12, 2021 meeting notice was revised on the Secretary of State website, June 10, 2021 to include the Zoom meeting information and meeting location. This information was distributed to licensees via the quarterly newsletter on June 9, 2021.

Mr. Perine welcomed all in attendance, including those participating via Zoom to the Alabama Board of Funeral Service fourth quarterly meeting of fiscal year 2021, at 9:00 a.m. on July 12, 2021 in Suite 495 of the Bailey Building, 400 South Union Street, Montgomery, Alabama.

### 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, Lance Brooks, John C. Rudder, Calvin Meadows, Annie Bushelon-Holt, Ed Hines, and Bobby Burt. Staff present: Charles Perine, Executive Director, and E. Denise Grogan, Associate Executive Director, recording and the Board's legal counsel, Brenton Smith.

The following members were absent: None.

### Call to order

With a quorum established, Mr. Craddock called to order the fourth quarterly business meeting of fiscal year 2021. Mr. Craddock welcomed the Zoom participants.

Zoom participants = 18

### Old Business

#### Legislation

##### **Preneed & Cemetery**

With HB476 and SB306, legislation to move Preneed from the Department of Insurance to the Board of Funeral Service and regulation of cemeteries dead, Mr. Craddock stated the Alabama Board of Funeral Service was moving forward with legislation to protect the consumers of Alabama. Mr. Craddock stated the cemetery portion of the bill should be removed and cemeteries could do what they wanted to or get whatever the legislators decide to do with them. Mr. Craddock stated the pre-need portion would be taken from the current law and change the regulatory authority to the Alabama Board of Funeral Service. Mr. Craddock stated the only contentious thing he heard about was the consumer protection fee. Mr. Perine stated the proposed consumer protection fee amount could not be determined until the final bill was in place but could be as low as \$5.00 but no more than \$50.00 per death. Mr. Craddock stated the consumer would be paying for the protection they would receive, or the fee could be paid by the funeral home and not passed to the consumer. Mr. Craddock reminded the Board that there were two

associations in the state, one of which was behind the legislation 100%, and the other whose body had voted twice to support the legislation but had failed give a definite answer. Mr. Craddock stated if individuals had questions about the need for the fee, they could contact Tim McRae or Bart Kirtland about the ongoing situation in Albertville with a funeral home that closed leaving the consumer with no recourse concerning their pre-paid funeral arrangements. Mr. Craddock stated these consumers had to hire attorneys at their own expense. Mr. Perine stated the consumer protection fee would be across the board, so consumers is paying a minimal fee for protection. Mr. Perine stated if there is no fee, the expense to the funeral homes would go up considerably. As consumers, and members of the Board, Perine asked Mr. Hines and Mr. Burt their opinion of the fee. Both stated that as consumer they agreed with the addition of the fee for the protection of all consumers, and stated they felt it would be an added layer of protection afforded to the consumer. Mr. Perine stated the fee would be to cover regulatory expenses and operational reserve to ensure the board was in place to regulate preneed activity. Because the consumer protection was the contentious part, Mr. Perine asked should it be removed or left in the proposed bill. The entire board suggested that the consumer protection fee be left in the bill. Mr. Perine stated another thing was added to the bill, that is not in current law, at the request of DOI, which was the addition of fitness requirements for Certificate of Authority holders. Mr. Perine stated these requirements were only for new applications, not current certificate holders.

Mr. Perine stated cemetery issues were happening statewide and there were no regulations to protect the consumer. Legislators wanted something done about cemeteries and had contacted Representative K. L. Brown for a course of action. The HB476/SB306 was drafted, and Mr. Perine stated the Cemetery Association initially tried to write their own legislation, but realized it was too big of a job and they could not afford to sustain their own board, so they agreed to support the Preened bill with cemeteries being licensed but then some of the individual cemeteries turned against it because of mistruths. Mr. Perine stated the Governor's office and some of the legislators supported the bill. Mr. Perine stated the legislators could put cemeteries where they wanted them, which might still be the Board of Funeral Service. Mr. Perine stated if the profession wanted pre-needs moved from DOI it had to be funded because the agency could not be an expense to the state and if not, it should stay with DOI. Following much discussion, Mr. Craddock recommended that the Board vote to move forward with legislation to move pre-needs from the Department of Insurance, including the addition of fitness requirements for certificate of authority holders and the consumer protection fee. Mr. Meadows stated for the record he was on the legislative committee and was in complete support of the bill. Mr. Meadows made a motion seconded by Mr. Hines to move forward with new legislation to move pre-needs from the Department of Insurance to the Board of Funeral Service. Mr. Craddock asked Mrs. Grogan for a roll call vote with the following votes:

Yea votes: Mr. Craddock, Mr. Wright, Mr. Brooks, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mrs. Bushelon-Holt, Mr. Hines, and Mr. Burt.

Nay votes: None

Being no further discussion, the motion passed unanimously.

Proposed Changes to Title 34, Chapter 13

The Board discussed potential changes and clean up to Title 34, Chapter 13. Following much discussion there was no action taken.

### **Board Office**

Mr. Perine informed the Board that due to the unfavorable inspection report regarding the proposed property for the Board's office, the purchase agreement had been pulled. Mr. Perine stated the estimated cost to bring the property into compliance with code requirements would exceed \$300,000. Mr. Perine did inform the Board that another property had been located in the same general area, which was a newer building and appeared compliant with code requirements. Mr. Perine stated with the knowledge from the previous inspection report, the search for another building was limited to those that would not require extensive work. Mr. Perine stated the property inspection would be complete prior to any other inspections to prevent a reoccurrence of the situation with the previous property. Mr. Perine stated the advertised price was \$466,200, however a contract price was negotiated for \$432,500. Following discussion, Mr. Brooks made a motion, seconded by Mr. Wright to proceed with the purchase 4274-4276 Lomac Street, Montgomery, AL, if everything checked out during the due diligence period. The motion passed unanimously. Mr. Perine stated Board members were invited to tour the property following the Board meeting.

### **Approval of Minutes**

Mr. Wright moved to approve the minutes of the April 12, 2021 Board meeting, seconded by Mr. Meadows. 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: Anthony Skeen, Joyelle Lathan, Matthew Kinsey, Joel Glenn, Andrea Smith, Jimmy Kimbrough, Marcus Dean, James Davis, William Sullivan, Jr., Elvin Ingram, Amanda Moon, Joseph Fenner, Rhett Franklin, Josh Horton, Aleisha Braden, Jimmy O'Bryant, Wylie Rodgers, Landon Hunter, Martin Brown, Jonathan Shearer, Jeremy Dupree, Isaac Coffey, John Garrison, Nathan Sahlin, Donyale Love, Darrell Armour. The motion was made by Mr. Wright and seconded by Mr. Meadows. 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 Franklin Moore for reinstatement of permanent license as funeral director. The motion was made by Mr. Meadows and seconded by Mr. Kirtland. Being no discussion, the motion passed unanimously.

##### **Permanent Funeral Director and Embalmer 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 Gerod Singleton and Henry Jackson for reinstatement of permanent license as funeral director and embalmer. The motion was made by Mr. Meadows and seconded by Mr. Kirtland. Being no discussion, the motion passed unanimously.

**Establishment Applications:**

Having met requirements, Mr. Perine asked the Board to consider the following establishments for licensure: Memorial Funeral Home (Mobile)(New), Bessemer Brown Service Funeral Home (Bessemer)(Buy Out), Legacy Funeral Home (Mobile)(New), Dante Jelks Funeral Home (Gadsden)(New), Lewis-Robusky Mortuary (Montgomery)(New), and Smith Mortuary (Mobile)(New), Mr. Meadows moved to approve the establishment applications, seconded by Mr. Kirtland. The motion passed unanimously.

**Executive Secretary Financial Report**

Mr. Perine reported the following for the 3rd quarter of fiscal year 2021 as of July 1, 2021.

Total Budget: \$1,088,469.00

Revenue: \$47,584.01

Expenses: \$103,202.48

Deferred Revenue (January 2021-March 2021): \$0.00

Total Deferred Revenue: \$371,563.50

Total Cash on Hand: \$1,854,027.08

Active Apprentice Funeral Directors: 242

Active Licensed Funeral Directors: 1482

Active Licensed Cremationists: 247

Active Special Work Permit Funeral Director: 2

Active Licensed Mortuary Service: 1

Active Continuing Education Providers: 32

Total Active License: 3486

Active Apprentice Embalmers: 144

Active Licensed Embalmers: 819

Active Licensed Practical Embalmers: 48

Active Special Work Permit Embalmer: 0

Active Licensed Establishments: 469

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

**Consent Agreements**

Mr. Perine informed the Board of the following consent agreements that were entered between January 1, 2021 and July 6, 2021.

Case Number	Penalty
ABFS21-0009	Fined \$12,500.00 2-year probation for managing funeral director 2-year probation for establishment (establishment voluntarily closed)
ABFS21-0015	Fined \$20,000.00 180-day suspension for managing funeral director Unlicensed establishment ordered to cease and desist all activity 180-day suspension for the establishment (stayed for two years)

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

Jefferson County Coroner

*CP* *MNC*

Mr. Perine informed the Board that a request from the Jefferson County Coroner/ Medical Examiner Office had been received requesting appointment selections or re-appointment selections to serve on the Jefferson County Coroner's Advisory Board. Following discussion Mr. Perine recommended Mrs. Rachel Arrington and Dr. Williams Counce be reappointed to the Commission. Mr. Brooks made a motion, seconded by Mr. Meadows to re-appoint Mrs. Rachel Arrington and Dr. Williams Counce to the Jefferson County Coroner/Medical Examiner Commission as funeral director representatives. The motion passed unanimously.

*MNC*

Continuing Education

Mrs. Grogan presented the Board with a list of 46 courses requesting approval for courses available to licensees. Mrs. Grogan stated Mr. Perine gave interim approval to 1 course. Mr. Meadows made a motion, seconded by Mr. Kirtland to approve the continuing education courses that were presented. Being no discussion, the motion passed unanimously.

Other Business

Adjournment

Mr. Craddock asked for a point of personal privilege to recognize Randal Anderson, who was in attendance. Mr. Craddock congratulated Mr. Anderson on his upcoming installation as the President of the National Funeral Directors Association. 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. Meadows made a motion, seconded by Mr. Brooks to adjourn the meeting at 10:20 a.m., and reconvene on October 4, 2021 at 9:00 a.m. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan.

*Mark N. Craddock, Chair*  
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Mark N. Craddock, Chair

*Charles M. Perine, Executive Director*  
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Charles M. Perine, Executive Director





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*Alabama Board of Funeral Service*

**Notice Details**

**Posted-By:** Alabama Board of Funeral Service

**Meeting-Date:** 7/12/2021

**Meeting-Time:** 9:00AM

**Meeting-Location:**

400 South Union Street  
Room 395  
Montgomery, AL 36104

**Phone-Number:** 334-242-4049

**Meeting-Type:** regular

**Submission-datetime:** 6/10/2021 11:33:39 AM

**Notice History:**

Submitted on 1/11/2021 9:49:07 AM Revised on 6/10/2021 11:33:39 AM

**Notice:**

2021-2022 Quarterly Board Meeting  
ZOOM Meeting ID: 845 3655 9902  
Passcode: 36104

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