



ALABAMA BOARD OF FUNERAL SERVICE

Meeting Minutes

October 5, 2020

Prior Notice

Prior notice of the October 5, 2020 quarterly board meeting was posted on the Secretary of State website in January 2019. Due to COVID19, the public was not allowed to attend the meeting in person, but participation in the meeting was made available via Zoom. Notice of the October 5, 2020 meeting was posted on the Secretary of State website on January 27, 2020 and revised September 20, 2020 to include Zoom meeting information. Information about the October meeting including Zoom information was distributed to licensees via the quarterly newsletter on September 20, 2020.

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 Ed Hines. 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. Lance Brooks and Mr. Bobby Burt.

Call to order

With a quorum established, Mr. Craddock called to order the first quarterly business meeting of fiscal year 2021 of the Alabama Board of Funeral Service at 8:31 a.m. on October 5, 2020, in Room 304 of the Alabama State House, located at 11 South Union Street, Montgomery, Alabama. Mr. Craddock welcomed the Zoom participants and excused the absence of Mr. Brooks and Mr. Burt.

Zoom participants = 36

Old Business

Legislation - Pending

Mr. Perine informed the Board that pending legislation to establish the property acquisition fund was in jeopardy because there would probably be no special session. Mr. Perine reminded the Board that the Attorney General's opinion stated the Board had the authority to purchase real property based on the current statute. Mr. Perine stated, the legislation would be presented again in the next regular session for approval, but the Board would move forward on the purchase of office space based on the Attorney General's opinion.

Approval of Minutes

Mr. Wright moved to approve the minutes of the July 13, 2020, Board meeting, seconded by Mr. Kirtland. Being no discussion, the motion passed unanimously.

Mr. Wright moved to approve the minutes of the August 7, 2020, Emergency called meeting, seconded

by Mr. Meadows. Being no discussion, the motion passed unanimously.

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 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: Cassandra Webster, Sheffton Goodson, Allison Owens, Justin English, India Careaga, Robin Mason, Cuviere Terry, Jr., Amanda Moon, Cimino Jones, Kenneth Hart, Chance Webster, Tara Lewis, Kristen Fitch, Jay Towne, Zachary Bovaird, Sofia Thornton, Rhett Morrison, Lindsey Davis, Jason Junkins, Brandy McIntyre, Brittany Brown, Lance O. Millette, Derek Snellgrove. The motion was made by Mr. Meadows and seconded by Mr. Hines. Being no discussion, the motion passed unanimously.

2. 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 Brittany McBrayer for reinstatement of permanent license as a funeral director and embalmer. Mr. Meadows moved to approve the reinstatement of permanent funeral director and embalmer license, seconded by Mr. Kirtland. The motion passed unanimously.

3. Establishment Applications:

Mr. Perine asked the Board to consider the following establishments for licensure: Gardendale Funeral Home (Gardendale) (Buy Out), Morgan & Sons Funeral Home (Lanett) (Buy Out). Mr. Wright moved to approve the establishment application of Morgan and Sons Funeral Home, seconded by Mr. Meadows. The motion passed unanimously. Following discussion and introduction of new information concerning the managing funeral director and managing embalmers employment with the establishment, Mr. Wright moved to table the establishment application of Gardendale Funeral Home until the Board was notified of the managing funeral director and managing embalmer, seconded by Mr. Hines. The motion passed unanimously.

Executive Secretary Financial Report

Mr. Perine reported the following to the Board for the 4th quarter of fiscal year 2020 as of October 1, 2020.

Total Budget: \$574,361.00

Revenue: \$365,428.38

Expenses: \$94,700.46 includes 13th accounting period

Deferred Revenue: \$316,917.00

JVA transfer from deferred revenue to 0369: \$158,458.50

Ending Cash on Hand: \$1,664,535.14

Active Apprentice Funeral Directors: 102

Expired: 115

Active Apprentice Embalmers: 61	Expired: 86
Active Licensed Funeral Directors: 1282	Expired: 274
Active Licensed Embalmers: 707	Expired: 159
Active Licensed Cremationists: 188	Expired: 39
Active Licensed Practical Embalmers: 38	Expired: 11
Active Special Work Permit Funeral Director: 0	
Active Special Work Permit Embalmer: 0	
Active Licensed Mortuary Service: 1	
Active Licensed Establishments: 397	Expired: 101
Active Continuing Education Providers: 26	
Total Active License: 2802	Expired: 785

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

Merit Raise

Mr. Perine informed the Board that the Legislature would not be approving a cost of living raise to employees this fiscal year. Mr. Perine stated the last merit raise approved for the Board’s staff was in 2016. Mr. Hines, made a motion, seconded by Ms. Bushelon-Holt to approve a 5% merit raise for the Board’s staff. Being no discussion, 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
ABFS20-0026	Fined \$2,500.00
ABFS20-0027	Fined \$2,500.00 Establishment, managing funeral director license on 3-year probation
ABFS20-0030	Establishment license surrendered Apprentice must restart apprenticeship with no time credited and placed on 2-year probation Owner may enter a partnership with licensed individual who will own the majority shares and will be in full charge and control of the establishment
ABFS20-0034	Managing funeral director fined: \$2,500.00 90-day suspension-stayed for two years
ABFS20-0022	Fined \$1,000.00 Establishment and managing funeral director 1-year probation

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

Continuing Education

Mrs. Grogan presented the Board with a list of 58 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 10 courses.

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

Executive Session

At the request of legal counsel to discuss legal matters that may affect the Board, Mr. Rudder made a motion seconded by Mr. Hines to go into Executive Session for 30 minutes.

Yes votes: Mr. Craddock, Mr. Wright, Mr. Kirtland, Mr. Meadows, Mr. Rudder, Ms. Bushelon-Holt, Mr. Hines

Nay votes: None

Abstain: None

Absent: Mr. Brooks, Mr. Burt,

The motion passed unanimously.

The Zoom participants were informed that the meeting would resume after the executive session. With the Zoom participants muted, the Board members moved to an adjoining conference room at 9:00 a.m. to allow the Board to discuss legal matters that may affect the Board.

After all parties were called back into the room, and the Zoom participants unmuted, Mr. Craddock called the meeting back to order at 9:20 a.m. with no actions to be taken.

Administrative Hearing

Mr. Craddock yielded the floor to Mr. Salle', Administrative Hearing Judge from the Alabama State Personnel Department to begin Administrative Hearing – Jason Shepard (appeal of FD/EMB reactivation denial).

Alabama Board of Funeral Service vs Jason Shepard. Mr. Salle' asked counsel to state their names for the record. Present were, Mr. Cameron McEwen, general counsel for The Alabama Board of Funeral Service, Mr. Jason Shepard representing himself.

Mr. Salle' introduced Alabama Board of Funeral Service vs Jason Shepard, stating Shepard requested an appeal of the denial of the reactivation of his funeral director and embalmer licenses. After being sworn in by the court reporter Mr. Perine testified that proper service was given concerning notice of the hearing. Testimony was taken and exhibits entered.

Following questions from the Board, Mr. Salle' gave the Board instructions for rendering a decision on the case.

Executive Session

At the conclusion of the Administrative Hearing Mr. Craddock asked the will of the Board in rendering their decision Mr. Rudder made a motion seconded by Mr. Meadows to go into Executive Session for 30 minutes to discuss the matter of Jason Shepard. It was noted that there was a quorum present.

Yes votes: Mr. Craddock, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Ms. Bushelon-Holt. Mr. Wright and Mr. Hines

Nay votes: None

Abstain: None

Absent: Mr. Brooks and Mr. Burt

The motion passed unanimously.

The Zoom participants were informed that the Administrative Hearing would resume after the executive session. With the Zoom participants muted, the Board members moved to an adjoining conference room at 10:35 a.m. to allow the Board to discuss the matter of Jason Shepard.

After all parties were called back into the room, and the Zoom participants unmuted, Mr. Craddock called the Administrative Hearing back to order at 10:50 a.m. with the Board having a decision.

Mr. Meadows made a motion, seconded by Mr. Rudder to deny the funeral director and embalmer reactivation applications of Jason Shepard.

Yes votes: Mr. Craddock, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Ms. Bushelon-Holt. Mr. Wright and Mr. Hines

Nay votes: None

Abstain: None

Absent: Mr. Brooks and Mr. Burt

The motion passed unanimously.

Other Business

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. Wright to adjourn the meeting at 10:47 a.m., and reconvene on January 7, 2021 at 10:00 a.m. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan



01/07/2021



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Notice Details

Posted-By: Alabama Board of Funeral Service

Meeting-Date: 10/5/2020

Meeting-Time: 8:30 AM

Meeting-Location:

11 South Union Street
Room 304
Montgomery, AL 36104

Phone-Number: 334-242-4049

Meeting-Type: regular

Submission-datetime: 9/20/2020 4:16:39 PM

Notice History:

Submitted on 1/27/2020 4:50:16 PM
Revised on 9/20/2020 4:16:39 PM

Notice:

Quarterly Board Meeting
 Due to the inability to ensure social distancing guidelines are met as a result of COVID19 the public will not be allowed to attend this meeting in person, but may participate in the meeting via Zoom using the following access information

Topic ABFS Quarterly Board Meeting
 Time Oct 5 2020 0830 AM Central Time

Meeting ID 8689984378
 Passcode 36104

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