



# **ALABAMA BOARD OF FUNERAL SERVICES**

## **Meeting Minutes**

**April 4, 2023**

### **Prior Notice**

Prior notice of the April 4, 2023 third quarterly board meeting of fiscal year 2023 was posted on the Secretary of State website January 10, 2023 and the information was distributed to licensees via the quarterly newsletter on March 13, 2023. The meeting was held at 10:00 AM in the Board's office located at 4276 Lomac Street, Montgomery, Alabama.

### **Pledge of Allegiance and Invocation**

Mr. Williams asked everyone in attendance to stand and recite the Pledge of Allegiance to the American flag which was followed by an invocation offered by Mr. Bobby Burt.

### **Installation of Board Members**

#### **Oath of Office**

Mr. Perine informed all present that the Governor's appointments for districts one, two, five, and the second consumer member had been received. Mr. Kenneth Bishop, Jr. was appointed to represent district one, Mr. Terry Sorrells was appointed to represent district two, Mrs. Karen Jones Smith was appointed to represent district five and Mrs. Sandra Hill was appointed to serve as one of the Boards two consumer members. Mr. Perine administered the oath of office to the representatives for district one, two, five and the new consumer member.

### **Call to Order**

#### **Roll Call of the Board**

Mr. Williams, Chair, asked Mrs. Grogan for a roll call to establish a quorum. The following members were present: Kenneth Bishop, Jr., Terry Sorrells, Lance Brooks, J. Douglas Williams, Karen Jones Smith, Byronda Collins, Rachel Arrington, Bobby Burt, and Sandra Hill.

Staff present; Charles Perine, Executive Director, E. Denise Grogan, Associate Executive Director, recording, and Brenton Smith, Legal Counsel.

The following members were absent: None

#### **Welcome/Remarks by the Chair**

With a quorum established, Mr. Williams called to order the third quarterly business meeting of fiscal year 2023. Mr. Williams welcomed all present.

#### **Conflict of Interest/Motion to set the agenda**

Mr. Williams requested that the board members review the agenda for the April 4, 2023 meeting. Mr. Williams asked if any member had a conflict of interest for any items on the agenda, being none, Mr. Brooks made a motion, seconded by Mrs. Collins to set the agenda as presented. Being no discussion, the motion passed unanimously.

## **Business**

### **Approval of Minutes**

Mrs. Arrington moved to approve the minutes of the January 9, 2023 Board meeting, seconded by Mr. Burt. Being no discussion, the motion passed unanimously.

### **Old Business**

#### **Approval of Licenses**

##### **New Licensees**

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 the applicant's names 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 license as a funeral director, and/or embalmer, and/or cremationist. Applicants for licensure: Greisy Valladares, William Wilson, Chris Thacker, Marquis Jackson, Angela Harris, Nikki Combs, Sabrina Young, Sharon Husbands, Martin Brown, Kinley Kelley, Suzette Stringfellow, Kathy Rodgers, Makayla Baine, Eddie Sheffield, Kayla Clark, Jessica Simmons, Tracie Bickelhaupt, Roger Evans, Donna Patterson, Camille White, Samuel Lewis, Timothy Kilpatrick, Monica Summerville, Victoria Durst, Russell McLachlan, Corey Butler, Joshua Williams, Jae'Lon Leonard, Monte Maddox, Aaron Curenton, Edmund Ford, Johnny Turvin. The motion was made by Mr. Sorrells and seconded by Mr. Brooks. Being no discussion, the motion passed unanimously.

##### **Reactivations**

Having met the requirements of the law for reactivation, paid all back fees and penalties, Mr. Perine asked the Board to consider James Pettus for reactivation of permanent license as funeral director; Courtney Long for reactivation of permanent license as cremationist; Tori Adams for reactivation of apprentice funeral director certification; Grissel Sanchez for reactivation of apprentice embalmer certification; Craig Benton for reactivation of apprentice funeral director and apprentice embalmer certification. Mr. Burt moved to approve the reactivations seconded by Mr. Sorrells. The motion passed unanimously.

##### **Establishment Applications:**

Mr. Perine asked the Board to consider the following establishments for licensure: Dunklin Funeral Home, LLC, DBA Johnson Funeral Home (Buy Out)( Georgiana). Mr. Brooks moved to approve the establishment applications, seconded by Mr. Bishop. The motion passed unanimously.

#### **Executive Director Report**

##### **Financial Report**

Mr. Perine reported the following for the 2<sup>nd</sup> quarter of fiscal year 2023 as of March 31, 2023.

Property Acquisition Fund - 1785

Total Qtr. Revenue (January-April): \$36,987.33

Total Qtr. Expenses (January-April): \$0.00

Total Cash on Hand: \$36,987.33

362- Total Budget: \$683,566.00

Total Cash on Hand: \$1,604,226.05

Total Qtr. Revenue (January-March): \$58,969.25

Total Qtr. Expenses (Jan-March): \$140,294.11

Deferred Revenue transferred to 0369: \$0.00

Total Expense Budget: \$500,566.00

Total Re-Appropriation: \$163,000.00

Grant Total from ADPH: administered by ABFS: \$20,000.00

Disbursements: ABFS \$14,000.00 (Scoring system, new licensing system)

Remaining: ABFS: \$0.00

AFDA: \$2,000.00

AFDMA: \$2,000.00

ACA: \$2,000.00

Active License Count as of April 1, 2023

Active Apprentice Funeral Directors: 309

Active Apprentice Embalmers: 186

Active Licensed Funeral Directors: 1496

Active Licensed Embalmers: 835

Active Licensed Cremationists: 300

Active Licensed Practical Embalmers: 40

Active Special Work Permit Funeral Director: 0

Active Special Work Permit Embalmer: 0

Active Special Work Permit Cremationist: 0

Active Licensed Mortuary Service: 2

Active Licensed Establishments: 479

Active Continuing Education Providers: 36

Total Active License: 3683

2<sup>nd</sup> Qtr. Licenses issued:

Applications received: 108

License/Certifications issued: 97

Apprentice Funeral Directors: 29

Apprentice Embalmers: 18

Funeral Directors: 26

Embalmers: 12

Cremationists: 9

Special Work Permit Embalmer: 1

Establishments: 2

Background Checks FY YTD: 149

Inspections YTD

Completed: 158

Compliant: 103

Non-compliant: 55

Need Reinspection: 1

Board Notice: 1

Citations: (15) \$4,900.00

Complaints Received YTD

Received: 14

Resolutions

No Action Taken: 4

Reprimand/Consent: 2

Pending: 8

Violation
Method of IDENTIFICATION as required by 395-X-6-.07?
Does Identification have required information?
Does the establishment have a Funeral Coach or Hearse for Transporting Human Remains?
Is the Funeral Coach or Hearse properly licensed?
Are there 8 full size different sized caskets on the premises?
Are price cards displayed on each casket as merchandised?
Are outside opening careened, covered, or sealed to prevent the entrance of insects or rodents?
Embalming record all current?
Does the establishment pricing meet the rules established by the Federal Trade Commission?
Is the crematory clean and sanitary?
Are state identification forms for each cremation complete?

Being no discussion, Mr. Brooks made a motion and seconded by Mrs. Arrington to accept the Executive Director's report. The motion passed unanimously.

### **Alabama Exam Stats (January 17, 2023 – March 20, 2023)**

Alabama Exams administered:

Funeral Director: 16	Embalmer: 6
Pass: 12	Pass: 2
Fail: 4	Fail: 4
Average Score: 81.18	Average Score: 60.9

State Law Exams administered: 30

Funeral Director/Embalmer: 28	Cremationist: 2
Pass: 25	Pass: 2
Fail: 3	Fail: 0

### **The Conference Annual Meeting**

Mr. Perine stated he attended the International Conference of Funeral Service Examining Boards annual meeting. Alabama is a member of the conference where regulatory agencies and educators gather to discuss the exam and topics relevant to the funeral industry. Mr. Perine informed the Board about many topics that were discussed during the conference and how Board members benefit from training administered during the annual conference. Mr. Perine encouraged all board members to consider attending board member training during the next annual conference.

### **Legislation**

#### **HB212(HB81) / SB131 Preneed**

Mr. Perine stated the Preneed bill to move preneed from the Department of Insurance to the Board has been ongoing for the past 5 years, but the bills would be in both the House and Senate committees on April 5, 2023. There had been opposition in the previous year, but Mr. Perine stated this year there has been no opposition. Mr. Perine stated legislators and the insurance commissioner are in agreement that Preneed should be moved to the Board, which would create two divisions within the Alabama Board of Funeral Services: funeral division and preneed division. Mr. Perine asked if there were any current Board members that objected to move? There were no objections from members present.

#### **HB129**

Mr. Perine stated a Representative introduced HB129 to amend 34-13-120 that would ensure unclaimed cremated remains of veterans were handled in a humane and dignified manner. Mr. Perine stated there was no opposition to the bill because the practice is already commonly practiced in the industry.

### **Governor Ivey Executive Orders**

Mr. Perine informed the Board of Governor Ivey's Executive Orders. Mr. Perine turned the floor over to Mr. Smith, General Counsel who informed the Board of changes that may affect the Board's daily operations, but most would be administrative changes that licensees will not notice. Mr. Smith stated there were 5 orders from the Governor dealing with government management, state vehicles, religious liberty, public records, and red tape reduction. Mr. Smith explained each order in detail, possible effects to the agency and the course of action. Mr. Smith turned the floor back to Mr. Perine who stated the Board would comply with all the orders and would make the Board aware of any changes requiring their

approval. Mr. Perine stated the Executive Order that would require the most change to the agencies daily operations would be the dissolution of state motor pool. The board does not own vehicles and uses state motor pool for state business. Mr. Perine stated the only options for state business now would be to rent from a state contracted vendor (Enterprise or National), purchase vehicles or use personal vehicles and be reimbursed mileage. Following much discussion Mr. Brooks made a motion, seconded by Mrs. Collins to enter into a long-term rental agreement for one vehicle with Enterprise as a trial and rent additional vehicles as needed. The motion passed unanimously.

**Consent Agreements**

Mr. Perine informed the Board of the following consent agreements that were entered into between January 1, 2023 and April 1, 2023.

Case No.	Charge	Penalty
ABFS22-0025	<ol style="list-style-type: none"> <li>1. Failed to acknowledge the rightful authorizing agents after the authorizing agent relinquished their rights as to disposition, in violation of ALA CODE§ 31-13-11(a)(3),(4),(d).</li> <li>2. Demonstrated bad faith, incompetence, or untrustworthiness by allowing the cremation of an individual without written consent of the authorizing agents and misrepresenting an individual as the authorizing agent to multiple agencies after the individual relinquished their rights to the disposition, in violation of ALA CODE §§34-13-56(c)(2)(dd);34-13-(c)(2)(a).</li> <li>3. Contracted with Crematory to perform the cremation of an individual, without a cremation authorization form signed by a rightful authorizing agent, in violation of ALA CODE §34-13-121(a)(2).</li> </ol>	<p>Funeral Director and Establishment -1-year probation</p> <p>Fined \$6,000.00</p>
ABFS23-0001	<ol style="list-style-type: none"> <li>1. Failed to respond to requests for information form the Department of Insurance as required by Alabama Administrative Code r. 482-3-002-.16, in violation of ALA CODE §§34-13-56(c)(2)(cc).</li> <li>2. Failed to file required inactive certificate holder reports for years 2019, 2020, 2021, and 2022 with the Department of Insurance as required</li> </ol>	<ol style="list-style-type: none"> <li>1. FD and FH have forty-five (45) days from the execution of this Agreement to:               <ol style="list-style-type: none"> <li>a. File required inactive certificate holder reports for years 2019, 2020, 2021, and 2022 with the department of Insurance as required by Alabama Administrative Code r.482-3-003-.13( 4);</li> </ol> </li> </ol>

	<p>by Alabama Administrative Code r. 482-3-003-.13(4), in violation of ALA CODE 34-13-56(c)(2)(cc).</p> <p>3. Failed to furnish in writing, an explanation to a matter contained in a complaint filed by the Department of Insurance relating to ABFS23-0001, in violation of ALA Code 34-13-56(c)(2)(v)/</p> <p>4. Demonstrated bad faith or improper dealing by failing to issue a refund to a CONSUMER as stated in an email to the Department of Insurance, in violation of ALA CODE 34-13-56(c)(2)(dd).</p> <p>5. Demonstrated bad faith or improper dealing by failing to issue a refund to a CONSUMER as stated in an email to the Department of Insurance, in violation of ALA CODE 34-13-56(c)(2)(dd).</p>	<p>b. provide the Department of Insurance with a written response addressing the complaints of <b>CONSUMER</b> and <b>CONSUMER</b>, and an explanation for your delayed response;</p> <p>c .Provide proof that fulfillment of the <b>CONSUMER</b> and <b>CONSUMER</b> requests ( whether by transfer to the chosen funeral home or a refund based on the terms and conditions of the contracts) have been completed.</p> <p>2. If FD and Establishment fail to comply, FD, EM, Establishment license shall be suspended for 60 days.</p> <p>3. If the FD and Establishment complies, then suspension shall be stayed for two years(probation).</p>
<p>ABFS23-0004</p>	<p>1. Engaged in the practice of a funeral director by preparing deceased for burial without being licensed by the Board, in violation of Alabama Code\$ 34-13-56.1 (a).</p> <p>2. Engaged in the practice of embalming without being licensed by the Board, in violation of Alabama Code\$ 34-13-56.l(a).</p> <p>3. Managing FD/EM aided and abetted unlicensed individual in performing unlicensed funeral directing and unlicensed embalming, in violation of Alabama Code g 34-1 3-56( C )(2)(i).</p>	<p>1.Unlicensed Individual and Managing FD/EM hereby retract their applications for permanent license as a funeral director and embalmer. Their respective application fees will not be refunded.</p> <p>2. Unlicensed Individual and Managing FD/EM shall not apply for any license or certification in the State of Alabama or for any other license or certification issued by the Board for a period of 10 years beginning on the date this agreement is entered.</p>

Mr. Sorrells made a motion, seconded by Mr. Burt to accept the consent agreements as presented. Being no discussion, the motion passed unanimously.

**Continuing Education**

**Provider and Course Request**

Mrs. Grogan presented for the Board’s approval, one new provider: Cook Ministries. Mrs. Grogan also presented for the Board’s approval a list of 41 programs available to licensees. Pursuant to Alabama Funeral Service Administrative Code 395-X-1-.04, interim approval was given to 6 courses. Mr. Burt made

a motion, seconded by Mr. Sorrells to approve the new continuing education providers and courses as presented. Being no discussion, the motion passed unanimously.

Mrs. Grogan informed the Board that correspondence had been received from Cincinnati College of Mortuary Science requesting that the Board consider accepting their new online funeral director certificate program. The material presented with the correspondence included content related to funeral celebrants which has previously denied by the Board. After discussion Mr. Burt made a motion seconded by Mrs. Jones Smith to accept the certificate program as a pathway to licensure in the State of Alabama, with concerns over celebrant training which is included in the program. The Board requested that correspondence be sent to the college expressing those concerns in hopes that the program would differentiate the role of a celebrant who may be unlicensed from the scope of practice for a licensed funeral director as may be defined by the laws and regulations of different jurisdictions including Alabama.

### **Executive Session**

Mr. Sorrells made a motion seconded by Mrs. Hill to go into Executive Session for 20 minutes to discuss the good name and character of potential licensee(s) and/or current licensee(s). The motion passed unanimously. All in attendance were asked to leave the Boardroom at 11:58 AM to allow the Board to discuss the good and name and character of potential licensee(s) and/or current licensee(s). Those in attendance and were informed that the regular business meeting would resume at the conclusion of executive session. After all parties were called back into the room, Mr. Williams called the Board meeting back to order with the Board having decisions at 12:15 PM, Mr. Sorrells made a motion, seconded by Mr. Burt to deny the apprentice applications of Tre'Seanidah Dobbs. Being no discussion, the motion passed unanimously.

Yes Votes: Mr. Bishop, Mr. Sorrells, Mr. Brooks, Mr. Williams, Mrs. Jones Smith, Mrs. Collins, Ms. Arrington, Mr. Burt, and Ms. Hill

Nay votes: None

Abstain: None

Absent: None

### **Other Business**

#### **Questions, Comments, Concerns**

Mr. Williams ask if there were any questions from the participants, being no questions Mr. Perine moved to the next item on the agenda.

#### **Statement of Economic Interest**

Mr. Perine reminded the Board members about completing the required statement of economic interest before April 30, 2023. Board members were provided the link to the form. Mr. Perine stated Mr. Bishop, Mrs. Jones Smith, Mr. Sorrells, and Mrs. Hill were exempt because they were not Board members during the previous calendar year.

#### **2023-2024 Board Meeting Dates**

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

Date	Time
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July 11, 2023	10:00 AM
October 5, 2023	10:00 AM
January 9, 2023	10:00 AM

Ms. Arrington made a motion, seconded by Mr. Sorrells to approve the 2023-2024 Board meeting dates as amended. Following discussion, the motion passed unanimously.

**Adjournment**

Mr. Williams asked for any questions from those in attendance. Following a brief discussion regarding Executive order 727 to establish the Governor’s Study Group on Efficiency in State Government, Mr. Brooks made a motion, seconded by Mr. Bishop to adjourn the meeting, and reconvene on July 11, 2023 at 10:00 AM. The motion passed unanimously. The meeting adjourned at 12:23 PM.

Minutes submitted by: E. Denise Grogan.

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J. Douglas Williams, Chair

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Charles M. Perine, Executive Director