



**KAY IVEY**  
GOVERNOR

# ALABAMA BOARD OF FUNERAL SERVICES

4276 LOMAC STREET, MONTGOMERY, AL 36106  
PHONE: 334.242.4049 / FAX: 334.353.7988  
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**CHARLES PERINE**  
DIRECTOR

August 10, 2023

To: Preneed Sales Agents (PSAs)

*Re: Procedure for Appointment of Preneed Division Professional Board Members*

In anticipation of the transition of preneed services regulation to the Board, I write to inform you of the process by which professional members of the Board's Preneed Division will be appointed. This information is provided after further review of the new law establishing the Preneed Division and upon consultation with legal counsel in the Attorney General's Office.

In short, the new law requires that the first appointments to the Preneed Division professional member positions should be made without a nominating convention of licensees to select three candidates for each position. Once each of those initial terms expire, a nominating convention would then be used to select three nominees for appointment to the next full term on the Board (and upon expiration of all full terms thereafter). However, a vacancy occurring prior to expiration of a term (due to death, resignation, etc.) would be filled without a nominating convention.

To explain in more detail, the recent amendments to Ala. Code § 34-13-20 provide that the Preneed Division of the Board will consist of four professional members (i.e., licensed preneed sales agents meeting certain criteria) and one consumer member (i.e., an unlicensed member of the public at large). ALA. ACT. No. 2023-94 at 20. Although the old text of Ala. Code § 34-13-20 provided that a nominating convention of licensees would be assembled when a professional member's term "has expired, or is vacant for any reason," the recent amendments struck "or is vacant for any reason" from the statute. *See id.* at 21-22. Thus, a nominating convention may be convened only when a regular term has expired, and the Governor may appoint without such a convention when a vacancy occurs for any other reason. *See id.* at 22. In sum, at the time that the professional member positions come into existence on October 1, 2023, they will necessarily be vacant for some reason other than expiration of a preceding term, and thus may be filled by gubernatorial appointment without a nominating convention. A nominating convention would then be convened according to the ordinary process upon the regular expiration of those terms. *See id.* at 20-22.

Accordingly, the Board intends to work with the Governor's Office to facilitate an orderly appointment process. To that end, if you are interested in serving as a professional member of the Preneed Division of the Board, please submit a resume and cover letter to the Board by email by **September 8, 2023**. Your cover letter must indicate:



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1. Whether you meet **all** the following criteria<sup>1</sup> (including license and/or certificate numbers):
  - a. Are a citizen of the United States;
  - b. Are a resident of Alabama;
  - c. Hold a current license to practice as a preneed sales agent in Alabama;
  - d. Have been actively engaged in preneed sales *or* the direct management of preneed sales in Alabama without interruption since on or before October 1, 2018; and
  - e. Are currently employed by a certificate of authority holder.
2. Whether you meet **any** of the following criteria<sup>2</sup> (including license and/or certificate numbers):
  - a. Are a licensed funeral director;
  - b. Are a preneed sales agents employed by a cemetery; and/or
  - c. Hold a current certificate of authority to sell preneed services and merchandise.
3. Your business address and the address at which you personally reside;
4. Any other information that would be relevant to your appointment.

The Board will screen applications to ensure minimum licensing criteria are met but will ultimately forward all applications to the Governor’s Office for review and consideration. If appointments are made effective on or before October 5, 2023, the Preneed Division’s first meeting will be that day immediately following the meeting of the full Board.

If you have any questions, please contact me at 334-242-4050.

Sincerely,

Charles M. Perine  
Executive Director

<sup>1</sup> All Preneed Division professional members must meet each of these criteria.

<sup>2</sup> At least two Preneed Division professional members must meet one or more of these criteria (though not necessarily the same two members for each).