



ALABAMA BOARD OF FUNERAL SERVICES

Funeral Division Meeting Minutes

April 9, 2024

Prior Notice

Prior notice of the April 9, 2024, third quarterly board meeting of fiscal year 2024 was posted on the Secretary of State website January 17, 2024, and revised on January 17, 2024. Meeting information was distributed to licensees via the quarterly newsletter on March 22, 2024. The meeting was held at 9:00 AM in the Board's office located at 4276 Lomac Street, Montgomery, Alabama.

Pledge of Allegiance and Invocation

Mr. Williams asked Ms. Jones Smith to lead all in attendance in the Pledge of Allegiance to the American flag which was followed by an invocation offered by Mr. Bobby Burt.

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 (via phone), J. Douglas Williams, Karen Jones Smith, James Seal, Rachel Arrington, consumer members, Bobby Burt, and Sandra Hill.

Staff present; Charles Perine, Executive Director, E. Denise Grogan, Associate Executive Director (Funeral), recording, Laura Sullivan, Associate Executive Director (Preneed), and Brenton Smith, Legal Counsel.

The following members were absent: Terry Sorrells (delayed), and Lance Brooks.

Welcome/Remarks by the Chair

With a quorum established, Mr. Williams called to order the meeting at 9:03 AM. Mr. Williams excused the absence of the members who were not present and welcomed all in attendance.

Conflict of Interest/Motion to set the agenda

Mr. Williams requested that the board members review the agenda for the April 9, 2024, meeting. Mr. Williams asked if any member had a conflict of interest for any items on the agenda, being none, Ms. Jones Smith made a motion, seconded by Mr. Seal to set the agenda as presented. Being no discussion, the motion passed unanimously.

Business

Approval of Minutes

Mr. Williams asked members to review the minutes from the January 9, 2024, meeting. Mr. Burt made a motion, seconded by Ms. Jones Smith to accept the minutes as presented. Being no discussion, the motion passed unanimously.

Old Business

Licensing System

Mr. Perine stated the much-anticipated licensing system was ready to launch except for the CE portion. He informed the Board that the CE data was being transferred and licensees would be able to log into their profile via online services and see their CE summary. He stated all applications could now be done online which would speed up the application process. Mr. Perine stated licensees could renew their license via their profile and select the option for their employer to pay their renewal. The employer would receive an email notifying them of a pending renewal at which time the employer could pay for multiple employees in one transaction. Employers would also receive notification of licensees who state they work for an establishment, allowing the employer to accept or deny the licensee.

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: WILLIAM BICKMEIER, DOROTHY ENGLAND, TYSON BURWELL, GRISEL SANCHEZ, REBECCA HALL, JAVONDA BLAKE, CHARLES B. BOX, DAKOTA GARNER, HALEY GARNER, ALLISON WHITE, AMANDA FREDRICK, ALICIA KEITH, MICHAEL PEPPE, JAZMINE REAL. ADRIENNE ELLIS, TONI RENTZ, ASHLYN RONE, CHRISTOPHER CLAY, EBONEE PHILLIPS, DANIELLE CALLOWAY, JELESA MARTIN. The motion was made by Mr. Seal and seconded by Ms. Jones Smith. 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 LATRICIA HARRIS for reactivation as funeral director and embalmer, ELIZABETH KNOWELS for reactivation as an apprentice funeral director, ASHLEY RAY AND JAYDA RANEY as apprentice funeral director and apprentice embalmer. Ms. Jones Smith moved to approve the reactivations seconded by Ms. Arrington. The motion passed unanimously.

Establishments

Mr. Perine noted for the record that Mr. Sorrells who was delayed in traffic arrived at 9:56 AM. Mr. Perine asked the Board to consider the following establishments for licensure: EASTSIDE MORTUARY (NEW) (BIRMINGHAM), SERENITY FUNERAL HOME (CHANGE OF OWNERSHIP) (GREENVILLE), SERENITY CHAPEL FUNERAL HOME (CHANGE OF OWNERSHIP) (OZARK), PHILLIP WHITE'S JULIA L. WHITE FUNERAL HOME(NEW) (DEMOPOLIS) Mr. Sorrells moved to approve the establishment applications, seconded by Ms. Jones Smith. Being no discussion, the motion passed unanimously.

Application Denial

Mr. Perine informed the Board that the application for reciprocity of KENDAL HARPER had been received and was denied because the applicant did not meet the requirements of the law in that they did not graduate from an accredited mortuary school, did not hold an arts certificate from an accredited mortuary science program or did not hold a bachelor's degree from an accredited college or university. Ms. Jones Smith moved to confirm the denial of the reciprocity application, seconded by Ms. Arrington. Being no discussion, the motion passed unanimously.

Executive Director Report

Mr. Perine provided the Board with the exam statistics listed below and stated the Executive Director's financial report would be given in the joint meeting.

Alabama Exam Stats (January 1, 2024 – April 1, 2024) Administered			
Alabama Exams	Pass	Fail	Average Score
Funeral Director (19)	9	10	75.27368
Embalmer (4)	4	0	79
State Law Exam FD/EM (17)	16	1	
State Law Exam Cremationist (3)	3	1	

Consent Agreements

Mr. Perine informed the Board of the following consent agreements that were entered into between January 1, 2024, to April 1, 2024.

Case No.	Charge	Penalty
ABFS23-0024	<ol style="list-style-type: none">Funeral Director failed to furnish in writing, as part of the initial investigating an explanation relating to a matter contained in a complaint filed with the Board, in violation of § ALA. CODE 34-13-56(c)(2)(v).Funeral Director violated ALA CODE § 34-13-56(c)(2)(u) by failing to provide statement of goods and services as part of the initial investigation as requested by the Board.Funeral Director and Funeral Home demonstrated bad faith, incompetence, or untrustworthiness by failing to account for funds in excess of total charges listed on the statement of goods and services of decedent that funeral director deposited in the funeral home account, in violation of ALA CODE § 34-13-56(c)(2)(dd)	<ol style="list-style-type: none">Funeral Establishment:<ol style="list-style-type: none">Fined \$2500.00Probation – 2 yearsManaging Funeral Director<ol style="list-style-type: none">Fined \$12,500.00Funeral Director license suspended for 90 daysProbation – 2 years

	<p>4. Funeral Director committed fraud in the conduct of the business or the profession of funeral directing by failing to timely return funds that funeral director deposited in the funeral home account that were in excess of the total charges listed on the statement of goods and service of decedent, in violation of § ALA. CODE 34-13-56(c)(2)(a).</p>	
<p>ABFS22-0032</p>	<p>Guilty</p> <ol style="list-style-type: none"> Failed to hold a current business license from the municipality in which the establishment is located in violation of Alabama Administrative Code Rule 395-X-4-.01(1)(b) (as incorporated by ALA Code 34-13-56(c)(2)(l)) <p>No Contest</p> <ol style="list-style-type: none"> Violated Alabama Code 34-13-56(c)(2)(cc) by failing to pay sales, use, and license tax and related amounts owed: by failing to maintain and/or file all related documents and reports: and by failing to otherwise comply with the legal requirements to relevant business license and operate a business selling funeral services or merchandise. Demonstrated bad faith, incompetence, or untrustworthiness or dishonest fraudulent, or improper dealing in violation of Alabama Code 34-13-56(c)(2)(dd) by, on multiple occasions, writing checks to the municipality despite possessing insufficient funds to cover the amount to those respective checks. 	<ol style="list-style-type: none"> Must pay all outstanding amounts owed to the municipality, obtain a valid and current business license from the municipality, and submit a copy of that business license to the Board's office on or before July 11, 2024. If respondents fail to comply the establishment licenses shall be revoked automatically. Respondents must make payments to the municipality each month toward the outstanding balance until such balance is paid in full. Respondent must certify by sworn affidavit to the Board on the 15th of each month (beginning July 15, 2023) that they have made such payments(s). If the Respondents fail to comply with any of the foregoing, the establishment license shall be automatically suspended indefinitely until such time as it obtains a valid and current business license from the municipality, submits the same to the Board, and the Board (after any necessary inspections) issues written approval for the establishment to resume business. Nothing in this Consent Agreement shall be construed as permitting the Respondents to continue operating should they be enjoined, ordered, or otherwise required to cease and desist operations by any courts or other federal, state, or local government entity. Fined \$7500.00 due no later than August 15, 2024 Establishment – 4-year probation.

	<p>Addendum</p> <ol style="list-style-type: none"> 1. Breached terms of original Consent Agreement by, on at least six occasions, failing to timely certify by sworn affidavit to the Board on the 15th of each month that payment for that month and the amount according to the consent agreement had been made. 	<ol style="list-style-type: none"> 1. No contest pleas converted to guilty pleas. 2. Additional fine of \$2,500.00 3. Probation increased to 5 years
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Being no discussion, Ms. Arrington made a motion and seconded by Ms. Jones Smith to accept the Executive Director’s Consent Agreements as presented. The motion passed unanimously. Mr. Bishop did not participate in the vote.

Continuing Education

Course Request

Mrs. Grogan presented for the Board’s approval a list of 48 programs available to licensees, with 31 of those courses given interim approval pursuant to Alabama Funeral Service Administrative Code 395-X-1-.04. Mr. Burt made a motion, seconded by Ms. Jones Smith to approve the new continuing education courses as presented. Mrs. Grogan informed the Board that one of the programs had material that was questionable relating to celebrants. The Board considered their previous denial of all programs containing material about celebrants and a motion was made by Ms. Jones Smith and seconded by Mr. Burt to deny the 2024 International Cemetery, Cremation and Funeral Association Annual Convention. Being no further discussion, the motion passed unanimously.

Other Business

Questions

Adjournment

Mr. Williams asked for any questions from those in attendance, being none, A motion to adjourn the meeting and reconvene on July 9, 2024, at 9:00 AM was made by Mr. Seal and seconded by Mr. Sorrells. The motion passed unanimously. The meeting adjourned at 10:04 AM.

Minutes submitted by: E. Denise Grogan.

J. Douglas Williams, Chair

Charles M. Perine, Executive Director