



ALABAMA BOARD OF FUNERAL SERVICES

Funeral Division Meeting Minutes

July 9, 2024

Prior Notice

Prior notice of the July 9, 2024, fourth 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 June 6, 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 Mr. Seal to lead all in attendance in the Pledge of Allegiance to the American flag which was followed by an invocation offered by Mr. Williams.

Call to Order

Roll Call of the Board

Mr. Williams, presiding officer, asked Mrs. Grogan for a roll call to establish a quorum. The following members were present: Kenneth Bishop, J. Douglas Williams, Karen Jones Smith, James Seal, Rachel Arrington, consumer member 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), Lance Brooks, and Bobby Burt.

Welcome/Remarks by the Chair

With a quorum established, Mr. Williams called to order the meeting at 9:04 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 July 9, 2024, meeting. Mr. Williams asked if any member had a conflict of interest for any items on the agenda, being none, Mr. Bishop 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 April 9, 2024, meeting. Ms. Hill 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 final merge of preneed data was completed in the licensing system and renewals began July 1st. Mr. Perine stated the old system did not accommodate preneed and a new system was required with the addition of preneeds. He stated there were a few bumps but anything new requires adjustments and patience. Instructions were provided to all licensees that would have prevented many of

the problems occurring with logging in. Mr. Perine stated bugs were being worked through and renewals would still be received via paper option.

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: SAVANNA MARINO, EBONY RODGERS, KENNEDI BYRD, CATRINA KENNEDY, RANDAL HUMBHREY, BYRON COUCH, TANNER FAULKNER, CHARLES KENNEDY, LEONARD WILLIAMS, AARON AMOUR, JACOB SANDERSON, GELEASE KENNEDY, CHARLES BOX, TRUSTON HUBBARD, LISA KISER, LADARIUS WOODS, ARIANNA LEAL. The motion was made by Ms. Arrington 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 KRISTOFER LASSITER for reactivation as apprentice funeral director and apprentice embalmer, JAEON LEONARD for reactivation as an apprentice funeral director, Mr. Seal moved to approve the reactivations seconded by Ms. Hill. The motion passed unanimously.

Establishments

Mr. Perine asked the Board to consider the following establishments for licensure: PARKWAY MEMORIAL (TRINITY)(BUY OUT), SM GOODSON FUNERAL HOMES & CREMATORY- ANNISTON BRANCH (ANNISTON)(BUY OUT), FOWLER FAMILY FUNERAL HOME (DOTHAN)(NEW), SPRY MEMORIAL CHAPEL (RUSSELLVILLE)(BUY OUT), PINKARD FUNERAL HOME LLC (RUSSELLVILLE)(BUY OUT), PINKARD FUNERAL HOME LLC (HALEYVILLE)(BUY OUT). Mr. Perine stated Fowler Family Funeral Home was purchasing an existing establishment but wanted to open it as a new establishment. Mr. Perine stated the establishment was previously inspected with no major problems and it was time for the establishment to be inspected again for 2024. Mr. Perine asked the Board to allow the previous inspection for the new application since the establishment did not close. Mr. Perine stated Mr. Bishop 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 there had been no application denials.

Executive Director Report

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

Alabama Exam Stats (April 1, 2024 – July 1, 2024) Administered			
Alabama Exams	Pass	Fail	Average Score
Funeral Director (13)	5	8	71.69
Embalmer (0)	0	0	
State Law Exam FD/EM (13)	9	4	
State Law Exam Cremationist (6)	6	0	
Exams FY24 YTD			
Alabama Funeral Director			50

Alabama Embalmer	8
LRR/FD/EM	38
LRR Cremationist	48

Active License Count (April 1, 2024 - July 1, 2024)			
License/Certification/Registration	Active	Application received	License issued
App Director	320	54	47
App Embalmer	197	39	30
Funeral Director	1583	32	27
Embalmer	883	17	15
Cremationist	357	17	14
Practical Embalmer	39	0	0
SP WP FD	0	0	0
SP WP EM	0	0	0
SP WP Cremationist	0	0	0
Mortuary Service	4	2	2
Establishments	474	3	3
CE provider	39	0	1
Total	3896	165	139
Certificate of Authority	239	0	2
Crematories	73	0	0
Total with preneed	5423	0	107
Background checks FY YTD	225		
FD/EM/CREM	148	Preneed	77

Inspections YTD Funeral	
Completed (Funeral)	30
Compliant	24
Non-complaint	6
Need Reinspection	0
Board Notice	0
Citations (0)	\$0.00

Funeral Division Complaints Received YTD			
Reprimand/Consent	2	Pending	17
No Action Taken	1		

Continuing Education

Mrs. Grogan presented for the Board's approval one new provider (Rosenacker & Associates), and a list of 95 programs available to licensees, with 13 of those courses given interim approval pursuant to Alabama Funeral Service Administrative Code 395-X-1-.04. Mrs. Grogan informed the Board that applications with questionable content had been received including:

- ICCFA "College of Cremation" application requested 6 hours which did not meet the Board's requirement of 7 instructional hours, for this reason Mrs. Grogan stated this program had been denied by the Board several times. Mrs. Grogan stated ICCFA had been contacted about increasing the instructional hours, but no changes were made by ICCFA.
- ICCFA "College of 21st Century" included Celebrant training which had been previously denied by

the Board on multiple occasions.

- Wilbert "Are we asking the right questions?" contained celebrant training facilitated by the instructor that had been reached out to previously for additional information and material. The facilitator refused to provide the Board with the requested information or material.
- NFDA "The synergy of funeral professional and death doulas" additional information was received, and approval was requested.

Mr. Seal made a motion, seconded by Mr. Bishop to approve, and deny the continuing education courses as presented; the motion passed unanimously.

Proposed Administrative Rule changes

Closure of Funeral Establishment

Mr. Perine stated he was asking the Board's permission to move forward with the proposed rule which would allow 45 days for public comment and following that time the Board would review all comments, then vote to adopt whether the proposed rule should become law. Mr. Perine stated the current rule does not address the closure of a funeral home. He stated cremated were not being returned to authorizing agents and death certificates were not filed when an establishment closed. He stated this rule would require:

- an establishment shall notify the Board of a pending closure on a form prescribed by the Board
- file all outstanding death certificates
- complete all arrangements for deceased individuals in their custody (including cremated remains)
- account for and transfer all preneed contracts
- take any other action to protect the consumer or direction from the Board

Mr. Perine stated an addition to the rule would be that a final inspection be made of the establishment. He also stated the proposed rule would allow a temporary managing funeral director or managing embalmer to be appointed for 72 hours and that individual may be the managing funeral director or managing embalmer of another establishment. Following discussion, Ms. Jones Smith made a motion, seconded by Ms. Arrington to authorize the proposed administrative rule process for the closure of a funeral establishment. Being no further discussion, the motion passed unanimously.

Change of Ownership

Mr. Perine stated that there was a need for a clearer definition for a change of ownership and when the \$250.00 fee for that change is required. He stated the law does not clearly define what a change of ownership is. Mr. Perine turned the floor over the Mr. Brenton Smith, legal counsel, who stated this would clarify what the threshold is when the Board needs to be notified. He stated the proposed rule would require the change of ownership fee for a change in ownership of 10 percent or greater, a large change in structure, control, or members. Following discussion, Ms. Hill made a motion, seconded by Ms. Jones Smith to authorize the proposed administrative rule process for an establishment change of ownership. Being no further discussion, the motion passed unanimously. It was noted for the record that Mr. Sorrells, who was delayed in traffic arrived at 9:40 AM.

ABFS24-0001**ABFS vs. Derrious Hardy; Grace Memorial Clay County, LLC; and Grace Memorial Chapel Clay**

Mr. Perine stated there was an administrative hearing in front of the Administrative Law Judge in May concerning ABFS24-0001 ABFS vs. Derrious Hardy; Grace Memorial Clay County, LLC; and Grace Memorial Chapel Clay. He stated the Administrative Law Judge wrote his finding of facts and recommendation based on the hearing, and the Board now had to take up the matter to determine whether to adopt the Administrative Law Judge's recommendation. Mr. Perine stated Board member received the finding of facts and the ALJ's recommendation in their meeting packets. Mr. Perine stated Mr. Hardy was present and offered him the opportunity to address the Board. Mr. Perine stated that no new evidence could be taken in the case, only make statements. Mr. Hardy addressed the Board, and following his statement, Mr. Brenton Smith stated the facts in the case were clear, that based on the finding of facts Mr. Hardy submitted a fraudulent application for an establishment, on that application was the forged signature of a managing funeral director and embalmer who did not sign the application. Mr. Hardy operated the establishment for four (4) months without a managing funeral director or managing embalmer, in addition he lied to the Board twice about having filed a police report then failed to press charges against the employee he stated signed the documents. Mr. Smith stated Mr. Hardy had a long history of discipline with the Board and it was his recommendation to adopt the ALJ's recommendation with one exception – Mr. Hardy's personal license should be revoked.

Executive Session Mr. Sorrells made a motion at 9:49 AM to go into Executive Session for one hour to deliberate the adjudication of ABFS24-0001. The motion was seconded by Mr. Bishop. All in attendance were informed the meeting would reconvene following executive session. At 10:19 AM the board members returned to the board room and called the meeting to order. Mr. Sorrells made a motion, seconded by Ms. Jones Smith to accept the ALJ's finding of fact, to fine \$17,500.00 due no later than August 15, 2024, and revocation of Mr. Hardy's funeral director license. The motion passed unanimously.

Mr. Perine asked the Board their decision on the establishment license of Grace Memorial Chapel Clay. Mr. Sorrells made a motion, seconded by Mr. Seal to revoke the establishment license of Grace Memorial Chapel Clay. The motion passed unanimously.

Mr. Perine recommended that the Board go into executive session to discuss the good name and character of an applicant. Ms. Hill made a motion at 10:22 to go to executive session for 30 minutes, the motion was seconded by Ms. Jones Smith. All in attendance were informed the meeting would reconvene following executive session. At 10:46 AM the Board members returned to the board room and call the meeting to order. Mr. Sorrells made a motion, seconded by Mr. Bishop to deny the apprenticeship application of Ms. Pressley. 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 October 8, 2024, at 9:00 AM was made by Mr. Seal and seconded by Ms. Hill. The motion passed unanimously. The meeting adjourned at 10:47 AM.

Minutes submitted by: E. Denise Grogan.

J. Douglas Williams, Presiding Officer

Charles M. Perine, Executive Director