



# **Alabama Board of Funeral Service**

## **Meeting Minutes**

January 28, 2013

### **Attendance**

The following members were present: Mark N. Craddock, Joe E. Lewis, Samuel Seroyer, John C. Rudder, Bart Kirtland, Calvin Meadows and Jason Wyatt. Staff present was Warren Higgins, Executive Secretary, and Charles M. Perine, Associate Executive Secretary, recording. Also present legal counsel Bill Garrett from Attorney General's Office.

The following member(s) were absent: NONE.

### **Call to order**

With all members and a quorum present Mr. Warren Higgins, Executive Secretary, called to order the first regular meeting of calendar year 2013 of the Alabama Board of Funeral Service at 11:05 a.m. on January 28, 2013 in Room-P103 of the Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama.

### **Election of Officers**

Mr. Higgins declared all pervious offices of the Board vacant due to the new terms which began on January 1, 2013 for districts one, two and five. Mr. Higgins opened the floor for nominations for the office of chair. Mr. Meadows nominated Mr. Mark Craddock, seconded by Mr. Rudder. With no other nominations Mr. Lewis moved to close the nominations for position of chair, seconded by Mr. Meadows. Motion passed unanimously to close nominations. Question: Mr. Craddock for the position of chair? Vote:

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows and Mr. Wyatt

Nay vote:

Abstain:

The motion passed unanimously.

Mr. Higgins then yielded the chair to Mr. Craddock, who then opened the nominations for vice-chair. Mr. Rudder nominated Mr. Calvin Meadows, seconded by Mr. Wyatt. With no other nominations Mr. Seroyer moved to close the nominations for vice-chair, seconded by Mr. Kirtland. Motion passed unanimously to close nominations. Question: Mr. Meadows for the position of vice-chair? Vote:

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows and Mr. Wyatt

Nay vote:

Abstain:

The motion passed unanimously.



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Mr. Craddock then opened the nominations for secretary. Mr. Meadows nominated Mr. Jason Wyatt, seconded by Mr. Rudder. With no other nominations Mr. Lewis moved to close the nominations, seconded by Mr. Wyatt. Motion passed unanimously to close nominations.

Question: Mr. Wyatt for position of secretary? Vote:

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows and Mr. Wyatt

Nay vote:

Abstain:

The motion passed unanimously.

Mr. Craddock then opened the nominations for treasurer. Mr. Rudder nominated Mr. Bart Kirtland, seconded by Mr. Wyatt. With no other nominations, Mr. Wyatt moved to close the nominations, seconded by Mr. Meadows. Motion passed unanimously to close nominations.

Question: Mr. Kirtland for the position of treasurer? Vote:

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows and Mr. Wyatt

Nay vote:

Abstain:

The motion passed unanimously.

### **Approval of minutes from last meeting**

Mr. Meadows moved to approve the minutes of the October 24, 2012 meeting, seconded by Mr. Wyatt. The motion passed unanimously.

### **Point of Personal Privilege:**

Mr. Higgins asked to read a correspondence that he is submitting to Mr. Perine for the Board's records. Mr. Higgins then read and submitted for the record a letter of resignation as the Executive Secretary of the Alabama Board of Funeral Service dated January 28, 2013. Mr. Higgins' letter also stated that he is announcing his retirement effective February 28, 2013.

Mr. Seroyer asked that the letter be read once more. Mr. Perine read the letter.

Mr. Craddock asked Mr. Garrett should the Board go into executive session to discuss Mr. Higgins letter and how to proceed forward. Mr. Garrett stated that there was no reason to go into executive session. Mr. Craddock asked can his replacement be appointed today. Mr. Garrett stated that the law gives the Board that authority. Mr. Higgins stated that the question was really concerning his leave. Mr. Higgins stated that all he wanted to do was let January 28 be his last day in the office and use leave time until February 28 then forfeit the remainder time. Mr. Garrett stated that it was up to the Board as to how Mr. Higgins leaves.

Mr. Higgins asked were there any questions from the Board directed towards him. Being none, Mr. Higgins then stated that he was turning in his keys to the office along with his badge/card key to Mr. Perine. Mr. Meadows asked Mr. Higgins has his office been cleaned out. Mr. Higgins stated that he would notify state house security and someone from the state auditor's office to supervise him removing his things between now and February 28. Mr. Craddock thanked Mr.



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Higgins for the years he has served with the Board. Being no other discussion, Mr. Rudder moved to accept Mr. Higgins resignation, seconded by Mr. Meadows. Mr. Craddock asked for a roll call vote:

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows and Mr. Wyatt

Nay vote:

Abstain:

The motion passed unanimously. (Letter attached)

Mr. Higgins then excused himself from the meeting.

### **Old Business**

- 1) Settle Agreement – Mr. Perine informed the Board that the settlement agreement presented at the last Board’s meeting for the individual that violated the Alabama Funeral Service Law by soliciting funeral business was accepted by that individual. The individual was fined \$1500, served a 30 day suspension of his funeral director’s license and the establishment is currently on probation for the next two years.
- 2) Professional Development – Mr. Perine informed the Board that he had taken the CANA Crematory Operators Certification class at Jeff State Community College on January 9 and passed the course. He is now certified in crematory operations.

### **New Business**

#### **Board Staff:**

Mr. Craddock asked, given Mr. Higgins resignation, what would the Board like to do about the Executive Secretary’s position? Mr. Rudder moved to nominate Mr. Charles Perine to the position of Executive Secretary, seconded by Mr. Meadows. Mr. Craddock asked were there any discussion, being none Mr. Craddock asked for a roll call vote:

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows and Mr. Wyatt

Nay vote:

Abstain:

The motion passed unanimously.

Mr. Craddock explained according to state personnel that in order to pay Mr. Higgins until February 28, 2013 the Board would have to put him in the position of Associate Executive Secretary. Mr. Wyatt moved to appoint Mr. Higgins as Associate Executive Secretary until the last day of February, seconded by Mr. Meadows. Being no discussion, Mr. Craddock asked for a roll call vote:

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows and Mr. Wyatt

Nay vote:

Abstain:



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The motion passed unanimously.

After discussion, Mr. Seroyer moved to set Mr. Perine salary at \$65,000.00 annually, seconded by Mr. Meadows. Mr. Craddock asked for a roll call vote:

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows and Mr. Wyatt

Nay vote:

Abstain:

The motion passed unanimously.

Mr. Craddock stated that a selection committee would be formed to select the new Associate Executive Secretary position and the same process used when Mr. Perine was hired would be used this time. Mr. Craddock instructed Mr. Perine to send notice of the position to AFDA, the AFDMA, in the newsletter to the funeral homes and per Mr. Garrett it should be put on the state personnel website. Mr. Craddock asked for a salary recommendation, after discussions Mr. Rudder moved to set the new Associate Executive Secretary salary at \$52,000 annually, after a six month probationary period and pending a satisfactory job performance review by the board, the salary will be increased to \$55,000 annually, seconded by Mr. Meadows. Mr. Craddock asked for a roll call vote:

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows and Mr. Wyatt

Nay vote:

Abstain:

The motion passed unanimously.

### **Approval of Licenses:**

#### **1) Applicants who passed law exam given earlier:**

Mr. Meadows moved to approve funeral director and/or embalmer license(s) for all applicants who passed the state law exam given earlier that day upon the passing certification from the Conference under the new testing format, or those who had otherwise qualified for licensing, seconded by Mr. Wyatt.

The motion passed unanimously.

#### **2) Apprentice Funeral Director with Previous Time Credited:**

Mr. Perine asked the board to consider for approval the re-registration of apprentice funeral director applications with previous time served as an apprentice credited to current registration for Calvin A. Cooper, Kenneth Dale Smith and Latisha V. Harrell. Mr.

Meadows moved to approve the re-registration of apprentice funeral director's applications with previous time served credited to the current registration, seconded by Mr. Rudder. The motion passed unanimously.



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### **3) Apprentice Funeral Director and Embalmer with Previous Time Credited:**

Mr. Perine asked the Board to consider for approval the re-registration of apprentice funeral director and apprentice embalmer applications with previous time credited to current registration for Alvin A. Lewis, II and Dean D. Scott. Mr. Meadows moved to approve the re-registration of apprentice embalmer applications **with** previous time credited to current registration, seconded by Mr. Wyatt. The motion passed unanimously.

### **4) Permanent License Re-registration:**

Mr. Perine asked the Board to consider Benjamin P. Faulkenberry and Mims Hacketts for re-registration of permanent licenses as a funeral director. Mr. Seroyer moved to approve the re-registration of permanent funeral director license, seconded by Mr. Meadows. The motion passed unanimously.

### **5) Establishment Applications:**

Mr. Perine asked the Board to consider the following establishments for licensure: Acaia Funeral Home in Hartford and Frederick-Dean Funeral Home in Opelika. Mr. Wyatt moved to approve the license request of the fore stated funeral homes, seconded by Mr. Meadows. The motion passed unanimously.

### **Executive Secretary Financial Report**

See attached report. Being no question on the report, Mr. Wyatt moved to accept the financial Report submitted by the executive secretary, seconded by Mr. Meadows. The motion passed unanimously.

### **License that need Board approval**

Mr. Perine stated that he had received an application and letters from Mr. David Meadows, who was asking for reactivation of his permanent license as funeral director and embalmer after being found guilty of committing a violation that are grounds for revocation, suspension, or refusal to issue or renew a license. Mr. Perine stated that he had just received this information before the meeting. Mr. David Meadows had been working with Mr. Higgins. Mr. D. Meadows was allowed to address the Board. Mr. Perine recommended that the Board table this matter at this time until he has had time to investigate this matter. Mr. Meadows moved to table the matter, seconded by Mr. Kirtland. Mr. Craddock asked for roll call vote:

Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows and Mr. Wyatt

Nay vote:

Abstain:

The motion passed unanimously.

The motion passed unanimously to table until April board meeting.



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### **Settlement Agreement**

- 1) Mr. Perine asked that settlement agreements be tabled until he has had time to review the cases with the new attorney. Mr. Seroyer moved to table settlement agreements, seconded by Meadows. The motion passed unanimously.

### **Other Business**

- 1) **Ethic Commission** - Mr. Perine advised Mr. Meadows, Mr. Seroyer, Mr. Wyatt and Mr. Kirtland that they would need to complete and file with the Ethic Commission a Statement of Economic Interest Forms for 2012 by April 30, 2013.
- 2) **2013 Test and Meeting Dates** – Mr. Perine recommended that the 2013 test and meeting dates be as follows: April 1, 2013, July 1, 2013, October 7, 2013 and January 6, 2014 with the test time at 9:00 a.m. and meeting time at 10:00 a.m. Mr. Wyatt moved to accept the fore mention dates and times, seconded by Mr. Rudder. The motion passed unanimously.
- 3) **Web Casting Board Meetings** – Mr. Perine reported that at the last board meeting Mr. Howard Johnson had asked the Board to consider live web casting of board meetings. Mr. Perine stated after research with the state’s ISD department, the capabilities for live web casting is not available at this time, but the meetings could be recorded and up loaded to the website. Mr. Rudder moved to approve the webcasting of the board’s meetings to the website, seconded by Mr. Lewis. The motion passed unanimously.
  - a. Mr. Perine asked the Board to approve a budget of \$800 to purchase equipment to video record the board meetings. Mr. Rudder moved to approve an \$800 budget for the purchase of the video equipment, seconded by Mr. Kirtland.
- 4) **State Law testing online through testing center**- Mr. Craddock stated that he had asked Mr. Perine to check into allowing The Conference to administer the state law exam that is giving once a quarter. Mr. Perine stated that the format would be just like the state funeral director’s exam that is already being given by The Conference. An individual would be allowed to take the exam every 30 days if unsuccessful; it would be an additional fee of \$120 to the applicant. The test could be taken anywhere in the United States. Mr. Craddock advised that it would cost the Board a one-time fee of \$6200 which consists of set fee and validation process of the question. Mr. Rudder moved to approve \$6200 fee to be paid The Conference to allow the state law exam to be given online at testing centers, seconded by Mr. Lewis. Mr. Craddock asked for a roll call vote:  
Yea vote: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Rudder, Mr. Meadows and Mr. Wyatt  
Nay vote:  
Abstain:  
The motion passed unanimously.



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### **Adjournment**

Being no other business, Mr. Craddock asked for a motion to adjourn. Mr. Meadows moved to adjourn the meeting at 12:25 p.m., seconded by Mr. Wyatt. The motion passed unanimously.

Minutes submitted by: Charles M. Perine

X

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Mark N. Craddock  
Chair

X

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Charles M. Perine  
Executive Secretary