



Alabama Board of Funeral Service

Meeting Minutes

January 06, 2014

Attendance

The following members were present: Mark N. Craddock, Joe E. Lewis, Samuel Seroyer, Bart Kirtland, Calvin Meadows and Jason Wyatt. Staff present; Charles M. Perine, Executive Secretary, and E. Denise Grogan, Associate Executive Secretary, recording. Also present legal counsel Cameron McEwen from Attorney General's Office.

The following member was absent: John C. Rudder.

Call to order

Mr. Charles M. Perine, Executive Secretary, called to order the first regular meeting of calendar year 2014 of the Alabama Board of Funeral Service at 10:21 a.m. on January 06, 2014 in Room-123 of the State House, 11 South Union Street, Montgomery, Alabama.

Election of Officers

Mr. Perine stated that board members Mr. Wyatt, Mr. Kirtland, Mr. Meadows and Mr. Seroyer had been reappointed to their districts by the governor. Mr. Perine declared all previous offices of the Board vacant due to the new terms which began on January 1, 2014 for chair, vice-chair, treasurer and secretary. Mr. Perine opened the floor for nominations for the office of chair. Mr. Meadows nominated Mr. Mark Craddock, seconded by Mr. Lewis. With no other nominations or discussion, Mr. Perine asked the Question: Mr. Mark Craddock for the position of chair? Vote: Yea votes: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Meadows and Mr. Wyatt

Nay votes: None

Abstain: None

The motion passed unanimously.

Mr. Perine then yielded the chair to Mr. Craddock, who then opened the nominations for vice-chair. Mr. Wyatt nominated Mr. Calvin Meadows, seconded by Mr. Lewis. With no other nominations or discussion, Mr. Craddock asked the Question: Mr. Calvin Meadows for the position of vice-chair? Vote:

Yea votes: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Meadows and Mr. Wyatt

Nay votes: None

Abstain: None

The motion passed unanimously.

Mr. Craddock then opened the nominations for treasurer. Mr. Meadows nominated Mr. Bart Kirtland, seconded by Mr. Seroyer. With no other nominations or discussion, Mr. Craddock asked the Question: Mr. Bart Kirtland for the position of treasurer? Vote:



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Yea votes: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Meadows and Mr. Wyatt

Nay votes: None

Abstain: None

The motion passed unanimously.

Mr. Craddock then opened the nominations for secretary. Mr. Meadows nominated Mr. Jason Wyatt, seconded by Mr. Kirtland. With no other nominations or discussion, Mr. Craddock asked the Question: Mr. Jason Wyatt for position of secretary? Vote:

Yea votes: Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Meadows and Mr. Wyatt

Nay votes: None

Abstain: None

The motion passed unanimously.

Mr. Perine asked the Board to recognize that Mr. John Cook Rudder of District 5 was absent.

Mr. Craddock excused Mr. Rudder and it is noted for the minutes that a quorum was present with six members in attendance.

Approval of minutes

Mr. Wyatt moved to approve the minutes of the October 07, 2013 meeting, seconded by Mr. Meadows. The motion passed unanimously.

Mr. Meadows moved to approve the minutes of the November 19, 2013 meeting, seconded by Mr. Seroyer. The motion passed unanimously.

Old Business

- 1) McGee vs Hamilton Funeral Home– Mr. Perine informed the Board that Randy Jackson and Hamilton Funeral Home had filed an appeal against the Board's decision in this case and the Board was awaiting the date of the hearing.
- 2) ABFS vs Harrison Funeral Home–Mr. Perine informed the Board that the final order had been signed and delivered to Mr. Harrison and his attorney. The Board considers Harrison Funeral Home closed. Harrison Funeral Home at this time has not chosen to appeal the decision of the Board.
- 3) 2014 Legislation–Mr. Perine informed the Board that there were two bills that will be introduced this session; two bills are funeral service related and one bill is funeral profession related; HB 100- continuing education; HB 101- funeral bill to clean up language in the law; HB 87- pre-need bill which affects our profession.

New Business



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Approval of Licenses:

1) Applicants who passed law exam given earlier:

Mr. Perine asked the Board to consider for approval funeral director and or embalmer license(s) for all applicants who passed the state law exam given earlier that day upon passing certification from the Conference under the new testing format, or those who had otherwise qualified for licensing. The motion was made by Mr. Seroyer and seconded by Mr. Meadows.

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 Brooke Whisnant, LeeTaria Sabree, Doris Jones, Mary Pelt, David Vick, and David Parham. 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. Wyatt. The motion passed unanimously.

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 David Smith, Jr., Eddie Chavers and Tina Webb. Mr. Wyatt moved to approve the re-registration of apprentice funeral director and embalmer applications with previous time credited to current registration, seconded by Mr. Kirtland. The motion passed unanimously.

4) Permanent Funeral Director and Embalmer License Re-registration:

Mr. Perine asked the Board to consider Chanin Barker for re-registration of permanent licenses as a funeral director and embalmer. Mr. Meadows moved to approve the re-registration of permanent funeral director and embalmer license, seconded by Mr. Wyatt. The motion passed unanimously.

5) Permanent Funeral Director License Re-registration:

Mr. Perine asked the Board to consider Evelyn Mitchell, Eston Gant, Jr. and Jeanette Penney for re-registration of permanent licenses as a funeral director. Mr. Perine asked that the Board act only on Evelyn Mitchell and Eston Gant, Jr. and table Jeanette Penney until later in the meeting. Mr. Meadows moved to approve the re-registration of permanent funeral director license for Evelyn Mitchell and Eston Gant, seconded by Mr. Kirtland. The motion passed unanimously.

6) Establishment Applications:



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Mr. Perine asked the Board to consider the following establishments for licensure: Faith Memorial Chapel Funeral Services and Faith Memorial Chapel West, both in Birmingham. Following much discussion, Mr. Perine recommended that the Board table the approval of the establishment's applications until the April Board Meeting. Mr. Wyatt moved to table the license request of the fore stated funeral homes until the April meeting, seconded by Mr. Kirtland. The motion passed unanimously.

7) Personal Request to Appear:

Mr. Perine requested that the Board allow Ms. Penney to speak on her behalf concerning her license re-instatement. Following Ms. Penney's statement and discussion by the Board with legal counsel, Mr. Perine recommended that pending counsel's response Ms. Penney be allowed to make payments toward her fees and late penalties. Mr. McEwen agreed that if the Board allowed Ms. Penney to make payments that would be the best course of action. Mr. Seroyer made a motion to allow Ms. Penney to pay her fees and late penalties for 2012-2013 over a ten month period, seconded by Mr. Kirtland. The motion passed unanimously. Mr. Perine asked the Board to approve the reactivation of Permanent Funeral Directors license of Jeanette Penney pending her passing of the state law test. Mr. Wyatt moved to approve the re-registration of permanent funeral director license for Jeanette Penney, seconded by Mr. Kirtland. The motion passed unanimously.

Executive Secretary Financial Report

Mr. Perine reported the following to the Board for the 1st quarter fiscal year 2014: October 1-December 31, 2013.

Receipts: \$112,975.00 Budget: \$314,087.00
Expenditures: \$80,986.50

Following discussion on the report, Mr. Seroyer moved to accept the financial Report submitted by the executive secretary, seconded by Mr. Meadows. The motion passed unanimously.

Merit Raises

Mr. Perine informed the Board that the Governor had unfrozen merit raises for the 2014 fiscal year. Mr. Perine explained to the Board that the merit raise is performance based and not mandatory. A one-step raise would be a 2.5% increase and a two-step raise would be a 5% increase. After discussion by the Board, Mr. Meadows made a motion to give Mr. Perine, Mrs. Grogan and Mrs. Dawson a two-step, 5% merit raise, seconded by Mr. Wyatt. Mr. Craddock asked for a roll call vote:

Yea votes: Mr. Craddock, Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Meadows, Mr. Wyatt
Nay votes: None



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Absent: Mr. Rudder

The motion was approved

Personnel Service Contract

Mrs. Grogan informed the Board of the Personnel Service Contract for the Boards consideration. After discussion by the Board and additional information from Mr. Perine, Mr. Craddock recommended tabling the issue to see if the Funeral Bill passes allowing contract personnel to enforce Funeral Service law.

ABFS13-044 Joseph Bonner

Mr. McEwen informed the Board that Tri-State Mortuary and Joseph Bonner have accepted the settlement offered by the Board which was identical to the previous settlement disclosed at the November Board meeting. The case brought against the Board in Mobile County by Mr. Bonner would be dismissed pending the signed consent agreement being received by the court.

2014-2015 Board Meetings

Mr. Perine presented the proposed calendar for 2014-2015 to the Board, including Board meetings and testing dates. Mr. Perine explained that the calendar could be amended if the funeral bill passes allowing the state law test to be given online. Mr. Meadows moved to approve the 2014-2015 calendar as presented, seconded by Mr. Wyatt. The motion passed unanimously.

Executive Session

Mr. Kirtland made a motion to go into Executive Session for 30 minutes to discuss the good name and character of potential licensees, Randi N. Harris, Dale Ulmer, Derrick Parnell. The motion received a second by Mr. Lewis. The motion was approved unanimously.

The audience was cleared from the room to allow the Board to discuss the good name and character of potential licensees.

After all parties were called back into the room, Mr. Craddock called the Board meeting back to order at 12:15 p.m. With the Board not having a decision, Mr. Kirtland made a motion to extend the executive session for 15 minutes, seconded by Mr. Seroyer. The motion passed unanimously.

The audience was again cleared from the room to allow the Board to continuing discussing the good name and character of potential licensees.



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After all parties were called back into the room, Mr. Craddock called the Board meeting back to order at 12:30 p.m. with the Board having a decision. Mr. Meadows made a motion to approve the apprenticeship application of Randi N. Harris with probation to run concurrent during the apprenticeship. During this period her probation officer is to be in contact with the Board office. When Ms. Harris makes application for permanent license she must present herself before the Board to see if the probation will be extended or if she will receive her permanent license. The motion was seconded by Mr. Seroyer. Mr. Craddock asked for a roll call vote. Yea votes: Mr. Craddock, Mr. Lewis, Mr. Seroyer, Mr. Kirtland, Mr. Meadows, Mr. Wyatt
Nay votes: None
Absent: Mr. Rudder
The motion passed unanimously.

Mr. Perine recommended that the Board table the two individuals who did not present themselves before the board as requested until the April board meeting.

Other Business

Mr. Craddock proposed that an establishments not being issued a license until the city or county regulating the establishment has issued them a business license. After discussion, Mr. Perine stated the issue could be addressed by the Board in Administrative Code at a later date.

Adjournment

Being no other business, Mr. Craddock asked for a motion to adjourn. Mr. Wyatt moved to adjourn the meeting at 12:45 p.m., seconded by Mr. Lewis. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan

X

Mark N. Craddock
Chair

X

Charles M. Perine
Executive Secretary