



Alabama Board of Funeral Service

Meeting Minutes

July 11, 2016

Prior Notice

Prior notice of the Board meeting was given through the July newsletter that was distributed to licensees on June 10, 2016 and was posted on the Secretary of State website in January 2016.

Attendance

Mr. Meadows, Vice-Chair asked Mrs. Grogan for a roll call to establish a quorum. The following members were present: Lorenzo Wright, Bart Kirtland, John C. Rudder, Calvin Meadows and Jason Wyatt. Staff present; Charles M. Perine, Executive Secretary, and E. Denise Grogan, Associate Executive Secretary, recording. Also present general counsel for the Board T. Cameron McEwen.

The following members were absent: Mark Craddock and Sammy Seroyer
Mr. Meadows, Vice-chair excused Mr. Craddock and Mr. Seroyer's absence.
Following a roll call with 5 members present a quorum was established.

Call to Order

Mr. Meadows called to order the third quarterly meeting of fiscal year 2016 of the Alabama Board of Funeral Service at 9:00 a.m. on July 11, 2016 in Room 304 of the State House, 11 South Union Street, Montgomery, Alabama.

Approval of Minutes

Mr. Wyatt moved to approve the minutes of the April 4, 2016 and April 11, 2016, Board meetings, seconded by Mr. Rudder. Being no discussion the motion passed unanimously.

Old Business

Shelia Champion vs ABFS

Mr. Perine informed the Board the Federal lawsuit brought by Shelia Champion against the Board had been dismissed. Mr. Perine stated that The Institute for Justice representing Ms. Champion stated ABFS laws were restricting her business by only allowing funeral directors to sell caskets, urns and burial shrouds. A proposal was made, based on other Federal lawsuits, to



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amend the current statute to allow the sale of caskets, urns and burial shrouds by individuals other than funeral directors. The State Legislature changed the statute with the support of the Board.

Mr. Perine stated that Mr. John Nyman, Esquire, from Birmingham was contracted as outside legal counsel to represent the Board in this lawsuit at an approximate cost of \$1,500.00.

Embalming Authorization

Mr. Perine informed the Board that research had been done on the requirement of an embalming authorization, as posed by Mr. Wright at the April 4th Board meeting. Mr. Perine stated he had polled other states, and presented the Board with authorization forms from California, Texas and the National Funeral Directors Association.

Following much discussion Mr. Wright moved to require that each funeral home have a form authorizing embalming, seconded by Mr. Wyatt. Mr. Meadows requested a roll call vote with the following responses.

Yes votes: Mr. Wright, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Wyatt.

Nay votes: None

Abstain: None

Absent: Mr. Craddock, Mr. Seroyer

The motion passed with a five yes votes.

New Business

Approval of Licenses:

1) Applicants having met all qualifications for licensure:

Having passed the state law exam, and having met the passing criteria of the International Conference under the new testing format, Mr. Perine stated that the following individuals had 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 asked the Board to consider for approval the funeral director and/or embalmer licenses for; Timothy L. Howard, Adam C. Hyde, Ashely L. Rosser, Eddie L. Bryan, Richard B. Hightower, William P. Hightower, Ashely M. Dean, Kimberly M. McClure, and Carly C. Beresky. The motion was made by Mr. Wyatt and seconded by Mr. Rudder. The motion passed unanimously.

2) Apprentice Funeral Director with Previous Time Credited:



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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; Andre M. Foreman, Bettye Carter, and Monte D. Maddox. Mr. Wyatt moved to approve the re-registration of apprentice funeral director applications with previous time served credited to the current registration, seconded by Mr. Wright. 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 embalmer applications with previous time served as an apprentice credited to current registration for; Miranda F. Pixley. Mr. Rudder moved to approve the re-registration of apprentice funeral director and embalmer applications with previous time served credited to the current registration, seconded by Mr. Wright. The motion passed unanimously.

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

Having paid all fees and penalties, Mr. Perine asked the Board to consider Michael S. Culver for re-registration of permanent licenses as a funeral director and embalmer. Mr. Wright moved to approve the re-registration of permanent funeral director and embalmer license, seconded by Mr. Rudder. The motion passed unanimously.

5) Permanent Funeral Director License Re-registration:

Having paid all fees and penalties, Mr. Perine asked the Board to consider Je'Lynn M. Frieson, Kevin B. Goodwin, and Hilton D. Tucker for re-registration of permanent license as a funeral director. Mr. Wyatt moved to approve the re-registration of permanent funeral director license, seconded by Mr. Rudder. The motion passed unanimously.

Executive Secretary Financial Report

Mr. Perine reported the following to the Board for the 3rd quarter fiscal year 2016: October 1-July 1, 2016.

Annual Appropriation: \$534,043.00

Unobligated Expenses: \$188,796.79

Total Obligations: \$345,246.21

Licensed Establishments: 460 active

Licensed Funeral Directors: 1594 active



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Licensed Embalmers: 907 active
Apprentice Funeral Directors: 227 active
Apprentice Embalmers: 154 active

Mr. Wright made a motion to accept the financial report as presented by Mr. Perine, seconded by Mr. Kirtland. The motion passed unanimously.

Consent Agreements

Mr. Perine informed the Board of proposed settlements that were agreed on between April 5, 2016 and July 11, 2016 involving unlicensed practice, aiding and abetting unlicensed practice.

Case Number	Penalty
ABFS16-027	Fined \$3,500.00 2-year probation for the Managing Funeral Director 2-year probation for the Establishment
ABFS16-031	Fined \$4,000.00 1-year probation for the Managing Funeral Director 1-year probation of the Establishment

Mr. Wright made a motion to accept the consent agreements as stated and was seconded by Mr. Kirtland. The motion passed unanimously.

Merit Raises

Mr. Perine informed the Board annual merit raises were available at the Board's discretion to Charles M. Perine, E. Denise Grogan and T. Cameron McEwen. Mr. Wright made a motion to approve a 2-step merit raise for Mr. Perine, Mrs. Grogan and Mr. McEwen, seconded by Mr. Kirtland.

Yes votes: Mr. Wright, Mr. Kirtland
Nay votes: None
Abstain: Mr. Rudder, Mr. Meadows, Mr. Wyatt
Absent: Mr. Craddock, Mr. Seroyer
The motion failed.



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Following discussion, Mr. Rudder made a motion to table merit raises until Mr. Craddock and Mr. Seroyer were present and able to vote, seconded by Mr. Wyatt. The motion passed unanimously.

FARB

Mr. Perine informed the Board of the annual Federation of Associations of Regulatory Boards (FARB) Regulatory Law Seminar to be held in Chicago and requested that the Board approve Mr. McEwen's participation and the proposed expenses. Mr. Rudder moved to approve Mr. McEwen's participation and the proposed expense request, seconded by Mr. Wyatt. The motion passed unanimously.

Continuing Education

Mrs. Grogan presented the Board with a list of courses for approval totaling 170.50 hours of instructional time available to licensees. Pursuant to Alabama Funeral Service Administrative Code 395-X-1-.04, Mr. Perine gave interim approval to 8 courses. Mrs. Grogan requested approval for Funeral Direct Ed and the International Cemetery, Cremation and Funeral Association as new providers.

Mr. Rudder made a motion, seconded by Mr. Wright to approve the 2014-2016 continuing education courses. The motion passed unanimously.

Mr. Rudder made a motion, seconded by Mr. Wyatt to approve the 2016-2018 continuing education courses. The motion passed unanimously.

Mr. Wright made a motion, seconded by Mr. Rudder to approve the continuing education Providers and Instructors that were presented. The motion passed unanimously.

Mr. R. Bruce Wilson requested in writing that the Board approve continuing education credits for licensees who attended a course he presented prior to the course being approved. After discussion, Mr. Wright made a motion, seconded by Mr. Rudder to deny Mr. Wilson's request for continuing education credit. The motion passed unanimously.

Executive Session

Mr. Rudder made a motion seconded by Mr. Wright to go into Executive Session for 60 minutes to discuss the good name and character of potential licensees.



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Yes votes: Mr. Wright, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Wyatt

Nay votes: None

Abstain: None

Absent: Mr. Craddock, Mr. Seroyer

The motion passed unanimously.

The Board members moved to an adjoining conference room at 10:00 a.m. to allow the Board to discuss the good name and character of potential licensees. The audience was also informed that the regular business meeting would resume at the conclusion of executive session. After all parties were called back into the room, Mr. Meadows called the Board meeting back to order at 11:00 a.m.

Mr. Rudder made a motion to accept the funeral director apprenticeship application of Mr. Michael C. Lackey, seconded by Mr. Wright. Mr. Meadows requested a roll call vote with the following responses:

Yes votes: Mr. Wright, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Wyatt.

Nay votes: None

Abstain: None

Absent: Mr. Craddock, Mr. Seroyer

The motion passed unanimously.

Mr. Rudder made a motion to deny the reactivation of the funeral director apprenticeship application of Mr. Brian O. Carr, seconded by Mr. Wright. Mr. Meadows requested a roll call vote with the following responses:

Yes votes: Mr. Wright, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Wyatt.

Nay votes: None

Abstain: None

Absent: Mr. Craddock, Mr. Seroyer

The motion passed unanimously.

Mr. Wright made a motion to accept the funeral director and embalmer apprenticeship applications of Mr. William Fleming, seconded by Mr. Wyatt. Mr. Meadows requested a roll call vote with the following responses:

Yes votes: Mr. Wright, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Wyatt.

Nay votes: None

Abstain: None



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Absent: Mr. Craddock, Mr. Seroyer
The motion passed unanimously

Other Business

None

Adjournment

Being no other business, Mr. Meadows asked for a motion to adjourn and reconvene at 9:00 a.m. on October 3, 2016, Mr. Wright moved to adjourn the meeting at 10:03 a.m., and seconded by Mr. Rudder. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan

X

Calvin Meadows
Vice- Chair

X

Charles M. Perine
Executive Secretary