



Alabama Board of Funeral Service

Meeting Minutes

January 9, 2017

Prior Notice

Prior notice of the Board meeting was given through the January newsletter that was distributed to licensees on December 1, 2017 and was posted on the Secretary of State website in January 2016.

Attendance

The following members were present: Mark Craddock, Lorenzo Wright, Calvin Meadows, Bart Kirtland, John C. Rudder, 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 member was present but left due to illness: Sammy Seroyer

Call to Order/Election of Officers

Mr. Charles M. Perine, Executive Secretary, welcomed all in attendance and called to order the second quarterly meeting of fiscal year 2017 of the Alabama Board of Funeral Service at 9:00 a.m. on January 9, 2017 in Room 304 of the State House, 11 South Union Street, Montgomery, Alabama.

Calling the meeting to order Mr. Perine stated that on December 31, 2017 the terms of the representatives from districts one, two and five expired. Nominations from the October meeting were presented to the Governor. Mr. Mark N. Craddock, Mr. Lorenzo Wright and Mr. John C. Rudder were reappointed by the governor to represent districts one, two and five. Mr. Perine administered the oath of office to Mr. Craddock, Mr. Wright and Mr. Rudder. Following the oath Mr. Perine declared all previous offices of the Board vacant due to the new terms which began on January 1, 2017 for chair, vice-chair, treasurer and secretary. Mr. Perine opened the floor for nominations for the office of chair. Mr. Meadows nominated Mr. Mark N. Craddock, seconded by Mr. Wright. With no other nominations, Mr. Perine asked the Question: Mr. Mark Craddock for the position of chair?

Vote:

Yea votes: Mr. Wright, Mr. Kirtland, Mr. Rudder, Mr. Meadows and Mr. Wyatt

Nay votes: None

Abstain: None

Absent: Mr. Seroyer



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The motion passed unanimously.

Mr. Perine yielded the chair to Mr. Craddock, who opened the floor for nominations for vice-chair. Mr. Rudder nominated Mr. Calvin Meadows, seconded by Mr. Wright. With no other nominations, Mr. Craddock asked the Question: Mr. Calvin Meadows for the position of vice-chair?

Vote:

Yea votes: Mr. Craddock, Mr. Wright, Mr. Kirtland, Mr. Rudder and Mr. Wyatt

Nay votes: None

Abstain: None

Absent: Mr. Seroyer

The motion passed unanimously.

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

Vote:

Yea votes: Mr. Craddock, Mr. Wright, Mr. Kirtland, Mr. Meadows and Mr. Rudder

Nay votes: None

Abstain: None

Absent: Mr. Seroyer

The motion passed unanimously.

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

Vote:

Yea votes: Mr. Craddock, Mr. Wright, Mr. Rudder, Mr. Meadows and Mr. Wyatt

Nay votes: None

Abstain: None

Absent: Mr. Seroyer

The motion passed unanimously.



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With all positions filled and a quorum was established Mr. Craddock proceeded with the second quarterly meeting of fiscal year 2017. Mr. Craddock, Chair excused Mr. Seroyer's absence.

Approval of Minutes

Mr. Wright moved to approve the minutes of the October 3, 2016, Board meeting, seconded by Mr. Kirtland. Being no discussion the motion passed unanimously.

Old Business

Mr. Craddock stated that the licensing of Timothy Ellison would be held over for discussion in Executive Session.

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; Shelby Bottoms Lett, Mikala Brooke Smith, Deborah Sue Greene, John Thomas McDougal, Ronald Bradley Goins, Jennifer Grace Hill, Kevin Scott Brawley, Brandon Keith Green. The motion was made by Mr. Wright 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 the current registrations for; Travell J. Christion, Demetrius A. Clark and Casey Jones. Mr. Meadows moved to approve the re-registration of apprentice funeral director applications with previous time served credited to the current registration, seconded by Mr. Kirtland. The motion passed unanimously.



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3) Establishment Applications:

Mr. Perine asked the Board to consider the following establishments for licensure: Pine Rest Funeral Home, Foley, (Buy Out), Hackleburg Funeral Home, Hackleburg, Ashely's J.H. Williams and Sons Funeral Home, Selma, (Buy Out), Liberty Mortuary, Wetumpka, Eastside Funeral Home, Ensley, and Bluffton Funeral Service, Lanett. Mr. Wyatt moved to approve the license request of the fore stated funeral homes seconded by Mr. Rudder. Following discussion, the motion passed unanimously.

Samuel L. Booker, Jr.

Mr. Perine informed the Board that Mr. Booker had applied for licensure through reciprocity. Mr. Perine requested limited discussion concerning Mr. Booker's application for licensure because it may come before the Board at a later time. Mr. Perine stated that the Board was not prepared to act on Mr. Booker's application due to matters in question that were unresolved. Mr. Perine recommended that the Board table Mr. Booker's application for permanent license in the State of Alabama indefinitely until the matters in question are resolved. Mr. Wright moved to table Mr. Booker's application for licensure indefinitely until the Board had time to reconsider the matter, seconded by Mr. Kirtland. The motion passed unanimously.

John Grubbs

Mr. Perine informed the Board that Mr. John Grubbs, owner of Southern Memorial Funeral Home in Dothan and Eufaula requested to appear before the Board to discuss testing on the Funeral Directing Exam. Mr. Perine gave the floor to Mr. Grubbs to address the Board. Mr. Grubbs stated he had taken the state funeral directors exam multiple times but had not made a 75 which is the passing criteria for the State of Alabama. Mr. Grubbs requested that the Board accept his score and grant his license because when he began his apprenticeship in 2009 the passing score was 70. Mr. Grubbs stated that he had requested testing accommodations that were not allowed by the International Conference of Funeral Service Examining Board.

Mr. McEwen informed the Board that law required Mr. Grubbs to comply with the requirements for permanent license. Mr. McEwen stated there was nothing in the law to support Mr. Grubbs' request and he recommended that the Board follow the law as it is written. Mr. Perine stated that he had spoken with Mr. Grubbs and explained that all applicants had to pass the exam with a score of 75 or higher. Mr. Perine asked Mr. Grubbs for his written permissions to request



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information from the Conference about the testing accommodations Mr. Grubbs had requested. Mr. Grubbs gave verbal permission and said he would provide written permission for the records to be released to the Board. Mr. Perine stated that if Mr. Grubbs wanted a hearing before an Administrative Law Judge because of the Board's knowledge of the matter, he needed to make that request in writing. Mr. Perine recommended that the Board table the matter until all information requested had been received. Mr. Wright made a motion, seconded by Mr. Kirtland to table the matter until Mr. Grubbs had requested in writing a hearing with the administrative law judge and formal recommendations from the judge had been received. The motion passed unanimously.

Executive Secretary Financial Report

Mr. Perine reported the following to the Board for the 1st quarter fiscal year 2017: October 1-December 31, 2016.

Total Budget: \$559,708.66

Revenue: \$174,698.33

Expenses: \$123,670.40

Cash on Hand: \$1,344,317.26

Mr. Perine stated that the STAARS state reporting system was incorrectly reporting statewide totals for cash on hand but was working to correct the report.

Licensed Establishments: 439 active
Licensed Funeral Directors: 1493 active
Licensed Embalmers: 792 active
Licensed Practical Embalmers: 59 active
Apprentice Funeral Directors: 216 active
Apprentice Embalmers: 143 active
Special Work Permit Funeral Director: 2
Special Work Permit Embalmer: 1

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

2018 Budget Request



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Mr. Perine requested the 2018 Budget of \$462,874. Mr. Rudder made a motion to accept the requested budget amount, seconded by Mr. Kirtland. The motion passed unanimously.

2017 Annual meeting of the International Conference of Funeral Examining Boards

Mr. Perine presented the Board with the proposed expense report for the upcoming ICFSEB conference and requested \$4,026.92 for the expenses of E. Denise Grogan, Calvin J. Meadows and John C. Rudder. Mr. Perine informed the Board that the Conference was being held in South Carolina was within the driving distance allowed by the State and that Mrs. Grogan, Mr. Meadows and Mr. Rudder would be utilizing State Motor Pool for transportation. Mr. Perine also informed the Board that as a Board member of the Conference his expenses would be paid by the Conference. Mr. Wyatt made a motion, seconded by Mr. Kirtland to accept the amount requested for the ICFSEB Conference. The motion passed unanimously.

Consent Agreements

None

Continuing Education

Mrs. Grogan presented the Board with a list of courses for approval totaling 195 hours of instructional time available to licensees. Mrs. Grogan requested the approval of Stericycle, Inc. Insight Institute, and the Alabama Department of Public Health Center for Emergency Preparedness, as new providers. Mrs. Grogan requested that the Board reapprove Thanos, Mississippi Funeral Directors Association, International Conference of Funeral Service Examining Boards and Matthews International.

Mr. Wright made a motion, seconded by Mr. Meadows to approve the continuing education providers and courses that were presented, denying approval of one course from Insight Institute; "Certified Celebrant Training". The motion passed unanimously.

Proposed Legislation

Mr. Perine reminded all present about Shelia Champion and her lawsuit against the Board which had been dismissed because the law was changed. Mr. Perine informed all present that the threat of future litigation from Shelia Champion led the Board to request the formation of a legislative committee to address any changes needed in the law. Mr. Perine informed all present a committee was formed to address the Boards concerns. This committee was comprised of



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Independent Funeral Homes, Corporations, and both Associations. A subcommittee was comprised of all crematories in the State of Alabama to review current cremation law. Each of these committees met twice coming to an agreement on the proposed legislation. The proposed legislation removed potential anticompetitive language, set cremation standards and addressed technical clean-up.

Executive Session

Mr. Meadows made a motion seconded by Mr. Wright to go into Executive Session for 60 minutes following a 5-minute break to discuss the good name and character of potential licensees.

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

Nay votes: None

Abstain: None

Absent: Mr. Seroyer

The motion passed unanimously.

The Board members moved to an adjoining conference room at 10:15 a.m. following a 5-minute break to allow the Board to discuss the good name and character of potential licensees. The audience was informed that the regular business meeting would resume after executive session. After all parties were called back into the room, Mr. Craddock called the Board meeting back to order at 11:15 a.m.

Mr. Meadows made a motion, seconded by Mr. Rudder to return to Executive Session for an additional 20 minutes to discuss the good name and character of potential licensees.

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

Nay votes: None

Abstain: None

Absent: Mr. Seroyer

The motion passed unanimously.

The Board members returned to the adjoining conference room at 11:15 a.m. to discuss the good name and character of potential licensees. The audience was again informed that the regular business meeting would resume after executive session. After all parties were called back into the room, Mr. Craddock called the Board meeting back to order at 11:35 a.m.

Mr. Meadows made a motion seconded by Mr. Rudder to return to Executive Session for an additional 30 minutes to discuss the good name and character of potential licensees.



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

Nay votes: None

Abstain: None

Absent: Mr. Seroyer

The motion passed unanimously.

The Board members returned to the adjoining conference room at 11:35 a.m. to discuss the good name and character of potential licensees. The audience was again informed that the regular business meeting would resume after executive session. After all parties were called back into the room, Mr. Craddock called the Board meeting back to order at 11:50 a.m.

Mr. Wyatt made a motion to table the reactivation of the permanent funeral director and embalmer license of Timothy Ellison, seconded by Mr. Kirtland.

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

Nay votes: None

Abstain: None

Absent: Mr. Seroyer

The motion passed unanimously

Mr. Meadows made a motion to deny the reactivation of the permanent funeral director and embalmer license of Douglas Harrison, seconded by Mr. Wright. Mr. Craddock requested a roll call vote with the following responses:

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

Nay votes: None

Abstain: None

Absent: Mr. Seroyer

The motion passed unanimously

(Mr. Harrison waived Administrative hearing)

Other Business

Mr. McEwen, legal counsel for the Board requested that the Board confirm and support the law as it is written. Mr. McEwen stated that policies of previous boards and staff conflicted with the law as it was written. Mr. McEwen stated that the current staff needed the Boards support in enforcing the law as they are written. Mr. McEwen stated his legal recommendation is that previous board and staff policies in direct opposition to the law as written should no longer be followed going forward.



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2017 Board Meeting Dates

Mr. Perine informed the Board of the proposed dates for the 2018 Board meetings. The proposed July 10th meeting was changed to July 13th.

April 3, 2017
July 13, 2017
October 2, 2017
January 2, 2018

Mr. Meadows made a motion, seconded by Mr. Kirtland to accept the above dates for the 2018 Board meetings. The motion passed unanimously.

Adjournment

Being no other business, and no questions from the audience, Mr. Craddock asked for a motion to adjourn and reconvene at 9:00 a.m. on April 3, 2017, Mr. Meadows moved to adjourn the meeting at 12:00 p.m. seconded by Mr. Wyatt. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan

X 

Mark Craddock
Chair

X 

Charles M. Perine
Executive Secretary