



Alabama Board of Funeral Service

Meeting Minutes

October 7, 2019

Prior Notice

Prior notice of the Board meeting was given through the Quarterly newsletter that was distributed to licensees on September 9, 2019 and was posted on the Secretary of State website in January 2019.

Attendance

Mr. Craddock, Chair, asked Mrs. Grogan for a roll call to establish a quorum. The following members were present: Mark N. Craddock, Lorenzo Wright, Lance Brooks, John Cook Rudder, Calvin Meadows, Bart Kirtland, Annie Bushelon-Holt, Ed Hines and Bobby Burt. Staff present; Charles M. Perine, Executive Director, and E. Denise Grogan, Associate Executive Director, recording. Also, present general counsel for the Board T. Cameron McEwen.

The following members were absent: None

Call to Order

With a quorum established, Mr. Craddock called to order the first quarterly business meeting of fiscal year 2020 of the Alabama Board of Funeral Service at 8:30 a.m. on October 8, 2019 in Room 304 of the State House, 11 South Union Street, Montgomery, Alabama.

Administrative Hearing

Mr. Craddock yielded the floor to Mr. Randy Salle', Administrative Hearing Judge from the Alabama State Personnel Department to begin Administrative Hearing – Andre Love (appeal of Apprentice FD/EMB Certificate denial).

Alabama Board of Funeral Service vs Andre Love. Mr. Salle' asked counsel to state their names for the record. Present were, Mr. Cameron McEwen, general counsel for The Alabama Board of Funeral Service, Mr. Andre Love representing himself.

Mr. Salle' introduced Alabama Board of Funeral Service vs Andrea Love, stating Love requested an appeal of the denial of his apprentice funeral director and apprentice embalmer applications. Testimony was taken and exhibits were entered into evidence.

Following questions from the Board Mr. Salle' gave the Board instructions for rendering a decision on the case.

Executive Session

At the conclusion of the Administrative Hearing Mr. Craddock asked the will of the Board in rendering their decision Mr. Meadows made a motion seconded by Mr. Rudder to go into Executive Session for 30 minutes to discuss the matter of Andre Love. It was noted that there was a quorum present.

Yes votes: Mr. Craddock, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Ms. Bushelon-Holt. Mr. Wright, Mr. Brooks, Mr. Burt, and Mr. Hines

Nay votes: None

Abstain: None

Absent: None

The motion passed unanimously.

Board members moved to an adjoining conference room at 9:10 a.m. to allow the Board to discuss the matter of Andre Love. The audience was informed that the Administrative Hearing would resume after the executive session.

After all parties were called back into the room, Mr. Craddock called the Administrative Hearing back to order at 9:20 a.m. with the Board having a decision.

Mr. Meadows made a motion, seconded by Mr. Rudder to approve the apprentice funeral director and apprentice embalmer applications of Andre Love.

Yes votes: Mr. Craddock, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Ms. Bushelon-Holt. Mr. Wright, Mr. Brooks, Mr. Burt, and Mr. Hines

Nay votes: None

Abstain: None

Absent: None

The motion passed unanimously.

Mr. Meadows again made a motion seconded by Mr. Kirtland to go into Executive Session for 15 minutes to discuss the good name and character of a potential licensee. It was noted that there was a quorum present.

Yes votes: Mr. Craddock, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Ms. Bushelon-Holt. Mr. Wright, Mr. Brooks, Mr. Burt, and Mr. Hines

Nay votes: None

Abstain: None

Absent: None

The motion passed unanimously.

Board members again moved to an adjoining conference room at 9:21 a.m. to allow the Board to discuss the good name and character of a potential licensee. The audience was informed that the board meeting would resume after the executive session.



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After all parties were called back into the room, Mr. Meadows made a motion to go back into executive session for 30 minutes to discuss the good name and character of a potential licensee.

Board members again moved to an adjoining conference room at 9:35 a.m. to allow the Board to discuss the good name and character of a potential licensee. The audience was informed that the board meeting would resume after the executive session.

After all parties were called back into the room, Mr. Craddock made a motion at 9:45 a.m., seconded by Mr. Rudder to take a recess.

Yes votes: Mr. Craddock, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Ms. Bushelon-Holt, Mr. Wright, Mr. Brooks, Mr. Burt, and Mr. Hines

Nay votes: None

Abstain: None

Absent: None

The motion passed unanimously.

After all parties were back in the room, Mr. Craddock called the meeting back to order at 9:55 a.m.

Approval of Minutes

Mr. Rudder moved to approve the minutes of the July 8, 2019, Board meeting, seconded by Mr. Wright. Being no discussion, the motion passed unanimously.

Old Business

None

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 requested to dispense with the reading of each applicant's name 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 a funeral director,

and/or embalmer, and/or cremationist license. Applicants for licensure: Anthony Kelsey, Dantez Robinson, Arthur Holley, Allison Lesley, Derek L. Wright, Jasmine Y. McRoy, Wilburn L. Lawson, Elizabeth A. Stephens, Matthew A. Ledbetter, William D. Taylor, Rhett G. Morrison, Aubrey L. Larkin, Jr., Edward M. Ayres, Steven J. O'Connor, Brooke E. Camp, Brian O. Carr, Alexandria K. Fowler, Tiffany S. Button, Richard A. Handley, Mark A. Povey, Jr., Jason C. Cagle, Charles Walton, Samuel W. Napier.

The motion was made by Mr. Wright and seconded by Mr. Meadows. The motion passed unanimously.

3) Permanent Funeral Director and Embalmer License Reinstatement:

Having met the current requirements of the law for original issue, paid all back fees and penalties, Mr. Perine asked the Board to consider Mindy M. Wright for reinstatement of permanent license as a funeral director and embalmer. Mr. Rudder moved to approve the reinstatement of permanent funeral director and embalmer license, seconded by Mr. Brooks. The motion passed unanimously.

4) Establishment Applications:

Mr. Perine asked the Board to consider the following establishments for licensure: Saints Funeral Home (Florence), Divine Memorial Mortuary (Ozark), Luverne Mortuary (Luverne), Small's Mortuary (Mt. Vernon), Wright's Funeral Home & Crematory (Headland), Nichols Funeral Home (Double Springs)(Buy Out), Nichols Funeral Home and Hillcrest Crematory (Addison)(Buy Out), Nichols Funeral Home (Haleyville)(Buy Out), Hayes Funeral Home (Elba)(Buy Out), Blountsville Funeral Home (Blountsville)(Buy Out). Mr. Meadows moved to approve the license request of the afore stated funeral homes seconded by Mr. Hines. The motion passed unanimously.

5) Brittany McLeod:

Mr. Meadow moved to table the apprentice application of Brittany McLeod until the January 6, 2020 board meeting, seconded by Mr. Wright. The motion passed unanimously.

Executive Secretary Financial Report

Mr. Perine reported the following to the Board for the 4th quarter of fiscal year 2019 as of October 1, 2019.

Total Budget: \$587,534.00

Revenue: \$61,681.82

Expenses: \$87,660.58

Ending Cash on Hand: \$1,682,672.81

Active Apprentice Funeral Directors: 105

Active Apprentice Embalmers: 70

Active Licensed Funeral Directors: 1514

Active Licensed Embalmers: 835



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Active Licensed Cremationists: 187
Active Licensed Practical Embalmers: 50
Active Special Work Permit Funeral Director: 0
Special Work Permit Embalmer: 0
Active Licensed Mortuary Service: 2
Active Licensed Establishments: 467
Active Continuing Education Providers: 40
Total Active License: 3270
Expired Apprentice Funeral Directors: 118
Expired Apprentice Embalmers: 77

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

Funeral Board Property Acquisition Fund

Mr. Perine reminded the Board that at the end of the current lease that the Board agreed to purchase office space to accommodate the Board's office needs. Mr. Perine reminded the Board that during Sunset review, legislators encouraged the Board to purchase office space and the Attorney General's office confirmed that the current statutes gave the Board the authority to purchase real property. Mr. Perine recommended that legislation be introduced for the addition of a section to Title 34 Chapter 13, Code of Alabama 1975, which would incorporate language to establish the Funeral Board Property Acquisition Fund for the purchase of real property. The initial deposit into the acquisition fund would come from an amount determined by the Board from the current Alabama State Funeral Directors and Embalmers Fund and would include an annual transfer each October from the previous year's receipts of not less than 3% and no more than 7%. The section also would provide that unexpended balances shall not revert to the State General Fund of the State Treasury but shall carry over to the next fiscal year. Following discussion, Mr. Wright made a motion, seconded by Ms. Bushelon-Holt, to accept the recommended addition to legislation. The motion passed unanimously.

Military Family Jobs Opportunity Act (AL2018-540)

Mr. Perine informed the Board the office had received correspondence from Lieutenant Governor Will Ainsworth inquiring as to the status of the Board's compliance with the Military Family Jobs Opportunity

Act which was signed into law on May 21, 2018. Mr. Perine stated the Board's office responded to the correspondence, stating the Board felt the current statutes adequately meets the requirements of the act. Mr. Perine note in the statement to the Lieutenant Governor, a statement on the Board's website informing eligible licensees of the initial licensing fee waiver.

Continuing Education

Mrs. Grogan presented the Board with a list of courses requesting approval, totaling 62.00 hours of instructional time available to licensees. Pursuant to Alabama Funeral Service Administrative Code 395-X-1-.04, Mr. Perine Gave interim approval to 6 courses.

Mrs. Grogan informed the Board that a provider submitted application for a program that contained material that had been previously denied approval (Celebrant training). Mrs. Grogan also noted that an additional provider submitted application for a program that contained material that was questionable.

Mr. Meadows made a motion, seconded by Mr. Kirtland to approve the continuing education courses that were presented. The motion passed unanimously.

Mr. Rudder made a motion, seconded by Mr. Kirtland to deny the continuing education courses that were previously denied by the Board and the program that contained questionable material. The motion passed unanimously.

Mrs. Grogan informed the Board that a program application, had been denied due to the providers failure to submit applications within the required 90 days prior to the program dates.

Other Business

2020-2021 Board Meetings

Mr. Perine presented the Board with tentative 2020 meeting dates and asked members to review their calendars for conflicts. Mr. Perine stated the dates would be voted on during the January meeting.

John Rainey

Mr. Perine informed the Board that John Rainey, licensed funeral director, embalmer and operator of Rainey Mortuary, Tuscaloosa, requested that the Board honor Hosea "Smokie" Washington with an honorary funeral director' license. Mr. Rainey stated in his correspondence, Mr. Washington's love for the profession had spanned 55 years and at the age of 85 and in delicate health, this honor would be a lifelong achievement. Ms. Bushelon-Holt made a motion, seconded by Mr. Wright to present Mr. Washington with the honorary certificate. The motion passed unanimously.

State ID Form/Uniform Cremation Request

Mr. Perine informed the Board that Mr. Kimbrel, President of the Alabama Coroner's Association was present and requested time to address the Board. Mr. Craddock turned the floor over to Mr. Kimbrel. Mr. Kimbrel stated the Coroner's Association wanted to partner with the Board in developing a uniform



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cremation request form that would be used by funeral homes and coroners. Mr. Kimbrel stated it was the associations hope to have a uniform system for cremation approval in the future. Mr. Kimbrel presented a form to the Board for their consideration, which had been developed using the current coroner's form and the current Alabama State ID form. Following much discussion, the Board requested that Mr. Kimbrel present the Board's suggested changes to the Coroner's Association and return it to the Board for approval. Mr. Kimbrel stated he would present the Board's suggestions to the Coroner's Association and return to the Board with a form agreed upon by the coroner's association.

Adjournment

Being no other business, Mr. Craddock asked for a motion to adjourn and reconvene at 9:00 a.m. on January 6, 2020, Mr. Rudder moved to adjourn the meeting at 11:00 a.m., seconded by Mr. Meadows. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan

X 

Mark N. Craddock
Chair

X 

Charles M. Perine
Executive Director