



ALABAMA BOARD OF FUNERAL SERVICE

www.fsb.alabama.gov

400 South Union Street, Suite 395 | (334)242-4049 PHONE
Montgomery, Alabama 36104 | (334) 353-7988 FAX

Email: info@fsb.alabama.gov

May 18, 2020 Board Meeting Minutes

Prior Notice

Prior notice of the April 6, 2020 board meeting was posted on the Secretary of State website in January 2019. Due to the State Health Order, March 2020 concerning COVID19, the April 6, 2020 board meeting was canceled and rescheduled for May 18, 2020. Notice of the meeting cancellation was distributed to licensees via email and posted on the Secretary of State website on March 16, 2020. Due to the inability to ensure social distancing guidelines were met as a result of COVID19, the public was not allowed to attend the meeting in person, but participation in the meeting was made available via Zoom. Notice of the May 18, 2020 meeting via Zoom and additional meeting information was distributed to licensees and posted on the Secretary of State website on May 14, 2020.

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, Bart Kirtland, John C. Rudder, Calvin Meadows, and Bobby Burt. Staff present; Charles 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: Ms. Annie Bushelon - Holt and Mr. Ed Hines.

Zoom Meeting 1 participants = 50

Zoom Meeting 2 Participants = 37

Call to order

With a quorum established, Mr. Craddock called to order the third quarterly business meeting of fiscal year 2020 of the Alabama Board of Funeral Service at 10:00 a.m. on May 18, 2020 in the Montgomery Room located at 400 South Union Street, Montgomery, Alabama. Mr. Craddock excused the absence of Ms. Bushelon-Holt and Mr. Hines.

Discipline

Mr. Craddock stated the agenda was being changed to move the Alabama Law Judge's recommended orders relating to case ABFS19-0010 and case Brittany McLeod, Appellant, to the beginning of the meeting.

ALJ Recommended Order ABFS19-0010 Greenwood Delta FH vs. Northport Funeral & Cremation Service (Victoria P. Jones & Ricky Sherrod)

ABFS19-0010 Greenwood Delta FH vs. Northport Funeral & Cremation Service (Victoria P. Jones & Ricky Sherrod), was heard before Randy Salle', Alabama Administrative Law Judge on February 11, 2020. Following the Administrative Hearing, Mr. Salle' deliberated and returned his recommendation to the Board on May 14, 2020. The Respondents were given notice of the recommendation and informed Mr.

Perine of their desire to address the Board during the May 18, 2020 Board meeting. With the Respondents present, Mr. Jones, legal counsel for Northport Funeral & Cremation Service addressed the Board, who was followed by T. Cameron McEwen, legal counsel for the Board. Mr. Perine stated for the record, the Board could adopt the ALJ's recommendation or decide their own. Following much discussion and questions from the Board, Mr. Meadows made a motion, seconded by Mr. Rudder to adopt the ALJ's recommendation as presented.

Counts	Fine
Count I Aiding & Abetting (Jones)	\$1000.00
Count II Unlicensed Practice (Northport & Sherrod)	\$2500.00
Count III Failure to provide accurate pricing (Northport & Sherrod)	\$1000.00
3-year probation for the establishment and managing funeral director	

Being no further discussion, Mr. Craddock requested a roll call with the following votes.

Yes votes: Mr. Craddock, Mr. Wright, Mr. Brooks, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Burt

Nay votes: None

Abstain: None

Absent: Ms. Bushelon-Holt, Mr. Hines

The motion passed unanimously.

ALJ Recommended Order Brittany R. McLeod (Appeal of Board's decision)

Brittany McLeod (Appellant) vs. Alabama Board of Funeral Service (Appellee), was heard before Randy Salle', Alabama Administrative Law Judge on February 11, 2020. Following the Appeal Hearing, Mr. Salle' deliberated and returned his recommendation to the Board on May 14, 2020. The Appellant was given notice of the recommendation and informed Mr. Perine of her desire to address the Board during the May 18, 2020 Board meeting. With the Respondent present, Ms. McLeod addressed the Board, who was followed by T. Cameron McEwen, legal counsel for the Board. Following much discussion and questions from the Board, Mr. Wright made a motion, seconded by Mr. Meadows to adopt the ALJ's recommendation as presented, affirming the January 6, 2020 denial of Brittany McLeod's apprentice Funeral Director's certification and permitting her to re-apply one year from that date.

Being no further discussion, Mr. Craddock requested a roll call with the following votes.

Yes votes: Mr. Craddock, Mr. Wright, Mr. Brooks, Mr. Kirtland, Mr. Rudder, Mr. Meadows, Mr. Burt

Nay votes: None

Abstain: None

Absent: Ms. Bushelon-Holt, Mr. Hines

The motion passed unanimously.

Old Business

Legislation HB72-SB205

Mr. Perine reminded the Board that HB72 and its companion bill SB205 were legislation introduced in the 2020 legislative session which would allow the establishment of a property acquisition fund for the Board to purchase real property as office space. Mr. Perine stated that due to COVID-19, legislation had stalled. Mr. Perine stated May 18, 2020 was the final day of the current legislative session, and if HB72 and SB205

were not taken up, the Board would send correspondence to the Governor's office requesting the bills be taken up in any upcoming special session. The bill language would be amended to make the legislation effective upon passage. Mr. Perine stated the Attorney General's opinion on this issue, was that the Board had the authority to purchase real property based on the current statute. The Sunset committee recommended that the fund be established. If the fund is not established, Mr. Perine stated correspondence would be sent to the Sunset committee explaining the Board's decision. Mr. Perine indicated the Board's current lease expires July 2021.

Compliance Audit

Mr. Perine informed the Board of the Compliance audit which was completed on December 2, 2019. Mr. Perine and Mr. Wright were present for the exit conference with Department of Examiners of Public Accounts, held on February 27, 2020. Mr. Perine informed the Board of two items mentioned in the exit conference as current findings that were immediately corrected. The report was included in the Board members meeting materials.

New Licensing System

Mr. Perine reminded the Board that the Board had contracted with Inlumon to produce a new licensing system on October 1, 2019. Mr. Perine stated the system release date was May 29, 2020, but Inlumon had been unable to produce an operable system. Mr. Perine stated that the Office of Information Technology got involved to develop a recovery plan for Inlumon. The Board's office spent many hours testing the system, but Inlumon determined the release date could not be met. Mr. Perine stated that IGov retained the Board's licensing system and could relaunch it. Mr. Perine stated that the contract with Inlumon would be terminated and the previous contract with IGov would be reactivated.

Approval of Minutes

Mr. Rudder moved to approve the minutes of the January 6, 2020 Board meeting, seconded by Mr. Kirtland. Being no discussion, the motion passed unanimously.

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: James Hutcheson, Kevin Rigby, Abi Gail Works, Richard Trask, Patricia Dickeson, Mary Sowell, Hunter Williams, Kayley Davis, Lachaune Slater, LaTorria Williams, Kortez Boyd, Marion Sterling, James Dixon, Leann Quinn, Ashlee Gordon, Millie Von Kanel, Freddy Lee, Glennis Points, Tim Patterson, Trenda Patterson, Joshua Stinnett, Michael Deese, James Kahalley, Larry Turner. The motion was made by Mr. Meadows and seconded by Mr. Kirtland. Being no discussion, the motion passed unanimously.

2. Permanent Funeral Director and Embalmer Reactivation

Mr. Perine gave interim approval for reactivation of permanent funeral director and embalmer license for: April Odom. The motion was made by Mr. Meadows and seconded by Mr. Wright to ratify Mr. Perine's interim approval. Being no discussion, the motion passed unanimously.

3. Apprentice Funeral Director with Previous Time Credited:

Mr. Perine asked the Board to consider for approval the re-registration of apprentice funeral director application with previous time served as an apprentice credited to the current registrations for: Lonnie Thomas, Marcus Beacham, Michael McCormack. Mr. Wright moved to approve the re-registration of the apprentice funeral director application with previous time served credited to the current registration, seconded by Mr. Meadows. Being no discussion, the motion passed unanimously.

4. 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 application with previous time served as an apprentice credited to the current registrations for: Allison Owens, Jonathan Bozeman, India Careaga, Heather Lawhorn. Mr. Meadows moved to approve the re-registration of the apprentice funeral director and embalmer application with previous time served credited to the current registration, seconded by Mr. Wright. Being no discussion, the motion passed unanimously.

5. Establishment Applications:

Mr. Perine asked the Board to consider the following establishments for licensure: Azalea Lynaum (Mobile)(Buy Out), Freeman Funeral Service, Inc. (Citronelle)(Buy Out), Jackson Professional Funeral Services (Montgomery), Mobile Funeral Home & Crematory (Mobile), The New JMW (Birmingham), S. M. Goodson Funeral Home (Talladega), Cottage Hill Memorial Funeral Home (Mobile). Mr. Meadows moved to approve the license request of the afore stated funeral homes seconded by Mr. Kirtland. Being no discussion, the motion passed unanimously.

Mr. Perine stated the establishment application for Community Funeral Home (Sylacauga) was tabled during the January 6, 2020 board meeting. Mr. Perine stated the pending administrative action had been settled and requested the Board approve the establishment application. Mr. Wright made a motion, seconded by Mr. Meadows to approve the establishment application of Community Funeral Home (Sylacauga). Being no discussion, the motion passed unanimously.

Mr. Perine stated the establishment application for Community Mortuary (Mobile) was tabled during the January 6, 2020 board meeting. Mr. Perine stated the pending administrative action had been settled but requested that the Board indefinitely table the establishment application due to the applicants request to use the funds in another matter and the uncertainty of the applicant that he would continue to pursue the project. Mr. Wright made a motion, seconded by Mr. Rudder to indefinitely table the establishment application of Community Mortuary (Mobile). Being no discussion, the motion passed unanimously.

Executive Secretary Financial Report

Mr. Perine reported the following to the Board for the 2nd quarter of fiscal year 2020 as of April 1, 2020.

Total Budget: \$574,361.00

Revenue: \$24,787.25

Expenses: \$103,015.59

Ending Cash on Hand: \$1,487,835.29

Active Apprentice Funeral Directors:159
Active Apprentice Embalmers: 97
Active Licensed Funeral Directors: 1517
Active Licensed Embalmers: 838
Active Licensed Cremationists: 190
Active Licensed Practical Embalmers: 50
Active Special Work Permit Funeral Director: 0
Active Special Work Permit Embalmer: 0
Active Licensed Mortuary Service: 2
Active Licensed Establishments: 466
Active Continuing Education Providers: 40
Total Active License: 3359

Mr. Rudder made a motion, seconded by Mr. Wright to accept the Executive Secretary Financial Report. Being no discussion, the motion passed unanimously.

116th Annual Meeting of The International Conference of Funeral Service Examining Board

Mr. Perine, for information only, presented the Board with the expense report for the ICFSEB conference including travel and conference expenses for Mrs. Grogan and Mr. Meadows. Mr. Perine informed the Board, as a Board member of the Conference, his expenses were paid by the Conference. Requested amount of \$5,850.00 included expenses for Mr. McEwen who was unable to attend. Actual expenses for Mrs. Grogan and Mr. Meadows were \$3,842.88.

COVID-19

Mr. Perine informed the Board that from the end of March until transitioning back to the office May 4, as a result of the COVID-19 pandemic, the staff worked from home as instructed by the Governor's office and ADPH. Mr. Perine stated in order to work effectively from home, two laptop computers were purchased. Mr. Perine stated the Board would be reimbursed for the cost of the laptops due to the purchase being a COVID-19 related expense.

Mrs. Dawson was unable to return to the office on May 4 and was granted FLMA+ under the CARES Act for May 4th - May 15th due to her kids school being closed.

Continuing Education

Mrs. Grogan presented the Board with a list of courses requesting approval, totaling 240.75 hours of instructional time available to licensees. Pursuant to Alabama Funeral Service Administrative Code 395-X-1-.04, Mr. Perine gave interim approval to 25 courses as a result of the April 6, 2020 board meeting being canceled.

Mr. Meadows made a motion, seconded by Mr. Kirtland to approve the continuing education courses that were presented. Being no discussion, the motion passed unanimously.

Mr. Perine requested a 30-minute recess at 11:22 a.m., due to the Zoom meeting time limitation. All

Zoom participants were informed they would have to log into the new meeting with information distributed immediately via email to all licensees. Mr. Meadows made a motion, seconded by Mr. Wright for a 30-minute recess. The motion passed unanimously. Notice of the new Zoom and additional meeting information was posted on the Secretary of State website on May 18, 2020 at 11:30 and distributed to all licenses via email. Copy of the notice posted on the Secretary of State website was entered in the record.

With the Zoom meeting live, Mr. Craddock called the meeting back to order at 11:50 a.m. requesting Mrs. Grogan call the roll to again establish a quorum. The following members were present: Mr. Craddock, Mr. Wright, Mr. Brooks, Mr. Kirtland, Mr. Meadows, Mr. Rudder, Mr. Burt
Absent: Mrs. Bushelon-Holt, Mr. Hines

Consent Agreements

Mr. Perine informed the Board of the following consent agreements that were entered between January 1, 2020 and April 1, 2020.

Case Number	Licensee	Penalty
ABFS19-0043 (Nolo Contendere)	Managing Funeral Director Managing Embalmer	\$2000.00 Fine
	Funeral Director	6-month suspension in county of residence (ending 7-8- 2020) License partially suspended outside county of residence (restricted from making funeral arrangement with families) 5-year probation
	Embalmer	6-month suspension (ending 7-8-2020) 5-year probation
	Managing Embalmer	6-month probation (ending 7-8-2020)
	Establishment	2-year probation
ABFS19-0044 (Nolo Contendere)	Managing Funeral Director	\$2000.00 – Fine 2-year probation
ABFS19-0045 (Nolo Contendere)	Funeral Director	\$1,500.00 – Fine 6-month suspension in county of residence (ending 7-8- 2020) License partially suspended outside county of residence (restricted from making funeral arrangement with families) 5-year probation
	Embalmer	6-month suspension (ending 7-8-2020) 5-year probation
ABFS19-0046 (Nolo Contendere)	Managing Funeral Director & Establishment	\$2500.00 - Fine
	Funeral Director	6-month suspension in county of residence (ending 7-8- 2020) License partially suspended outside county of residence (restricted from making funeral arrangement with families) 5-year probation
	Embalmer	6-month suspension (ending 7-8-2020) 5-year probation

ABFS19-0047 (Nolo Contendere)	Funeral Director & Managing Funeral Director	\$2,000.00 - Fine
	Funeral Director	6-month suspension in county of residence (ending 7-8- 2020) License partially suspended outside county of residence (restricted from making funeral arrangement with families) 5- year probation
	Embalmer	6-month suspension (ending 7-8-2020) 5-year probation
	Managing Funeral Director	2-year probation
ABFS20-017	Managing Cremationist & Establishment	\$500.00 – Fine 1-year probation
ABFS20-018	Establishment, Managing Funeral Director & Managing Embalmer	\$17,500.00 – Fine
	Managing Funeral Director & Embalmer	30-month probation
	Establishment	5-year probation

Mr. Meadows made a motion, seconded by Mr. Wright to accept all consent agreements as entered.

Yes votes: Mr. Craddock, Mr. Wright, Mr. Brooks, Mr. Kirtland, Mr. Meadows, Mr. Rudder, Mr. Burt

Nay votes: None

Abstain: None

Absent: Mrs. Bushelon-Holt, Mr. Hines,

The motion passed unanimously.

Executive Session

Mr. Rudder made a motion seconded by Mr. Brooks to go into Executive Session for 20 minutes to discuss the good name and character of an individual.

Yes votes: Mr. Craddock, Mr. Wright, Mr. Brooks, Mr. Kirtland, Mr. Meadows, Mr. Rudder, Mr. Burt

Nay votes: None

Abstain: None

Absent: Mrs. Bushelon-Holt, Mr. Hines,

The motion passed unanimously.

Mr. Perine muted the Zoom meeting participants at 12:00 p.m. to allow the Board to discuss the good and name and character of an individual. The participants were informed that the regular business meeting would resume at the conclusion of executive session.

Mr. Perine unmuted the Zoom meeting participants at 12:20 p.m., Mr. Craddock call the meeting back to order. Mr. Meadows made a motion seconded by Mr. Rudder to return to executive session for 20 minutes to discuss the good name and character of an individual.

Mr. Perine muted the Zoom meeting participants at 12:20 p.m. to allow the Board to discuss the good and name and character of an individual. The participants were informed that the regular business meeting would resume at the conclusion of executive session.

Mr. Perine unmuted the Zoom meeting participants at 12:30 p.m., Mr. Craddock called the Board meeting back to order at 12:30 p.m., Mr. Wright made a motion seconded by Mr. Meadows to continue deny the Bonner-Bey request.

Yes votes: Mr. Craddock, Mr. Wright, Mr. Brooks, Mr. Kirtland, Mr. Meadows, Mr. Rudder, Mr. Burt

Nay votes: None

Abstain: None

Absent: Mrs. Bushelon-Holt, Mr. Hines

The motion passed unanimously.

Other Business

Mr. Craddock ask if there were any questions from the Zoom meeting participants, which at the time numbered approximately 37, being no questions or other business, Mr. Craddock asked for a motion to adjourn. Mr. Meadows made a motion to adjourn the meeting at 12:35 p.m., seconded by Mr. Rudder. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan



Mark N. Craddock
Chairman



Charles M. Perine
Executive Director



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Notice Details

Posted-By: Alabama Board of Funeral Service

Meeting-Date: 8/11/2020

Notice History:

Submitted on 6/18/2020 3:34:01 PM

Meeting-Time: 10:00 AM

Meeting-Location:

400 South Union Street
Alabama Room
Montgomery, AL 36104

Phone-Number: 334-242-4049

Meeting-Type: special/called

Submission-datetime: 6/18/2020 3:34:01 PM

Notice:

Administrative Hearings

Due to the inability to ensure social distancing guidelines are met as a result COVID-19, the public will not be allowed to attend this meeting in person, but may participate in the meeting via Zoom using the following access information:

Topic: ABFS Board Meeting

Time: Aug 11, 2020 10:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/8689984378>

Meeting ID: 868 998 4378

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